



January 5, 2024

VIA ECF

The Honorable Loretta A. Preska
District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: ***Giuffre v. Maxwell, Case No. 15-cv-7433-LAP***

Dear Judge Preska,

Pursuant to the Court's December 18, 2023, unsealing order, and following conferral with Defendant, Plaintiff files this set of documents ordered unsealed. The filing of these documents ordered unsealed will be done on a rolling basis until completed. This filing also excludes documents pertaining to Does 105 (*see* December 28, 2023, Email Correspondence with Chambers), 107, and 110 (*see* ECF No. 1319), while the Court's review of those documents is ongoing.

Respectfully,

/s/ Sigrid S. McCawley
Sigrid S. McCawley

cc: Counsel of Record (via ECF)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VIRGINIA L. GIUFFRE,
Plaintiff,
v.
GHISLAINE MAXWELL,
Defendant.
-----X

15-cv-07433-RWS

**Declaration Of Jeffrey S. Pagliuca In Support Of
Defendant's Response in Opposition to Plaintiff's Motion to Enforce the Court's Order
and Direct Defendant to Answer Deposition Questions Filed Under Seal**

I, Jeffrey S. Pagliuca, declare as follows:

1. I am an attorney at law duly licensed in the State of Colorado and admitted to practice in the United States District Court for the Southern District of New York pro hac vice. I am a member of the law firm Haddon, Morgan & Foreman, P.C., counsel of record for Defendant Ghislaine Maxwell ("Maxwell") in this action. I respectfully submit this declaration in support of Response In Opposition to Plaintiff's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions Filed Under Seal.

2. Attached as Exhibit A (filed under seal) are true and correct copies of excerpts from the deposition of Virginia Giuffre, designated as Confidential under the Protective Order.

3. Attached as Exhibit B are true and correct copies of Bates stamped documents GM_00523-00528.

4. Attached as Exhibit C (filed under seal) are true and correct copies of excerpts from the April 22, 2016 deposition of Ghislaine Maxwell, designated as Confidential under the Protective Order.

5. Attached as Exhibit D (filed under seal) is a true and correct copy of the July 22, 2016 deposition of Ghislaine Maxwell, designated as Confidential under the Protective Order.

6. Attached as Exhibit E (filed under seal) are true and correct copies of excerpts from the deposition of Johanna Sjoberg, designated as Confidential under the Protective Order.

7. Attached as Exhibit F (filed under seal) are true and correct copies of excerpts from the deposition of Detective Joseph Recarey designated as Confidential under the Protective Order.

8. Attached as Exhibit G (filed under seal) are true and correct copies of excerpts from the deposition of Juan Alessi, designated as Confidential under the Protective Order.

9. Attached as Exhibit H (filed under seal) are true and correct copies of excerpts from the deposition of Tony Figueroa, designated as Confidential under the Protective Order.

10. Attached as Exhibit I (filed under seal) are true and correct copies of excerpts from the deposition of Rinaldo Rizzo, designated as Confidential under the Protective Order.

Dated: August 8, 2016

By: /s/ Jeffrey S. Pagliuca
Jeffrey S. Pagliuca

CERTIFICATE OF SERVICE

I certify that on August 8, 2016, I electronically served this *Declaration Of Jeffrey S. Pagliuca In Support Of Defendant's Response in Opposition to Plaintiff's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions Filed Under Seal* via ECF on the following:

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/s/ Nicole Simmons

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EXHIBIT F

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 21, 2016
9:17 a.m.

C O N F I D E N T I A L

Deposition of JOSEPH RE CAREY, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

1 JOSEPH RECAREY - CONFIDENTIAL

2 BY MR. PAGLIUCA:

3 Q. Then there's a category, victim
4 information, and then we have listed, I believe, a
5 total of 17 individuals that the Palm Beach Police
6 Department incident report lists as alleged victims
7 in this case, correct?

8 A. Correct.

9 Q. And are you aware as to whether or not
10 that list was supplemented after July 25th, 2006, in
11 the investigative incident report?

12 A. I'm not sure if it was updated or not.

13 MR. PAGLIUCA: I don't know if we want to
14 mark this or not. I can hand you what I
15 believe to be a more recent, or I think you
16 actually brought one with you --

17 THE WITNESS: I did.

18 MS. SCHULTZ: If you're talking about the
19 document that he brought with him, I had it
20 Bates labeled.

21 MR. PAGLIUCA: We can show him that. I
22 think I have the same document here. And we
23 can -- I guess we'll mark that as 11.

24

25

1 JOSEPH RECAREY - CONFIDENTIAL

2 (The referred-to document was marked by
3 the court reporter for Identification as
4 Deposition Exhibit 11.)

5 BY MR. PAGLIUCA:

6 Q. If you look at the -- is that what you're
7 looking at?

8 MS. SCHULTZ: That's mine. I just wanted
9 to make sure it's the same.

10 BY MR. PAGLIUCA:

11 Q. If you go into the third -- I think it's
12 the third page of that document, we then end with VI
13 17 Juno.

14 Do you see that?

15 A. Yes.

16 Q. So that would tell me that there were no
17 individuals listed as additional victims as of the
18 conclusion of your investigation in this case; is
19 that correct?

20 MS. SCHULTZ: Object to form and
21 foundation.

22 THE WITNESS: That's correct.

23 BY MR. PAGLIUCA:

24 Q. Okay. So let's stick with Exhibit 1, and
25 let's go to Narrative No. 1, which is on page 11 of

1 JOSEPH RECAREY - CONFIDENTIAL

2 Exhibit 1. Are you with me?

3 A. Uh-huh.

4 Q. Okay. Again, this was information that
5 was obtained by Detective Pagan, correct?

6 A. Correct.

7 Q. And it's true, is it not, that this
8 alleged victim never claimed to have been recruited
9 by Ghislaine Maxwell; true?

10 MS. SCHULTZ: Object to form and
11 foundation.

12 THE WITNESS: Correct.

13 BY MR. PAGLIUCA:

14 Q. And this individual, alleged victim No. 1,
15 never identified Ghislaine Maxwell as being at
16 Mr. Epstein's house when she was there, correct?

17 MS. SCHULTZ: Object to form and
18 foundation.

19 THE WITNESS: I don't believe so.

20 BY MR. PAGLIUCA:

21 Q. You don't believe so --

22 A. I don't believe so.

23 Q. That she ever identified Ghislaine Maxwell
24 as being in the house?

25 A. Right.

1 JOSEPH RECAREY - CONFIDENTIAL

2 Q. Okay. She never -- this individual,
3 victim No. 1, never claimed that Ghislaine Maxwell
4 paid her any money, correct?

5 A. Correct.

6 Q. And this individual No. 1 never claimed
7 that Ms. Maxwell instructed her what to wear,
8 correct?

9 A. Right.

10 Q. This individual never claimed that
11 Ghislaine Maxwell told her how to act, correct?

12 A. Correct.

13 Q. This individual never claimed to have met
14 Ghislaine Maxwell ever, correct?

15 A. I don't believe so, no.

16 Q. This individual never claimed to even have
17 spoken to Ghislaine Maxwell ever, correct?

18 A. I don't believe so, no.

19 Q. And when you say "I don't believe so, no,"
20 that means my statement to you is correct; is that
21 right?

22 MS. SCHULTZ: Object to form, foundation.

23 THE WITNESS: Well, you're saying "ever."

24 I don't know if she's ever, ever spoken to --

25

1 JOSEPH RECAREY - CONFIDENTIAL

2 BY MR. PAGLIUCA:

3 Q. To Detective Pagan.

4 A. Right. To my knowledge, I don't know,
5 because Detective Pagan is the one who actually
6 interviewed her. So I don't know to the answer of
7 "ever." So not to my knowledge.

8 Q. Certainly, nothing in Exhibit 1, Narrative
9 1 reflects that this individual ever met or talked
10 to or spoke to Ghislaine Maxwell, right?

11 A. Right. Not to my knowledge.

12 Q. And, indeed, you would agree with me that
13 if this individual claimed that Ms. Maxwell had
14 something to do with the events listed in Narrative
15 1, you would have folded up on it, as the
16 investigating detective, right?

17 MS. SCHULTZ: Object to the form.

18 THE WITNESS: Either myself or Detective
19 Pagan would have.

20 BY MR. PAGLIUCA:

21 Q. Sure. And when you got the case six
22 months later, if there hadn't been follow-up, you
23 would have followed up on it, right?

24 MS. SCHULTZ: Object to form.

25 THE WITNESS: Correct.

1 JOSEPH RECAREY - CONFIDENTIAL

2 A. Yes.

3 Q. And then you asked various individuals who
4 was there when you went to Mr. Epstein's house,
5 right?

6 A. Correct.

7 Q. And you then, to the best of your ability,
8 recorded those answers, I take it, as to who was
9 there, right?

10 A. Yes.

11 Q. And with regard to AH, she never said
12 anything about Ghislaine Maxwell being at
13 Mr. Epstein's house, did she?

14 MS. SCHULTZ: Object to form and
15 foundation.

16 BY MR. PAGLIUCA:

17 Q. To you?

18 A. I don't believe she did.

19 Q. Okay. And if she did, it's likely that
20 you would have recorded it, correct?

21 A. Correct, and it would be on the -- it
22 would be on the tape.

23 Q. Right.

24 She never claimed, ■, that Ms. Maxwell
25 paid her, right?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form and
3 foundation.

4 THE WITNESS: Correct.

5 BY MR. PAGLIUCA:

6 Q. She never claimed that -- ■ never claimed
7 that Ms. Maxwell instructed her about what to wear,
8 correct?

9 MS. SCHULTZ: Object to the form.

10 THE WITNESS: Correct.

11 BY MR. PAGLIUCA:

12 Q. ■ never claimed that Ms. Maxwell told her
13 how to act at Mr. Epstein's house, correct?

14 MS. SCHULTZ: Object to form.

15 THE WITNESS: Correct.

16 BY MR. PAGLIUCA:

17 Q. ■ never claimed to have met Ghislaine
18 Maxwell anywhere, correct?

19 MS. SCHULTZ: Object to form.

20 THE WITNESS: I don't believe so, no.

21 BY MR. PAGLIUCA:

22 Q. Okay. If we go on to individual alleged
23 victim No. 3, AY, the same question: AY never
24 identified Ms. Maxwell as someone she knew or
25 interacted with in any fashion, correct?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form.

3 THE WITNESS: No.

4 BY MR. PAGLIUCA:

5 Q. No, she did not?

6 A. No, she did not.

7 Q. Okay. The same with individual No. 4,
8 alleged victim FP: Again, FP never claimed to have
9 met with Ms. Maxwell, correct?

10 MS. SCHULTZ: Object to form and
11 foundation.

12 THE WITNESS: I don't believe so, no.

13 BY MR. PAGLIUCA:

14 Q. Okay. And FP never identified Ms. Maxwell
15 as someone being at Mr. Epstein's house, correct?

16 MS. SCHULTZ: Object to form and
17 foundation.

18 BY MR. PAGLIUCA:

19 Q. And if you need to look at your report --

20 A. No, I don't -- I don't believe so. The
21 only people that recalled Ghislaine at the house
22 was --

23 Q. Sjoberg?

24 A. Johanna Sjoberg.

25 Q. Who was over the age of 18, correct?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form and
3 foundation.

4 THE WITNESS: And Venero, Christina
5 Venero.

6 BY MR. PAGLIUCA:

7 Q. Who is an adult as well?

8 MS. O'CONNOR: Object to form.

9 THE WITNESS: Yes.

10 BY MR. PAGLIUCA:

11 Q. So out of your entire report, the only two
12 people who ever said anything about Ms. Maxwell were
13 Ms. Sjoberg, who I believe was 23 when you
14 interviewed her?

15 A. Right, but she was --

16 MS. SCHULTZ: Object to form and
17 foundation.

18 THE WITNESS: She was -- she had worked
19 there for quite some time, so you would have to
20 back up, I think, a year or two.

21 BY MR. PAGLIUCA:

22 Q. She was an adult when she worked there?

23 A. Right. She was over the age of 18, right,
24 let's put it that way.

25 Q. And she was not listed by you as a victim

1 JOSEPH RECAREY - CONFIDENTIAL

2 as part of this case, right?

3 A. Correct, because it was between two
4 consenting adults.

5 Q. Exactly.

6 And so that's Ms. Sjoberg, and then the
7 other individual, I think you said Bolero; is that
8 right?

9 A. Venero, Christina Venero. She's a --

10 Q. Adult masseuse, correct?

11 A. Yes. I remember she had lots of tattoos.

12 Q. Tatts, right.

13 But the 17 individuals that you listed in
14 Exhibit 1, none of those individuals ever said the
15 word -- the words "Ghislaine Maxwell" during the
16 course of this investigation to you, correct?

17 MS. SCHULTZ: Object to form and
18 foundation.

19 THE WITNESS: I don't believe so. It
20 would be on the tapes if they did.

21 BY MR. PAGLIUCA:

22 Q. Well, or it would be in your report,
23 right?

24 MS. SCHULTZ: Object to form and
25 foundation.

1 JOSEPH RECAREY - CONFIDENTIAL

2 A. Correct.

3 Q. And then Mr. Epstein is arrested and ends
4 up pleading guilty and all of that, right?

5 MS. SCHULTZ: Object to form.

6 THE WITNESS: I think there was a
7 non-prosecution agreement prepared between the
8 Feds and some kind of agreement was made. But,
9 yes, he did end up pleading guilty.

10 BY MR. PAGLIUCA:

11 Q. All right.

12 Now, based on the questions that were
13 asked of you in the grand jury, it's fair to say
14 that Ms. Maxwell was not a target of the grand
15 jury's investigation, correct?

16 MS. SCHULTZ: Object to form and
17 foundation.

18 THE WITNESS: Not based on the questions
19 that the state was asking me, no, the state
20 wasn't...

21 BY MR. PAGLIUCA:

22 Q. In fact, it's fair to say that you never
23 said Ms. Maxwell's name in the grand jury, right?

24 MS. SCHULTZ: Object to form and
25 foundation.

1 JOSEPH RECAREY - CONFIDENTIAL

2 THE WITNESS: No. Based on the questions
3 that the state was asking, no.

4 BY MR. PAGLIUCA:

5 Q. Were you aware of who was being issued
6 subpoenas by the grand jury?

7 A. No. But it wasn't the actual subpoena
8 from the grand jury; it came from the State
9 Attorney's Office.

10 Q. At the direction of the grand jury,
11 though, right?

12 MS. SCHULTZ: Object to form and
13 foundation.

14 THE WITNESS: I don't know. Again, I
15 don't know.

16 BY MR. PAGLIUCA:

17 Q. I would like to talk a little bit about
18 the surveillance that you initiated at Mr. Epstein's
19 house, okay?

20 Can you tell me when the surveillance
21 began?

22 A. It would have started under Detective
23 Pagan and gone through --

24 Q. The entire investigation?

25 A. Pretty much trash pulls. We stopped the

1 JOSEPH RECAREY - CONFIDENTIAL

2 Q. And so these were video cameras?

3 A. Correct.

4 Q. And so whoever was coming and going,
5 whenever -- an officer saw somebody coming or going,
6 they would videotape that person; is that correct?

7 A. Or they would just leave the video
8 rolling, time lapse.

9 Q. And did you have the opportunity to
10 observe any of that video?

11 A. I did observe a couple, but the person who
12 actually set it up would review it and then submit a
13 supplement to the report.

14 Q. Okay. It's true that none of the video of
15 the surveillance led to the identification of
16 Ghislaine Maxwell as coming or leaving the house
17 during the time of surveillance, correct?

18 MS. SCHULTZ: Object to form and
19 foundation.

20 THE WITNESS: I don't know. I didn't see
21 all of the video, so I can't -- I can't attest
22 to that.

23 BY MR. PAGLIUCA:

24 Q. Okay. Did anybody report to you that
25 Ms. Maxwell was seen coming or going?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form, foundation.

3 THE WITNESS: I don't recall.

4 BY MR. PAGLIUCA:

5 Q. If someone had reported to you that
6 Ms. Maxwell was seen coming or going, you would have
7 recorded it in your Palm Beach Police Department
8 incident report, Exhibit No. 1, correct?

9 MS. SCHULTZ: Object to form and
10 foundation.

11 THE WITNESS: I would have told the
12 officer who was conducting the surveillance or
13 reviewing the video to document it in the
14 supplements.

15 BY MR. PAGLIUCA:

16 Q. And there is no documentation in the
17 supplement of Ms. Maxwell either coming or going
18 from Mr. Epstein's house during this time frame,
19 correct?

20 MS. SCHULTZ: Object to the form.

21 THE WITNESS: I don't believe so. I
22 don't -- I don't -- I don't believe so.

23 BY MR. PAGLIUCA:

24 Q. And, again, so we're on the same page,
25 when you say "I don't believe so," I interpret that

1 JOSEPH RECAREY - CONFIDENTIAL
2 as her name is not in here as someone who was
3 incoming or going; am I correct in my
4 interpretation?

5 MS. SCHULTZ: Object to form and
6 foundation.

7 THE WITNESS: Again, I don't know. I
8 don't believe so.

9 BY MR. PAGLIUCA:

10 Q. I'm just trying to understand what "I
11 don't believe so" means, okay?

12 A. I don't -- I don't believe it's in the
13 report, no.

14 Q. Okay. "I don't believe it's in the
15 report" that she was ever seen coming or going,
16 right?

17 A. Right, that's what I'm saying.

18 Q. All right. We're on the same page.

19 The trash pulls, do you recall how many
20 trash pulls were done?

21 A. There were numerous trash pulls done.
22 There was trash pulls down under Detective Pagan and
23 under my request.

24 Q. As I understand the trash pull protocol,
25 you or someone at your direction or Detective

1 JOSEPH RECAREY - CONFIDENTIAL

2 A. I don't believe clothing was seized.

3 Q. To your knowledge, did you seize any
4 property belonging to Ghislaine Maxwell from the
5 home?

6 MS. SCHULTZ: Object to form and
7 foundation.

8 THE WITNESS: I'm not sure. Not to my
9 knowledge.

10 BY MS. SCHULTZ:

11 Q. Okay. No one ever came to you and said,
12 Could you please return these items to Ms. Maxwell,
13 correct?

14 MS. SCHULTZ: Object to form.

15 THE WITNESS: No.

16 BY MS. SCHULTZ:

17 Q. All right.
18 You did that with Janush?

19 A. Yes, he had photos and --

20 Q. But nothing like that ever happened with
21 Ms. Maxwell, correct?

22 MS. SCHULTZ: Object to form.

23 THE WITNESS: No.

24 BY MS. SCHULTZ:

25 Q. Ms. Maxwell was not present when you

1 JOSEPH RECAREY - CONFIDENTIAL

2 Did you observe any child pornography when
3 you were in Mr. Epstein's home?

4 MS. SCHULTZ: Object to form.

5 THE WITNESS: Not in that area where I was
6 at, no.

7 BY MR. PAGLIUCA:

8 Q. Well, you had to walk into the house,
9 right? Through an entranceway?

10 A. Yes.

11 Q. You didn't observe any child pornography
12 in the entranceway, correct?

13 A. No.

14 Q. And then you had to walk from the
15 entranceway to where the office was, correct?

16 A. Which was straight back, it was right
17 there.

18 Q. You are going through a hallway and a kind
19 of an open area, correct?

20 A. Correct.

21 Q. You didn't observe any pictures of
22 neighborhood children when you were walking through
23 that area, did you?

24 A. I don't recall.

25 Q. That's something that would have stuck out

1 JOSEPH RECAREY - CONFIDENTIAL

2 in your mind, right? Correct?

3 MS. SCHULTZ: Object to the form.

4 THE WITNESS: Yes.

5 BY MR. PAGLIUCA:

6 Q. And you're a peace officer, obligated to
7 arrest when a felony is committed in your presence,
8 correct?

9 A. Correct.

10 Q. And the possession of child pornography is
11 a felony, correct?

12 A. Correct.

13 Q. And had you seen any child pornography in
14 Mr. Epstein's house when you were there installing
15 these cameras, you would have done something about
16 it, correct?

17 MS. SCHULTZ: Object for form.

18 THE WITNESS: Right.

19 BY MR. PAGLIUCA:

20 Q. You wouldn't have just walked out and
21 said, Nice pics, have a nice day, correct?

22 A. Correct.

23 Q. So is it fair to say the entire time you
24 were in Epstein's house, whether it's 2002, 2003,
25 you did not observe any child pornography, right?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to the form.

3 THE WITNESS: Not in the areas I was in.

4 BY MR. PAGLIUCA:

5 Q. You don't recall seeing any pictures of
6 naked women, do you?

7 MS. SCHULTZ: Object to form.

8 THE WITNESS: Again, I was only confined
9 to where that desk was. That's where I set up
10 the camera, and then after it was set up, I
11 left.

12 BY MR. PAGLIUCA:

13 Q. Okay. But, again, all I'm asking you is
14 wherever you were, you didn't see any pictures of
15 naked women?

16 A. Right. No, I didn't see any.

17 Q. And at the time you recall that he had
18 these surveillance cameras already installed; is
19 that true? Other cameras, the clock cameras?

20 MS. SCHULTZ: Object to form.

21 THE WITNESS: I'm not sure if he had the
22 cameras installed or not. I can't recall.

23 BY MR. PAGLIUCA:

24 Q. Why would he need your cameras if he
25 already had cameras?

1 JOSEPH RECAREY - CONFIDENTIAL

2 None of these alleged victims claimed to
3 have ever traveled with Mr. Epstein, correct?

4 MS. SCHULTZ: Object to form.

5 THE WITNESS: No.

6 BY MR. PAGLIUCA:

7 Q. No, they did not? They did not travel
8 with Mr. Epstein, right?

9 MS. SCHULTZ: Object to form.

10 THE WITNESS: I don't believe so, no.

11 BY MR. PAGLIUCA:

12 Q. None of them reported that to you?

13 A. Not reported, correct.

14 Q. None of them reported to you that they
15 ever spent the night with Mr. Epstein, did they?

16 MS. SCHULTZ: Object to form.

17 THE WITNESS: I don't believe so.

18 BY MR. PAGLIUCA:

19 Q. None of them ever reported being
20 trafficked by Mr. Epstein to other men, correct?

21 MS. SCHULTZ: Object to form, foundation.

22 THE WITNESS: I don't believe so.

23 BY MR. PAGLIUCA:

24 Q. The only other men that any of these
25 alleged victims -- the only man that any of these

1 JOSEPH RECAREY - CONFIDENTIAL
2 alleged victims ever claimed to have any contact
3 with that was sexual in nature was Mr. Epstein,
4 correct?

5 MS. SCHULTZ: Object to form and
6 foundation.

7 THE WITNESS: Yes.

8 BY MR. PAGLIUCA:

9 Q. Okay. None of these alleged victims ever
10 claimed to have been sent to another location to
11 have sex with another man, correct?

12 MS. SCHULTZ: Object to form and
13 foundation.

14 THE WITNESS: I don't believe so.

15 BY MR. PAGLIUCA:

16 Q. Meaning my statement is correct; is that
17 right?

18 MS. SCHULTZ: Object to form.

19 BY MR. PAGLIUCA:

20 Q. I'm just trying to --

21 A. Meaning I don't believe they've ever said
22 that. I don't recall any of them ever saying...

23 Q. Had they claimed that they were sent
24 somewhere else to have sex with another man, you
25 would have followed up on that, correct?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form.

3 THE WITNESS: Correct.

4 BY MR. PAGLIUCA:

5 Q. And none of them ever claimed to have been
6 sent to another location to give another man a
7 massage, correct?

8 MS. SCHULTZ: Object to form.

9 THE WITNESS: No, not the victims.

10 BY MR. PAGLIUCA:

11 Q. Right. That's who I'm talking about.

12 A. I believe Sjoberg did.

13 Q. Who is an adult, right?

14 MS. SCHULTZ: Object to form.

15 THE WITNESS: Right.

16 BY MR. PAGLIUCA:

17 Q. We covered this, I believe: None of them
18 ever was on Mr. Epstein's airplane, correct?

19 MS. SCHULTZ: Object to form.

20 THE WITNESS: I believe one of the victims
21 were, but not to a private island. I think
22 they went -- they didn't go to a private
23 island; they went to some other trip.

24 BY MR. PAGLIUCA:

25 Q. I think maybe you're referring to AH, who

1 JOSEPH RECAREY - CONFIDENTIAL
2 went to New York but on a commercial flight. Does
3 that jog your memory?

4 MS. SCHULTZ: Object to form.

5 THE WITNESS: No.

6 BY MR. PAGLIUCA:

7 Q. Okay. Do you recall who it is?

8 A. It would have been FP.

9 Q. Okay. Was on Mr. Epstein's airplane?

10 MS. SCHULTZ: Object to form.

11 THE WITNESS: I believe so.

12 BY MR. PAGLIUCA:

13 Q. Would that be reflected in Exhibit 1?

14 MS. SCHULTZ: Object to form.

15 THE WITNESS: But she flew alone. It
16 wasn't like Epstein was there. She went
17 someplace else, not to his private island,
18 nothing to do with Epstein. It was something
19 she wanted to do. And I think she flew on his
20 plane, but it was, like, her by herself.

21 BY MR. PAGLIUCA:

22 Q. Alone.

23 A. Right.

24 Q. With a pilot?

25 A. Right.

1 JOSEPH RECAREY - CONFIDENTIAL

2 BY MS. SCHULTZ:

3 Q. Was it your impression at the time that
4 those statements could incriminate her?

5 MR. PAGLIUCA: Object to form and
6 foundation.

7 THE WITNESS: Yes.

8 BY MS. SCHULTZ:

9 Q. You testified earlier that you interviewed
10 approximately 30 or 33 girls, correct?

11 THE WITNESS: Yes.

12 MR. PAGLIUCA: Object to form and
13 foundation.

14 BY MS. SCHULTZ:

15 Q. Did the course of your investigation --
16 through the course of your investigation, did you
17 find that all 30 or 33 of the girls knew one
18 another?

19 MR. PAGLIUCA: Object to form and
20 foundation.

21 THE WITNESS: Some did, some did not.

22 BY MS. SCHULTZ:

23 Q. Okay. Among the girls who did not know
24 one another, were their accounts of what happened at
25 Jeffrey Epstein's house similar?

EXHIBIT H

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,
Plaintiff,

v.

GHISLAINE MAXWELL,
Defendant.

_____ /

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company
B. Paul Katz Professional Center
(SunTrust Building)
One Florida Park Drive South
Suite 214
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR
Florida Professional Reporter
Court Reporter and Notary Public

1 Q You didn't know her to work at any retail
2 places?

3 A Not that I'm aware of.

4 Q Do you recall her working as a waitress?

5 A I believe so, yes.

6 Q When was that?

7 A I don't know the exact date.

8 Q Was it while you-all were dating?

9 A I'm pretty -- it might have been, yes.

10 Q Did you ever go to her restaurant?

11 A No. I did not have a car.

12 Q Did Ms. Roberts have a car?

13 A She did, yeah.

14 Q What kind of car did she have?

15 A It was a -- I'm pretty sure it was a
16 white -- a white Pontiac, I think it was, at first.

17 Q Like a '93?

18 A Yeah, I think so. And then she ended up
19 buying a truck.

20 Q When did she buy the truck?

21 A It was a little bit before she left, but
22 not too long.

23 Q What kind of truck?

24 A It was a Dodge Dakota extended cab.

25 Q Do you know what happened to that when she

1 did not come back from Thailand?

2 A Yeah. I ended up getting in some trouble
3 with it, and I got it impounded. And her dad got
4 it, I guess, because I obviously couldn't.

5 Q What kind of trouble did you get into with
6 that truck?

7 A I ended up getting arrested for grand
8 theft. I ended up taking a bunch of Xanax and
9 stealing a bunch of stuff on the way back from
10 dropping her off at the airport to go to Thailand.

11 Q In that -- in that --

12 A In that truck, yes.

13 Q Okay. How was that case resolved?

14 A I ended up getting charged with a felony.
15 And, I mean, I got my rights back, like, last year,
16 so...

17 Q Great.

18 Did you have to serve any time?

19 A I did. I went to jail for -- I'm not
20 exactly sure. But then I was on probation for a
21 long time, so...

22 Q And that all stemmed from an incident
23 where you were driving Ms. Roberts' truck?

24 A That was the exact -- when I was dropping
25 her off at Thailand -- or to the airport to go to

1 Thailand -- in Miami. And it was literally that
2 night. I made it back to West Palm and then got
3 caught in West Palm and woke up in jail.

4 Q Was that truck in her name?

5 A That, I'm not sure.

6 Q Were you with her when she got the truck?

7 A Together as in her boyfriend? Or with her
8 when she bought it?

9 Q With her when she bought it.

10 A No.

11 Q You were her boyfriend?

12 A Yeah, I was. But I was not there when she
13 got the truck. I mean, I don't even know when it
14 was, but I know she bought it, though.

15 Q Was it new or used?

16 A No, it was not new. I believe it was a
17 few years old. I'm not positive. But it was a
18 while ago, so, I mean, that kind of an old truck
19 is -- I mean, I'm not sure exactly if it was new
20 then or not, you know.

21 Q Got it.

22 At the time she left for Thailand, she had
23 the Dodge Dakota, and you did not have a vehicle?

24 A Yeah.

25 Q Before the Dodge Dakota, she was driving a

1 Q Was it one event or more than one event?

2 A I'm positive it was more than one.

3 Q Why do you say that?

4 A Because they were always with each other.

5 Like, any time she would talk to me about them going
6 to do stuff, it was with her and Ms. Maxwell. Like,
7 they were always out, like, trying to get girls and
8 whatnot.

9 Q Okay. Did you ever participate in getting
10 girls?

11 A Yes. But...

12 Q Tell me what you mean. What did you do?
13 When you say 'get girls,' what do you mean?

14 A Pretty much I got some of my friends that
15 I knew, because Virginia was looking for other girls
16 to go over there, because Jeffrey was giving us \$200
17 apiece for every one that we brought over. And
18 I'll -- pretty much I would get friends that I went
19 to school with, and I would take them over there and
20 introduce them, and then I would just leave.

21 Q What did you tell them they were going to
22 do?

23 A A masseuse, like, and then I told them --
24 I was, like, "Now, listen." I was, like, "I'm
25 letting you know I don't know what he's going to ask

1 you to do. But, you know, he obviously has money
2 willing to pay for stuff. So whatever happens, I
3 don't." You know, I don't know. I've never been up
4 there. I've never seen what happens up there.

5 You know, I -- you know. But as far as I
6 told them, it was just a masseuse job.

7 But any time someone: Oh, you're going to
8 be a masseuse, like, they always jump to the
9 conclusion, you know, happy endings, blah, blah,
10 blah, blah, you know, so...

11 Q You never had any direct conversations
12 with these girls?

13 A No. I never asked them what had happened,
14 ever.

15 Q What are the names of some of these girls
16 that you remember?

17 A I remember taking [REDACTED]
18 [phonetic]. And I know she ended up bringing some
19 other girls, also.

20 But we met this other girl -- well, it was
21 actually her boyfriend we met. I met him -- I think
22 it was at Gold Coast or South Area. It was one of
23 those schools that I met him at. And his girlfriend
24 ended up working for him, also. And I think she got
25 more girls for him, as well.

1 Q Do you know her name?

2 A I think it was Carolyn -- Caroline,
3 Carolyn -- I don't know -- something like that.

4 Q Did Jeffrey call you directly about
5 getting more girls?

6 A Yes.

7 Q On the phone?

8 A Uh-huh (affirmative).

9 Q What did he say?

10 A He was just asking me if I had any other
11 girls that wanted to come work.

12 Q Okay. Is that the term that he used?

13 A Yeah.

14 Q And did he pay -- he paid you personally?

15 A Yeah. He handed me \$200 for every girl
16 that I walked in that door, whether they did stuff
17 with him or not.

18 Q In cash?

19 A Cash.

20 Q Did you ever get paid by Ms. Maxwell for
21 that?

22 A No.

23 Q Did you ever bring a girl to Ms. Maxwell?

24 A No.

25 Q Did Ms. Maxwell ever call you and ask you

1 to bring a girl to her?

2 A No.

3 Q Did Ms. Maxwell ever call you and ask you
4 to bring a girl to Jeffrey?

5 A No.

6 Q All right. Approximately what period of
7 time were you doing this bringing of girls?

8 A I'd say probably, like, about six months
9 before she left. Because mainly, like I said, I
10 mean, she would get them with Ms. Maxwell or whoever
11 else. And whenever we were around, like I said, I
12 would find friends that I went to school with or
13 whatever that were willing to go there, so...

14 Q I'm sorry. What did you start that
15 sentence with? She would get them from Ms. Maxwell?

16 A No. Her and Ms. Maxwell would go get them
17 for him.

18 Q Did you see Virginia with Ms. Maxwell
19 at --

20 A I had never. Like I said, aside from
21 going to the mansion, I had never went out with them
22 anywhere. I've never been out to clubbing with
23 them. I've never been to New York or anything. I
24 never went on any trips with them. So anything that
25 happened, I was not there for, so...

1 Q What drugs had you seen Ms. Roberts use?

2 MR. EDWARDS: Object to the form.

3 A Weed, coke, bars, Xanax -- which are bars,
4 obviously. I mean, that's mainly what we were
5 doing. I mean, we tripped a couple of times.

6 BY MS. MENNINGER:

7 Q Tripped on what?

8 A Acid.

9 Q Was there ecstasy?

10 A I mean, honestly, I really was not too big
11 into ecstasy. But back then, I mean, a lot of the
12 nights could have been with some, and just I don't
13 remember. I mean, that's a good possibility. I
14 used to get pretty messed up myself, so...

15 Q How frequently did you see Ms. Roberts
16 using cocaine?

17 A Not very --

18 MR. EDWARDS: Object to the form.

19 A -- often at all, actually.

20 BY MS. MENNINGER:

21 Q How often did you see her using weed?

22 A That -- that, we did, like, daily.

23 Q What money was used to purchase the weed,
24 if you know?

25 A I pretty much bought that myself. Like, I

1 always smoked weed, and I always had my own, so...

2 Q And where did you get your money at that
3 time?

4 A What's that?

5 Q Where were you getting your money at that
6 time?

7 A I was actually working at Denny's at the
8 time before she started -- before I met her. I was
9 a cook.

10 Q After you met her, did you stop working at
11 Denny's?

12 A Yeah, I did stop working there. But then
13 I ended up getting a job at Dunkin' Donuts
14 eventually, and just bouncing around from different
15 places and...

16 Q Were you living off of her money?

17 A Somewhat, yes.

18 Q She was paying the rent?

19 A Uh-huh (affirmative).

20 Q Yes or no?

21 A Yes. Sorry.

22 Q You made your own purchases of weed?

23 A Uh-huh (affirmative).

24 Q You --

25 A Yeah. My neighbor actually across the

1 street from me, he used to -- he was my guy I got my
2 weed from. So he would just always, "Here you go."

3 Q How often did you see Ms. Roberts taking
4 Xanax?

5 A Not very often. And then -- I mean, but
6 the thing about Xanax is, like, you don't remember
7 much. So whenever it was, obviously, I was taking
8 it, too. So I couldn't exactly recall the amounts
9 of times, you know.

10 Q So the two of you took Xanax together?

11 A Yeah.

12 Q And your experience is that when you were
13 taking Xanax, you can't remember things that well?

14 A Yeah.

15 Q Did you ever observe her taking up to
16 eight Xanax per day?

17 A That, I'm not exactly sure on the number,
18 so I don't know.

19 Q Did you observe her under the influence of
20 any drugs?

21 A Yeah. Like I said, whenever we took them
22 together. When she was off doing her own thing with
23 them, I have no clue what they were doing.

24 Q Do you know whether Jeffrey wanted her to
25 use drugs or did not want her to use drugs, or

1 anything about it?

2 A I don't know. I know he didn't do
3 anything. But I don't know what he told her not to
4 do or do, so...

5 Q Did you have any concerns, since she had
6 been in a rehabilitation program, before about her
7 drug use?

8 A No. Because as I stated before, I was not
9 exactly a standup guy back then either. So I was
10 not really the best person to get advice from. You
11 know, I was kind of doing the same stuff and getting
12 in trouble. So I was not really trying to tell
13 people how to live their life, you know?

14 Q Is it fair to say you were both partying
15 together?

16 A Yes.

17 Q You had parties at your apartment?

18 A Yeah.

19 Q People came over?

20 A Yeah.

21 Q You bought and supplied drugs for those
22 people?

23 A Yeah.

24 Q They came over to your house specifically
25 to party?

1 MR. EDWARDS: Object to the form.

2 A Um, no. Because they were my friends. I
3 mean, they would hang out just to play video games,
4 you know. It was just sometimes it got wild,
5 sometimes it didn't. You know, sometimes we were
6 all just chilling, smoking; sometimes we weren't.
7 You know, it's just, like, it just all depended on
8 who was there and what was going on at the time. It
9 was not like we always had random people just
10 showing up at the apartment. It was always pretty
11 much, like, the same group of people that would come
12 over.

13 Because that guy Anthony, he actually was
14 staying in the apartment across from us with, I
15 believe -- I can't remember these two brothers'
16 names. But there was them over there, and then
17 there was -- damn, I can't remember their names.
18 But there was two brothers that lived there. Them
19 two, Anthony, my friend Mario. Like, it was just
20 pretty much the same people that always would just
21 come over and just, you know, hang out and chill.
22 My friend Wes.

23 Q Anthony was living in an apartment in the
24 same complex?

25 A Yeah.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VIRGINIA L. GIUFFRE,
Plaintiff,
v.
GHISLAINE MAXWELL,
Defendant.
-----X

15-cv-07433-RWS

**Defendant's Motion to Compel Responses to
Defendant's Second Set of Discovery Requests to Plaintiff, and for Sanctions**

Laura A. Menninger
Jeffrey S. Pagliuca
HADDON, MORGAN, AND FOREMAN, P.C.
East 10th Avenue
Denver, CO 80203
303.831.7364

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Defendant Ghislaine Maxwell moves under Federal Rule of Civil Procedure 37(a)(3)(B) to compel Plaintiff Virginia Giuffre to provide responsive answers to Ms. Maxwell's Second Set of Discovery Requests, attached as Exhibit A to Declaration of Laura A. Menninger ("Menninger Decl.").

Certificate of conferral. Undersigned counsel certifies counsel for Ms. Maxwell has conferred with Plaintiff's counsel regarding the subject matter of this Motion. Based on the conferral, Plaintiff's counsel wrote a letter declining to supplement any of the responses to the Second Set of Discovery Requests.

PRELIMINARY STATEMENT

Plaintiff has brought a lawsuit alleging Ms. Maxwell defamed her. The defamation consisted of Ms. Maxwell's defensive statements denying Plaintiff's repeated, false allegations that Ms. Maxwell had subjected plaintiff to "sex trafficking" while Plaintiff was 15 years old. Plaintiff alleged in her Rule 26(a)(1)(A)(iii) disclosures that she has suffered noneconomic injury of "not less than" \$30 million, medical expenses of "not less than" \$100,000, and lost earnings of "not less than" \$5 million.¹ She also has requested punitive damages of \$50 million.

Despite claiming defamation damages exceeding ***\$80 million***, Plaintiff routinely has stonewalled our efforts to obtain basic information about the nature of the alleged defamation and the scope of her alleged damages. Plaintiff's frustration of our discovery efforts has impeded our ability to prepare a defense.

Illustrative is Interrogatory No. 6, propounded on Plaintiff in Ms. Maxwell's Second Set of Discovery Requests, which are at issue in this Motion. We are entitled to know each allegedly defamatory statement that is the subject of this lawsuit. Plaintiff and her counsel have alleged

¹Seven months after claiming she had suffered \$5 million in "past and future lost wages" and "past and future los[t] ... earning capacity and actual earnings," Plaintiff on June 24, 2016, abruptly withdrew all claims for alleged lost wages, earning capacity and "actual earnings."

that Ms. Maxwell has published “numerous” false statements, yet Plaintiff stubbornly refuses to identify each of these allegedly false statements. Interrogatory No. 6 asked simply that for each allegedly false statement, Plaintiff “identify ... the exact false statement.” True to form, Plaintiff identified only statements referenced in her Complaint and refused to provide any other “exact false statement[s]” allegedly published by Ms. Maxwell.

ARGUMENT

This Motion concerns improper objections and evasive and other improper responses to six interrogatories, eleven requests for admissions, and six requests for production of documents. *See* Menninger Decl., Ex. B (Plaintiff’s Responses and Objections to Ms. Maxwell’s Second Set of Discovery Requests). The Court should compel Plaintiff to:

- submit responsive answers to the interrogatories, and identify what information, if any is being withheld on the basis of which objection;
- answer the requests for admissions in compliance with Rule 36(a)(4);
- for each objection to a request to produce, identify what documents are being withheld on the basis of which objection; and
- produce all documents that are the subject of requests for production at issue in this Motion.

We respectfully submit that Plaintiff’s responses were not made in good faith and the objections were not interposed in good faith and, accordingly, the Court should award Ms. Maxwell reasonable attorney fees and costs incurred in bringing this Motion.

I. Plaintiff’s interrogatory responses are deficient.

Interrogatory No. 5. Identify each Communication that You or Your Attorneys have had with any author, reporter, correspondent, columnist, writer, commentator, investigative journalist, photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or independent consultant to the same, including:

- a. the date of any such Communication;
- b. the form of any such Communication, whether oral or written and if written, the format of any such Communication;

- c. the identities of all persons involved in such Communication, including the identity of the media organization with whom the agent is or was affiliated;
- d. the article title, date of publication, and means of publication of any article, report, or re-printing of any such Communication made by You or Your Attorneys;
- e. the amount of Income that You and/or Your Attorneys received in exchange for any such Communication;
- f. the dates on which You and/or Your Attorneys received any such Income for any such Communication.

Response:

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, work product protections, and any other applicable privilege or protection as stated in the General Objections.

Ms. Giuffre further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as it is not limited in time, manner, or subject matter. The request is grossly over broad in that it does not require the communication to have *any connection* with Ms. Giuffre or this case whatsoever. Indeed, a response to this interrogatory would require each of Ms. Giuffre's attorneys to research and find any communication they *have ever had* with a journalist, for every year of their practice, regardless of what case was involved, and regardless of what year the communication was made. Ms. Giuffre's attorney's, collectively, have worked on hundreds (if not thousands) of matters, and collectively have well over 100 years of combined practice experience. Accordingly, a request that each of these attorneys list *all communications with the media* is facially overbroad.

Additionally, Ms. Giuffre objects to this Interrogatory because a response would cause Ms. Giuffre the incredible and undue burden of having to catalogue literally hundreds of communications that she has already produced in this case.

Moreover, Ms. Giuffre objects because this interrogatory calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Communications with the media regarding cases that bear no relation to the subject matter of this case, from decades in the past, are facially invalid and not calculated to lead to the discovery of admissible evidence.

Ms. Giuffre additionally objects to the extent that this interrogatory seeks the communications of her attorneys, any author, reporter, correspondent, columnist, writer, commentator, investigative journalist, photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or

independent consultant as such interrogatory is overly broad and unduly burdensome. Furthermore, Ms. Giuffre is not obligated to produce anything currently in the possession of Defendant Maxwell or her attorneys.

Notwithstanding such objections, Ms. Giuffre has already produced her responsive communications, which are found in documents Bates labelled GIUFFRE000001 to GIUFFRE007566.

Objection 1.²

The interrogatory does not exceed the limit. Plaintiff alleged Interrogatory No. 5 exceeds the 25-interrogatory limit. Plaintiff is wrong. She failed to take into account that the Second Set of Discovery Requests merely repeated five (5) interrogatories that were propounded in the First Set of Discovery Requests. Defendant objected in her Responses to the First Set on the ground the interrogatories were propounded prematurely. Plaintiff double-counted those interrogatories.

Second, Plaintiff's argument is wrong because she counted every subpart as a separate interrogatory, regardless of whether all the subparts are related by subject matter. That is an improper way to count interrogatories. Rule 33(a)(1) itself provides that for a subpart to count as a separate interrogatory, it must be "discrete." Among the courts that have dealt with this issue, "there has developed a common denominator on how to weigh an interrogatory's subparts as independent and discrete." *Bartnick v. CSX Transp.*, No. 1:11-CV-1120 GLS/TRF, 2012 WL 1565057, at *2 (N.D.N.Y. Apr. 27, 2012). An interrogatory's subparts are to be counted as separate and discrete subparts only "if they are not logically or factually subsumed within and necessarily related to the primary question," *id.* (citing cases).

Further, Local Rule 26.3(c) provides a uniform meaning of "identify" with respect to persons and documents and requiring the "type," date, addressee and recipient of documents or, alternatively, production of same and as to persons, the name, addresses and last known place of

²Many of Plaintiff's objections were repeated for numerous interrogatory responses. To avoid repetition in this Motion, we number each discrete objection serially.

employment. Here, each of the interrogatories—even those like No. 5 with subparts—propounded by Ms. Maxwell constitute a single interrogatory under Rule 33(a)(1).

Objection 2.

Plaintiff's unreasonable reading of the interrogatory. Plaintiff objected that the interrogatory is not limited in “time, manner or subject matter.” The objection is not well taken. Local Rule 26.4(b) provides in part that “[d]iscovery requests shall be read *reasonably*” (emphasis supplied). So read, this interrogatory is limited to communications Plaintiff and her attorneys have had with media representatives concerning the subject matter of this lawsuit. Notably, setting aside Plaintiff’s unreasonable interpretation of the interrogatory, Plaintiff provided no responsive answer whatsoever.

Plaintiff also argued that with respect to her attorneys the interrogatory required the attorneys to disclose their communications with media representatives “for every year of their practice, regardless of what case was involved, and regardless of what year the communication was made.” That is an unreasonable—absurd—interpretation of the interrogatory.

Objection 3.

There is no undue burden. Plaintiff objected that the interrogatory imposes upon her an “undue burden” because she would have to “catalogue literally hundreds of communications that she has already produced in this case.” So long as Plaintiff admitted—as she does—that her and her attorneys’ communications with media representatives regarding the subject matter of this lawsuit are relevant, she cannot complain of an “undue burden” because she and her attorneys have communicated “hundreds” of times with media representatives. Such an unreasonable view of the law would permit a party to resist providing relevant information by claiming she has too much relevant information.

Objection 4.

The requested information is relevant. Piggybacking on Objection 2, Plaintiff objected that “Communications with the media regarding cases that *bear no relation to the subject matter of this case*, from decades in the past, are ... not calculated to lead to the discovery of admissible evidence” (emphasis supplied). As already discussed, the interrogatory requested information about Plaintiff’s and her attorneys’ communications with media representatives concerning the subject matter of this action. Plaintiff and her attorney’s communications with the media are directly relevant to numerous defenses available to Ms. Maxwell, including without limitation, her self-defense privilege, whether Plaintiff is a limited public figure, Ms. Maxwell’s right to fair comment, that Ms. Maxwell’s comments did not affect Plaintiff’s reputation, Plaintiff’s contributory negligence, Plaintiff’s failure to mitigate, and Plaintiff’s damages are the proximate result of her own conduct or the conduct of others.

Objection 5.

No privilege applies. Plaintiff has interposed the attorney-client privilege and the work product doctrine.³ It is inconceivable that Plaintiff or her attorneys have a good faith basis to interpose the attorney-client privilege or work product doctrine over their communications with media representatives. In any event, they have failed to explain any factual basis for interposing the privilege or doctrine.

³Plaintiff also attempted to interpose “any” objection listed in her “general objections.” In her “general objections” Plaintiff asserted—generally and redundantly—“any applicable privilege, including but not limited to, attorney client privilege, work product privilege, joint defense privilege, public interest privilege, and any other applicable privilege [sic].” Such a broad, general and generic assertion of privilege is ineffective to preserve any privilege, even if one existed. *P. & B. Marina, Ltd. P’ship v. Logrande*, 136 F.R.D. 50, 54 (E.D.N.Y. 1991) (“A general allegation or blanket assertion that the privilege should apply is insufficient to warrant protection.”), *aff’d sub nom. P&B Marina Ltd. v. LoGrande*, 983 F.2d 1047 (2d Cir. 1992).

Plaintiff's deficient answer. "Notwithstanding" her objections, Plaintiff "answered" by referring the defense to 7,566 pages of documents ("Ms. Giuffre has already produced her responsive communications, which are found in documents Bates labelled GIUFFRE000001 to GIUFFRE007566."). The vast majority of these documents do not contain any communications between Plaintiff and her lawyers, on the one hand, and media representatives, on the other. The answer is improper. *See, e.g., In re Ethicon, Inc., Pelvic Repair Sys. Prod. Liab. Litig.*, No. MDL 2327, 2013 WL 8744561, at *3 (S.D.W. Va. July 26, 2013) (finding interrogatory responses insufficient where they instructed plaintiffs to search mass of documents for requested information); *Nickerman v. Remco Hydraulics, Inc.*, No. C 06-2555SI, 2007 WL 3407437, at *3 (N.D. Cal. Nov. 13, 2007) ("Despite repeated admonitions against doing so, plaintiffs continue to provide general and vague responses and to direct defendants to masses of documents.... Neither defendants nor the Court should be expected to comb through literally thousands of pages of documents searching for documents that might support plaintiffs' IIED claims.").

Interrogatory No. 6. Identify any "false statements" attributed to Ghislaine Maxwell which were "published globally, including within the Southern District of New York" as You contend in paragraph 9 of Count 1 of Your Complaint, including:

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication;
and
- e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

Response:

Ms. Giuffre objects because the information interrogatory above is in the possession of Defendant who has failed to comply with her production obligations

in this matter, and has failed to comply with her production obligations with this very subject matter. See Document Request No. 17 from Ms. Giuffre's Second Request for Production of Documents to Defendant Ghislaine Maxwell.1 Maxwell has not produced all "URL or Internet addresses for any internet version of such publication" that she directed her agent, Ross Gow, to send.

Ms. Giuffre further objects because the information requested above is in the possession of Defendant's agent, who caused the false statements to be issued to various media outlets. Ms. Giuffre has not had the opportunity to depose Maxwell's agent Ross Gow; therefore, this answer remains incomplete. Consequently, Ms. Giuffre reserves the right to modify and/or supplement her responses, as information is largely in the possession of the Defendant and her agent.

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre objects to this request because it is in the public domain. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Notwithstanding such objections, Ms. Giuffre has already produced her responsive communications, which are found in documents Bates labelled GIUFFRE000001 to GIUFFRE007566.

Objection 6.

Plaintiff cannot answer by stating that Ms. Maxwell already has the information.

Plaintiff "object[ed]" to the interrogatory because the answer to the interrogatory, she alleged, "is in the possession of [Ms. Maxwell]" and her agent, or "is in the public domain." Such an objection is improper:

[T]o the extent defendant objects that certain requests ... seek information equally available to plaintiff, "courts have unambiguously stated that this exact objection is insufficient to resist a discovery request." *St. Paul Reinsurance Co., Ltd., CNA v. Commercial Fin. Corp.*, 198 F.R.D. 508, 514 (N.D. Iowa 2000); *see also City Consumer Servs., Inc. v. Horne*, 100 F.R.D. 740, 747 (D. Utah 1983) ("It is 'not usually a ground for objection that the information is equally available to the interrogator or is a matter of public record.'" (citation omitted)); *United States v. 58.16 Acres of Land*, 66 F.R.D. 570, 573 (E.D. Ill.1975) ("Generally, an interrogatory is proper although the information sought is equally available to both parties."). Thus, plaintiff's motion to compel a response to Interrogatory no. 13 should be granted.

National Acad. of Recording Arts & Scis., Inc. v. On Point Events, LP, 256 F.R.D. 678, 682 (C.D. Cal. 2009).

Subpart objection. Plaintiff argued Ms. Maxwell’s interrogatories exceed the limit. This already is addressed above in the discussion of Objection 1.

Objection 7.

No privilege applies. Plaintiff objected that the information requested in the interrogatory is “protected by the attorney-client/work product privilege, and any other applicable privilege.” The assertion of privilege is frivolous. The interrogatory requested the false statements that Plaintiff attributes to Ms. Maxwell and that were published anywhere in the world. These statements are the very subject of this lawsuit. No such statement is subject to a privilege belonging to Plaintiff.

Plaintiff’s deficient answer. “Notwithstanding” her objections, Plaintiff answered by referring the defense to the documents she previously had produced “Bates labelled GIUFFRE000001 to GIUFFRE007566.” As discussed above, it is improper to answer an interrogatory by referring to an undifferentiated mass of documents.

Plaintiff also “supplement[ed]” her answer with a “list of publications.” This answer is non-responsive. The interrogatory required Plaintiff, among other things, to provide each “exact false statement” that she attributes to Ms. Maxwell and that was published anywhere in the world. This entire case centers on Plaintiff’s claim that Ms. Maxwell published false statements about Plaintiff and now Plaintiff refuses to identify those statements. The question is not whether Ms. Maxwell knows what statements have been made in the press; the question is which statements does Plaintiff contend are false.

Interrogatory No. 7. State whether You believe that You have ever been defamed by anyone other than Ghislaine Maxwell. If so, as to each alleged act of Defamation, state

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication;
and
- e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

Response:

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Without waiving the aforementioned objections, Alan Dershowitz published statements about Ms. Giuffre in January 2015 and thereafter that remain in the public realm. Ms. Giuffre does not have knowledge as to every time and place that she was defamed by Dershowitz, and she is not required to provide such an exhaustive list as all relevant instances of defamation are available through public sources, and identification of the numerous publically made statements would be unduly burdensome. Furthermore, upon information and belief, all defamatory statements made towards Ms. Giuffre by Dershowitz are within the knowledge and possession of Maxwell and her attorneys or can be easily obtained by contacting Dershowitz.

Subpart objection. This is addressed above in the discussion of Objection 1.

Privilege assertion. This is addressed above in the discussion of Objection 7. For the same reasons discussed there, this interrogatory does not request any privileged information. It is inconceivable that a statement about Plaintiff that allegedly is false and published would be protected from discovery by a privilege held by Plaintiff.

Plaintiff's deficient answer. "Notwithstanding" her objections, Plaintiff purported to answer the interrogatory. The answer is woefully deficient. She answered that she had been

defamed by Alan Dershowitz, but she failed to provide any information about the allegedly defamatory statements made by Mr. Dershowitz. For example, she failed to disclose “[t]he exact false statement[s]” made by Mr. Dershowitz, the date of the publication, the publishing entity, and the other information required in the interrogatory.

As justification for her failure to answer the interrogatory fully, Plaintiff argued she “does not have knowledge as to every time and place that she was defamed by Dershowitz.” That argument is meritless. This interrogatory required Plaintiff to disclose *her* knowledge as to each of the interrogatory’s subparts. She improperly failed to disclose this information.

Plaintiff argued that “identification of the numerous publically [sic] made statements would be unduly burdensome.” She also argued that Mr. Dershowitz’s defamatory statements “are within the knowledge and possession of [Ms. Maxwell] and her attorneys or can be easily obtained by contacting [Mr. Dershowitz].” Neither was a responsive answer. To the extent they were offered as objections, they are meritless. *See National Acad. of Recording Arts & Scis.*, 256 F.R.D. at 682 (cited in discussion of Objection 5).

Interrogatory No. 8. Identify the individuals referenced in Your pleadings filed in the U.S. District Court for the Southern District of Florida, *Jane Doe 1 and Jane Doe 2 v. United States of America*, 08-cv-80736-KAM, as the “high-profile non-party individuals” to whom Mr. Jeffrey Epstein sexually trafficked You, “including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders,” including as to each episode of alleged sexual trafficking:

- a. the date of any such sexual trafficking;
- b. the location of any such sexual trafficking;
- c. any witnesses to any such sexual trafficking;
- d. any Income You received in exchange for such sexual trafficking; and
- e. any Documents You have to support or corroborate Your claim of such sexual trafficking.

Response:

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre refers to the list of witnesses identified in her Revised Rule 26 Disclosures. Also, notwithstanding previously-noted objections, Ms. Giuffre testified in *Edwards v. Cassell*, Broward County Case Number CACE 15-000072 on January 16, 2016, regarding the subject matter requested. *See* GIUFFRE005094- GIUFFRE007566. Ms. Giuffre additionally testified regarding the subject matter requested in this interrogatory on in the above-captioned case in her deposition on May 3, 2016. Additionally, Ms. Giuffre was trafficked to other individuals whose name she never learned or whose names she does not remember. Identification of any other individuals would be irrelevant and unduly burdensome. Moreover, as specifically provided in Rule 33.3(b), “[d]uring discovery, interrogatories other than those seeking information described in paragraph (a) [] may only be served (1) if they are a more practical method of obtaining the information sought than a request for production or a deposition or (2) if ordered by the Court.” Because Ms. Giuffre has provided an answer to this interrogatory in her deposition, which was a more practical method of obtaining the information sought, this interrogatory is improper under the Local Rules as well as wholly duplicative.

Subpart objection. This is addressed above in the discussion of Objection 1.

Privilege assertion. This is addressed above in the discussion of Objection 6. It is inconceivable that any privilege applies to the identities of individuals to whom Plaintiff alleges she was sexually trafficked. This is a frivolous assertion of privilege.

Plaintiff’s deficient answer. Instead of identifying individuals as required by the interrogatory, Plaintiff instead “refer[red]” to her Rule 26 disclosures, her testimony in a Florida state case, and her earlier deposition in this case. This is non-responsive and evasive, in violation of Rule 37(a)(3). *See, e.g., Public Storage v. Sprint Corp.*, No. CV 14-2594-GW PLAX, 2015 WL 1057923, at *17 (C.D. Cal. Mar. 9, 2015) (“Plaintiffs may not answer the interrogatory by generally referring Defendant to the pleadings filed in this case, documents produced, opt-in questionnaires, depositions, or declarations.... [A] responding party may not answer an interrogatory by directing the party propounding the interrogatory to find answers from

previously produced documents or identified witness lists.”), *appeal dismissed* (Mar. 30, 2016); *Smith v. Trawler Capt. Alfred, Inc.*, No. 2:12-CV-2866-DCN, 2014 WL 1912067, at *3 (D.S.C. May 13, 2014) (“Smith’s cursory references to the pleadings, his deposition, and his medical records are not responsive answers to defendants’ interrogatories.”); *DirectTV, Inc. v. Puccinelli*, 224 F.R.D. 677, 680 (D. Kan. 2004) (“defendant may not direct plaintiffs to find answers from previously produced documents or identified witness lists”) (internal quotations omitted).

Interrogatory No. 13. Identify any Health Care Provider from whom You received any treatment for any physical, mental or emotional condition, including addiction to alcohol, prescription or illegal drugs, that You suffered from prior to the Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider’s name, address, and telephone number;
- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;
- f. whether health insurance or some other person or organization or entity has paid for the medical expenses; and
- g. For each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

Response:

Ms. Giuffre objects to this interrogatory because it violates this Court’s Order. The Court has excluded the production of medical records from prior to 1999, stating, “the damage issue relates, in my view, solely to the defamation.” (April 21, 2016, Hearing Transcript at 20:23-24). This holding applies to pre-1999 medical records. As this interrogatory is not limited to the time period ordered by this Court, Ms. Giuffre objects.

Ms. Giuffre objects to this interrogatory in that it is overbroad and not limited in scope to the medical information relating to the abuse she suffered from Defendant and Jeffrey Epstein.

Ms. Giuffre objects because Rule 26 does not allow discovery that is so burdensome as to require a Herculean effort by an adult to track down every possible prescription ever written for Ms. Giuffre, or every physician who ever treated Ms. Giuffre, even as a small child. Such a request is not only impractical

and unduly burdensome, but likely impossible. Accordingly, such an interrogatory is merely for the purpose of imposing a burden on Ms. Giuffre and her attorneys, not to mention the purposes of harassment.

Pursuant to the Rules, if requested documents are not yielded in a “reasonable inquiry,” Ms. Giuffre is not obligated to expend all of her time and resources on a quest to gather medical files from her birth to the present to find any prescriptions ever written for her for anything at all.^[4] Ms. Giuffre is not certain as to her the sum of her medical expenses from 1999 to the present, and therefore is unable to answer that subpart. Ms. Giuffre is not aware of what health insurance carrier or other organization paid for her historical medical expenses unless it is identified on the records produced to the Defendant.

Finally, Ms. Giuffre objects in that it seeks information protected by the doctor-patient privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre further objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre further objects to this request in that it is overbroad and seeks confidential medical information of a sex abuse victim and is not limited in scope to the issues in this case.

Without waiving such objections, Ms. Giuffre has already produced her responsive documents Bates labelled GIUFFRE000001 to GIUFFRE007566, and supplements such documents as follows....^[5]

Objection 8.

Pre-1999 medical records are discoverable. Plaintiff had requested damages allegedly suffered from being the “victim of sex trafficking” dating back to 1999. On April 21, 2016, the Court ruled that Plaintiff’s damages are limited to harm from the alleged defamation. Regarding Ms. Maxwell’s request for records pre-dating 1999, the Court said: “As for the pre-’99 medical records, based on where we are at the moment, I do not believe that those are relevant ... [b]ecause the damage issue relates ... solely to the defamation.” Tr. 20:21-24 (Apr. 21, 2016).

Plaintiff objected to this interrogatory on the ground it requested pre-1999 medical information in “violat[ion]” of the Court’s ruling. The objection should be overruled. The issue

⁴Plaintiff’s voluminous arguments and argumentative citations to case law—inserted into her multi-page “objections”—are omitted in this Motion.

⁵Immediately following this paragraph was a tabular chart listing names of healthcare providers, the healthcare provided, Plaintiff’s counsel’s efforts undertaken to obtain records, and documents produced to the defense. On July 29, 2016, Plaintiff supplemented the chart. The supplementation did not cure the deficiencies.

before the court in April concerned discovery of Plaintiff's medical records because those records bore on her claim she had suffered "sex trafficking" damages. Interrogatory No. 13 does not seek medical information for that purpose.

Plaintiff has alleged she has suffered more than \$30 million in noneconomic damages from the alleged defamation; she intends to request an additional \$50 million in punitive damages related at least in part on the alleged conduct that caused the noneconomic damages. The defense intends to show that Plaintiff for financial and other improper reasons manufactured her allegations of "sex trafficking" and created from whole cloth her alleged \$30 million in noneconomic damages from "defamation." Some of the most relevant and material evidence concerns pre-1999 medical records and information, which contradict some of Plaintiff's sworn testimony about the alleged "sex trafficking." For example, Plaintiff has testified Mr. Epstein and Ms. Maxwell subjected her to sex trafficking in 1998. Yet, in 1998 Plaintiff was an inpatient resident at a drug rehabilitation facility. As another example, Plaintiff has alleged that Ms. Maxwell's denial in 2015 of Plaintiff's allegations of sex trafficking caused her to ingest ever greater quantities of anti-anxiety and other prescription medications, for which Plaintiff is seeking noneconomic damages. Yet, Plaintiff's pre-1999 medical records will establish that Plaintiff was a longtime drug addict—addicted to prescription and other drugs.

Additionally, based on Plaintiff's claims of having suffered \$30 million in mental pain and anguish, among other noneconomic damages, Ms. Maxwell is entitled to pre-1999 medical records to establish the mental and emotional baseline for Plaintiff and to determine her preexisting mental and emotional condition, since under no circumstances is Ms. Maxwell liable for Plaintiff's preexisting mental and emotional condition. *See, e.g., Bauman v. 2810026 Canada Ltd.*, No. 15-CV-374A(F), 2016 WL 402645, at *1 (W.D.N.Y. Feb. 3, 2016); *Pokigo v. Target*

Corp., 2014 WL 6885905, at **2-3 (W.D.N.Y. Dec. 8, 2014) (plaintiff's preexisting mental and physical conditions relevant to plaintiff's damage claim); *Bruno v. CSX Transp., Inc.*, 262 F.R.D. 131, 133-34 (W.D.N.Y. 2009) (granting discovery of plaintiff's medical records relating to plaintiff's substance abuse and mental health treatment where disclosure was likely to reveal evidence of alternative or intervening causes for the damages claimed by plaintiff).

Objection 9.

The interrogatory is not overbroad. The interrogatory required Plaintiff to identify healthcare providers who treated her for specified conditions, e.g., mental conditions and addiction, "prior to" any alleged defamation of her by Ms. Maxwell. Plaintiff's "overbreadth" objection argued that the interrogatory was not "limited in scope to the medical information relating to the abuse she suffered from Defendant and Jeffrey Epstein." The premise is wrong. Plaintiff, who is suing for more than \$80 million in damages and who claims to have suffered more than \$30 million in noneconomic damages, including "pain and suffering," cannot be heard to complain about an interrogatory requesting the identities of healthcare providers who treated her before the alleged defamation-related injuries. Plaintiff's pre-defamation physical and mental condition is the baseline for her claim for damages and is therefore highly relevant. *See, e.g.*, This Mot., at 15-16 (citing cases).

The interrogatory is not unduly burdensome. We incorporate here the discussion above on Objection 3, and supplement as follows. Plaintiff implicitly concedes that her physical and mental condition before the alleged defamation is relevant to this lawsuit. Her complaint about burdensomeness suggests only that her "pre-defamation" physical and mental condition was so complex or required so much medical attention that it would be unduly burdensome for her to "track down" all her medical providers. The simple answer is twofold. One, relevant and

discoverable information does not become immune from discovery or “unduly burdensome” because there is a lot of it. Two, when a plaintiff alleges, as here, that she has suffered more than \$30 million in physical and mental injury from an allegedly defamatory denial of her claim of sex trafficking, the defense is entitled to know her physical and mental condition before and after the alleged defamation.

Relatedly, Plaintiff argued that if she has made a “reasonable inquiry,” she cannot be required to “expend all of her time and resources on a quest to gather medical files.” To begin with, the interrogatory does not require Plaintiff to “gather medical files.” Additionally, the interrogatory does not require Plaintiff to expend “all of her time and resources” to gather documents, and Plaintiff has not done so. Finally, although Plaintiff has provided the identity of some healthcare providers, it is far from clear she has made a “reasonable inquiry” required by the interrogatory.

No privilege applies. The assertion of the doctor-patient privilege is frivolous. The identities of Plaintiff’s healthcare providers are not subject to privilege. Regardless, Plaintiff has placed her physical and mental condition and the identities of those who treated her condition in issue by alleging \$50 million worth of physical and mental injuries.

Subpart objection. This is addressed above in the discussion of Objection 1.

Plaintiff’s deficient answer. “Without waiving [her] objections,” Plaintiff answered she “has already produced her responsive documents” and referred the defense to 7,566 pages of undifferentiated documents. The answer is non-responsive. Interrogatory 13 is not a request for production of documents. Additionally, as discussed above at page 7 of this Motion, it is improper for a party to answer an interrogatory by reference to an undifferentiated mass of documents.

By way of example only, Plaintiff's mother, father, boyfriend, and ex-fiance all have testified that in 1998 and 1999, [REDACTED]

[REDACTED]

[REDACTED]

Further, Plaintiff has claimed as losses "medical expenses of 'not less than' \$100,000," yet her interrogatory response states simply that she "is not certain as to her the sum of her medical expenses from 1999 to the present, and therefore is unable to answer that subpart. Ms. Giuffre is not aware of what health insurance carrier or other organization paid for her historical medical expenses." This is non-responsive. It is insufficient to claim that one is "not certain" of the answers as to medical expenses when she is seeking 'not less than' \$100,000 in damages from that category.

Interrogatory No. 14. Identify any Person who You believe subjected You to, or with whom You engaged in, any illegal or inappropriate sexual contact, conduct or assault prior to June 1999, including the names of the individuals involved, the dates of any such illegal or inappropriate sexual contact, conduct or assault, whether Income was received by You or anyone else concerning such event, whether a police report was ever filed concerning such event and the outcome of any such case, as well as the address and location of any such event.

Response:

Ms. Giuffre objects to this request in that it is overbroad and invades Ms. Giuffre right to privacy (including her constitutionally-protected right of privacy) by seeking confidential information relating to the sexual abuse of a minor sex abuse victim. Ms. Giuffre objects to this request in that it seeks sexual assault information for a period prior to the sexual abuse at issue in this matter, and for a period when she was a minor child. The Court has excluded the production of medical records from prior to 1999, stating, "the damage issue relates, in my view, solely to the defamation." (April 21, 2016, Hearing Transcript at 20:23-24). This holding applies equally to pre-1999 sexual assault....

Additionally, it has become increasingly clear that Defendant's counsel is seeking these documents for the improper purpose of harassment

Ms. Giuffre also objects to this request because such events would have taken place in Florida, and information relating to those events is protected from

disclosure by law. Florida statutes protect “[a]ny information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery . . . which reveals that minor’s identity.” Fla. Stat. § 119.071. Additionally, Fla. Stat. 985.036 protects records where a juvenile is a victim of a crime. Further, Section 794.026, Fla. Stat., creates a civil right of action against an individual who communicates to others, identifying information concerning the victim of a sexual offense. Additionally, Second, Fla. Stat. § 985.04 and Fla. Stat. § 985.054 make juvenile law enforcement records confidential from members of the public, and states that information obtained by a law enforcement agent participating in the assessment of a juvenile is confidential. Finally, certain of the police reports implicate Ms. Giuffre’s involvement with the Florida Department of Children and Families, see e.g., GM_00750, and if such reports are part of the State’s Department of Children and Families’ records, they are confidential pursuant to Fla. Stat. § 39.202(6). Accordingly, Ms. Giuffre objects to this request . . .

Ms. Giuffre additionally objects to this request in that it is sought solely to harass, and intimidate Ms. Giuffre who is a victim of sexual abuse by the Defendant. Ms. Giuffre objects on the basis that Defendant is not entitled to a full-scale production of everything that has happened throughout the entire course of her life time [sic], particularly the time sought in this request which predates Defendant’s meeting and abuse of Ms. Giuffre. . . .

Furthermore, discovery concerning Ms. Giuffre’s prior sexual assault is not relevant to the claim at issue in this case, the defenses at issue, or the damages claimed, and therefore well outside the scope of discovery permitted by Fed. R. Civ. P. 26. . . . Giving testimony on such irrelevant, but painful, topics would be extraordinarily embarrassing, oppressive, and traumatic for Ms. Giuffre, and it is wholly irrelevant to any party’s claim or defense. Accordingly, such discovery is not sought in good faith.

This request is particularly improper as it cannot conceivably lead to admissible evidence. . . .

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as it, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Additionally, to the extent that it is available to Ms. Giuffre, all of this information is already in the possession of Maxwell as she obtained and produced police reports regarding Ms. Giuffre, which Ms. Giuffre did not have in her possession. Ms. Giuffre was also questioned for seven hours in her May 3, 2016, deposition by Defendant’s attorney. . . .

Objection 10.

Plaintiff has no valid “privacy” objection. This interrogatory requested the identity of individuals who Plaintiff believes “subjected [her] to, or with whom [she] engaged in, any illegal or inappropriate sexual contact, conduct or assault prior to June 1999,” and basic information relating to such improper actions, *e.g.*, date, whether a police report was filed. None of this illegal or inappropriate sexual contact, conduct or assault is within the right to privacy. To the extent any right of privacy is applicable, the Court’s Protective Order affords Plaintiff all the privacy to which she is entitled.

Objection 11.

There is no “harassment.” Federal Rule of Evidence 412, commonly referred to as the rape-shield law, does not apply in a defamation action such as this where the evidence would be offered to show that the alleged defamatory statements are true or did not damage plaintiff’s reputation. *See* Advisory Committee Notes, 1994 Amendments, Federal Rule of Evidence 412 (“in a defamation action involving statements concerning sexual misconduct in which the evidence is offered to show that the alleged defamatory statements were true or did not damage the plaintiff’s reputation, neither Rule 404 nor this rule will operate to bar the evidence”). Certainly, if evidence of prior alleged sexual assaults (whether unfounded or not) are admissible in this action, *ipso facto* they are discoverable under the standards of Rule 26 previously articulated.

Plaintiff has alleged Ms. Maxwell’s denial of Plaintiff’s allegations of sex trafficking caused her to suffer in excess of \$30 million in compensatory damages. There is an abundance of evidence suggesting that well before she met Ms. Maxwell, Plaintiff had engaged in illegal sex activities or falsely claimed she was the victim of illegal sex activities. Information relating to

this subject is hardly harassing. To the contrary, it constitutes evidence relevant to the defense of this action.

Objection 12.

No law bars a responsive answer to this interrogatory. Plaintiff argued that Florida laws bar the interrogatory and relieve her of the obligation to provide a responsive answer. This is a frivolous argument. The Florida laws prohibit Florida agencies from disclosing certain information about sexual assault victims. Plaintiff is not a state agency. None of the laws is relevant to this action, where a defamation plaintiff claiming to be the victim of sexual trafficking sues a defendant for reputational injury and is required in discovery to provide information about illegal sex activities.

Subpart objection. This is addressed above in the discussion of Objection 1.

No privilege applies. The discussion above relating to Objection 6 applies here. None of Plaintiff's illegal sex activities, whether she was a willing participant or a victim, is cloaked with any privilege.

Plaintiff's deficient answer. Plaintiff suggested she is not required to answer because the requested information "is already in the possession of [Ms. Maxwell]." As discussed on page 8 of this Motion, a party may not resist a discovery request by asserting that the party seeking discovery "already is in possession" of the requested information.

II. Plaintiff's answers to the requests for admission are deficient.

Plaintiff's responses to the following requests for admissions are deficient:

RFA No. 1. Admit that you were not 15 years old when you first met Ghislaine Maxwell.

Response:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was

recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

RFA No. 2. Admit that you were not 15 years old when you first met Jeffrey Epstein.

Response:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

RFA No. 3. Admit that you were not 15 years old at the time you claim you were sexually trafficked by Jeffrey Epstein.

Response:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

RFA No. 4. Admit that Ghislaine Maxwell did not celebrate your 16th birthday with You.

Response:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed

there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor. While she now knows, based on this discovery, that it could not have been her 16th birthday that Ghislaine celebrated, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached and recruited her for illegal purposes, and she remembers celebrating a birthday with Ghislaine Maxwell.

RFA No. 5. Admit that Ghislaine Maxwell did not make a joke on your 16th birthday after You blew out an array of candles and said You “would be soon getting too old for Jeffrey’s taste, and soon they’d have to trade me in.”

Response:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor. While she now knows, based on this discovery, that it was not her 16th birthday that she celebrated with Ghislaine Maxwell, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached and recruited me for illegal purposes, and she remember celebrating a birthday with Ghislaine Maxwell, during which she made the referenced joke.

RFA No. 6. Admit that you did not work at Mar-a-Lago when you were 15 years old

Response:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

RFA No. 7. Admit that you did not work for Jeffrey Epstein for four years.

Response:

Denied in part. At the time she made the statement, many years after the events occurred, and based purely from memory without the assistance of any documents, she firmly believed she was with Jeffrey Epstein over a four year period. With the assistance of various records obtained after she made that statement, she now knows that she was not with Jeffrey Epstein for four years. She was sent to Thailand by Jeffrey Epstein in September 2002 and that was the last time she saw him.

RFA No. 8. Admit that You did not spend four years as an underage sex slave for Jeffrey Epstein.

Response:

Denied in part. At the time she made the statement, many years after the events occurred and based purely from memory without the assistance of any documents, she firmly believed she was with Jeffrey Epstein over a four year period. With the assistance of various records obtained after she made that statement, she now knows that she was not with Jeffrey Epstein for four years; however she was a sex slave for Jeffrey Epstein for years.

RFA No. 13. Admit that You never observed Al Gore on the island of Little St. James.

Response:

Denied in part. Her memory from 15 or more years ago is that it was on the island where she met Mr. Gore, although she has testified that she could have been incorrect on that location. While traveling with Epstein and Maxwell, she met so many people and was taken to so many places as a minor that perfect recall of exact locations is difficult, but based on her best recollection, denied.

In Request for Admissions Nos. 1-8 and 13, Plaintiff answered “[d]enied in part” and then provided a narrative that implicitly admitted the request for admission while explaining why she believed otherwise at an earlier time. None of these responses is proper. Rule 36(a)(4) provides in relevant part:

If a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it. A denial must fairly respond to the substance of the matter; and *when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest.*

(emphasis supplied). Plaintiff denied only “a part of a matter” and therefore was required to “specify the part admitted.” In Request for Admissions Nos. 1-8 and 13, Plaintiff failed to specify any part that was admitted. Her answers violate Rule 36.

Request for Admission No. 12. Admit that You never had a conversation with Bill Clinton regarding him flying with Ghislaine Maxwell in a helicopter.

Response:

Objection. Defendant Maxwell has clearly incorrectly interposed and comingled the facts which comprise the foundation of this request for admission. Ms. Giuffre has never alleged that she “had a conversation with Bill Clinton regarding him flying with Ghislaine Maxwell in a helicopter.” Instead, Ms. Giuffre has alleged, “I flew to the Caribbean with Jeffrey and then Ghislaine Maxwell went to pick up Bill [Clinton] in a huge black helicopter that Jeffrey had bought her.” Sara Nathan, Bill Clinton Pictured with Jeffrey Epstein’s Social Fixer, Daily Mail, (12 January 2015).

As a threshold matter, a court must determine whether the statements set forth in a request for admissions satisfy the formal requirements of Rule 36

Consequently, Ms. Giuffre objects to answering this request for admission as it is based on “half-truths,” which make it impossible to answer without a qualified response.

Plaintiff objected to this request for admission and provided no answer. That is improper. The request required Plaintiff to admit whether she had a conversation with President Clinton regarding him flying in a helicopter with Ms. Maxwell. Either she is able to admit this request in full or in part, or she is able to deny the request in full or in part, as Rule 36 requires. She may not object and refuse to admit or deny.

III. Plaintiff’s responses to requests for production are deficient.

RFP No. 1. All Communications and Documents identified in Interrogatories 5-14, above.

Response:

Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre objects to this request on the grounds that it is

wildly overly broad and unduly burdensome, and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, as described more fully above in response to the interrogatories. For example, Interrogatory Number 5, would cover documents spanning over 100 years collectively from attorneys, and compliance with this production request would be literally impossible due to the untethered scope of the request. Ms. Giuffre objects to this request in that it seeks to invade the privacy rights of a sex abuse victims, and is meant for the improper purpose of harassing and intimidating this victim.

No privilege applies. As discussed above in connection with Plaintiff's assertion of privilege in her interrogatory responses, *see, e.g.*, This Motion, at 9, no privilege applies to the information requested in Interrogatory Nos. 5-14. Nor does any privilege apply to the communications and documents identified in those interrogatories.

The RFP is not overbroad. Plaintiff's overbreadth objection appears to be the same as its overbreadth objection interposed in response to the interrogatories. For the reasons discussed in response to Plaintiff's Objection 9, *see* This Motion, at 16, the objection is meritless.

The RFP is not unduly burdensome. Plaintiff's burdensomeness objection is premised on an unreasonable reading of the interrogatories. That objection is meritless. *See* This Motion, at 5.

The RFP does not implicate Plaintiff's right to privacy. As discussed above, *see* This Motion, at 20, Plaintiff has no right to privacy to the information requested in the interrogatories or to the related communications and documents.

RFP No. 4. All Documents relating to any Communications between or among You or Your attorneys or any agent for You or Your attorneys, and any of the following individuals or with their attorneys, agents or representatives:

- a. Any witness disclosed in Plaintiff's Rule 26(a) disclosures;
- b. Any witness disclosed in Defendant's Rule 26(a) disclosures;
- c. Any witness identified by You in response to Interrogatory No. 8 and No. 14.

Response:

Ms. Giuffre objection to this request on the grounds that it is overly broad and unduly burdensome in that it is not limited in time, and it seeks documents relating to hundreds of individuals. Ms. Giuffre objects because compliance with this request is unduly burdensome. For example, this request seeks documents relating to over 100 individuals, and has no date or time limitations or subject matter limitations whatsoever. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Specifically, counsel's communications with witnesses are protected under the work product doctrine. Ms. Giuffre objects to this request in that it is sought solely to harass and intimidate Ms. Giuffre, and invade her privacy, by seeking her private communications with her various family members, including aunts, uncles and parents and siblings. Ms. Giuffre further objects as this request calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

Ms. Giuffre is withholding production of documents that are privileged pursuant to the attorney-client privilege, the work product privilege, and the public interest privilege. Ms. Giuffre is also withholding electronic renditions of photographs that depict the faces of her minor children, including school portraits and other photographs taken that reveal the faces of her minor children.

Ms. Giuffre additionally objects to the extent that this request seeks the communications of her attorneys, as such request is overly broad and unduly burdensome. This is especially true given that certain attorneys for Ms. Giuffre additionally represent other individuals listed on the Rule 26 Disclosures in separate legal matters, and revelation of such communications would violate privileges that do not belong to Ms. Giuffre, but rather belong to other victims of sexual abuse who have not waived such privileges. Accordingly, Ms. Giuffre is withholding these documents from production based on her objections.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE007566, which includes her communications with many of the individuals set forth in this request. However, producing documents with the additional, newly-added individuals would be overly burdensome, as there is no limitation as to time period, scope or subject-matter.

The objections are meritless. As to burdensomeness, the relevance of the requested communications is obvious, as the witnesses all have information relevant to the factual issues in

this case. Plaintiff argued that the request encompasses “over 100” witnesses; notably, however, Plaintiff did not claim she and her attorneys have communicated with even 20, let alone 100, witnesses, nor has she disclosed the volume of documents actually implicated by this request; so Plaintiff has failed even to make a prima facie case of burdensomeness. As to “privacy,” no such right to privacy is implicated in this request; even if it were, the Court’s Protective Order more than adequately protects that right. As to assertions of privilege or immunity over any responsive document, to the extent any privilege or immunity applies, Plaintiff must comply with her duties under Local Rule 26.2 and Federal Rule 26(b)(5).

The “objection” that Plaintiff has no duty to produce because the defense “already has” the requested documents is meritless. *See* This Motion, at 8 (citing cases).

That Plaintiff’s attorneys represent or have represented other clients and have had non-privileged, non-immunized communications with the witnesses described in the request is not a relevant fact for purposes of discovery in this case. So long as the Plaintiff and her attorneys have responsive documents, those documents must be produced.

Plaintiff’s deficient response. Notwithstanding her objections, Plaintiff responded that she previously produced 7,566 documents, some of which, she said, include requested documents. That is a deficient response. In violation of Rule 34(b)(2)C), Plaintiff has failed to state whether she is withholding documents. Additionally, Plaintiff may not answer a Rule 34 request by referring the defense to a mass of undifferentiated documents. *DirecTV*, 224 F.R.D. at 682 (holding that Rule 34 response referring opponent to previous production was “improper”: “Plaintiff was required to identify the particular documents or to organize and label them to correspond to these specific requests. There is nothing in the record indicating that Plaintiff did so. Thus, Plaintiff’s partial responses to these requests did not comply with Rule 34(b).”).

RFP No. 9. All Documents concerning any Communications between You or Your attorneys and any witness in the case captioned Jane Doe #1 and Jane Doe #2 v. United States, Case No. 08-ev-80736-KAM, in the U.S. District Court for the Southern District of Florida (“CVRA” case).

Response:

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

With regard to communications by Ms. Giuffre’s attorneys, this request seeks clearly privileged materials, because Ms. Giuffre’s attorneys represent not only Ms. Giuffre (Jane Doe 3) in the CVRA matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4. Any communications between the four Jane Does, via Ms. Giuffre’s attorneys, would be plainly be subject to attorney client protection, not to mention work product protection as well.

With regard to contact with “witnesses,” the request is vague, unduly burdensome, and overbroad. The CVRA case centers on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein. Accordingly, some of the main “witnesses” in the case are the Government prosecutors who handled the plea negotiations. Several of the same prosecutors who handled the plea negotiations are also involved in defending the CVRA case. The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims’ counsel and provided to Judge Marra for in camera review). The request appears designed to target all of these communications, and such communications, going back eight years, would necessitate a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutors. The burden would be substantial and the relevance would be essentially non-existent. Whatever communications Ms. Giuffre’s attorneys would have had with government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

Moreover, many materials related to this case remain under Judge Marra’s protective order. Accordingly, before Ms. Giuffre’s counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

The request is also vague because it is not clear precisely what “witnesses” Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre’s lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult and overly burdensome. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre’s attorneys will collecting such communications when she can collect them in other ways.

RFP No. 10. All Documents concerning any Communications between you or your attorneys and any witness or potential witness in Edwards and Cassell v Dershowitz (“Dershowitz” case).

Response:

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. It is not clear what the phrase “concerning” is designed to cover. As a third-party witness in that action, Ms. Giuffre had numerous communications with, for example, her attorneys in relation to that matter, and therefore, these communications are subject to the attorney client privilege and protected by the work product doctrine. It unclear what documents “concerning” communications with “witnesses” refers to, and it could expansively cover a vast number of documents, emails, and other communications that have taken place over the course of this litigation.

With regard to communications by Ms. Giuffre’s attorneys, this request seeks clearly privileged materials (or materials covered by the work product doctrine).

With regard to “witnesses” or “potential witnesses,” the request is vague, unduly burdensome, and overbroad. The Dershowitz case centers on issues surrounding whether the Ms. Giuffre’s lawyers (Edwards and Cassell) had conduct a sufficient investigation before filing a motion to join Jane Doe 3 (and Jane Doe 4) into the CVRA case. That investigation involves not only attorney-client materials, but also work product protections for Jane Doe 1 and Jane Doe 2. This request, then, covers communications going back eight years, and it would involve a review of several hundreds of thousands of emails over that time to identify communications relevant to the potential “witnesses” who might have been able to shed light on the claims in the CVRA case and, in turn, whether sex abuse had been committed by Alan Dershowitz. The burden would be substantial and the relevance would be essentially non-existent. Such a burden is not countenanced by Rule 26 or the prevailing case law. Whatever communications Ms. Giuffre’s attorneys may have had as part of their (work product protected)

investigation would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

The request is also vague because it is not clear precisely what “witnesses” Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre’s lawyers and lawyers for Mr. Epstein and Mr. Dershowitz. Again, the relevance of such communications seems basically non-existent to the action. But because their investigations have spanned eight years, collecting such communications would be difficult. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre’s attorneys with collecting such communications when she can collect them in other ways. Indeed, in light of the fact that Maxwell and Dershowitz have a close working relationship, it is unduly burdensome that Maxwell seeks these items not from her ally but from attorneys for her legal adversary.

RFP Nos. 9 and 10 request documents concerning communications between Plaintiff or her attorneys and various witnesses. Because the responses are substantially identical, we combine here the discussion of both RFPs and Plaintiff’s respective responses.

As to alleged burdensomeness and overbreadth, we refer the Court to the discussion above of the same objections interposed in response to RFP No. 4. As to relevance, such communications with witnesses certainly bear on Plaintiff’s claim and Ms. Maxwell’s defense, see Fed. R. Civ. P. 26(b)(1). As to assertions of privilege or immunity over any responsive document, to the extent any privilege or immunity applies, Plaintiff must comply with her duties under Local Rule 26.2 and Federal Rule 26(b)(5).

RFP No. 11. Any statement obtained by You or Your attorneys from any witness or potential witness in the CVRA case.

Response:

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre objects because the term “statement” is vague and ambiguous, unduly burdensome and overbroad. With regard to communications to Ms. Giuffre’s attorneys, this request seeks clearly privileged materials, because Ms. Giuffre’s attorneys represent not only Ms. Giuffre (Jane Doe 3) in the matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4.

The CVRA case centers on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein.

The CVRA has been in litigation for nearly eight years, and there have been extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims’ counsels and provided to Judge Marra for in camera review). It is not clear whether the request is designed to request all of these communications as “statements,” but if it does capture these communications going back eight years, it would involve a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutor. The burden would be substantial and the relevance would be essentially non-existent. Whatever statements Ms. Giuffre’s attorneys obtained from government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar. Moreover, many materials remain under Judge Marra’s protective order. Accordingly, before Ms. Giuffre’s counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

The request is also vague because it is not clear precisely what “statements” Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre’s lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre’s attorneys with collecting such statements when she can collect them in other ways.

RFP No. 12. Any statement obtained by You or Your attorneys from any witness or potential witness in the Dershowitz case.

Response:

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms.

Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre objects because the term “statement” is vague and ambiguous, unduly burdensome and overbroad. The Dershowitz case centers on issues surrounding whether the Ms. Giuffre’s lawyers (Edwards and Cassell) had conduct a sufficient investigation before filing a motion to join Jane Doe 3 (and Jane Doe 4) into the CVRA case. That investigation involves not only attorney-client materials, but also work product protections for Jane Doe 1 and Jane Doe 2. The request potentially covers communications or “statements” going back eight years, and it would involve a review of several hundreds of thousands of emails over that time to identify “statements” made by any “witness” or “potential witness” who might have been able to shed light on whether sex abuse had been committed by Alan Dershowitz. The burden would be substantial and the relevance would be essentially non-existent. Whatever communications Ms. Giuffre’s attorneys may have had as part of their (work product protected) investigation would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

With regard to communications to Ms. Giuffre’s attorneys, this request seeks clearly privileged materials, because Ms. Giuffre’s attorneys represent not only Ms. Giuffre (Jane Doe 3) in the matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4 in the CVRA litigation.

The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims’ counsels and provided to Judge Marra for in camera review). It is not clear whether the request is designed to request all of these communications as “statements,” but if it does capture these communications going back eight year, it would involve a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutor. The burden would be substantial and the relevance would be essentially non-existent. Whatever statements Ms. Giuffre’s attorneys obtained from government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

The request is also vague because it is not clear precisely what “statements” Defendant Maxwell is concerned about. There have, for example, between communications between Ms. Giuffre’s lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of these cases. Again, the relevance of such communications seems basically non-existent to the action. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. In light of the fact that Maxwell and Dershowitz have a close working relationship, it is

unduly burdensome that Maxwell seeks these items not from her ally but from attorneys for her legal adversary. There is no reason to burden Ms. Giuffre's attorneys will collecting such statements when she can collect them in other ways.

RFP Nos. 11 and 12 request statements Plaintiff has obtained from witnesses in related cases. Because the responses are substantially identical, we combine here the discussion of both RFPs and Plaintiff's respective responses.

As to alleged burdensomeness and overbreadth, we refer the Court to the discussion above of the same objections interposed in response to RFP No. 4. As to relevance, the written statements of the witnesses certainly bear on Plaintiff's claim and Ms. Maxwell's defense, *see* Fed. R. Civ. P. 26(b)(1). As to Plaintiff's blanket assertions of privilege or immunity over witness statements, to the extent any privilege or immunity applies, Plaintiff must comply with her duties under Local Rule 26.2 and Federal Rule 26(b)(5). While some witness statement might qualify for work product protection, it is clear that some do not, e.g., witness statements that do not reveal an attorney's mental impressions. *See, e.g., Tuttle v. Tyco Elecs. Installation Servs., Inc.*, No. 2:06-CV-581, 2007 WL 4561530, at *2 (S.D. Ohio Dec. 21, 2007) ("Affidavits are normally not protected by the work product doctrine for the very reason that an affidavit purports to be a statement of facts within the personal knowledge of the witness, and not an expression of the opinion of counsel. Further, Defendants should not be frustrated in their ability to test the perception and credibility of these affiants.") (internal quotations omitted).

Plaintiff has failed to sign her interrogatory responses.

Rule 33(b)(5) requires that a party answering interrogatories sign her answers. Plaintiff has failed to do so, despite a request from defense counsel. This violation of Rule 33(b)(5) subjects Plaintiff to sanctions. *See, e.g., Walls v. Paulson*, 250 F.R.D. 48 (D.D.C. 2008)

Ms. Maxwell is entitled to attorney fees incurred in making this Motion.

Under Rule 37(a)(5), if a party is required to file a motion to compel discovery responses and the motion is granted or disclosure or discovery is provided after filing, “the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant’s reasonable expenses incurred in making the motion, including attorney’s fees.” By signing the objections, Plaintiff’s counsel certified the responses and objections were: (i) consistent with these rules and warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law, or for establishing new law; (ii) not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.” Fed. R. Civ. P. 26(g)(1). The sanction for improper certifications of objections requires “the court, on motion or on its own, *must* impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may include an order to pay the reasonable expenses, including attorney’s fees, caused by the violation.” Fed. R. Civ. P. 26(g)(3).

Sanctions are appropriate here. Plaintiff’s counsel have interposed improper, sometimes frivolous, objections, and Plaintiff without any substantial justification has simply refused to answer discovery requests.

CONCLUSION

For the foregoing reasons, the Court should compel Plaintiff to:

1. Overrule Plaintiff’s objections to discovery requests;
2. Provide complete responses Interrogatories 5-8, 13-14, and state what information, if any, information is being withheld on the basis of objection;
3. Provide answers to requests for admissions that comply with Rule 36;
4. Specifically state for each objection made to the requests for production what, if any, documents are being withheld and the specific objection under which it is being withheld;

5. Undertake a reasonable and diligent inquiry for all documents requested in RFP Nos. 1, 4, 9-12 that are in her possession, custody or control, and produce them.

Ms. Maxwell further requests under Fed. R. Civ. P. 26(g) and 37(a)(5) that the Court enter an Order for attorney costs and fees incurred in preparing and prosecuting this Motion.

Dated: August 10, 2016

Respectfully submitted,

/s/ Laura A. Menninger

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CERTIFICATE OF SERVICE

I certify that on August 10, 2016, I electronically served this *Defendant's Motion to Compel Responses to Defendant's Second Set of Discovery Requests to Plaintiff, and for Sanctions* via ECF on the following:

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EXHIBIT B

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**United States District Court
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**PLAINTIFF'S RESPONSES AND OBJECTIONS TO DEFENDANT'S SECOND
REQUEST FOR PRODUCTION AND DEFENDANT'S INTERROGATORIES,
PLAINTIFF'S ANSWERS TO DEFENDANT'S REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure 26, 33, 34, Plaintiff hereby serves her responses and objections to Defendant's Second Set of Discovery Requests and serves her Answers to Defendant's Requests for Admission.

GENERAL OBJECTIONS

Defendant's Discovery Requests violate Rule 33, Fed. R. Civ. P., which provides "a party may serve on any other party no more than 25 interrogatories, including all discrete subparts" – in that Defendant has served a total of 59 interrogatories in this case, including subparts, in violation of Rule 33.

Ms. Giuffre objects to Defendant's Second Set of Discovery Requests to the extent they seek information that is protected by any applicable privilege, including but not limited to, attorney client privilege, work product privilege, joint defense privilege, public interest privilege, and any other applicable privilege.

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Ms. Giuffre objects to the requests to the extent Defendant's Second Set of Discovery Requests call for the production of documents or information that is already in the possession, custody, or control of the Defendant. Ms. Giuffre further objects to the requests to the extent that Defendant's Second Set of Discovery Requests are duplicative of documents and information that can equally or more readily be obtained by the Defendant.

Ms. Giuffre objects to the requests to the extent that they seek documents that are not relevant, material, or necessary to this action and, thus, are not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre further objects because Defendant's Second Set of Requests for Production seeks documents that are in no way limited to their relation to this case. Indeed, they seek documents that are not important to resolving the issues; documents that are not relevant to any party's claim or defense; and documents that are not proportional to the needs of the case. Such requests would create a heavy burden on Ms. Giuffre that outweighs any benefit. Such discovery is prohibited by the Federal Rules of Civil Procedure, particularly under the 2015 amendments to Rule 26(b)(1), Fed. R. Civ. P., and is wholly inappropriate.

Ms. Giuffre objects to the requests to the extent that they are overly broad and unduly burdensome, as individually logging all privileged responsive documents would be overly burdensome. Plaintiff contends that requests targeting such privileged information are overly broad under Rule 26(b)(1), Fed. R. Civ. P. Specifically, Ms. Giuffre objects to the requests as overly burdensome to the extent that they would require logging voluminous and ever-increasing privileged communications between Ms. Giuffre and her counsel after the date litigation commenced on September 21, 2015. Ms. Giuffre additionally objects to the requests as overly burdensome to the extent that they would require logging voluminous privileged documents between Ms. Giuffre and her counsel related to *Jane Doe #1 and Jane Doe #2 v. United States*,

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Case no. 08-80736 CIV-Marra, pending in the Southern District of Florida; *Bradley Edwards and Paul Cassell v. Alan Dershowitz*, Case no. CACE 15-000072, from the Seventeenth Judicial Circuit, Broward County, Florida; and *Jane Doe No. 102 v. Jeffrey Epstein*, Case No. 09-80656-CIV-Marra/Johnson (Southern District of Florida). Accordingly, due to the undue burden of individually logging responsive privileged documents related to Defendant's overly broad requests, Plaintiff has employed categorical logging of such privileged responsive documents pursuant to Local Civil Rule 26.2(c).

Ms. Giuffre objects to the requests in that they seek to invade her privacy for the sole purpose of harassing and intimidating Ms. Giuffre who was a minor victim of sexual trafficking.

Ms. Giuffre objects to the requests to the extent they are overly broad and unduly burdensome.

Ms. Giuffre's responses to Defendant's Second Set of Discovery Requests as being made after reasonable inquiry into the relevant facts, and are based only upon the information and documentation that is presently known to her. Ms. Giuffre reserves the right to modify and/or supplement her responses. Ms. Giuffre has produced documents and information in response to these Requests.

Ms. Giuffre incorporates her above-listed general objections in the responses herein.

INTERROGATORIES

5. Identify each Communication that You or Your Attorneys have had with any author, reporter, correspondent, columnist, writer, commentator, investigative journalist, photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or independent consultant to the same, including:

- a. the date of any such Communication;

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- b. the form of any such Communication, whether oral or written and if written, the format of any such Communication;
- c. the identities of all persons involved in such Communication, including, the identity of the media organization with whom the agent is or was affiliated;
- d. the article title, date of publication, and means of publication of any article, report, or re-printing of any such Communication made by You or Your Attorneys;
- e. the amount of Income that You and/or Your Attorneys received in exchange for any such Communication;
- f. the dates on which You and/or Your Attorneys received any such Income for any such Communication.

Response to Interrogatory No. 5:

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, work product protections, and any other applicable privilege or protection as stated in the General Objections.

Ms. Giuffre further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as it is not limited in time, manner, or subject matter. The request is grossly over broad in that it does not require the communication to have *any connection* with Ms. Giuffre or this case whatsoever. Indeed, a response to this interrogatory would require each of Ms. Giuffre's attorneys to research and find any communication they *have ever had* with a journalist, for every year of their practice, regardless of what case was involved, and regardless of what year the communication was made. Ms. Giuffre's attorney's, collectively, have worked

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on hundreds (if not thousands) of matters, and collectively have well over 100 years of combined practice experience. Accordingly, a request that each of these attorneys list *all communications with the media* is facially overbroad.

Additionally, Ms. Giuffre objects to this Interrogatory because a response would cause Ms. Giuffre the incredible and undue burden of having to catalogue literally hundreds of communications that she has already produced in this case.

Moreover, Ms. Giuffre objects because this interrogatory calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Communications with the media regarding cases that bear no relation to the subject matter of this case, from decades in the past, are facially invalid and not calculated to lead to the discovery of admissible evidence.

Ms. Giuffre additionally objects to the extent that this interrogatory seeks the communications of her attorneys, any author, reporter, correspondent, columnist, writer, commentator, investigative journalist, photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or independent consultant as such interrogatory is overly broad and unduly burdensome. Furthermore, Ms. Giuffre is not obligated to produce anything currently in the possession of Defendant Maxwell or her attorneys.

Notwithstanding such objections, Ms. Giuffre has already produced her responsive communications, which are found in documents Bates labelled GIUFFRE000001 to GIUFFRE007566.

6. Identify any "false statements" attributed to Ghislaine Maxwell which were "published globally, including within the Southern District of New York" as You contend in paragraph 9 of Count I of Your Complaint, including:

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- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication; and the nature of the publication, whether in print, internet, broadcast or some other form of media.

Response to Interrogatory No. 6:

Ms. Giuffre objects because the information interrogatory above *is in the possession of Defendant* who has failed to comply with her production obligations in this matter, and has failed to comply with her production obligations with this very subject matter. *See* Document Request No. 17 from Ms. Giuffre's Second Request for Production of Documents to Defendant Ghislaine Maxwell.¹ Maxwell has not produced all "URL or Internet addresses for any internet version of such publication" that she directed her agent, Ross Gow, to send.

¹ Request No. 17 stated: Produce all documents concerning any statement made by You or on Your behalf to the press or any other group or individual, including draft statements, concerning Ms. Giuffre, by You, Ross Gow, or any other individual, from 2005 to the present, including the dates of any publications, and if published online, the Uniform Resource Identifier (URL) address. In response, Defendant stated: "Ms. Maxwell objects to this Request on the grounds that it is cumulative and duplicative. Ms. Maxwell also objects to this Request to the extent it calls for information that exists within the public domain, the internet or in public court records and which are equally available to both parties and can be obtained from some other source that is more convenient, less burdensome, and less expensive. Ms. Maxwell further objects to this Request to the extent it seeks documents or information protected by the attorney/client privilege, the work-product doctrine, or any other applicable privilege. Ms. Maxwell is not producing documents that are available in the public domain. Ms. Maxwell has been unable to locate any additional documents responsive to this Request."

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Ms. Giuffre further objects because the information requested above *is in the possession of Defendant's agent*, who caused the false statements to be issued to various media outlets. Ms. Giuffre has not had the opportunity to depose Maxwell's agent Ross Gow; therefore, this answer remains incomplete. Consequently, Ms. Giuffre reserves the right to modify and/or supplement her responses, as information is largely in the possession of the Defendant and her agent.

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre objects to this request because it is in the public domain. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Notwithstanding such objections, Ms. Giuffre has already produced documents responsive to this request; Bates labelled GIUFFRE000001 to GIUFFRE007566, and supplements such responsive documents with the following list of publications. While the identification of an exhaustive responsive list would be unduly burdensome, in an effort to make a good faith effort towards compliance, Ms. Giuffre provides the following examples, which are incomplete based on the aforementioned reasons:

Date	Nature	Publishing Entity	Statement/URL
January 2, 2015	Internet	Ross Gow	<p>Jane Doe 3 is Virginia Roberts - so not a new individual. The allegations made by Victoria Roberts against Ghislaine Maxwell are untrue. The original allegations are not new and have been fully responded to and shown to be untrue.</p> <p>Each time the story is re told it changes with new salacious details about public figures and world leaders and now it is alleged by Ms. Roberts that Alan Dershowitz is involved in having sexual relations with her, which he denies.</p> <p>Ms. Roberts's claims are obvious lies and should be treated as such and not publicized as news, as they are defamatory.</p> <p>Ghislaine Maxwell's original response to the lies and defamatory claims remains the same. Maxwell strongly denies allegations of an unsavoury nature, which have appeared in the British press and elsewhere and reserves her right to seek redress at</p>

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			the repetition of such old defamatory claims.
January 3, 2015	Internet	Telegraph	http://www.telegraph.co.uk/news/uknews/theroyalfamily/11323872/Prince-Andrew-denies-having-relations-with-sex-slave-girl.html
January 4, 2015	Internet	Express	http://www.express.co.uk/news/world/550085/Ghislaine-Maxwell-Jeffrey-Epstein-not-madam-paedophile-Florida-court-case-Prince-Andrew
January 3, 2015	Internet	Daily Mail	http://www.dailymail.co.uk/news/article-2895366/Prince-Andrew-lobbied-government-easy-Jeffrey-Epstein-Palace-denies-claims-royal-tried-use-influence-help-billionaire-paedophile-2008-police-probe.html
January 3, 2015	Internet	Huffington Post	http://www.huffingtonpost.co.uk/2015/01/03/duke-of-york-sex-abuse-claims_n_6409508.html
January 4, 2015	Internet	Jewish News Online	http://www.jewishnews.co.uk/dershowitz-nothing-prince-andrews-sex-scandal/
January 2, 2015	Internet	Bolton News	http://www.theboltonnews.co.uk/news/national/11700192.Palace_denies_Andrew_sex_case_claim/
January 5, 2015	Internet / Broadcast	NY Daily News	http://www.nydailynews.com/news/world/alleged-madame-accused-supplying-prince-andrew-article-1.2065505
January 5, 2015	Internet / Broadcast	AOL UK	http://www.aol.co.uk/video/ghislaine-maxwell-declines-to-comment-on-prince-andrew-allegations-518587500/

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7. State whether You believe that You have ever been defamed by anyone other than Ghislaine Maxwell. If so, as to each alleged act of Defamation, state
- a. the exact false statement;
 - b. the date of its publication;
 - c. the publishing entity and title of any publication containing the purportedly false statement;
 - d. the URL or internet address for any internet version of such publication; and
 - e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

Response to Interrogatory No. 7:

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Without waiving the aforementioned objections, Alan Dershowitz published statements about Ms. Giuffre in January 2015 and thereafter that remain in the public realm. Ms. Giuffre does not have knowledge as to every time and place that she was defamed by Dershowitz, and she is not required to provide such an exhaustive list as all relevant instances of defamation are available through public sources, and identification of the numerous publically made statements would be unduly burdensome. Furthermore, upon information and belief, all defamatory statements made towards Ms. Giuffre by Dershowitz are within the knowledge and possession of Maxwell and her attorneys or can be easily obtained by contacting Dershowitz.

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8. Identify the individuals referenced in Your pleadings filed in the U.S. District Court for the Southern District of Florida, *Jane Doe I and Jane Doe 2 v. United States of America*, 08-cv-80736-KAM, as the "high-profile non-party individuals" to whom Mr. Jeffrey Epstein sexually trafficked You, "including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders," including as to each episode of alleged sexual trafficking:

- a. the date of any such sexual trafficking;
- b. the location of any such sexual trafficking;
- c. any witnesses to any such sexual trafficking;
- d. any Income You received in exchange for such sexual trafficking; and
- e. any Documents You have to support or corroborate Your claim of such sexual trafficking.

Response to Interrogatory No. 8:

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre refers to the list of witnesses identified in her Revised Rule 26 Disclosures. Also, notwithstanding previously-noted objections, Ms. Giuffre testified in *Edwards v. Cassell*, Broward County Case Number CACE 15-000072 on January 16, 2016, regarding the subject matter requested. *See* GIUFFRE005094- GIUFFRE007566. Ms. Giuffre additionally testified regarding the subject matter requested in this interrogatory on in the above-captioned case in her deposition on May 3, 2016. Additionally, Ms. Giuffre was trafficked to other individuals whose name she never learned or whose names she does not remember. Identification of any other

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individuals would be irrelevant and unduly burdensome. Moreover, as specifically provided in Rule 33.3(b), “[d]uring discovery, interrogatories other than those seeking information described in paragraph (a) [] may only be served (1) if they are a more practical method of obtaining the information sought than a request for production or a deposition or (2) if ordered by the Court.” Because Ms. Giuffre has provided an answer to this interrogatory in her deposition, which was a more practical method of obtaining the information sought, this interrogatory is improper under the Local Rules as well as wholly duplicative.

11. Identify any facts upon which You base Your contention that You have suffered as a result of the Alleged Defamation by Ghislaine Maxwell “past and future lost wages and past and future loss of earning capacity and actual earnings – precise amounts yet to be computed, but not less than \$5,000,000.”

Response to Interrogatory No. 11:

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as it, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre incorporates by reference herein her Revised Rule 26 disclosures. Notably, Ms. Giuffre's Rule 26 disclosures have been revised to reflect that she is not seeking a specific monetary damage in the form of a specific lost wage claim.

13. Identify any Health Care Provider from whom You received any treatment for any physical, mental or emotional condition, including addiction to alcohol, prescription or illegal drugs, that You suffered from prior to the Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider's name, address, and telephone number;

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- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;
- g. whether health insurance or some other person or organization or entity has paid for the medical expenses; and
- h. For each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

Response to Interrogatory No. 13:

Ms. Giuffre objects to this interrogatory because it violates this Court's Order. The Court has excluded the production of medical records from prior to 1999, stating, "the damage issue relates, in my view, solely to the defamation." (April 21, 2016, Hearing Transcript at 20:23-24). This holding applies to pre-1999 medical records. As this interrogatory is not limited to the time period ordered by this Court, Ms. Giuffre objects.

Ms. Giuffre objects to this interrogatory in that it is overbroad and not limited in scope to the medical information relating to the abuse she suffered from Defendant and Jeffrey Epstein.

Ms. Giuffre objects because Rule 26 does not allow discovery that is so burdensome as to require a Herculean effort by an adult to track down every possible prescription ever written for Ms. Giuffre, or every physician who ever treated Ms. Giuffre, even as a small child. Such a request is not only impractical and unduly burdensome, but likely impossible. Accordingly, such an interrogatory is merely for the purpose of imposing a burden on Ms. Giuffre and her attorneys, not to mention the purposes of harassment.

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Pursuant to the Rules, if requested documents are not yielded in a "reasonable inquiry," Ms. Giuffre is not obligated to expend all of her time and resources on a quest to gather medical files from her birth to the present to find any prescriptions ever written for her for anything at all. *See, e.g., Manassis v. New York City Dep't of Transp.*, No. 02 CIV. 359SASDF, 2002 WL 31115032, at *2 (S.D.N.Y. Sept. 24, 2002) (concluding that "ability to pursue discovery regarding [plaintiff's] medical records should be limited in some manner"); *Evanko v. Electronic Systems Assoc., Inc.*, No. 91 Civ. 2851, 1993 WL 14458 at *2 (S.D.N.Y. Jan. 8, 1993) (applying the New York state physician-patient privilege, and holding that where plaintiff claimed that she suffered emotional distress, defendants did not have "a license to rummage through all aspects of the plaintiff's life in search of a possible source of stress or distress," including plaintiff's medical records); *Wachtman v. Trocaire College*, 532 N.Y.S.2d 943, 944 (N.Y. App. Div. 1988) (holding that the scope of a waiver of the physician-patient privilege in personal injury cases is "limited and does not permit discovery of information involving unrelated illnesses and treatment"); *Sgambellone v. Wheatley*, 165 Misc.2d 954, 958, 630 N.Y.S.2d 835, 838 (N.Y. Sup.Ct. 1995) (holding that in a personal injury action, plaintiff's waiver of the physician-patient privilege "is not a wholesale waiver of all information about the plaintiff's entire physical and mental conditions but a waiver *only* of the physical and/or mental condition that is affirmatively placed in controversy") (emphasis in original).

Finally, Ms. Giuffre objects in that it seeks information protected by the doctor-patient privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre further objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre further

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objects to this request in that it is overbroad and seeks confidential medical information of a sex abuse victim and is not limited in scope to the issues in this case.

Without waiving such objections, Ms. Giuffre has already produced her responsive documents Bates labelled GIUFFRE000001 to GIUFFRE007566, and supplements such documents as follows:

MEDICAL PROVIDER	HEALTHCARE PROVIDED	ACTION TAKEN	RELATED GIUFFRE PRODUCTION
Dr. Olsen	[REDACTED]	3/8/16 Letter Request	Giuffre005342-005346 St. Thomas More Hospital Records (Dr. Olsen) Giuffre005492-005496 St. Thomas More Hospital Records (Dr. Olsen)
Centura Health	[REDACTED]	5/23/16 Letter Request	Giuffre005498 Centura Health Release Form (All Medical Records) Giuffre005501-005569 Responsive Records (Centura Health)
Dr. Carol Hayek	[REDACTED]	3/8/16 Ltr Request 4/28/16 Ltr Request	Giuffre and counsel contacted physician's office via telephone and email to follow up.
Dr. Chris Donahue	[REDACTED]	4/5/16 Ltr Request	Giuffre 006631-006635 (Dr. Donahue)
Dr. John Harris/Dr. Majliyana	[REDACTED]	4/5/16 Ltr Request	Giuffre005315 005322 The Entrance Medical Centre (Dr. John Harris and Dr. Darshanee Mahaliyana)
Dr. Wah Wah	[REDACTED]	4/5/16 Ltr Request	Giuffre005339 005341 Central Coast Family Medicine (Dr. Wah Wah)
Dr. Sellathuri	[REDACTED]	4/5/16 Ltr	Giuffre005089 005091 ("Dr. M. Sella")

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MEDICAL PROVIDER	HEALTHCARE PROVIDED	ACTION TAKEN	RELATED GIUFFRE PRODUCTION
		Request	
Royal Oaks Medical Center	[REDACTED]	4/5/16 Ltr Request	Giuffre005347 005349 Royal Oaks Medical Center's Response (No Records)
NY Presbyterian Hospital	[REDACTED]	Produced	Giuffre003258 003290 New York Presbyterian Hospital
Campbelltown Hospital/ Sydney West Hospital	[REDACTED]	Produced	Giuffre003193 003241 Camselltown Hospital/Camden Hospital (Dr. Elbeaini) Giuffre003242 003257 Macarthur Health Service (Dr. Elbeaini)
Sydney West Hospital / Westmead Hospital	[REDACTED]	Produced	Giuffre 003291-003298 Sydney West/Westmead Hospital
Dr. Karen Kutikoff		Release Provided to Defendant's Counsel	04/29/16 Sent via e-mail signed release to Menninger (obtain records directly).
Wellington Imaging Associates		Release Provided to Defendant's Counsel	04/29/16 Sent via e-mail signed release to Menninger (obtain records directly).
Growing Together		Release Provided to Defendant's Counsel	04/29/16 Sent via e-mail signed release to Menninger (obtain records directly).
Ms. Judith Lightfoot	[REDACTED]	5/4/16 Ltr Request	Giuffre 005431-005438 Medical Release Form with documents (Ms. Lightfoot) Giuffre006636 Correspondence stating no further records available.
Dr. Mona Devanesan	[REDACTED]	3/28/16 Ltr	Evidence of efforts to obtain records and of Dr. Devanesan's retirement were

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MEDICAL PROVIDER	HEALTHCARE PROVIDED	ACTION TAKEN	RELATED GIUFFRE PRODUCTION
		Request	produced as GIUFFRE005335-5338.
Dr. Scott Robert Geiger	[REDACTED]	ER Treating Physician	Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record)
Dr. Joseph Heaney	[REDACTED]	ER Treating Physician	Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record)
Donna Oliver, PA	[REDACTED]	ER Treating Physician Referral ENT	Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record)
Dr. Michele Streeter	[REDACTED]	ER Treating Physician	Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record)

The records in the chart above bear the date of treatment, the type of treatment, and indicate whether the treatment was inpatient or outpatient. Ms. Giuffre is not certain as to her the sum of her medical expenses from 1999 to the present, and therefore is unable to answer that subpart. Ms. Giuffre is not aware of what health insurance carrier or other organization paid for her historical medical expenses unless it is identified on the records produced to the Defendant. Subpart (h) is an inappropriate interrogatory; however, for each provider listed above, Ms. Giuffre already submitted medical releases for all records related to Ms. Giuffre.

14. Identify any Person who You believe subjected You to, or with whom You engaged in, any illegal or inappropriate sexual contact, conduct or assault prior to June 1999, including the names of the individuals involved, the dates of any such illegal or inappropriate sexual contact, conduct or assault, whether Income was received by You or anyone else concerning such event, whether a police report was ever filed concerning such event and the outcome of any such case, as well as the address and location of any such event.

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Response to Interrogatory No. 14:

Ms. Giuffre objects to this request in that it is overbroad and invades Ms. Giuffre right to privacy (including her constitutionally-protected right of privacy) by seeking confidential information relating to the sexual abuse of a minor sex abuse victim. Ms. Giuffre objects to this request in that it seeks sexual assault information for a period prior to the sexual abuse at issue in this matter, and for a period when she was a minor child. The Court has excluded the production of medical records from prior to 1999, stating, “the damage issue relates, in my view, solely to the defamation.” (April 21, 2016, Hearing Transcript at 20:23-24). This holding applies equally to pre-1999 sexual assault for two reasons. First, sexual assault is not only a crime, but a physical injury, and an injury for which medical treatment is needed and for which a forensic medical exam is often performed. Accordingly, any documentation of sexual assault is necessarily akin to a medical record, and therefore precluded under the Court's April 21, 2016 Order. Furthermore, this Court's holding likely expands specifically to sexual abuse and assault prior to 1999, because the holding was in response to the following argument from Ms. Menninger: “She has also alleged, for example, that many, several, three, I think, at last count, or four individuals had sexually abused her prior to ever meeting Mr. Epstein.” (April 21, 2016, Hearing Transcript at 11:24-12:2).

Additionally, it has become increasingly clear that Defendant's counsel is seeking these documents for the improper purpose of harassment as part of Defendant's counsel's campaign to blame the victim and make Ms. Giuffre (who was 15 years old or younger at the time of the requested documents). Maxwell's counsel has used offensive language in this proceeding at every turn. First, Ms. Menninger called Ms. Giuffre a “professional victim” in open court. (January 14, 2016 Hearing Transcript at 5:9). Then, Mr. Pagliuca stated that Ms. Giuffre “cried

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rape" in reference to police reports describing incidents that took place when Ms. Giuffre was *fourteen years old*. (March 21, 2016, meet and confer call). Then, Defendant's responses to Ms. Giuffre's interrogatories shockingly called this victim of sexual abuse a "sexually permissive woman." (Defendant's Response to Plaintiff's First Set of Interrogatories). This last blame-the-victim contention is strange and ironic for two reasons. First, Ms. Giuffre was a minor child, not a "woman," when Defendant sexually abused her. Second, it was Defendant and Mr. Epstein who trafficked her to other individuals - therefore, it was Defendant and Mr. Epstein's "permission" given to others to use Ms. Giuffre's sexually. Such language from Defendant and her counsel is wholly inappropriate.

Ms. Giuffre also objects to this request because such events would have taken place in Florida, and information relating to those events is protected from disclosure by law. Florida statutes protect "[a]ny information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery . . . which reveals that minor's identity." Fla. Stat. § 119.071. Additionally, Fla. Stat. 985.036 protects records where a juvenile is a victim of a crime. Further, Section 794.026, Fla. Stat., creates a civil right of action against an individual who communicates to others, identifying information concerning the victim of a sexual offense. Additionally, Second, Fla. Stat. § 985.04 and Fla. Stat. § 985.054 make juvenile law enforcement records confidential from members of the public, and states that information obtained by a law enforcement agent participating in the assessment of a juvenile is confidential. Finally, certain of the police reports implicate Ms. Giuffre's involvement with the Florida Department of Children and Families, *see e.g.*, GM_00750, and if such reports are part of the State's Department of Children and Families' records, they are confidential pursuant to Fla. Stat. § 39.202(6). Accordingly, Ms. Giuffre objects to this request for the reasons stated in this paragraph.

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Ms. Giuffre additionally objects to this request in that it is sought solely to harass, and intimidate Ms. Giuffre who is a victim of sexual abuse by the Defendant. Ms. Giuffre objects on the basis that Defendant is not entitled to a full-scale production of everything that has happened throughout the entire course of her life time, particularly the time sought in this request which predates Defendant's meeting and abuse of Ms. Giuffre. A victim of sexual abuse should not be re-abused by having to disclose events that occurred prior to the time that she was sexually abused by Maxwell and her co-conspirators.

Furthermore, discovery concerning Ms. Giuffre's prior sexual assault is not relevant to the claim at issue in this case, the defenses at issue, or the damages claimed, and therefore well outside the scope of discovery permitted by Fed. R. Civ. P. 26. Specifically, Ms. Giuffre's sexual abuse as minor child neither proves nor disproves Defendant and Epstein's sexual abuse; therefore, it is not within the scope of discovery permitted by Fed. R. Civ. P. 26, particularly since the December 1, 2015, amendments to the Rule. "Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b)(1). Giving testimony on such irrelevant, but painful, topics would be extraordinarily embarrassing, oppressive, and traumatic for Ms. Giuffre, and it is wholly irrelevant to any party's claim or defense. Accordingly, such discovery is not sought in good faith.

This request is particularly improper as it cannot conceivably lead to admissible evidence. While Federal Rule of Civil Procedure 26 controls the limits of discovery, FRE 412

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informs discovery over the boundaries of the proper inquiry into an alleged sexual assault victim's sexual conduct and history. *Silva v. Pioneer Janitorial Servs., Inc.*, No. CIV.A. 10-11264-JGD, 2011 WL 4729783, at *1 (D. Mass. Oct. 4, 2011). *See also Gibbons v. Food Lion, Inc.*, No. 98-1197-CIV-T-23F, 1999 WL 33226474, at *2 (M.D. Fla. Feb.19, 1999) (stating that a majority of courts that have considered whether Fed. R. Evid. 412 is applicable to discovery “have found that Rule 412 has significance in the resolution of a discovery dispute”).

“As explained in the Advisory Committee Notes regarding the 1994 amendments to Rule 412, ‘[t]he rule aims to safeguard the alleged victim against the invasion of privacy, potential embarrassment and sexual stereotyping that is associated with public disclosure of intimate sexual details and the infusion of sexual innuendo into the factfinding process.’ Moreover, although the Advisory Committee Notes acknowledge that the procedures set forth in the Rule for determining the admissibility of evidence relating to an alleged victim's past sexual conduct or predisposition do not apply to discovery, they nevertheless provide as follows:

In order not to undermine the rationale of Rule 412 ... courts should enter appropriate orders pursuant to Fed.R.Civ.P. 26(c) to protect the victim against unwarranted inquiries and to ensure confidentiality. Courts should presumptively issue protective orders barring discovery unless the party seeking discovery makes a showing that the evidence sought to be discovered would be relevant under the facts and theories of the particular case, and cannot be obtained except through discovery. In an action for sexual harassment, for instance, while some evidence of the alleged victim's sexual behavior and/or predisposition in the workplace may perhaps be relevant, non-workplace conduct will usually be irrelevant.

Silva, 2011 WL 4729783, at *1. (emphasis added). Accordingly, Ms. Giuffre objects to this request based on the Federal Rules of Evidence and prevailing case law applying such Rules.

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as it, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre

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objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Additionally, to the extent that it is available to Ms. Giuffre, all of this information is already in the possession of Maxwell as she obtained and produced police reports regarding Ms. Giuffre, which Ms. Giuffre did not have in her possession. Ms. Giuffre was also questioned for seven hours in her May 3, 2016, deposition by Defendant's attorney. Finally, where a party possesses records and documents obtained or generated illegally, the court has the equitable power to vindicate and protect the rights of the parties affected. *Socialist Workers Party v. Attorney Gen. of U.S.*, 666 F. Supp. 621, 623 (S.D.N.Y. 1987). For all of the foregoing reasons, Ms. Giuffre objects to this request.

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REQUESTS FOR ADMISSION

1. Admit that you were not 15 years old when you first met Ghislaine Maxwell.

Response to Request For Admission No. 1:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

2. Admit that you were not 15 years old when you first met Jeffrey Epstein.

Response to Request For Admission No. 2:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

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3. Admit that you were not 15 years old at the time you claim you were sexually trafficked by Jeffrey Epstein.

Response to Request For Admission No. 3:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

4. Admit that Ghislaine Maxwell did not celebrate your 16th birthday with You.

Response to Request For Admission No. 4:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor. While she now knows, based on this discovery, that it could not have been her 16th birthday that Ghislaine celebrated, she now has conclusive proof that she was an underage minor when

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Ghislaine Maxwell approached and recruited her for illegal purposes, and she remembers celebrating a birthday with Ghislaine Maxwell.

5. Admit that Ghislaine Maxwell did not make a joke on your 16th birthday after You blew out an array of candles and said You "would be soon getting too old for Jeffrey's taste, and soon they'd have to trade me in."

Response to Request For Admission No. 5:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor. While she now knows, based on this discovery, that it was not her 16th birthday that she celebrated with Ghislaine Maxwell, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached and recruited me for illegal purposes, and she remember celebrating a birthday with Ghislaine Maxwell, during which she made the referenced joke.

6. Admit that you did not work at Mar-a-Lago when you were 15 years old.

Response to Request For Admission No. 6:

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at

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Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

7. Admit that you did not work for Jeffrey Epstein for four years.

Response to Request For Admission No. 7:

Denied in part. At the time she made the statement, many years after the events occurred, and based purely from memory without the assistance of any documents, she firmly believed she was with Jeffrey Epstein over a four year period. With the assistance of various records obtained after she made that statement, she now knows that she was not with Jeffrey Epstein for four years. She was sent to Thailand by Jeffrey Epstein in September 2002 and that was the last time she saw him.

8. Admit that You did not spend four years as an underage sex slave for Jeffrey Epstein.

Response to Request For Admission No. 8:

Denied in part. At the time she made the statement, many years after the events occurred and based purely from memory without the assistance of any documents, she firmly believed she was with Jeffrey Epstein over a four year period. With the assistance of various records obtained after she made that statement, she now knows that she was not with Jeffrey Epstein for four years; however she was a sex slave for Jeffrey Epstein for years.

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9. Admit that you were no younger than 17 years old when you worked at Mar-a-Lago.

Response to Request For Admission No. 9:

Denied. After thorough investigation, she has only been able to discover the year in which she worked at Mar-a-Lago was 2000, and consequently was recruited by Ghislaine Maxwell, for sex with Epstein. The month has not been made available, therefore denied.

10. Admit that You never observed Ghislaine Maxwell ever have any sexual contact with any person under the age of 18.

Response to Request For Admission No. 10:

Denied.

11. Admit that You never observed Bill Clinton on the island of Little St. James.

Response to Request For Admission No. 11:

Denied.

12. Admit that You never had a conversation with Bill Clinton regarding him flying with Ghislaine Maxwell in a helicopter.

Response to Request For Admission No. 12:

Objection. Defendant Maxwell has clearly incorrectly interposed and comingled the facts which comprise the foundation of this request for admission. Ms. Giuffre has never alleged that she "had a conversation with Bill Clinton regarding him flying with Ghislaine Maxwell in a helicopter." Instead, Ms. Giuffre has alleged, "I flew to the Caribbean with Jeffrey and then Ghislaine Maxwell went to pick up Bill [Clinton] in a huge black helicopter that Jeffrey had bought her." Sara Nathan, *Bill Clinton Pictured with Jeffrey Epstein's Social Fixer*, Daily Mail, (12 January 2015).

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As a threshold matter, a court must determine whether the statements set forth in a request for admissions satisfy the formal requirements of Rule 36: "(e)ach request for admissions must be direct, simple and 'limited to singular relevant facts,'" *United States v. Consolidated Edison Co.*, 1988 WL 138275 (E.D.N.Y. [Dec. 15, 1988]) (quoting *S.E.C. v. Micro-Moisture Controls*, 21 F.R.D. 164, 166 (S.D.N.Y.1957)), so that "it can be admitted or denied without explanation." [8 C. Wright & A. Miller,] *Federal Practice and Procedure*, § 2258 [(1970)]. A request "should not state 'half a fact' or 'half-truths' which require the answering party to qualify responses." *Havenfield Corp. v. H & R Block, Inc.*, 67 F.R.D. 93, 96–97 (W.D.Mo.1973); *Dubin*, 125 F.R.D. at 375–76. *See also Thalheim v. Eberheim*, 124 F.R.D. 34, 35 (D.Conn.1988) (court must consider phraseology of requests as carefully as that of answers or objections).

Consequently, Ms. Giuffre objects to answering this request for admission as it is based on "half-truths," which make it impossible to answer without a qualified response.

13. Admit that You never observed Al Gore on the island of Little St. James.

Response to Request For Admission No. 13:

Denied in part. Her memory from 15 or more years ago is that it was on the island where she met Mr. Gore, although she has testified that she could have been incorrect on that location. While traveling with Epstein and Maxwell, she met so many people and was taken to so many places as a minor that perfect recall of exact locations is difficult, but based on her best recollection, denied.

14. Admit that You never had sexual contact with Alan Dershowitz.

Response to Request For Admission No. 14:

Denied.

15. Admit that You never had sexual contact with Andrew, Duke of York.

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Response to Request For Admission No. 15:

Denied.

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REQUESTS FOR PRODUCTION

1. All Communications and Documents identified in Interrogatories 5-14, above.

Response to Request For Production No. 1:

Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre objects to this request on the grounds that it is wildly overly broad and unduly burdensome, and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, as described more fully above in response to the interrogatories. For example, Interrogatory Number 5, would cover documents spanning over 100 years collectively from attorneys, and compliance with this production request would be literally impossible due to the untethered scope of the request. Ms. Giuffre objects to this request in that it seeks to invade the privacy rights of a sex abuse victims, and is meant for the improper purpose of harassing and intimidating this victim.

2. All Documents reviewed or relied upon in answering Interrogatory Nos. 5-14 above.

Response to Request For Production No. 2:

Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre objects to this request in that it is overly broad incorporating the interrogatories that total 59 subparts. Ms. Giuffre objects to this request for the reasons stated above in response to interrogatories, and in that it seeks to invade the privacy rights of a sex abuse victim and is meant for the improper purpose of harassing and intimidating this victim.

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3. All Documents reviewed or relied upon in answering Requests for Admission Nos. 1-15 above.

Response to Request For Production No. 3:

Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre objects to this request in that it is overly broad incorporating the interrogatories that total 59 subparts. Ms. Giuffre objects to this request in that it seeks to invade the privacy rights of a sex abuse victims and is meant for the improper purpose of harassing and intimidating this victim.

Subject to and without waving the above objections, Ms. Giuffre is withholding production of documents that are privileged pursuant to the attorney-client privilege, the work product privilege, and the public interest privilege. Ms. Giuffre is also withholding electronic renditions of photographs that depict the faces of her minor children, including school portraits and other photographs taken that reveal the faces of her minor children.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE007566.

4. All Documents relating to any Communications between or among You or Your attorneys or any agent for You or Your attorneys, and any of the following individuals or with their attorneys, agents or representatives:

- a. Any witness disclosed in Plaintiff's Rule 26(a) disclosures;
- b. Any witness disclosed in Defendant's Rule 26(a) disclosures;
- c. Any witness identified by You in response to Interrogatory No. 8 and No. 14.

Response to Request For Production No. 4:

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Ms. Giuffre objection to this request on the grounds that it is overly broad and unduly burdensome in that it is not limited in time, and it seeks documents relating to hundreds of individuals. Ms. Giuffre objects because compliance with this request is unduly burdensome. For example,, this request seeks documents relating to over 100 individuals, and has no date or time limitations or subject matter limitations whatsoever. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Specifically, counsel's communications with witnesses are protected under the work product doctrine. Ms. Giuffre objects to this request in that it is sought solely to harass and intimidate Ms. Giuffre, and invade her privacy, by seeking her private communications with her various family members, including aunts, uncles and parents and siblings. Ms. Giuffre further objects as this request calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

Ms. Giuffre is withholding production of documents that are privileged pursuant to the attorney-client privilege, the work product privilege, and the public interest privilege. Ms. Giuffre is also withholding electronic renditions of photographs that depict the faces of her minor children, including school portraits and other photographs taken that reveal the faces of her minor children.

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Ms. Giuffre additionally objects to the extent that this request seeks the communications of her attorneys, as such request is overly broad and unduly burdensome. This is especially true given that certain attorneys for Ms. Giuffre additionally represent other individuals listed on the Rule 26 Disclosures in separate legal matters, and revelation of such communications would violate privileges that do not belong to Ms. Giuffre, but rather belong to other victims of sexual abuse who have not waived such privileges. Accordingly, Ms. Giuffre is withholding these documents from production based on her objections.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE007566, which includes her communications with many of the individuals set forth in this request. However, producing documents with the additional, newly-added individuals would be overly burdensome, as there is no limitation as to time period, scope or subject-matter.

5. All photographs or video containing any image of You and the following individuals. To the extent You have such photographs and video in their original, native format, please produce them in that format (not a paper copy).

- a. Any of the individuals identified by You in response to Interrogatory No. 8 and No. 14.

Response to Request For Production No. 5:

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the Defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre.

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Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE007566, and will produce non-privileged documents responsive to this Request and will continue to supplement her production limited to documents that do not depict images of her minor children. Ms. Giuffre does not have "original, native format," as requested so she is producing the paper copies she has in her possession, custody and control.

Furthermore, Ms. Giuffre has now produced the pictures in her possession related to the above-referenced case. Any remaining photographs not produced are solely in the possession of the Defendant and her co-conspirators.

6. All Documents concerning any Communications between you or your attorneys and any witness or any potential witness in *Giuffre v. Maxwell*.

Response to Request For Production No. 6:

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it seeks documents relating to hundreds of individuals, and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects because compliance with this request is unduly burdensome. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege, and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre.

Ms. Giuffre further objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, public interest or any other applicable privilege.

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Ms. Giuffre objects to this request in that it is sought solely to harass and intimidate Ms. Giuffre, and invade her privacy, by seeking her private communications with her various family members, including aunts, uncles and parents and siblings.

Subject to and without waving the above objections, Ms. Giuffre is withholding production of documents that are privileged pursuant to the attorney-client privilege, the work product privilege, and the public interest privilege. Ms. Giuffre is also withholding electronic renditions of photographs that depict the faces of her minor children, including school portraits and other photographs taken that reveal the faces of her minor children.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE007566, and will produce non-privileged documents responsive to this Request limited to documents that do not depict images of her minor children as described *supra* and will continue to supplement this production. Ms. Giuffre will produce Ms. Giuffre's counsel's communications with attorneys for witnesses in this case from the date of filing this litigation to the present that are related to this litigation.

7. All Documents concerning any Communications between You and Your attorneys and Johanna Sjoberg or her lawyer, Marshall Dore Louis.

Response to Request For Production No. 7:

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and not waiving the above objections, Ms. Giuffre will produce Ms. Giuffre's counsel's communications with Marshall Dore Louis from the date of filing this litigation to the present.

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8. All Documents concerning any Communications between You and Your attorneys and Allyson Chambers or her lawyer, Marshall Dore Louis.

Response to Request For Production No. 8:

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

Ms. Giuffre will produce Ms. Giuffre's counsel's communications with Marshall Dore Louis from the date of filing this litigation to the present relating to the above-captioned case.

9. All Documents concerning any Communications between You or Your attorneys and any witness in the case captioned Jane Doe #1 and Jane Doe #2 v. United States, Case No. 08-ev-80736-KAM, in the U.S. District Court for the Southern District of Florida ("CVRA" case).

Response to Request For Production No. 9:

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

With regard to communications by Ms. Giuffre's attorneys, this request seeks clearly privileged materials, because Ms. Giuffre's attorneys represent not only Ms. Giuffre (Jane Doe 3) in the CVRA matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4. Any communications

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between the four Jane Does, via Ms. Giuffre's attorneys, would be plainly be subject to attorney client protection, not to mention work product protection as well.

With regard to contact with "witnesses," the request is vague, unduly burdensome, and overbroad. The CVRA case centers on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein. Accordingly, some of the main "witnesses" in the case are the Government prosecutors who handled the plea negotiations. Several of the same prosecutors who handled the plea negotiations are also involved in defending the CVRA case. The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims' counsel and provided to Judge Marra for *in camera* review). The request appears designed to target all of these communications, and such communications, going *back eight years*, would necessitate a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutors. The burden would be substantial and the relevance would be essentially non-existent. Whatever communications Ms. Giuffre's attorneys would have had with government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

Moreover, many materials related to this case remain under Judge Marra's protective order. Accordingly, before Ms. Giuffre's counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

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The request is also vague because it is not clear precisely what "witnesses" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult and overly burdensome. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre's attorneys with collecting such communications when she can collect them in other ways.

10. All Documents concerning any Communications between you or your attorneys and any witness or potential witness in Edwards and Cassell v Dershowitz ("Dershowitz" case).

Response to Request For Production No. 10:

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. It is not clear what the phrase "concerning" is designed to cover. As a third-party witness in that action, Ms. Giuffre had numerous communications with, for example, her attorneys in relation to that matter, and therefore, these communications are subject to the attorney client privilege and protected by the work product doctrine. It unclear what documents "concerning" communications with "witnesses" refers to, and it could expansively cover a vast number of documents, emails, and other communications that have taken place over the course of this litigation.

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With regard to communications by Ms. Giuffre's attorneys, this request seeks clearly privileged materials (or materials covered by the work product doctrine).

With regard to "witnesses" or "potential witnesses," the request is vague, unduly burdensome, and overbroad. The Dershowitz case centers on issues surrounding whether the Ms. Giuffre's lawyers (Edwards and Cassell) had conduct a sufficient investigation before filing a motion to join Jane Doe 3 (and Jane Doe 4) into the CVRA case. That investigation involves not only attorney-client materials, but also work product protections for Jane Doe 1 and Jane Doe 2. This request, then, covers communications going back eight years, and it would involve a review of several hundreds of thousands of emails over that time to identify communications relevant to the potential "witnesses" who might have been able to shed light on the claims in the CVRA case and, in turn, whether sex abuse had been committed by Alan Dershowitz. The burden would be substantial and the relevance would be essentially non-existent. Such a burden is not countenanced by Rule 26 or the prevailing case law. Whatever communications Ms. Giuffre's attorneys may have had as part of their (work product protected) investigation would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

The request is also vague because it is not clear precisely what "witnesses" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz. Again, the relevance of such communications seems basically non-existent to the action. But because their investigations have spanned eight years, collecting such communications would be difficult. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre's attorneys with

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collecting such communications when she can collect them in other ways. Indeed, in light of the fact that Maxwell and Dershowitz have a close working relationship, it is unduly burdensome that Maxwell seeks these items not from her ally but from attorneys for her legal adversary.

11. Any statement obtained by You or Your attorneys from any witness or potential witness in the CVRA case.

Response to Request For Production No. 11:

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre objects because the term "statement" is vague and ambiguous, unduly burdensome and overbroad. With regard to communications to Ms. Giuffre's attorneys, this request seeks clearly privileged materials, because Ms. Giuffre's attorneys represent not only Ms. Giuffre (Jane Doe 3) in the matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4.

The CVRA case centers on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein.

The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims' counsels and provided to Judge

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Marra for in camera review). It is not clear whether the request is designed to request all of these communications as "statements," but if it does capture these communications going back eight year, it would involve a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutor. The burden would be substantial and the relevance would be essentially non-existent. Whatever statements Ms. Giuffre's attorneys obtained from government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar. Moreover, many materials remain under Judge Marra's protective order. Accordingly, before Ms. Giuffre's counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

The request is also vague because it is not clear precisely what "statements" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre's attorneys with collecting such statements when she can collect them in other ways.

12. Any statement obtained by You or Your attorneys from any witness or potential witness in the Dershowitz case.

Response to Request For Production No. 12:

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Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre objects because the term "statement" is vague and ambiguous, unduly burdensome and overbroad. The Dershowitz case centers on issues surrounding whether the Ms. Giuffre's lawyers (Edwards and Cassell) had conduct a sufficient investigation before filing a motion to join Jane Doe 3 (and Jane Doe 4) into the CVRA case. That investigation involves not only attorney-client materials, but also work product protections for Jane Doe 1 and Jane Doe 2. The request potentially covers communications or "statements" going back eight years, and it would involve a review of several hundreds of thousands of emails over that time to identify "statements" made by any "witness" or "potential witness" who might have been able to shed light on whether sex abuse had been committed by Alan Dershowitz. The burden would be substantial and the relevance would be essentially non-existent. Whatever communications Ms. Giuffre's attorneys may have had as part of their (work product protected) investigation would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

With regard to communications to Ms. Giuffre's attorneys, this request seeks clearly privileged materials, because Ms. Giuffre's attorneys represent not only Ms. Giuffre (Jane Doe 3) in the matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4 in the CVRA litigation.

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The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims' counsels and provided to Judge Marra for in camera review). It is not clear whether the request is designed to request all of these communications as "statements," but if it does capture these communications going back eight year, it would involve a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutor. The burden would be substantial and the relevance would be essentially non-existent. Whatever statements Ms. Giuffre's attorneys obtained from government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

The request is also vague because it is not clear precisely what "statements" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of these cases. Again, the relevance of such communications seems basically non-existent to the action. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. In light of the fact that Maxwell and Dershowitz have a close working relationship, it is unduly burdensome that Maxwell seeks these items not from her ally but from attorneys for her legal adversary. There is no reason to burden Ms. Giuffre's attorneys with collecting such statements when she can collect them in other ways.

Dated: July 1, 2016

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Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIRGINIA GIUFFRE,

Plaintiff,

-against-

GHISLAINE MAXWELL,

Defendant.

No. 15 Civ. 7433 (RWS)

MEMORANDUM OF LAW IN SUPPORT OF PROPOSED INTERVENOR ALAN M. DERSHOWITZ'S MOTION FOR PERMISSIVE INTERVENTION AND UNSEALING OF JUDICIAL DOCUMENTS, OR IN THE ALTERNATIVE MODIFICATION OF PROTECTIVE ORDER

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PRELIMINARY STATEMENT

At nearly 78 years of age, Alan M. Dershowitz, the highly regarded Harvard Law professor, criminal defense lawyer, and author, is entitled to enjoy the reputation for strict personal rectitude that he has earned. Unfortunately, however, over the course of the last year and a half, that reputation has been unfairly sullied, tainted by false and grotesque allegations of pedophilia and rape peddled to the press by Virginia Giuffre, the plaintiff in this lawsuit, and republished all over the world. Professor Dershowitz has done everything in his power to combat this assault on his reputation, from proclaiming his innocence in public, to marshalling every bit of information within his control to demonstrate that the allegations cannot be true, to submitting to a full investigation of the charges by former federal judge and FBI Director Louis Freeh, who exonerated him. And still the stories keep coming.

Now, having been named as a witness in this action by both plaintiff and defendant, Professor Dershowitz has been granted access to certain materials subject to this Court's stipulated Protective Order and filed under seal—and those materials, some of them in Ms. Giuffre's own words, confirm his absolute innocence. They demonstrate that Ms. Giuffre did not accuse Professor Dershowitz of sexual misconduct until years after she first named *other* prominent men who she claimed had abused her; that there was “no proof” that Professor Dershowitz had ever done anything wrong; and that Ms. Giuffre concocted her malicious allegations against Professor Dershowitz, and used his name in her statements and book proposal, not because he abused her—he didn't—but because he is famous and she believed that his name would help sell the book.

In this application, Professor Dershowitz seeks to intervene in this case for the limited purpose of obtaining relief that is modest and narrowly tailored: the unsealing of portions of a brief filed in connection with a motion to quash a subpoena (“Reply Brief”), and certain emails

submitted as part of that same motion (“Emails”), as well as a draft of Ms. Giuffre’s memoir (“Manuscript”) that was filed in connection with a motion to extend the parties’ deadline for deposition discovery. Unsealing of these three documents (the “Requested Documents”) is required because they are all judicial documents to which a presumption of public access applies. In the alternative, if the Court declines to unseal the Requested Documents on the basis that they are judicial documents, Professor Dershowitz seeks modification of the Court’s March 18, 2016 stipulated Protective Order to permit the dissemination of the Requested Documents. The Requested Documents concern allegations by Ms. Giuffre whose substance has already been widely aired in public—including, apparently, on camera to ABC News—and which have been widely circulated for sale to publishers and journalists. Ms. Giuffre’s efforts to gain publicity and a book deal based on public interest in her claims should forfeit any asserted right to maintain the confidentiality of these documents.

Separately and together, the Requested Documents demonstrate that the allegations of sexual misconduct against Professor Dershowitz—which were lodged by Ms. Giuffre in public court filings and repeated worldwide in the press—are nothing more than a recent fabrication, a made up story designed to increase commercial interest in Ms. Giuffre’s book and promote its sale to a publisher and eventually to readers. Accessing these materials without restriction, and making them public, is essential to Professor Dershowitz’s ability to defend himself.

There is no basis for the Requested Documents to remain secret, much less for their secrecy to be maintained by court order. Ms. Giuffre has done everything in her power to publicize her false allegations against Professor Dershowitz: through her lawyers, she publicly filed the accusations in a federal court proceeding; she and her lawyers stood by her claims, in both court filings and public statements to the media, even after her lawyers had issued a public statement acknowledging that filing them had been a “mistake;” she shopped a book manuscript

to agents, publishers, and the press with the goal of maximizing the public attention paid to her slanderous story; and she even sought and obtained a lengthy interview with ABC News with the intent that it be broadcast on national television news programs. Ms. Giuffre and her attorneys cannot credibly argue that documentary evidence undermining the accusations she has spent years working to make public are “secret” and should be kept so under the authority of this Court.

Disclosing the Requested Documents would violate no right of privacy. By publicly leveling false accusations against Professor Dershowitz in graphic detail and seeking to publicize those accusations in the media, Ms. Giuffre has forfeited any claim that her own (defamatory) words are somehow confidential. Indeed, what Ms. Giuffre’s own counsel have referred to as the “strong current media interest in the case”—which Ms. Giuffre has worked to sustain, including by selling her story—bolsters the public’s right to access the Requested Documents. Were Ms. Giuffre to prevail in her efforts to suppress these documents of high public interest, the result would be absurd and unfair: Ms. Giuffre’s false allegations would remain in the public record, while the innocent victim of her slanders would be barred from using her own words to disprove them. No one should be permitted to game the legal system so perversely.

The law recognizes Professor Dershowitz’s right to the Requested Documents under the First Amendment, the common-law right of access to judicial documents, and governing Second Circuit jurisprudence, which forbids sealing and secrecy for their own sake. Here, having waived any privacy interest she may have had by both disseminating the allegations against Professor Dershowitz and by filing this lawsuit against Ghislaine Maxwell, Ms. Giuffre should not be heard to say that her own words, and the words of those with whom she communicated, are somehow “confidential.” They are not. This Court should grant Professor Dershowitz the right to intervene in this action and unseal the Requested Documents.

FACTUAL AND PROCEDURAL BACKGROUND

I. MS. GIUFFRE’S ALLEGED RELATIONSHIP WITH JEFFREY EPSTEIN AND BELATED ACCUSATIONS AGAINST PROFESSOR DERSHOWITZ

In 2006, Professor Dershowitz was retained by financier Jeffrey Epstein to join a team of lawyers hired to defend Epstein against accusations that he had solicited sex workers and had inappropriate sexual encounters with underage girls.¹ Declaration of Alan M. Dershowitz (“Dershowitz Decl.”) ¶¶ 6-7. In 2008, Epstein pleaded guilty to certain offenses involving sex with minors. *Id.* ¶ 7. Ms. Giuffre has alleged that she was one of Epstein’s victims, although Epstein was neither charged nor convicted of any conduct toward her. *Id.* ¶ 8. Ms. Giuffre claims that she was held as a “sex slave” and trafficked by Epstein, who she alleges facilitated sexual encounters with a number of men. *Id.*

In the period from 2006 through 2014, Ms. Giuffre submitted to interviews with law enforcement, told her story to the media, drafted a tell-all memoir, and filed a lawsuit alleging that Mr. Epstein had trafficked her to many of his prominent associates. *Id.* ¶¶ 10-14. During this period, Ms. Giuffre never once claimed to have had any sexual contact with Professor Dershowitz, much less that he had sexually abused her. *Id.* Then, in December 2014, Ms. Giuffre—represented by attorneys Bradley Edwards and Paul Cassell—filed a motion to join an action (the “CVRA Action”) that had been initially filed in the United States District Court for the Southern District of Florida in 2008 by another of Mr. Epstein’s alleged victims, who was designated as “Jane Doe.” *Jane Doe #1 v. United States of America*, No. 08 Civ. 80736 (S.D. Fla.) (hereinafter, *Doe v. USA*); Dershowitz Decl. ¶ 16. In late 2014 and early 2015, Ms. Giuffre’s lawyers alleged in public court filings in the CVRA Action that Mr. Dershowitz had had sex with Ms. Giuffre on numerous occasions while she was a minor, including in Florida, on

¹ Professor Dershowitz had been acquainted with Mr. Epstein through academic events for a number of years prior to his retention as Mr. Epstein’s counsel, but had neither witnessed nor heard about allegations of sexual misconduct by Mr. Epstein before being hired to represent him. Dershowitz Decl. ¶ 6.

Mr. Epstein’s private planes, in the British Virgin Islands, in New Mexico, and in New York. Dershowitz Decl. ¶ 17. Unlike much of the record in the CVRA Action, these allegations were not sealed; instead, they were filed publicly without any evidence to support them and without affording Professor Dershowitz an opportunity to dispute them. *Id.* Although Ms. Giuffre elaborated these false allegations in subsequent filings, eventually, the presiding judge in the CRVA Action struck them as a sanction against the lawyers who had filed them. But the damage to Professor Dershowitz’s reputation had been done—and it would persist. *Id.* ¶¶ 18-19.

In the wake of the grotesque allegation that he is a pedophile and a sex criminal, Professor Dershowitz loudly and publicly defended himself. In January 2015, Ms. Giuffre’s attorneys, Mr. Edwards and Mr. Cassell, sued Professor Dershowitz for defamation, citing comments he made in his own defense. *Id.* ¶ 21. During discovery in that action, Ms. Giuffre never produced the Emails or the Manuscript despite a court order requiring her to provide all statements referencing Professor Dershowitz by name; she also falsely testified under oath in her deposition that she never exchanged emails with Sharon Churcher or other members of the press about Professor Dershowitz. *Id.* ¶¶ 22-23. The defamation action ultimately settled in April 2016, and the parties released a joint statement in which attorneys Cassell and Edwards admitted that it was a mistake to accuse Professor Dershowitz of sexual misconduct in their filings in the CVRA Action and withdrew those allegations. *Id.* ¶ 24 & Ex. H. Also in April 2016, Professor Dershowitz released the results of a thorough investigation led by former FBI Director and federal judge Louis Freeh, which found that “the totality of the evidence” “refutes the allegations made against” Professor Dershowitz by Ms. Giuffre. *Id.* ¶ 25 & Ex. I.

II. MS. GIUFFRE AND HER ATTORNEYS’ CONTINUING INSISTENCE ON, AND REPETITION OF, ACCUSATIONS AGAINST PROFESSOR DERSHOWITZ

Despite the settlement of the defamation case and the resulting joint statement, the court order striking the “lurid” allegations against Professor Dershowitz in the CVRA Action, and the

results of Judge Freeh’s investigation, Ms. Giuffre and her counsel have republished Ms. Giuffre’s allegations against Professor Dershowitz. *Id.* ¶ 26. For example, on April 8, 2016, just after the settlement of the defamation case, Mr. Cassell and Mr. Edwards made a court filing that stated that Ms. Giuffre “reaffirms” her allegations against him, and that their mistake in filing those allegations in the CVRA Action was merely “tactical.” *Id.* ¶ 26 & Ex. J. David Boies, another of Ms. Giuffre’s attorneys in this case, was described as saying that Ms. Giuffre “stands by her allegations” against Professor Dershowitz. *See* Casey Sullivan, *Alan Dershowitz Extends Truce Offer to David Boies Amid Bitter Feud*, BLOOMBERG LAW (Apr. 11, 2016), <https://bol.bna.com/alan-dershowitz-extends-truce-offer-to-david-boies-amid-bitter-feud/>. These statements—which falsely imply that Professor Dershowitz is guilty of sexual misconduct—are highly injurious to his reputation, especially when they come from otherwise-credible lawyers. *Id.* ¶ 26. The claim that Professor Dershowitz engaged in sexual misconduct with Ms. Giuffre has also continued to receive attention in the press. *See id.* ¶ 27 & Ex. K. Professor Dershowitz has learned that Ms. Giuffre sat for an interview with ABC News, presumably as part of her efforts to increase public interest in (and the commercial value of) her “story.” *Id.* ¶ 27. The interview was announced on social media by an organization with which Mr. Edwards is associated and was said to be slated to appear on ABC’s Good Morning America, World News Tonight, and Nightline programs. *Id.* While the ABC News interview apparently has not yet run, there is no assurance that it will not run in the future. *Id.*

III. THE EXCULPATORY EMAILS, REPLY BRIEF, AND MANUSCRIPT

Each of the Requested Documents corroborates Professor Dershowitz’s claims of innocence and undermines both Ms. Giuffre’s credibility generally and the veracity of her accusations against Professor Dershowitz specifically.

First, the Emails, consisting of one exchange dated May 10-11, 2011 and another dated June 8, 2011, discuss, among other topics, Ms. Giuffre's Manuscript, which purports to recount her experiences with Epstein and other prominent people. *Id.* ¶ 34. Within the May 2011 exchange, Ms. Giuffre writes to Ms. Churcher on May 10, 2011:

“Hello gorgeous, I hope this message comes to you on a bright, sunny day!!! I took your advice about what to offer Sandra and she accepted. Were drawing up a contract through her agent right now and getting busy to meet my deadline. Just wondering if you have any information on you from when you and I were doing interviews about the J.E. story. I wanted to put the names of these assholes, oops, I meant to say, pedo's, that J.E. sent me to. With everything going on my brain feels like mush and it would be a great deal of help!...”

Dershowitz Decl., Ex. A at GIUFFRE004096-97. In an e-mail dated May 11, 2011, Ms. Churcher replies to Mrs. Giuffre, urging her to use Professor Dershowitz's name in her book proposal despite the lack of any evidence of his involvement in wrongdoing:

Don't forget Alan Dershowitz...JE's buddy and lawyer..good name for your pitch as he repped Claus von Bulow and a movie was made about that case...title was Reversal of Fortune. We all suspect Alan is a pedo and tho no proof of that, you probably met him when he was hanging put [sic] w JE.”

Id. at GIUFFRE004096.²

The June 8, 2011 exchange shows Ms. Churcher corresponding with a book agent to promote Ms. Giuffre's book; Ms. Giuffre is copied on the message. Ms. Churcher mentions Professor Dershowitz as one of Epstein's lawyers, together with Kenneth Starr, but not as an abuser:

Hi Jarred

Hopefully you have Virginia's book pitch by now.

She has some amazing names which she can share with you in confidence and I think she also has a human interest story that

² The relevant excerpts of the Requested Documents are reproduced herein without any alterations or corrections to spelling, grammar, or typographical errors.

could appeal to the Oprah/female set as well as the Wall Streeters who follow Epstein — a hedge fund king.

Here are a few of our stories about Virginia, plus some examples of the massive US and other international media pickup. Vanity Fair are doing a piece I believe in their August issue. The FBI have reopened the Epstein case due to Virginia's revelations. I also am attaching a link to a NY Magazine profile of Epstein.....written before his world combusted. The FBI believe he was essentially running a private — and mobile -- brothel for some of the world's richest and most influential men.

He got off the first time round after retaining Kenneth Starr (who witchhunted Bill Clinton) and Alan Dershowitz (von Bulow's appeal lawyer, who inspired the movie Reversal of Fortune). The US Justice Dept is investigating corruption allegations against at least one prosecutor involved in the case.

Best regards,

Sharon

Id. at GIUFFRE004028-29.

The Emails were filed under seal in connection with Ms. Churcher's motion to quash her deposition subpoena. Dershowitz Decl. ¶ 38. The Reply Brief, also filed under seal in pertinent part, characterizes these emails from Ms. Churcher's perspective, asserting as follows:

Churcher makes no suggestion that [Ms. Giuffre] had sexual contact with Dershowitz. To the contrary, she states that there was '*no proof*' that he was a 'pedo'—which directly contradicts such a suggestion in itself—but only that [Ms. Giuffre] 'probably met him when he was hanging out with [Jeffrey Epstein]'.

Dershowitz Decl., Ex. M at 8.

Finally, the Manuscript—which was filed in connection with Ms. Maxwell's opposition to Ms. Giuffre's request for an extension of the deposition discovery deadline—further corroborates that Ms. Giuffre's allegations against Professor Dershowitz are a recent fabrication. The draft mentions Professor Dershowitz only once, claiming, falsely, that he once walked into a room while Ms. Giuffre was in bed after a sexual encounter with Jeffrey Epstein:

Jeffrey's business was running well from the looks of his attentiveness the office he owned in the Upper East Side of Manhattan. Alan Dershowitz, his colleague in finances and personal solicitor, a bird of the same feather, I had seen hanging around the island and Jeffrey's Manhattan mansion, more and more these days. Alan's taste for the young and beautiful was a bias for a blooming business relationship between him and Jeffrey. After an explicit session of Jeffrey's vulgar pilgrimage into my body, we were interrupted by a knock at the door by Jeffrey's good friend, Alan. I wrapped myself up in Jeffrey's pink bed sheets, which is the color preference he chose to sleep in because it reminded him of the same color of his own words "Pussy", and covered my face from the unexpected intrusion. Jeffrey got up and wrapped a towel around his loins and answered the door completely calm. Opening the bedroom door and letting Alan inside they began to converse about business immediately, right in front of me. Jeffrey started to tell Alan what needed to be done while he jostled some notes down quickly. I peeked my head from underneath the covers thinking they were too wrapped up in their work to notice me get up and dressed, and Jeffrey turned back to me and told me to just stay there this would only take a second. Going back to Alan he turned his focus back into work and hustled out a few more orders before letting Alan out of the door and returning his attention to me.

Dershowitz Decl., Ex. B at 112. Putting aside that this account is a complete fabrication—Professor Dershowitz had no business dealings with Mr. Epstein and was not his lawyer at the time in question—the Manuscript contains no mention anywhere of any sexual contact between Professor Dershowitz and Ms. Giuffre, or between Professor Dershowitz and any other person. Indeed, though the Manuscript describes sexual encounters Ms. Giuffre allegedly had with a *different* member of the Harvard faculty—whom she identifies by name and physical characteristics—it levels *no* such accusation against Professor Dershowitz. Dershowitz Decl. ¶ 37.

The Requested Documents, taken together with other evidence currently in the public record, prove the following:

- Before her email correspondence with Sharon Churcher in 2011, Ms. Giuffre did not in any way accuse Professor Dershowitz of sexual abuse,

even though she had accused other prominent people of abusing her and had plenty of opportunity to do so.

- In an exchange of emails in 2011, Ms. Churcher, who was advising Ms. Giuffre about how to maximize her payments for selling her story, first raised the idea of mentioning Professor Dershowitz in connection with the alleged abuse, despite the fact that there was “no proof” that he was involved.
- After receiving this email, Ms. Giuffre did in fact put Mr. Dershowitz in her book draft, but she conspicuously did *not* accuse him of sexual abuse or even any sexual contact, even though she explicitly named others who she claimed had abused her.
- In a subsequent email exchange between Ms. Churcher, Ms. Giuffre, and Mr. Weisfeld, Ms. Churcher described several categories of prominent individuals with whom Ms. Giuffre claimed to have had sexual encounters. Professor Dershowitz’s name, along with that of Kenneth Starr, is mentioned in the email, but *only* as one of the lawyers who negotiated Mr. Epstein’s plea agreement, not as one of the “amazing names” of those who allegedly abused Ms. Giuffre.
- Ms. Giuffre lied during her deposition in the defamation case brought by her lawyers against Professor Dershowitz, testifying that there were no emails between herself and Ms. Churcher that mentioned Professor Dershowitz by name. Her lawyers did not correct this testimony.
- In her Reply Brief, Ms. Churcher has confirmed that Professor Dershowitz was not among the prominent individuals that Ms. Giuffre was accusing of sexual misconduct. The Reply Brief affirmatively argues that Ms. Churcher was “not suggesting” that Professor Dershowitz had sex with Ms. Giuffre, but merely mentioned him to remind Ms. Giuffre that Epstein and Professor Dershowitz knew each other.

Id. ¶ 43.

The Requested Documents strongly corroborate Professor Dershowitz’s denials of Ms. Giuffre’s malicious and false allegations against him, and undermine her credibility by showing that she has lied under oath about him before. *Id.* ¶ 44. Because Ms. Giuffre and her lawyers continue to publicly stand by Ms. Giuffre’s accusations against Professor Dershowitz, he has a compelling need to use the Requested Documents in defending his reputation. *Id.* ¶ 47.

IV. THE REVELATION OF THE EXCULPATORY DOCUMENTS TO PROFESSOR DERSHOWITZ

In or about May 2016, Professor Dershowitz was named as a witness in this case by both plaintiff and defendant. *Id.* ¶ 29. Thereafter, he was contacted by defense counsel Ms. Laura Menninger, in anticipation of his possible future testimony. *Id.* ¶ 30. After Professor Dershowitz agreed to abide by the terms of the stipulated Protective Order in this case (the “Protective Order”), Ms. Menninger sent Professor Dershowitz the Requested Documents to review pursuant to a provision permitting documents produced confidentially in discovery to be shown to potential witnesses. *See id.* ¶¶ 30, 32; Ex. L. Professor Dershowitz was previously unaware that the Requested Documents existed. *Id.* ¶¶ 40-41.

ARGUMENT

I. PROFESSOR DERSHOWITZ SHOULD BE PERMITTED TO INTERVENE UNDER FEDERAL RULE OF CIVIL PROCEDURE 24(B)

“On timely motion, the court may permit anyone to intervene,” Fed. R. Civ. P. 24(b)(1), provided the proposed intervenor “has a claim or defense that shares with the main action a common question of law or fact,” *id.* R. 24(b)(1)(B). The decision to permit intervention under Rule 24(b) is discretionary, *U.S.P.S. v. Brennan*, 579 F.2d 188, 191 (2d Cir. 1978), though the Court “must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights,” Fed. R. Civ. P. 24(b)(3). “Additional relevant factors include the nature and extent of the intervenors’ interests, the degree to which those interests are adequately represented by other parties, and whether parties seeking intervention will significantly contribute to the full development of the underlying factual issues in the suit and to the just and equitable adjudication of the legal questions presented.” *Diversified Grp., Inc. v. Daugerdas*, 217 F.R.D. 152, 157 (S.D.N.Y. 2003) (internal quotation marks and alteration omitted).

“It is well-settled that intervention pursuant to Rule 24(b) is the proper procedure for a third party to seek to modify a protective order in a private suit.” *Id.* (collecting authorities).

Likewise, permissive intervention “has generally been found to be most appropriate for a non-party to intervene in order to assert the right to public access” for judicial documents. *United States v. Erie Cnty.*, No. 09 Civ. 849, 2013 WL 4679070, at *5 (W.D.N.Y. Aug. 30, 2103) (collecting authorities), *rev’d on other grounds*, 763 F.3d 235 (2d Cir. 2014). Here, all relevant considerations support granting Professor Dershowitz’s motion for permissive intervention.

A. There Is Significant Overlap Between the Subject Matter of the Original Action and This Motion

Many courts have held that a non-party’s assertion of a right to access sealed or confidential litigation materials itself presents a question of law common among the parties and the proposed intervenor, satisfying the prerequisites for permissive intervention. “[W]hen a district court enters a closure order, the public’s interest in open access is at issue and that interest serves as the necessary legal predicate for intervention.” *Jessup v. Luther*, 227 F.3d 993, 998 (7th Cir. 2000). “Because an intervenor asserting the right of public access is not becoming a party to the underlying merits of a case, further specificity is not required.” *Erie Cnty.*, 2013 WL 4679070, at *5. Even if a more particularized showing of factual or legal commonality were needed, Professor Dershowitz could easily make it. This lawsuit concerns the veracity of Ms. Giuffre’s allegations of sexual abuse—allegations of which Professor Dershowitz has been a repeated target. The Requested Documents are relevant to the credibility both of Ms. Giuffre’s claims generally and of her allegations against Professor Dershowitz specifically. Both parties have listed Professor Dershowitz as a key witness in this case, Dershowitz Decl. ¶ 29, and he is likely to provide testimony as the litigation proceeds.

B. There Is No Risk of Undue Delay or Prejudice

Professor Dershowitz’s motion seeks extremely narrow and tailored relief: the unsealing of a small number of already-filed documents or the modification of a blanket Protective Order as to one discovery document. Dershowitz Decl. ¶ 3. In the context of this complex case, where

a number of discovery disputes and other applications have been submitted to the Court in just the last few weeks, this modest request is unlikely to appreciably affect the schedule of the litigation or to delay its ultimate disposition. *See Schiller v. City of N.Y.*, No. 04 Civ. 7922, 2006 WL 2788256, at *3 (S.D.N.Y. Sept. 27, 2006) (noting that intervention “for the limited purpose of challenging strictures on the dissemination of information should not impede the progress of the litigation”).

C. Professor Dershowitz Has a Compelling Interest in Access That Is Not Represented by Any Existing Party

As the Supreme Court has recognized, the public’s right to access judicial proceedings and documents extends well beyond those with direct interests in the subject matter of the litigation at issue: “American decisions generally do not condition enforcement of this right on a proprietary interest in the document or upon a need for it as evidence in a lawsuit.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978) (noting that “the citizen’s desire to keep a watchful eye on the workings of public agencies” is a sufficient basis to compel access). Even if a more concrete stake were needed, Professor Dershowitz has a compelling interest in obtaining and disclosing the Requested Documents, which corroborate his denials of Ms. Giuffre’s heinous allegations against him and undermine her credibility. He also plans to rely on them to defend against a request for sanctions against him that is pending on appeal in a Florida court. Dershowitz Decl. ¶ 46. Although Professor Dershowitz has valiantly fought to clear his name—by, among other efforts, marshaling incontrovertible proof of his innocence, asserting defamation claims in court, and commissioning a thorough investigation led by a respected former federal judge that exonerated him—he has found himself unable to stem the tide of media reports and public statements by Ms. Giuffre and her lawyers labeling him a pedophile and sexual abuser. Professor Dershowitz seeks to intervene here to assert his First Amendment and

federal common-law rights to access information he needs to defend his hard-earned reputation. That interest is more than a sufficient basis to permit intervention under Rule 24(b).

II. THE FIRST AMENDMENT AND THE COMMON LAW REQUIRE PUBLIC ACCESS TO THE REQUESTED DOCUMENTS

A. Legal Standard

“Federal courts employ two related but distinct presumptions in favor of public access to court proceedings and records: a strong form rooted in the First Amendment and a slightly weaker form based in federal common law.” *Newsday LLC v. Cnty. of Nassau*, 730 F.3d 156, 163 (2d Cir. 2013). “Underlying that First Amendment right of access is the common understanding that a major purpose of that Amendment was to protect the free discussion of governmental affairs.” *Westmoreland v. CBS, Inc.*, 752 F.2d 16, 22 (2d Cir. 1984) (quoting *Mills v. Alabama*, 384 U.S. 214, 218 (1966)). Similarly, the common law right of access, which “is said to predate the Constitution,” *United States v. Amodeo (Amodeo I)*, 44 F.3d 141, 145 (2d Cir. 1995), rests on “the need for federal courts, although independent—indeed, particularly because they are independent—to have a measure of accountability and for the public to have confidence in the administration of justice,” *United States v. Amodeo (Amodeo II)*, 71 F.3d 1044, 1048 (2d Cir. 1995).

Both the First Amendment and common law rights of access create a presumption against secrecy for “judicial documents.” See *Newsday*, 730 F.3d at 164 (First Amendment); *Amodeo I*, 44 F.3d at 145-46 (common law). The Second Circuit has explained that “the item filed must be relevant to the performance of the judicial function and useful in the judicial process in order for it to be designated a judicial document.” *Amodeo I*, 44 F.3d at 145. Once an item’s status as a “judicial document” has been established, the common law and the First Amendment demand distinct analyses to determine whether the presumption of access is overcome.

1. The Common Law Test

In determining the applicability of the common-law right of access to a given document, courts are charged with determining the *weight* of the presumption of access under the particular circumstances presented. The presumption applies to *all* judicial documents, but the strength of the presumption varies according to the importance of a given document in the judicial process. The weight afforded to the presumption of access is “governed by the role of the material at issue in the exercise of Article III judicial power and the resultant value of such information to those monitoring the federal courts.” *Lugosch v. Pyramid Co. of Onodaga*, 435 F.3d 110, 119 (2d Cir. 2006). The Second Circuit has explained that “documents that directly affect an adjudication and play a significant role in determining litigants’ substantive rights receive the benefit of a relatively strong presumption, while the public interest in other documents is not as pressing.” *United States v. Graham*, 257 F.3d 143, 153 (2d Cir. 2001) (internal quotation marks and citations omitted). “Finally, after determining the weight of the presumption of access, the court must balance competing considerations against it.” *Lugosch*, 435 F.3d at 120 (internal quotation marks omitted). “Such countervailing factors include but are not limited to the danger of impairing law enforcement or judicial efficiency and the privacy interests of those resisting disclosure.” *Id.* (internal quotation marks omitted).

2. The First Amendment Test

Even where the common law right of access is found to be inapplicable, the First Amendment may still require disclosure of judicial documents. The First Amendment right of access is “stronger than its common law ancestor and counterpart.” *United States v. Erie Cnty.*, 763 F.3d 235, 239 (2d Cir. 2014). In deciding First Amendment access claims, the Second Circuit considers “(a) whether the documents have historically been open to the press and general public (experience) and (b) whether public access plays a significant positive role in the

functioning of the particular process in question (logic).” *Id.* (internal quotation marks omitted). “Once a First Amendment right of access to judicial documents is found, the documents may be sealed only if specific, on the record findings are made demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest.” *Id.* (internal quotation marks and alteration omitted).

B. The Requested Documents Are Judicial Documents

For a document to appropriately be deemed a “judicial document,” “[i]t is sufficient that the document was submitted to the Court for purposes of seeking or opposing an adjudication.” *United States v. Sattar*, 471 F. Supp. 2d 380, 385 (S.D.N.Y. 2006). Here, the Emails and the Reply Brief have been submitted to the Court in connection with Ms. Churcher’s efforts to quash her deposition subpoena and Defendant’s opposition to those efforts, while the Manuscript was submitted to the Court in connection with a motion to extend the deposition discovery deadline. Accordingly, all qualify as “judicial documents.”

Courts in this district³ have repeatedly held that documents submitted in support of or opposition to a discovery motion are judicial documents. *See, e.g., Alexander Interactive, Inc. v. Adorama, Inc.*, No. 12 Civ. 6608, 2014 WL 4346174, at *2 (S.D.N.Y. Sept. 2, 2014) (“Here, the documents to be submitted are in support of a motion to compel discovery and presumably will be necessary to or helpful in resolving that motion. They are, therefore, judicial documents.”); *Dandong v. Pinnacle Performance Ltd.*, No. 10 Civ. 8086, 2012 WL 6217646, at *2 (S.D.N.Y. Dec. 3, 2012) (applying presumption of public access to papers filed in connection with a motion for reconsideration of a discovery order); *Gucci Am., Inc. v. Guess?, Inc.*, No. 09 Civ. 4373, 2010 WL 1416896, at *2 (S.D.N.Y. Apr. 8, 2010) (holding that “declarations and a

³ Some federal Courts of Appeals have suggested that the presumption of access does not apply to documents filed in connection with discovery motions. *See, e.g., Chi. Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1312-13 (11th Cir. 2001); *Leucadia, Inc. v. Applied Extrusion Techs., Inc.*, 998 F.2d 157, 165 (3d Cir. 1993); *Anderson v. Cryovac, Inc.*, 805 F.2d 1, 11 (1st Cir. 1986). But the Second Circuit has never adopted such a rule, and the weight of district court authority in the Southern District of New York rejects this approach.

memorandum of law” seeking to limit discovery “clearly constitute ‘judicial documents’”); *In re Omnicom Grp., Inc. Secs. Litig.*, No. 02 Civ. 4483, 2006 WL 3016311, at *2 (S.D.N.Y. Oct. 23, 2006) (holding that letter briefs and attached exhibits submitted to the court in connection with a privilege dispute were “submitted in this case to request the court to exercise its adjudicative powers in favor of the parties’ respective views of a discovery dispute” and therefore were judicial documents); *Schiller*, 2006 WL 2788256, at *5 (holding that briefs and supporting papers submitted in connection with a dispute over the confidentiality of discovery materials were “created by or at the behest of counsel and presented to a court in order to sway a judicial decision” and were therefore “judicial documents that trigger the presumption of public access”); *S.E.C. v. Oakford Corp.*, No. 00 Civ. 2426, 2001 WL 266996, at *1 (S.D.N.Y. Mar. 16, 2001) (applying presumption of access to judicial documents to motion papers filed in connection with a discovery dispute); *see also In re Gushlak*, No. 11-MC-0218, 2012 WL 3683514, at *3 (E.D.N.Y. July 27, 2012) (holding that documents filed in support of and opposition to a motion for discovery assistance, including motions to quash, were judicial documents). The Requested Documents were submitted to the Court to influence its adjudication of the motion to quash and the motion to extend the deposition deadline, and they are therefore judicial documents.

C. The Common Law Right of Access Applies to the Requested Documents

1. The Weight of the Presumption of Access Is Strong

Treating materials submitted in connection with a discovery motion as judicial documents that the public may presumptively access gives effect to the purposes of the common law right, which is to facilitate public monitoring of the exercise of judicial power. “Monitoring both provides judges with critical views of their work and deters arbitrary judicial behavior.” *Amodeo II*, 71 F.3d at 1048.

The motion in connection with which the Emails and the Reply Brief were submitted concerns whether the Court should overrule a claim of privilege and compel testimony on pain of contempt. *See* Fed. R. Civ. P. 45(g) (providing that the court “may hold in contempt a person who, having been served, fails without adequate excuse to obey [a] subpoena or an order related to it”). Compelling testimony is a quintessential exercise of coercive judicial power that the public is entitled to monitor. *See United States v. Bryan*, 339 U.S. 323, 331-32 (1950) (elaborating the importance of balancing “the great power of testimonial compulsion” against exemptions “grounded in a substantial individual interest which has been found, through centuries of experience, to outweigh the public interest in the search for truth”). Just as disclosure of pretrial suppression proceedings in criminal cases “enhances the basic fairness of the judicial process and the appearance of fairness that is essential to public confidence in the system,” *In re N.Y. Times Co.*, 828 F.2d 110, 114 (2d Cir. 1987), affording access to proceedings concerning the permissibility of civil discovery provides an important check on the exercise of Article III power.

Likewise, the Court should afford a strong presumption of access to the Manuscript, which was submitted as part of Defendant’s opposition to a request to extend a discovery deadline. The Second Circuit has recognized that a district court’s decisions concerning the scope and timing of discovery may “affect a party’s substantial rights.” *Long Island Lighting Co. v. Barbash*, 779 F.2d 793, 795 (2d Cir. 1985). As one court has aptly explained:

The discovery process is clearly an important element of civil litigation. The manner in which it proceeds may prove decisive to the outcome of particular disputes, and the availability of mandatory discovery has greatly affected the way in which our courts do justice. Moreover, discovery procedures have become a continuing focus of controversy and reform within the judiciary and the legal community. This debate has arisen precisely because discovery is so important in trial practice. If we take as our standard that the public’s right of access attaches to decisions ‘of

major importance to the administration of justice, then discovery motions and hearings fall within the ambit of this right.

Mokhiber v. Davis, 537 A.2d 1100, 1112 (D.C. Ct. App. 1988) (internal quotation marks and citations omitted). Courts in this district have repeatedly recognized that filings submitted in connection with a motion to alter the pace or schedule of litigation are subject to public access. See, e.g., *Lenart v. Coach Inc.*, 131 F. Supp. 3d 61, 72 (S.D.N.Y. 2015) (applying presumption of public access to “papers filed in connection with [a] motion to stay”); *Skyline Steel, LLC v. PilePro, LLC*, No. 13 Civ. 8171, 2015 WL 556545, at *4 (S.D.N.Y. Feb. 9, 2015) (same).

“While adjudication of the ultimate merits of the case arguably triggers the highest degree of protection against sealing, this does not imply that motion papers addressed to a discovery dispute do not trigger the public-access presumption.” *In re Omnicom Grp.*, 2006 WL 3016311, at *4. Because the Requested Documents were submitted by the parties in connection with discovery motions to be adjudicated by the Court, “those documents are entitled to the strongest presumption of public access.” *In re Gushlak*, 2012 WL 3683514, at *4.

2. There Are No Countervailing Interests That Outweigh the Right of Access

The limited unsealing Professor Dershowitz seeks threatens none of the harms courts have recognized as sufficient to outweigh the right of access to judicial documents. As an initial matter, Professor Dershowitz seeks to reveal unflattering (and false) statements *about himself*. Thus, the general rule “that the common law right of access is qualified by recognition of the privacy rights of the persons whose intimate relations may thereby be disclosed,” *In re Newsday, Inc.*, 895 F.2d 74, 79 (2d Cir. 1990), has no application. Nor does Ms. Giuffre possess any claim to privacy concerning the information Professor Dershowitz seeks to unseal. The Requested Documents discuss her allegations against a number of public figures, and relate to the preparation of a book manuscript with the goal of international publication and distribution.

Nothing could be less private. Indeed, both Ms. Giuffre's relationship with Ms. Churcher and the nature of her allegations against Professor Dershowitz have been the subject of publicly available court filings in this and other actions and of numerous media stories. Dershowitz Decl. ¶¶ 15-20, 26-27; Ex. K. Any claim to confidentiality has been waived. *See infra* Part III.

In short, the Requested Documents contain none of the kinds of information that give courts pause in granting public access to judicial documents. "The information at issue . . . does not involve the type of medical, health-related, family, or personal financial matter to which courts grant the greatest protection." *United States v. Martoma*, No. S1 12 Cr. 973, 2014 WL 164181, at *6 (S.D.N.Y. Jan. 9, 2014). It involves only contemporaneous evidence of a scheme to cook up false and defamatory allegations against Professor Dershowitz. He is entitled to access and use that evidence to defend himself.

D. The First Amendment Guarantees Access to the Requested Documents

Even if the common law did not compel the conclusion that the Requested Documents must be made public, the First Amendment would supply an alternative basis for their disclosure. The First Amendment presumption of access to judicial documents applies when "experience and logic" indicate that "the documents have historically been open to the press and general public," and that "public access plays a significant positive role in the functioning of the particular process in question." *Lugosch*, 435 F.3d at 120 (internal quotation marks omitted).

With respect to the experience prong, the Second Circuit has held that "the notion of public access to judicial documents is a capacious one: the courts of this country have long recognized a general right to inspect and copy public records and documents, including judicial records and documents," in order to facilitate public monitoring. *Erie Cnty.*, 763 F.3d at 241 (internal quotation marks omitted). Discovery motions and the documents supporting them are routinely filed in courts across the country without sealing and with the understanding that such

documents are publicly accessible. And while the relatively recent history of modern civil discovery practice means there is no ancient common-law analogue to the contemporary discovery motion, “[t]his absence, of course, is not surprising, for compelled discovery is a child of the first Federal Rules of Civil Procedure adopted in 1938.” *Mokhiber*, 537 A.2d at 1111. “It would make little sense to shut off access for what is, practically speaking, a new kind of judicial process just because that particular procedure did not exist at common law. Instead, the public should enjoy the right to view new kinds of proceedings when they are like traditional ones in this significant respect: that access will serve the same values and policies which underlie” the public right of access. *Id.* at 1112.

As to the logic prong of the Second Circuit’s test, it is clear that public monitoring has an important role to play here. Ms. Giuffre’s allegations against Professor Dershowitz have been the subject of significant public interest and have been discussed at length in an array of international news stories. Indeed, in the CVRA Action, Ms. Giuffre’s own counsel cited “strong current media interest in the case” to *oppose* sealing the pleadings, pointing to Ms. Churcher’s stories among others as examples. *Doe v. United States*, No. 08 Civ. 80736 (S.D. Fla.), ECF No. 51, at 7. “The issues involved are manifestly ones of public concern and therefore ones which the public has an interest in overseeing.” *Erie Cnty.*, 763 F.3d at 242.

Because experience and logic dictate that the First Amendment right of access applies to the Requested Documents, their continued sealing would only be permissible on the basis of “specific, on-the-record findings that higher values necessitate a narrowly tailored sealing.” *Lugosch*, 435 F.3d at 126. Here, no such findings have ever been made; indeed, the Court has granted boilerplate sealing applications with no findings or judicial scrutiny whatsoever. *See, e.g.*, ECF No. 254. There would be no basis to find that continuing secrecy is warranted, let alone “essential to preserve higher values.”

III. ALTERNATIVELY, THE PROTECTIVE ORDER SHOULD BE MODIFIED TO PERMIT DISCLOSURE OF THE REQUESTED DOCUMENTS

Even where discovery materials are found not to be judicial documents, that does not automatically entitle them to confidential treatment. *See Vazquez v. City of N.Y.*, No. 10 Civ. 6277, 2014 WL 11510954, at *1 (S.D.N.Y. May 2, 2014). Here, although Professor Dershowitz is in rightful possession of the Requested Documents, he is prohibited from disseminating them by the parties' stipulated, blanket Protective Order. *See Dershowitz Decl. Ex. L.* That order permits the parties to designate documents as confidential without particularized judicial scrutiny, which is how the Requested Documents became subject to a protective order in the first instance. Because there is no basis for judicial protection of the Requested Documents, the Protective Order should be modified to permit its disclosure.

Federal Rule of Civil Procedure 26(c) permits issuance of a protective order only upon "good cause shown," and requires that such orders issue only "to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." "[I]f good cause is not shown, the discovery materials in question should not receive judicial protection and therefore would be open to the public for inspection." *Gambale v. Deutsche Bank AG*, 377 F.3d 133, 142 (2d Cir. 2004) (internal quotation marks omitted). A protective order requires "particular and specific demonstration of fact as distinguished from stereotyped and conclusory statements" showing the harm that would result from disclosure. *Louissier v. Universal Music Grp., Inc.*, 214 F.R.D. 174, 177 (S.D.N.Y. 2003).

The Second Circuit's general rule that a protective order should not be modified "absent a showing of improvidence in the grant of the order or some extraordinary circumstance or compelling need," *S.E.C. v. TheStreet.com*, 273 F.3d 222, 229 (2d Cir. 2001), applies only when the parties have *reasonably* relied on the protective order in producing discovery. That is not the case here, where the protective order is a sweeping and generic stipulation permitting the parties,

and not the Court, to set the standards for access. “A blanket protective order is more likely to be subject to modification than a more specific, targeted order because it is more difficult to show a party reasonably relied on a blanket order in producing documents or submitting to a deposition.” *In re EPDM Antitrust Litig.*, 255 F.R.D. 308, 319 (D. Conn. 2009).

“*Stipulated* blanket orders are even less resistant to a reasonable request for modification.” *Id.*

“An examination of Second Circuit case law reveals the following factors are relevant when determining whether a party has reasonably relied on the protective order[:] (1) the scope of the protective order; (2) the language of the order itself; (3) the level of inquiry the court undertook before granting the order; and (4) the nature of reliance on the order.” *In re September 11 Litig.*, 262 F.R.D. 274, 277 (S.D.N.Y. 2009) (internal quotation marks omitted).

Here, all four factors weigh against a finding of reasonable reliance. First, the Protective Order contains “expansive language granting the parties broad latitude to self-designate materials” as confidential, making it unreasonable for any party to rely on the prospect of indefinite and ironclad confidentiality protections in producing discovery. *See EPDM*, 255 F.R.D. at 320. Second, the Protective Order allows challenges to confidentiality designations, *see* Dershowitz Decl., Ex. L ¶ 11, and permits the Court to modify the order “at any time” for good cause, *id.* ¶ 14. “Given this provision, it is difficult to see how the [parties] can reasonably argue that they produced documents in reliance on the fact that the documents would always be kept secret.” *Lugosch*, 435 F.3d at 126.

Third, “[t]he level of inquiry undertaken before the Order was entered also weighs in favor of modification because the Court ‘so ordered’ the parties’ stipulation without having cause to determine whether all the documents covered actually warranted protection.” *Tradewinds Airlines, Inc. v. Soros*, No. 08 Civ. 5901, 2016 WL 3951181, at *2 (S.D.N.Y. July 20, 2016). While this practice can be salutary to the extent it preserves judicial resources and

promotes efficiency in complex civil discovery, it strongly weakens the parties' claim to a reasonable expectation that every document marked confidential will remain subject to a Rule 26(c) order indefinitely. *See EPDM*, 255 F.R.D. at 319. "Finally, the nature of the reliance on the Order weighs in favor of modification because there is no indication that the [parties] relied on the Order to produce documents they would not have otherwise disclosed." *Tradewinds Airlines*, 2016 WL 3951181, at *2. Indeed, Ms. Giuffre could not reasonably have believed that she could avoid disclosing her own descriptions of, and communications about, the very subject matter of this lawsuit, which *she commenced*. *See Lugosch*, 435 F.3d at 125.

Even if the parties' reliance on the Protective Order could be deemed reasonable, which it cannot, Professor Dershowitz would handily satisfy *TheStreet.com*'s requirement of a compelling need or extraordinary circumstance. First, as one Court in this district explained recently, "courts within this circuit have found there to be a 'compelling need' or 'extraordinary circumstance' warranting modification where a blanket protective order is entered without a showing of good cause." *Tradewinds Airlines*, 2016 WL 3951181, at *2 (collecting authorities). More importantly, under the circumstances, Professor Dershowitz's need for the Requested Documents is undeniable. They strongly corroborate his denials of the sexual abuse allegations Ms. Giuffre belatedly levied against him, which were themselves first presented in documents filed publicly on a federal court docket. Dershowitz Decl. ¶ 43. Professor Dershowitz has a compelling need to use all available evidence to defend himself against Ms. Giuffre's allegations, which have persisted despite a thorough investigation exonerating him and continue to be republished in the media. Dershowitz Decl. ¶¶ 16, 18, 45. Professor Dershowitz will also use the Requested Documents to defend against a sanctions motion that is pending in a state court in Florida, providing an independent basis to modify the Protective Order. *See id.* ¶ 46.

In contrast, there is no basis for a finding of good cause to protect the content of the Requested Documents, all of which concern Ms. Giuffre's own allegations. She cannot credibly claim that disclosure will cause her "annoyance, embarrassment, oppression, or undue burden or expense," *see* Fed. R. Civ. P. 26(c). Indeed, Ms. Giuffre has waived any claimed to confidentiality. She has publicly filed her accusations of sexual misconduct against an array of individuals, including Professor Dershowitz, in at least two lawsuits besides this one. Dershowitz Decl. ¶¶ 10-12, 15-20. She has sold her story to the media and sat for extensive interviews with Ms. Churcher and other reporters about the very same allegations that are the subject of the Requested Documents. *Id.* ¶¶ 13, 26-27. She even "agreed to waive her anonymity" in order to disseminate her story publicly. Sharon Churcher, *Exclusive: Girl at Center of Underage Sex Procurement Case That Scandalised America Describes How She Was Introduced to the Prince*, MAIL ON SUNDAY, Feb. 27, 2011. More recently, Ms. Giuffre sat for an interview with ABC News, hoping to increase public interest in her allegations. Dershowitz Decl. ¶ 27. Although the interview has not yet aired, it could be broadcast at any time, likely repeating once again the same allegations for which Ms. Giuffre has claimed confidentiality in the context of litigation discovery. *See id.* And her lawyers have continued to give interviews insinuating Professor Dershowitz's guilt even after reaching a settlement with him and agreeing to release a public statement withdrawing their own public filing of the accusations against him. *See* Dershowitz Decl., Ex. H.

In short, disseminating the information contained in the Requested Documents, which she has designated "confidential" in the context of this lawsuit, has been Ms. Giuffre's life's work for years. Having made every effort to publicize these allegations for personal and commercial gain, Ms. Giuffre should not be permitted now to make an abrupt about-face and claim that they are entitled to this Court's protection from public dissemination.

United States District Court
Southern District of New York

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**PLAINTIFF'S REPLY IN SUPPORT OF MOTION TO ENFORCE THE COURT'S
ORDER AND DIRECT DEFENDANT TO ANSWER DEPOSITION QUESTIONS**

Plaintiff, Virginia Giuffre, by and through her undersigned counsel, files this Reply in Support of her Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions. Defendant argued that Mr. Boies' questions were outside this Court's Order. That is simply untrue. Defendant refused to answer questions that go to heart of the type of questions this Court specifically ordered Defendant to answer: they could not be more on-point.

None of Defendant's arguments change the language of this Court's Order. None of Defendant's arguments change the questions Defendant refused to answer. Accordingly, Ms. Giuffre's motion should be granted.

I. PRELIMINARY STATEMENT

Defendant begins her brief with snippets of her self-serving testimony. As the Court is aware, all of this testimony is directly contradicted by the myriad of other witnesses in this case who have testified at deposition, including Defendant's own witness, Tony Figueroa. Defendant has claimed in her deposition that she did not procure girls for sex with Epstein nor notice the

hundreds of young girls who came and went from the home she shared with Epstein. Her testimony is directly refuted by multiple witnesses.

Tony Figueroa, Defendant's own witness, testified that Defendant called him directly, asking him to bring girls over, that he did bring girls under the age of 18 over, and that he knew about Defendant's threesomes with Ms. Giuffre and Epstein.¹

Johanna Sjoberg testified that Defendant recruited her for sex with Epstein under the guise of answering phones. That phone job lasted one day, because her second day Defendant asked her to start giving massages, and it soon made it clear that Sjoberg's purpose was to bring Epstein to orgasm so Defendant didn't have to all of the time.²

Chillingly, **Rinaldo Rizzo**, Defendant's friend's house manager, through tears, described how Defendant tried to force a 15 year old Swedish girl to have sex with Epstein through threats and stealing her passport.³

Juan Alessi, Epstein's house manager, testified that Defendant was one of the people who procured the over 100 girls he witnessed visit Epstein, and that he had to clean Defendant's sex toys.⁴

Lynn Miller testified that Defendant became Ms. Giuffre's "new momma,"⁵ though Defendant claims that she would not even remember Ms. Giuffre were it not for these

¹ See McCawley Decl. at Composite Exhibit 4, Figueroa June 24, 2016 Dep. Tr. Vol. 1 at 96-97 and 103 (Figueroa testified that Plaintiff told him about threesomes with Defendant and Epstein which included the use of strap-ons); and Vol. 2 at 200 (Figueroa testified that Defendant called him inquiring if he had found any other girls for Epstein).

² See McCawley Decl. at Exhibit 5, Johanna Sjoberg's May 18, 2016 Dep. Tr. at 8-9, 13, 33-35, 142-143.

³ See McCawley Decl. at Exhibit 6, Rinaldo Rizzo's June 10, 2016 Dep. Tr. at 52-60.

⁴ See McCawley Decl. at Exhibit 7, Juan Alessi's June 1, 2016 Dep. Tr. at 28, 52-54.

⁵ See McCawley Decl. at Exhibit 8, Lynn Miller's May 24, 2016 Dep. Tr. at 115.

proceedings (apparently, also forgetting the 23 flights she shared with Ms. Giuffre on Epstein's private jet,⁶ known colloquially as the "Lolita Express"⁷).

Police Detective Joseph Recarey, who led the investigation of Epstein, testified that Defendant procured underage girls for Epstein.⁸ Indeed, *on the morning that Recarey executed the search warrant* on Epstein's Palm Beach Property, Defendant, herself, called Epstein's housekeeper **Louella Rabuyo**, and told her not to come over to their house that day until the afternoon.⁹

And though Defendant refused to admit that she flew with Ms. Giuffre,¹⁰ Epstein's pilot, **Dave Rodgers**, testified that the passenger listed on his flight log bearing the initials – GM – was in fact Ghislaine Maxwell and Rodgers was the pilot on at least 23 of the flights in which Defendant flew with Plaintiff.¹¹

⁶ See Maxwell's April 22, 2016 Dep. Tr. at 78-79, 144 (barely recollects Plaintiff at all); *see also* McCawley Decl. at Exhibit 9, Excerpted Rodgers Dep. Ex. 1 (flight records evidencing Defendant (GM) flying with Ms. Giuffre).

⁷ See McCawley Decl. at Exhibit 10, "All aboard the 'Lolita Express': Flight logs reveal the many trips Bill Clinton and Alan Dershowitz took on pedophile Jeffrey Epstein's private jet with anonymous women" at The Daily Mail, <http://www.dailymail.co.uk/news/article-2922773/Newly-released-flight-logs-reveal-time-trips-Bill-Clinton-Harvard-law-professor-Alan-Dershowitz-took-pedophile-Jeffrey-Epstein-s-Lolita-Express-private-jet-anonymous-women.html> (January 22, 2015).

⁸ See McCawley Decl. at Exhibit 11, Detective Joseph Recarey's June 21, 2016 Dep. Tr. at 29-30.

⁹ See McCawley Decl. at Exhibit 12, Louella Rabuyo's October 20, 2009 Dep. Tr. at 81-83.

¹⁰ See McCawley Decl. at Exhibit 1 Maxwell's April 22, 2016 Dep. Tr. at 120-127, 132-133 and 145.

¹¹ See McCawley Decl. at Exhibit 13, David Rodgers' June 3, 2016 Dep. Tr. at 18, 34-36; *see also* Exhibit 9, Excerpted Rodgers Dep. Ex. 1 at flight #s 1433-1434, 1444-1446, 1464-1470, 1478-1480, 1490-1491, 1506, 1525-1526, 1528, 1570 and 1589.

Both **Sarah Kellen** and **Nadia Marcinkova** invoked the Fifth Amendment when asked about Defendant trafficking girls¹² in a previous action, and both failed to show up for their depositions in this case.

Also in a previous action, **Alfredo Rodriguez**, another house manager, testified that Defendant “knew what was going on” with the underage girls, and threatened him about telling others.¹³

Tellingly, Defendant has not been able to procure a single witness - not one - who can testify that Defendant did not procure girls for sex with Epstein and did not participate in the sex. Even one of her own witnesses, Tony Figueroa, testified that she both procured girls and participated in the sex. Indeed, those who knew her well, who spent considerable time in her and Epstein’s shared household, have testified that she was Epstein’s procuress.

With every deposition taken, the chorus of voices accusing Defendant of being a procurer of girls for Epstein grows louder and stronger, corroborating Ms. Giuffre’s account, and proving that Defendant defamed her when she called her a liar.¹⁴

In her Response brief, Defendant puts forth the number of questions posed to her in her deposition; however, the important number is omitted: how many questions she actually answered. What Defendant fails to tell the Court is how many questions - and how much deposition time - was taken up by Defendant engaging in improper behavior. Defendant spent much of her time refusing to answer basic questions so that they had to be repeated multiple

¹² See McCawley Decl. at Exhibits 14-15, Sarah Kellen’s March 24, 2010 Dep. Tr. at 37-40, 100; and Nadia Marcinkova’s April 13, 2010 Dep. Tr. at 29-35, 47-49.

¹³ See McCawley Decl. at Exhibit 16, Alfredo Rodriguez’ July 29, 2009 Dep. Tr. at 176-177; 169-172.

¹⁴ Defendant claims that “Plaintiff’s counsel has admitted that it was a mistake to sue Alan Dershowitz for defamation, after he provided them documentation establishing he never was in their client’s presence, nor did he have sex with her.” This is simply untrue.

times. She also spent much of her time feigning incomprehension of simple sentences and common words, also causing the same question to be posed to her multiple times. For example, defendant pretended not to understand the question, “Do you believe that Epstein abused minors?,” causing it to be repeated multiple times.

Q. . . . do you believe that Jeffrey Epstein abused any minor children?

A. Can you repeat the question please and break it down so it's more understandable.

Q. Now that you have the police report that I showed you this morning that you had an opportunity to look at.

A. You gave it to me, I did not look at it.

Q. The questions that I asked you about the police report -- you are aware there is a police report?

A. I am aware there is a police report.

Q. You are aware there was a criminal investigation of Jeffrey Epstein?

A. I am aware that there was that.

Q. Now that you are aware of those two things and having talked to Jeffrey Epstein, do you believe Jeffrey Epstein sexually abused minors?

A. Can you reask the second part of that question please.

Q. Sure. The two documents we were talking about, the document and the investigation, you said you are aware of and after having talked to Jeffrey Epstein, do you believe Jeffrey Epstein sexually abused minors?

A. What do you mean I talked to Jeffrey, you need to break the question down further.

Q. Let's take those two things. After knowing those two things, do you believe that Jeffrey Epstein abused minor children?

A. Can you explain what you mean by the question actually.

Q. I think the question speaks for itself. I will try again. I will say it one more time because I want you to be able to understand it. Knowing that you have the police report here and knowing about the criminal investigation, do you believe that Jeffrey Epstein sexually abused minors?

This sequence goes on and on. Counsel for Ms. Giuffre had to ask Defendant whether she believed Epstein abused minors *fourteen more times* after this exchange.¹⁵ Still, Defendant never answered the question. See McCawley Decl. at Exhibit 1, Maxwell's April 22, 2016 Dep.

¹⁵ See McCawley Decl. at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 170, 171, 173 (twice), 174 (twice), 175 (twice), 176 (twice), 178, 182 (twice), and 183. Counsel for Ms. Giuffre had to repeat other questions when Defendant did not answer them (e.g., asking about Defendant's knowledge of abuse of minors in Epstein's home, See McCawley Dec. at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 90, 168-169).

Tr. at 168:18 - 181:24. It appears that Defendant's misleading tally of questions posed to her includes all the times questions were repeated or needlessly re-worded due to her obstructionist deposition tactics.

Indeed, Defendant, who claimed her professional role with Epstein was to pay the pool guy,¹⁶ has a master's degree from Oxford University's Balliol College. Yet, throughout the deposition, she feigned incomprehension of basic questions, and even of basic words. Defendant pretended she did not know what a "puppet" is. *See* McCawley Decl at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 287-290. Other examples of Defendant's feigned incomprehension of basic questions to avoid answering questions can be found attached at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 8:23-9:18 (pretending she did not know what a "female" is); 51:13 - 54:14 (pretending she didn't understand what "sexual acts" were); 69:25-71:16 (pretending she doesn't know what "sex toys" are); 87:8-91:3 (pretending that the dozens of police reports made by underage girls abused by Epstein were all "lies").

Defendant also repeatedly asked for simple questions to be rephrased, pretending that she did not understand. Specifically, she requested that questions be repeated or re-asked at least twenty-eight times. *See* McCawley Decl. at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 9, 13, 22, 26, 39, 50, 85, 93, 97, 98, 105, 121, 168-169, 187, 189, 201, 221 (two times), 239, 241, 257, 267, 278-279, 287, 289, 291, 336, and 377. Sometimes changing tact, she also asked for the questions to be broken down/apart. *See* McCawley Decl. at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 26, 93-94, 168-169, 170. Defendant is correct that there was much repetition in her deposition: many questions were asked multiple times when Defendant did not provide an answer, and many were asked multiple times at Defendant's own request.

¹⁶ *See* McCawley Decl. at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 50:18-24.

Defendant complains in her brief about the length of time she was deposed. That, too, was her own-doing. Her deposition would have been much shorter (and the second one avoided entirely) if she answered the questions posed to her the first time. Indeed, she was playing games, giving non-answers, and feigning incomprehension. It was Defendant's refusal to answer questions that caused this Court to order her to sit for a second deposition. That could have been avoided by simply answering the questions the first time. Defendant's behavior not only wasted everyone's time, but revealed that she could provide no answer to those questions that could aid in her defense.

Moreover, Defendant put forth a detailed chart to show that certain questions were "duplicative or redundant," but, tellingly, did not include Defendant's responses in the chart. The reason is clear: Defendant's non-communicative "non-answers" from her first deposition necessitated their repetition.

II. DISCUSSION

The Court's Order was clear. Among other things, the Court ordered Defendant to answer questions related to her knowledge of the sexual activities of others with or involving Epstein.

Defendant is ordered to answer questions relating to ***Defendant's own sexual activity*** (a) with or involving Jeffrey Epstein ("Epstein"), (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed or intended might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be, or believed might become, known to Epstein. Defendant is also directed to answer questions relating to ***her knowledge of sexual activities of others*** (a) with or involving Epstein, (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed were known or might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be or believed might become known to Epstein. (FN. Each of the aforementioned lists are disjunctive.) The scope of Defendant's answers are not bound by time period, though Defendant need not answer questions that relate to none of these subjects or that is clearly not relevant, such as sexual activity of third-parties who bear no knowledge or relation to the key events, individuals, or locations of this case.

See McCawley Decl. at Exhibit 2, June 20, 2016 Sealed Order at p. 10 (Emphasis added).

As articulated in the moving brief, Defendant refused to answer four categories of questions that were directly within the ambit of this Court's Order.

First, Defendant refused to answer many questions about Johanna Sjoberg, who was recruited by Defendant, and subsequently abused by and had sex with Jeffrey Epstein. Questions relating to her involvement with Epstein and Defendant are directly within the ambit of the Court's Order. The Court should direct the Defendant to answer questions relating to Johanna Sjoberg because they are "questions relating to [Defendant's] knowledge of sexual activities of others with or involving Epstein."

Second, Defendant refused to answer questions concerning Maria and Annie Farmer. Defendant was involved in Epstein's sexual abuse, and grooming for sexual abuse, of Maria Farmer and Annie Farmer, respectively. Notably, Annie Farmer was only 16 years old at the time: a familiar yet still disturbing theme running through Defendant and Epstein's lifestyle. Therefore, questions relating to Defendant's involvement with, knowledge of, and observations of both Annie and Maria Farmer are within the ambit of this Court's Order because they are "questions relating to [Defendant's] knowledge of sexual activities of others with or involving Epstein."

Third, Defendant refused to answer questions regarding girls brought to "massage" Epstein by Tony Figueroa. Questions regarding the girls who Defendant asked Mr. Figueroa to bring to the house to "massage" Epstein are also directly within the ambit of this Court's Order.

Fourth, and related to the third topic, questions about Maxwell's knowledge of, and interactions with, any of the girls who came over to "massage" Epstein are all within the ambit of the Court's Order. Questions concerning Defendant's knowledge of and involvement with these girls are (1) "questions relating to [Defendant's] knowledge of sexual activities of others with or

involving Epstein;” (2) “questions relating to [Defendant’s] knowledge of sexual activities of others . . . with or involving underage females known to Epstein or who Defendant believed were known or might become known to Epstein;” (3) “questions relating to [Defendant’s] knowledge of sexual activities of others . . . involving or including massage with individuals Defendant knew to be or believed might become known to Epstein.”

Defendant also refused to answer foundational questions that are necessary precedent to the question authorized by this Court. The Court should direct Defendant to answer those questions, and all related questions that arise out of any response Defendant provides within the parameters of the Court’s June 20, 2016 Sealed Order.

As recounted more fully in the moving brief, the questions Defendant refused to answer fall squarely within this Court’s earlier order. Defendant can have no legitimate basis for obstructing the search for truth by refusing to answer. The Court should, again, compel Defendant to answer all these questions.

Defendant claims that “[i]t is difficult to discern precisely what questions Plaintiff is complaining about in her Motion because of her generalized and non-specific complaints.” Br. at 9. To the contrary, Ms. Giuffre set forth excerpts from the deposition transcript showing exactly what questions Defendant refused to answer. To wit, Defendant failed to answer “So is it fair to say that Johanna was initially hired to answer telephones, according to your testimony?” (Plaintiff’s Brief at 4); “So, how did it happen, Ms. Maxwell, that Joanna, who had been hired to answer the phones, ended up giving massages to you and Mr. Epstein?” (*Id.*); “Did Mr. Epstein pay Johanna for the massages that she gave Mr. Epstein?” (Plaintiff’s Brief at 6); and “Do you know whether or not Maria Farmer was ever at Mr. Wexner’s property in Ohio?” (Plaintiff’s Brief at 7). The brief also set for the instance wherein Mr. Pagliuca instructed the Defendant not

to answer any more questions with respect to whether she knows certain girls who came over to Epstein's home to massage him, "Q. Have you ever heard the name Carolyn Andriamo, A-N-D-R-I-A-M-O? A. I don't recollect that name at all. MR. PAGLIUCA: those names are on Exhibit 26, which we have already gone over and she said she didn't recognize those people, so now we are just repeating things that we went over. MR. BOIES: I am in the context of seeing if I can refresh her recollection, because these are women that Mr. Figueroa, who she also does not recall, brought over to Mr. Epstein's residences, and I also want to make a very clear record of what her testimony is and is not right now." (Plaintiff's Brief at 8-9). *See* McCawley Dec. at Exhibit 3, Excerpts from Maxwell July 22, 2016 Dep. Tr. at 154-156.

Defendant cannot make a credible argument that these questions, or their subject matter, are outside the scope of the Court's Order. All of them relate to Defendant's knowledge of individuals who "massaged" Jeffrey Epstein (Johanna Sjoberg), who were brought to their house to "massage" Jeffrey Epstein (Carolyn Andriamo and myriad other girls who Figueroa brought at Defendant's behest); and who were massaged by Defendant herself (Annie Farmer at 16 and Maria Farmer). Mr. Boies' unanswered questions are all directly within the ambit of this Court's Order. Again, Defendant's arguments do not change the language of this Court's Order; nor do they change the questions Defendant refused to answer. Defendant must answer these questions.

III. CONCLUSION

Based upon the foregoing, Ms. Giuffre respectfully requests that this Court grant her Motion, and direct the Defendant to answer the disposition questions Mr. Boies posed to her.

Dated: August 12, 2016

Respectfully Submitted,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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/s/ Sigrid S. McCawley
Sigrid S. McCawley

**United States District Court
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**DECLARATION OF SIGRID S. MCCAWLEY IN SUPPORT OF
PLAINTIFF'S MOTION TO ENFORCE THE COURT'S ORDER AND DIRECT
DEFENDANT TO ANSWER DEPOSITION QUESTIONS**

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

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's September 29, 2015 Order granting my Application to Appear Pro Hac Vice.

2. I respectfully submit this Declaration in Support of Plaintiff's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions.

3. Attached hereto as Sealed Composite Exhibit 1 is a true and correct copy of Excerpt from April 22, 2016, Deposition of Ghislaine Maxwell.

4. Attached hereto as Sealed Exhibit 2 is a true and correct copy of June 20, 2016 Sealed Court Order.

5. Attached hereto as Sealed Composite Exhibit 3 is a true and correct copy of Excerpt from June 22, 2016, Deposition of Ghislaine Maxwell.

6. Attached hereto as Sealed Exhibit 4 is a true and correct copy of Excerpts from

June 24, 2016 Deposition of Tony Figueroa.

7. Attached hereto as Sealed Exhibit 5 is a true and correct copy of Excerpts from May 18, 2016, Deposition of Johanna Sjoberg.

8. Attached hereto as Sealed Exhibit 6 is a true and correct copy of Excerpts from June 10, 2016, Deposition of Rinaldo Rizzo.

9. Attached hereto as Sealed Exhibit 7 is a true and correct copy of Excerpts from June 1, 2016, Deposition of Juan Alessi.

10. Attached hereto as Sealed Exhibit 8 is a true and correct copy of Excerpts from May 24, 2016, Deposition of Lynn Trude Miller.

11. Attached hereto as Sealed Exhibit 9 are true and correct copies of flight logs excerpted Rodgers Dep. Ex. 1.

12. Attached hereto as Sealed Exhibit 10 is a true and correct copy of January 22, 2015 *Dailymail.co* article "All aboard The Lolita Express": Flight Logs.

13. Attached hereto as Sealed Exhibit 11 is a true and correct copy of Excerpts from June 21, 2016, Deposition of Detective Joseph Recarey.

14. Attached hereto as Sealed Exhibit 12 is a true and correct copy of Excerpts from October 20, 2009, Deposition of Louella Rabuyo.

15. Attached hereto as Sealed Exhibit 13 is a true and correct copy of Excerpts from June 3, 2016, Deposition of David Rodgers.

16. Attached hereto as Sealed Exhibit 14 is a true and correct copy of Excerpts from March 24, 2010, Deposition of Sarah Kellen.

17. Attached hereto as Sealed Exhibit 15 is a true and correct copy of Excerpts from April 13, 2010, Deposition of Nadia Marcinkova.

18. Attached hereto as Sealed Exhibit 16 is a true and correct copy of Excerpts from July 29, 2009, Deposition of Alfredo Rodriguez.

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

/s/ Sigrid S. McCawley
Sigrid S. McCawley, Esq.

Dated: August 12, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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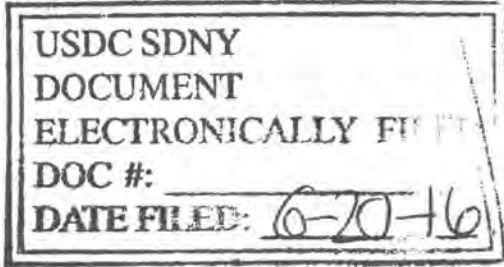
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Sigrid S. McCawley

EXHIBIT 2

(Filed Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
VIRGINIA L. GUIFFRE,

Plaintiff,

- against -

15 Civ. 7433 (RWS)

OPINION

GHISLAINE MAXWELL,

Defendant.
-----X

A P P E A R A N C E S:

Counsel for Plaintiffs

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Counsel for Defendants

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Jeffrey S. Pagliuca, Esq.

Sweet, D.J.

Eight discovery motions are currently pending before this court.

1. Plaintiff Virginia Giuffre ("Giuffre" or "Plaintiff") has moved for an order of forensic examination, ECF No. 96. As set forth below, this motion is granted in part and denied in part.
2. Defendant Ghislaine Maxwell ("Maxwell") or ("Defendant") has moved to compel Plaintiff to disclose alleged on-going criminal investigations by law enforcement, ECF No. 101. As set for below, this motion is denied.
3. Plaintiff has moved to compel Defendant to answer deposition questions, ECF No. 143. This motion is granted.
4. Defendant has moved to compel non-privileged documents, ECF No. 155. As set forth below, this motion is denied.
5. Plaintiff has moved for leave to serve three deposition subpoenas by means other than personal service, ECF No. 160. As set forth below, this motion is granted in part and denied in part.
6. Defendant has moved to compel attorney-client communications and work product, ECF No. 164. As set forth below, this motion denied.

7. Plaintiff has moved to exceed the presumptive ten deposition limit, ECF No. 172. As set forth below, this motion is granted in part and denied in part.
8. Plaintiff has moved for leave to file an opposition brief in excess of the 25 pages permitted under this Court's Individual Rules of Practice. This motion is granted.

I. Prior Proceedings

Familiarity with the prior proceedings and facts of this case as discussed in the Court's prior opinions is assumed. See Giuffre v. Maxwell, No. 15 Civ. 7433 (RWS), 2016 WL 831949 (S.D.N.Y. Feb. 29, 2016); Giuffre v. Maxwell, No. 15 Civ. 7433 (RWS) (S.D.N.Y. May 2, 2016).

Plaintiff filed her motion for clarification of the Court's March 17, 2016 Order and for forensic examination on April 13, 2016. By Order dated April 15, 2016, the motion for clarification was denied on the basis that further clarification was unnecessary. Oral argument was held with respect to forensic examination on May 12, 2016, at which time the matter was deemed fully submitted.

Defendant filed her motion to compel Plaintiff to disclose ongoing criminal investigations by law enforcement, or in the alternative to stay proceedings, on April 18, 2016. Oral argument was heard and the motion granted in part and denied in part on April 21, 2016. Plaintiff was directed to submit the relevant materials for in camera review. Plaintiff did so on April 28, 2016.

Plaintiff filed her motion to compel Defendant to answer deposition questions on May 5, 2016. Oral argument was held on May 12, 2016, at which time the matter was deemed fully submitted.

Defendant filed her motion to compel non-privileged documents on May 20, 2016. By Order dated May 23, 2016, the motion was set for argument on June 2, 2016. The motion was taken on submission on that date. Defendant filed a reply on June 6, 2016.

Plaintiff filed her letter motion for leave to serve three depositions subpoenas by means other than personal service. By Order dated May 27, 2016, the motion was set for argument on June 2, 2016. The motion was taken on submission on that date.

Defendant filed her motion to compel attorney-client communications and work product on May 26, 2016. By Order dated May 27, 2016, the motion was set for argument on June 2, 2016. The motion was taken on submission on that date. Defendant filed a reply on June 6, 2016.

Plaintiff filed her motion to exceed the presumptive ten deposition limit on May 27, 2016. By Order dated June 6, 2016, the motion was set returnable on June 16, 2016, at which time the motion was deemed fully submitted.

Plaintiff filed her motion for leave to file excess pages on June 1, 2016.

II. Applicable Standards

Rule 26 "create[s] many options for the district judge . . . [to] manage the discovery process to facilitate prompt and efficient resolution of the lawsuit." Crawford-El v. Britton, 523 U.S. 574, 599, 118 S. Ct. 1584, 1597, 140 L. Ed. 2d 759 (1998). It "vests the trial judge with broad discretion to tailor discovery narrowly and to dictate the sequence of discovery." Crawford-El v. Britton, 523 U.S. 574, 598, 118 S.

Ct. 1584, 1597, 140 L. Ed. 2d 759 (1998). The District Court may expand or limit the permitted number and time limits of depositions, direct "the time, place, and manner of discovery, or even bar discovery on certain subjects," and may "set the timing and sequence of discovery." Id. at 598-99; Fed. R. Civ. P. 26(b)(2)(A).

Consequently, the Court has wide discretion in deciding motions to compel. See Grand Cent. P'ship, Inc. v. Cuomo, 166 F.3d 473, 488 (2d Cir.1999). Federal Rule of Civil Procedure 26 states:

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense—including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons who know of any discoverable matter. For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action.

Fed. R. Civ. P. 26. If a party objects to discovery requests, that party bears the burden of showing why discovery should be denied. Freydl v. Meringolo, 09 Civ. 07196(BSJ)(KNF), 2011 WL 256608-7, at *3 (S.D.N.Y. June 16, 2011).

III. The Motion For an Order of Forensic Examination Is Granted in Part and Denied in Part

Federal Rule of Civil Procedure 26(f)(3)(C) requires the parties to state their views and proposals as to preservation of electronically stored information ("ESI") and the form of production of ESI. Fed. R. Civ. P. 26(f)(3)(C). Defendant having admitted to deletion practices that indicate relevant documents and also refused to detail document search methods, good cause exists to warrant court supervised examination of her electronic devices. Accordingly, Plaintiff's motion is granted in part.

Defendant is ordered to collect all ESI by imaging her computers and collecting all email and text messages on any devices in Defendant's possession or to which she has access that Defendant used between the period of 2002 to present. Defendant is further directed to run mutually-agreed upon search terms related to Plaintiff's requests for production over the aforementioned ESI and produce responsive documents within 21 days of distribution of this opinion.

IV. The Motion to Compel Plaintiff to Disclose Ongoing Criminal Investigations is Denied

The public interest privilege "exists to encourage witnesses to come forward and provide information in criminal investigations carried out by . . . [law enforcement] without fear that the information will be disclosed." Sanchez by Sanchez v. City of New York, 201 A.D.2d 325, 326, 607 N.Y.S.2d 321 (1994). A party seeking disclosure of such information "first must demonstrate a compelling and particularized need for access" beyond "[g]eneral and conclusory allegations." Id. The Court then weighs application of the qualified privilege by balancing the need for production against the potential harm to the public from disclosure. Id.

After review of the materials in camera, the qualified public interest privilege as set forth in Sanchez has been established with respect to the submitted documents. Defendant has articulated no need for the documents. Accordingly, the balance weighs in favor of the privilege, and the motion to compel is denied. To preserve the record, Plaintiff is directed to file under seal a comprehensive copy of the log and documents within 21 days of distribution of this opinion.

**V. The Motion to Compel Defendant to Answer Deposition
Questions is Granted**

Plaintiff seeks to compel Defendant to answer questions regarding her knowledge of adult sexual activity, which defense counsel instructed Defendant not to answer during her deposition.

"Where a party objects to a discovery request, the objecting party bears the burden of demonstrating specifically how, despite the broad and liberal construction afforded the federal discovery rules, each request is not relevant or how each question is overly broad, burdensome or oppressive by submitting affidavits or offering evidence revealing the nature of the burden." John Wiley & Sons, Inc. v. Book Dog Books, LLC, 298 F.R.D. 184, 186 (S.D.N.Y. 2014) (citations, internal quotation marks and brackets omitted).

Defendant has submitted that she has not put her private affairs at issue, and that such questions are highly intrusive. Notwithstanding, the questions are directed to reveal relevant answers regarding Defendant's knowledge of Plaintiff's allegations. That knowledge goes directly to the truth or falsity of the alleged defamation, a key element of Plaintiff's claim.

Furthermore, privacy concerns are alleviated by the protective order in this case, drafted by Defendant.

Defendant is ordered to answer questions relating to Defendant's own sexual activity (a) with or involving Jeffrey Epstein ("Epstein"), (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed or intended might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be, or believed might become, known to Epstein. Defendant is also directed to answer questions relating to her knowledge of sexual activities of others (a) with or involving Epstein, (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed were known or might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be or believed might become known to Epstein.¹ The scope of Defendant's answers are not bound by time period, though Defendant need not answer questions that relate to none of these subjects or that is clearly not relevant, such as sexual activity of third-parties who bear no knowledge or relation to the key events, individuals, or locations of this case.

¹ Each of the aforementioned lists are disjunctive.

VI. The Motion to Compel Non-Privileged Documents is Granted in Part and Denied in Part

Defendant has sought to compel the following documents: (1) attorney-client communications regarding media advice; (2) pre-existing documents transmitted to counsel; (3) documents shared with or communicated to unidentified third parties; (4) documents primarily for the purpose of providing business advice; (5) documents subject to an unidentified common interest or joint defense protection.

Plaintiff has represented that all responsive "attachments" Defendant seeks to compel have been produced. Accordingly, this request is denied.

Defendant seeks to compel attorney-client communications that include "third parties" on the basis that Plaintiff's privilege log is deficient for identifying individuals as "professionals retained by attorneys to aid in the rendition of legal advice." A review of Plaintiff's privilege log shows Plaintiff has expressly claimed privilege, described the nature of the withheld documents, communications, and tangible things not produced, and generally logged communications in compliance with Federal Rule of Civil Procedure 26(b)(5)(A)(ii). "Unless

the client waives privilege, an attorney or his or her employee, or any person who obtains without the knowledge of the client evidence of a confidential communication *made between the attorney or his or her employee and the client in the course of professional employment*, shall not disclose, or be allowed to disclose such communication, nor shall the client be compelled to disclose such communication." N.Y. C.P.L.R. 4503 (McKinney) (emphasis added). The conduct explicitly described by statute as privileged does not operate as waiver, and again Defendant has provided no factual basis to suggest Plaintiff has misrepresented the identity or role of the third-parties listed. Defendant's request is denied.

Defendant's challenge to the common interest privilege claims is likewise unavailing. Regardless of whether Plaintiff has reflexively claimed the common interest privilege in each entry does not vitiate the otherwise applicable privilege claims made, and Defendant has provided no factual foundation to establish waiver or failure of the other claimed privileges.

Finally, with respect to the media and business advice communications, Defendant has marshaled no evidence to support her speculation that the documents logged as privileged are improperly withheld other than the fact that one member of

Plaintiff's legal team is an author. Plaintiff has represented to the Court and via a detailed privilege log that the communications in question are privileged. Stan Pottinger, the author in question, is a barred attorney of record in this case, incomparable to Defendant's media agent (and non-attorney) Ross Gow. That Pottinger has written non-legal material, or even whether his "primary occupation in the most recent years [is] as a novelist," is irrelevant to whether his communication with Plaintiff as her counsel was for the purpose of providing legal advice. Similarly, Bradley Edwards, who Defendant has already challenged, is an attorney of record in this case, and Defendant has provided no evidence other than the fact of his representation of Plaintiff's non-profit to doubt that the communications logged are privileged.

Having provided no grounds to doubt the sworn representations of Plaintiff's counsel, Defendant's motion to compel these communications is denied. Defendant is granted leave to refile the motions with respect to media and business advice on the basis of relevant and non-specious factual support. Court intervention should not be invoked to resolve routine discovery matters on the basis of a supposition of bad faith. Further filing of frivolous or vexatious motions lacking sufficient factual support to support a colorable argument (or

on the basis of misrepresented or false facts or law) will be met with sanctions.

VII. The Motion for Leave to Serve Three Deposition Subpoenas By Means Other than Personal Service is Granted in Part and Denied in Part

Plaintiff seeks to compel subpoenas to serve Nadia Marcinkova, Sarah Kellen, and Jeffrey Epstein. The request is denied with respect to Epstein as moot. No opposition having been filed and the testimony of Marcinkova and Kellen being relevant to falsity of the defamation at issue, the motion is granted with respect to Marcinkova and Kellen.

VIII. The Motion to Compel Attorney-Client Communications and Work Product is Denied

Defendant argues that "Edwards and Cassell preemptively filed an action against Dershowitz proclaiming they did not violate Rule 11 . . . [and i]n doing so, they voluntarily put at issue and relied on: a) their good faith reliance on information communicated to them by Plaintiff, and b) their work product

showing that their filing was reasonably investigated and substantially justified." Def.'s Reply in Supp. Mot. to Compel all Att'y-Client Comms. and Att'y Work Product at 8-9 (Def.'s Reply on AC"). The Broward County, Florida Court ruled on this argument in Edwards and Cassell v. Dershowitz and Defendant argues in reply that this order is non-binding, and was issued prior to Plaintiff's testimony. Id. at 1.

Defendant was not a party to the Florida case. Nevertheless, Defendant's argument is nearly identical to Dershowitz's. Defendant argues Plaintiff's testimony arose after the ruling in the Florida case, however, the principle of that argument is the same: Defendant placed her attorney-client communications with Edwards and Cassell at issue by relying on the content of those communications in Edwards and Cassell v. Dershowitz. The Florida Court's ruling is therefore highly relevant privilege has not been waived.² The motion is accordingly denied.

² The Court declines to address the choice of law issue, as application of Florida or New York at-issue doctrines are not outcome determinative in this instance and thus no determination is necessary. Compare Coates v. Akerman, Senterfitt & Eidson, P.A., 940 So. 2d 504, 510 (Fla. Dist. Ct. App. 2006) ("for waiver to occur under the at issue doctrine, the proponent of a privilege must make a claim or raise a defense based upon the privileged matter and the proponent must necessarily use the privileged information in order to establish its claim or defense.") with Chin v. Rogoff & Co., P.C., No. 05 CIV.

IX. The Motion to Exceed the Ten Deposition Limit is Granted in Part and Denied in Part

As of the filing of Plaintiff's reply on June 13, 2016, Plaintiff has deposed Defendant, Ms. Sjoberg, Mr. Alessi, Mr. Rodgers, and Mr. Rizzo and scheduled the depositions of Mr. Epstein, Mr. Gow, [REDACTED], Ms. Kellen, Ms. Marcinkova, Mr. Recarey, and Mr. Brunel. Plaintiff now seeks leave of the Court pursuant to Federal Rule of Civil Procedure 30(2)(A)(i) take three additional depositions: Mrs. Alessi, Mr. Reiter, and newly raised in Plaintiff's reply, Former President Clinton.

Discovery being well under way and depositions having been scheduled for more than ten individuals, the motion is timely. "The court must grant a request to exceed ten depositions unless the additional depositions would be unreasonably cumulative or duplicative, the requesting party had a prior opportunity in discovery to obtain the information sought, or the burden or

8360(NRB), 2008 WL 2073934, at *5 (S.D.N.Y. May 8, 2008) ("New York courts have held that an 'at issue' waiver occurs "where a party affirmatively places the subject matter of its own privileged communication at issue in litigation, so that invasion of the privilege is required to determine the validity of a claim or defense of the party asserting the privilege, and application of the privilege would deprive the adversary of vital information.").

expense of additional depositions would outweigh any likely benefit." In re Weatherford Int'l Sec. Litig., No. 11 CIV. 1646 LAK JCF, 2013 WL 5762923, at *2 (S.D.N.Y. Oct. 24, 2013). Plaintiff proposes limiting the length of the proposed depositions to limit any undue burden that might result. Defendant argues the depositions would be unduly cumulative and duplicative.

This case revolves around factual issues between Plaintiff and Defendant. The testimony of Mrs. Alessi concerning relevant facts may tend to either establish or negate falsity of the allegedly defamatory statement. The limited burden of this additional deposition, further mitigated as Plaintiff proposes, is therefore outweighed by the benefit of resolving this case on the merits. The motion with respect to this additional deposition is granted.

The relevance of the testimony of Mr. Reiter and President Clinton have not been adequately established. The motion as to these two depositions is denied. Defendant's request for costs and fees is denied pursuant to this Court's previous ruling with respect to costs and fees.

X. The Motion for Leave to File Excess Pages is Granted

Plaintiff sought leave to file excess pages in response to Defendant's motion to compel attorney-client communications and work product. To the extent the motion is not moot, leave is granted.

XI. Conclusion

As set forth above: the motion for an order of forensic examination is granted in part and denied in part; the motion to compel Plaintiff to disclose alleged on-going criminal investigations by law enforcement is denied; the motion to compel Defendant to answer deposition questions is granted; the motion to compel non-privileged documents is denied; the motion for leave to serve three deposition subpoenas by means other than personal service is granted in part and denied in part; the motion to compel attorney-client communications and work product is denied; the motion to exceed the presumptive ten deposition limit is granted; the motion for leave to file an opposition brief in excess of the 25 pages permitted under this Court's Individual Rules of Practice is granted. This opinion resolves ECF Nos. 96, 101, 143, 155, 160, 164, 172, and 182.

For purposes of managing the filings in this case, the parties are further directed to comply with the Court's Individual Rules of Practice by providing all future motion papers in their full non-redacted form, complete with related declarations and exhibits, in a single complete bound hard copy delivered to Chambers at the time of filing. All soft-copies must be provided by attachment of a single PDF in its full non-redacted form, including all related declarations and exhibits irrespective of whether each attachment or declaration is intended to be filed under seal. Soft-copies must be provided in addition to, not in lieu of, hard-copies.

This matter being subject to a Protective Order, the parties are directed to meet and confer regarding redactions to this Opinion consistent with that Order. The parties are further directed to jointly file a proposed redacted version of this Opinion or notify the Court that none are necessary within two weeks of the date of receipt of this Opinion.

It is so ordered.

New York, NY
June 20, 2016



ROBERT W. SWEET
U.S.D.J.

COMPOSITE
EXHIBIT 3

(Filed Under Seal)

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Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

VIRGINIA L. GIUFFRE,

Plaintiff,

Case No.:
15-cv-07433-RWS

-against-

GHISLAINE MAXWELL,

Defendant.

- - - - - x

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Continued Videotaped Deposition of
GHISLAINE MAXWELL, the Defendant herein,
taken pursuant to subpoena, was held at
the law offices of Boies, Schiller &
Flexner, LLP, 575 Lexington Avenue, New
York, New York, commencing July 22,
2016, 9:04 a.m., on the above date,
before Leslie Fagin, a Court Reporter
and Notary Public in the State of New
York.

MAGNA LEGAL SERVICES
1200 Avenue of the Americas
New York, New York 10026
(866) 624-6221

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2 A. I think everyone here can
3 understand what intercourse is, is when you
4 have sex. I don't know how to say
5 intercourse any other way, having sex with
6 somebody. Perhaps you would like to define
7 it for me.

8 Q. I'm trying to get your definition
9 right now because you are the witness. When
10 you use the term intercourse, what are you
11 referring to?

12 A. I'm referring to a penis entering
13 someone's vagina.

14 Q. Now, have you ever engaged in oral
15 sex?

16 A. In my life?

17 MR. PAGLIUCA: There are specific
18 areas that the court has allowed inquiry
19 into, and those are delineated in the
20 court's order of June 20th. The
21 open-ended "Have you ever engaged in
22 oral sex" is not part of the court's
23 order at page 10, and the court
24 specifically indicated that sexual
25 activity of third parties who bear no

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2 anyone in any of Mr. Epstein's five homes
3 that you have identified?

4 A. Yes.

5 Q. With whom?

6 A. Mr. Epstein.

7 Q. Did you ever have oral sex with
8 anyone in any of Mr. Epstein's five homes
9 that you've identified other than
10 Mr. Epstein?

11 MR. PAGLIUCA: I'm going to
12 instruct you not to answer, unless you
13 tie it to a specific individual related
14 to this case per the court's order.

15 MR. BOIES: I think the court's
16 order specifically permits this question
17 with respect to occasions related to
18 this case. If you instruct her not to
19 answer, all you're going to do is bring
20 her back. That's up to you.

21 MR. PAGLIUCA: It's up to you as
22 the questioner, Mr. Boies. The court's
23 order says the defendant need not answer
24 questions that relate to none of these
25 subjects or that is clearly not relevant

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2 Johanna?

3 A. I would not know. I would say no.

4 Q. Did you engage in sexual activities
5 with Johanna?

6 A. No.

7 Q. Do you know how Johanna came to
8 know Mr. Epstein?

9 A. I met her at her university and she
10 came to answer phones.

11 Q. When you say she came to answer
12 phones, where?

13 A. In Palm Beach.

14 Q. At Mr. Epstein's home in Palm
15 Beach?

16 A. Yes.

17 Q. So is it fair to say that Johanna
18 was initially hired to answer telephones,
19 according to your testimony?

20 MR. PAGLIUCA: This has already
21 been testified to Mr. Boies. We are
22 repeating testimony now.

23 MR. BOIES: I think in the context
24 of the witness' answers, these are fair
25 questions.

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2 Now, I've asked you before, if you
3 want to instruct her not to answer, if
4 you want to go to the judge, we are
5 happy to do that, but I would suggest,
6 in the interest of moving it along, that
7 you stop these speeches.

8 MR. PAGLIUCA: You are not moving
9 it along is the problem, so maybe we
10 should call the court and get some
11 direction here, because I am not going
12 to sit here and rehash the testimony we
13 already gave.

14 MR. BOIES: That's fine.

15 THE VIDEOGRAPHER: The time is
16 10:51 a.m. and we are going off the
17 record.

18 (Whereupon, an off-the-record
19 discussion was held.)

20 THE VIDEOGRAPHER: The time is
21 10:56 a.m. and we are going back on the
22 record. This begins DVD No. 3.

23 MR. BOIES: We have just had a call
24 with Judge Sweet's chambers, Judge Sweet
25 is not available and his chambers

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2 or argue this in front of Judge Sweet.

3 But I will simply start referring
4 you back to the transcript and
5 instructing the witness not to answer
6 when I think we are getting into some
7 things that have been asked and answered
8 already.

9 MR. BOIES: Exactly the procedure
10 that I have proposed from the beginning.
11 If you think a question is out of
12 bounds, instruct not to answer and we
13 will then let the judge decide it.

14 BY MR. BOIES:

15 Q. How did it happen, Ms. Maxwell,
16 that Johanna, who had been hired to answer
17 the phones, ended up giving massages to you
18 and Mr. Epstein?

19 MR. PAGLIUCA: I'm going to
20 instruct you not to answer the question.
21 This has been previously, the subject of
22 your former deposition, it doesn't fall
23 into any of the categories ordered by
24 the court, and so you don't need to
25 answer that.

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2 Q. Was Johanna paid for the massages
3 that she gave you?

4 A. I didn't pay her, so I believe she
5 was paid.

6 Q. Who paid her?

7 A. I don't know who paid her.

8 MR. PAGLIUCA: Again, you've
9 already answered that there was no
10 sexual activity between yourself and
11 Mr. Epstein related to these massages.
12 That's record testimony today. That's
13 within the scope of the court's order.
14 The rest of this is outside the scope of
15 the court's order, and I instruct you
16 not to answer.

17 MR. BOIES: You are taking the
18 position that as long as she said says
19 that a massage did not involve sexual
20 activity, we cannot ask about massages.
21 That's your view?

22 MR. PAGLIUCA: On this particular
23 questioning, yes.

24 BY MR. BOIES:

25 Q. Did Mr. Epstein pay Johanna for the

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2 massages that she gave Mr. Epstein?

3 MR. PAGLIUCA: You just asked this
4 question, and I told her not to answer.
5 I will tell her not to answer again for
6 the same reasons.

7 Q. Do you know how much Mr. Epstein
8 paid Johanna to give massages?

9 MR. PAGLIUCA: Same instruction to
10 the witness. Why do you believe this is
11 within the scope of the court's order?

12 MR. BOIES: Because of the court's
13 reference to massages, and because I
14 think how much a girl who was hired to
15 answer the phone was paid to give a
16 "massage" goes to whether there actually
17 was or was not sexual activity involved.

18 MR. PAGLIUCA: The witness has
19 testified there wasn't.

20 MR. BOIES: Perhaps it will
21 surprise you, I think it should not,
22 that I do not believe in my deposition I
23 need to simply accept her
24 characterization without
25 cross-examination. Now, that's

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2 something the judge can decide, but a
3 question as to how much this young girl
4 was being paid for a "massage", I think
5 goes directly to the issue of sexual
6 activity.

7 MR. PAGLIUCA: Here is the problem,
8 Mr. Boies, at the first deposition,
9 there were very limited instructions not
10 to answer and the witness was not told
11 not to answer questions about how much
12 people were paid or not paid or any of
13 those subject matters. The witness was
14 only instructed not to answer about
15 sexual activity concerning adults in the
16 home.

17 None of this came up during the
18 deposition, and you just don't get a
19 chance to redo the deposition because
20 you feel like you want to.

21 So the judge's order is in the
22 context of the instructions to the
23 witness not to answer in the first
24 deposition, which is simply sexual
25 activity involving adults, which was the

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2 were sex toys or devices used in sexual
3 activities in Mr. Epstein's property in the
4 Virgin Islands?

5 MR. PAGLIUCA: Objection to form
6 and foundation.

7 A. No.

8 Q. Do you know whether Mr. Epstein
9 possessed sex toys or devices used in sexual
10 activities?

11 MR. PAGLIUCA: Objection to form
12 and foundation.

13 A. No.

14 Q. Did you ever assist Mr. Epstein in
15 obtaining sex toys or devices used in sexual
16 activities?

17 MR. PAGLIUCA: Objection to form
18 and foundation.

19 A. No.

20 Q. In the 1990s and 2000s, did you
21 ever have possession of or use sex toys or
22 devices used in sexual activities?

23 A. No.

24 Q. Did you, in the 1990s and 2000s,
25 engage in sexual activities other than

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2 intercourse with women other than what you
3 have testified to already?

4 MR. PAGLIUCA: First of all, I
5 object to the form and foundation and
6 it's also outside of the court's order
7 because it's unclear as you question,
8 and I specifically direct you to the
9 last line of the court's order: Sexual
10 activity of third parties who bear no
11 knowledge or relation to key events,
12 individuals or locations in this case.

13 MR. BOIES: This simply asks yes or
14 no, and I think that it is an
15 appropriate question given some of the
16 witness' prior answers, but there is no
17 point in debating it, because if you
18 instruct her not to answer, the judge
19 will decide whether it's appropriate.

20 MR. PAGLIUCA: I'm just telling you
21 if you tie it to something in this case,
22 I will let her answer.

23 MR. BOIES: Are you instructing her
24 not to answer?

25 MR. PAGLIUCA: Yes, unless you tie

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2 A. I don't recall ever hearing such a
3 thing.

4 Q. You know Mr. Les Wexner, correct?

5 A. I do.

6 Q. Do you know whether or not Maria
7 Farmer was ever at Mr. Wexner's property in
8 Ohio?

9 MR. PAGLIUCA: Can you tell me how
10 that relates to this order, counselor?

11 MR. BOIES: Yes, I think it goes
12 directly to the sexual activity related
13 to Maria Farmer and what Mr. Epstein was
14 doing with Maria Farmer.

15 Again, you can instruct not to
16 answer.

17 MR. PAGLIUCA: I'm trying to
18 understand why you are asking these
19 questions before I --

20 MR. BOIES: I'm asking these
21 questions because these are people who
22 not only have been publicly written
23 about in terms of the sexual activity
24 that they were put into in connection
25 with Mr. Epstein, but the person who

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2 wrote about them is somebody who talked
3 to this witness about it, and I think
4 that this is more than easily understood
5 cross-examination.

6 MR. PAGLIUCA: Your question was,
7 do you know whether or not Maria Farmer
8 was ever at Mr. Wexner's property in
9 Ohio.

10 MR. BOIES: Yes. And if you let
11 her answer, you will see where it leads.
12 If you won't let her answer, the judge
13 is going to determine it. And I just
14 suggest to you that you stop these
15 speeches and stop debating, because you
16 are not going to convince me not to
17 follow-up on these questions. If you
18 can convince the court to truncate the
19 deposition, that's your right, but all
20 you're doing is dragging this deposition
21 out.

22 MR. PAGLIUCA: You have the
23 opportunity to give me a good faith
24 basis why you are asking these
25 questions.

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2 MR. BOIES: I have given you a good
3 faith basis.

4 MR. PAGLIUCA: You haven't.

5 MR. BOIES: Then instruct not to
6 answer.

7 MR. PAGLIUCA: I am giving you the
8 opportunity to say why you are asking
9 the question, and why I'm telling her
10 not to answer and I am entitled to know
11 that.

12 MR. BOIES: You are not entitled to
13 know why I'm asking the question. You
14 are only entitled to know that it
15 relates to the subject matter that I am
16 entitled to inquire about, and I don't
17 think the judge is going to think that,
18 you know, where Mr. Epstein shipped
19 Maria Farmer off to is outside the scope
20 of what I'm entitled to inquire about.

21 THE WITNESS: Can we take a break?

22 MR. BOIES: Only if you commit not
23 to talk to your counsel during the
24 break.

25 THE WITNESS: That's ludicrous.

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2 Q. Insofar as you were aware, did
3 Virginia Roberts ever have a male friend that
4 visited her at the Epstein residences?

5 A. I don't recall ever seeing a man
6 with Virginia. I believe she had a fiance
7 that I was aware of, I think, but that's all.

8 Q. When were you aware that Virginia
9 Roberts had a fiance?

10 A. I can't say I became aware from
11 reading all this stuff, or I was aware of it
12 at the time. I don't know.

13 Q. Did you ever meet Virginia Roberts'
14 fiance?

15 A. I don't think I ever did. I don't
16 recall meeting any men with Virginia.

17 Q. Do you know [REDACTED],

18 [REDACTED]

19 A. I never heard that name before.

20 Q. Have you ever heard the name of
21 Carolyn Andriamo, A-N-D-R-I-A-M-O?

22 A. I don't recollect that name at all.

23 MR. PAGLIUCA: Mr. Boies, those
24 names are on Exhibit 26, which we have
25 already gone over and she said she

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2 didn't recognize those people, so now we
3 are just repeating things that we went
4 over.

5 MR. BOIES: I am in the context of
6 seeing if I can refresh her
7 recollection, because these are women
8 that Mr. Figueroa, who she also does not
9 recall, brought over to Mr. Epstein's
10 residences, and I also want to make a
11 very clear record of what her testimony
12 is and is not right now.

13 Again, you can instruct her not to
14 answer if you wish.

15 MR. PAGLIUCA: I'm trying to get to
16 nonrepetitive questions here. You
17 basically asked the same question three
18 times. Then we get a pile of notes that
19 get pushed up to you, you read those.
20 Then you ask those three times, and then
21 we go to another question. So it's
22 taking an inordinately long amount of
23 time and it shouldn't.

24 MR. BOIES: I think that is a
25 demonstrably inaccurate statement of

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2 what has been going on, and I
3 attribute -- maybe I shouldn't attribute
4 it at all.

5 But if you want to instruct not to
6 answer, instruct not to answer. If you
7 don't, again, all I will do is request
8 that you cease your comments. I can't
9 do that. All I can do is seek sanctions
10 afterwards.

11 BY MR. BOIES:

12 Q. Ms. Maxwell.

13 A. Mr. Boies.

14 Q. What?

15 A. I'm replying. You said Ms.
16 Maxwell, I said Mr. Boies.

17 Q. Do you have a question?

18 A. No.

19 Q. I have a question.

20 A. I'm sure you do.

21 Q. During the time that you were in
22 the property or at the property that
23 Mr. Epstein has in the Virgin Islands, were
24 you aware of Mr. Epstein getting any
25 massages?

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2 court's order.

3 Q. In terms of preparing for this
4 deposition, what documents did you review?

5 MR. PAGLIUCA: To the extent I
6 provided you with any documents to
7 review, I will tell you that's both --
8 it's privileged and I instruct you not
9 to answer.

10 Q. Did your lawyer provide you with
11 any documents to review in preparation for
12 this deposition that refreshed your
13 recollection about any of the events that
14 occurred?

15 MR. PAGLIUCA: You can answer that
16 question.

17 A. No.

18 Q. How many documents did your lawyer
19 provide you with?

20 MR. PAGLIUCA: You can answer.

21 A. One, I believe.

22 Q. One document. Was that a document
23 that had been prepared by your attorney, or
24 was it a document from the past?

25 MR. PAGLIUCA: I will tell you not

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2 MR. PAGLIUCA: Don't answer that
3 question. It's outside the court's
4 order.

5 Q. In 2005, were you aware of any
6 effort to destroy records of messages you had
7 taken of women who had called Mr. Epstein in
8 the prior period?

9 MR. PAGLIUCA: Don't answer that
10 question. It's outside the court's
11 order.

12 MR. BOIES: I said I would give you
13 a break every hour. It's been an hour.

14 MR. PAGLIUCA: Do you want a break
15 or do you want to keep going?

16 THE WITNESS: Keep going.

17 MR. BOIES: What I told you before,
18 you asked for a break every hour. I am
19 happy to give you a break at a fixed
20 time. What I'm not happy to do is
21 interrupt a chain of examination.

22 So if you want a break now, we will
23 take a break now. If you don't want a
24 break now, we will not break for another
25 hour.

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2 Q. Next one is Heidi --

3 A. Tony is Virginia's guy that you
4 asked me about. I don't know Tony.

5 Q. I asked you about a Tony Figueroa.

6 A. Right, I don't know him, so I'm
7 guessing, I don't know him.

8 Q. Nicole?

9 A. No.

10 Q. Colleen?

11 A. No.

12 Q. Crystal?

13 A. I don't know who these people are.

14 Q. Was there a list that was kept of
15 women or girls who provided massages?

16 MR. PAGLIUCA: This has been
17 previously deposed on. This is not part
18 of the court's order, I will tell her
19 not to answer.

20 MR. BOIES: You are going to tell
21 her not to answer a question that says
22 was there a list of women or girls who
23 provided massages?

24 MR. PAGLIUCA: She has been
25 previously deposed on this subject.

Confidential

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1 G. Maxwell - Confidential

2 MR. BOIES: I think this is
3 squarely in the court's order, but if
4 you instruct her not to answer, you
5 instruct her not to answer.

6 MR. PAGLIUCA: We'll find out.

7 BY MR. BOIES:

8 Q. I take it you don't know the ages
9 of any of these people?

10 A. The ones that I did recognize were
11 roughly my age. The ones I don't know, I
12 wouldn't have a clue.

13 Q. Did you, or insofar as you are
14 aware anyone, maintain a list of females that
15 provided massage services to Mr. Epstein at
16 his residences?

17 MR. PAGLIUCA: Objection to form
18 and foundation.

19 You can answer if you can.

20 A. I don't know anything about a list.

21 Q. Let me go back to Exhibit 28. I
22 want to go down this list, excluding
23 Mr. Epstein himself, and just ask you a
24 series of the same essential questions about
25 each one.

Confidential

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CERTIFICATE

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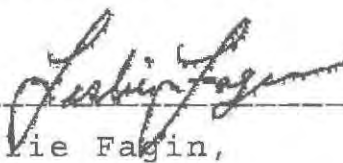
8

I HEREBY CERTIFY that GHISLAINE
MAXWELL, was duly sworn by me and that the
deposition is a true record of the testimony
given by the witness.

9

10

11





Leslie Fagin,

Registered Professional Reporter

12

Dated: July 22, 2016

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(The foregoing certification of
this transcript does not apply to any
reproduction of the same by any means, unless
under the direct control and/or supervision
of the certifying reporter.)

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21

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25

**COMPOSITE
EXHIBIT 4
(Filed Under Seal)**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,
Plaintiff,

v.

GHISLAINE MAXWELL,
Defendant.

_____ /

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company
B. Paul Katz Professional Center
(SunTrust Building)
One Florida Park Drive South
Suite 214
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR
Florida Professional Reporter
Court Reporter and Notary Public

1 Q I guess my question is: Did she ever tell
2 you that she had started as a regular masseuse for
3 him and then transitioned to something other than a
4 masseuse?

5 A No. She never said that it transitioned.
6 But she ended up explaining to me what had happened
7 before, so...

8 Q What has -- what is that?

9 A That her and Ms. Maxwell and Jeffrey would
10 obviously be doing stuff, all three of them
11 together. Like I said, that they would all go out
12 to clubs to pick up girls and try and find them to
13 bring back for Jeffrey. And then she told me about
14 how, like I said, her and Ms. Maxwell and Jeffrey
15 were all intimate together on multiple occasions.

16 Q When did she tell you this?

17 A I'm not exactly sure on the dates.

18 Q Was it while you were still together?

19 A Yes.

20 Q Did you -- had you met Ms. Maxwell?

21 A Yeah, I had met her a couple of times.

22 Q When did you meet Ms. Maxwell?

23 A Dates, I'm unsure of. But it was pretty
24 much, like I said, at Jeffrey's house in the
25 kitchen.

1 Q Was it earlier in the time you were with
2 her, or...

3 A It was about -- I'd say about six months
4 or so. I don't know. I'm not exactly positive.

5 Q All right. So at the time you met
6 Ms. Maxwell, had Ms. Roberts already told you that
7 she had been intimate?

8 A No. She had told me about that, I
9 believe, after I had max- -- after I had already met
10 her.

11 Q Okay. And tell me everything that you
12 remember about what Ms. Roberts said about being
13 intimate with Ms. Maxwell and Mr. Epstein at the
14 same time.

15 A I remember her talking about, like,
16 strap-ons and stuff like that. But, I mean, like I
17 said, all the details are not really that clear.
18 But I remember her talking about, like, how they
19 would always be using and stuff like that.

20 Q She and Ms. Maxwell and Mr Epstein would
21 used strap-ons?

22 A Uh-huh (affirmative).

23 Q How did you feel about that?

24 A I just -- obviously not happy about it.

25 Q What did you say?

1 A I did not.

2 Q When the FBI interviewed you, did you
3 mention this to them?

4 A I mentioned -- anything they asked me, I
5 did not hold anything back.

6 Q Okay. Do you recall specifically talking
7 about sex with the Prince?

8 A I -- I don't recall talking to them about
9 that, but, I mean, it's -- it could be possible.

10 Q Other than sex with the Prince, is there
11 anyone else that Jeffrey wanted Ms. Roberts to have
12 sex with that she relayed to you?

13 A Mainly, like I said, just Ms. Maxwell and
14 all the other girls.

15 Q Ms. Maxwell wanted -- Jeffrey wanted
16 Virginia to have sex with Ms. Maxwell?

17 A And him, yeah.

18 Q And did she tell you whether she had ever
19 done that?

20 A Yeah. She said that she did.

21 Q And when did she tell you that?

22 A I'm not sure on the date.

23 Q And what did she describe having happened?

24 A I believe I already told you that. With
25 the strap-ons and dildos and everything.

1 Q Was it one event or more than one event?

2 A I'm positive it was more than one.

3 Q Why do you say that?

4 A Because they were always with each other.

5 Like, any time she would talk to me about them going
6 to do stuff, it was with her and Ms. Maxwell. Like,
7 they were always out, like, trying to get girls and
8 whatnot.

9 Q Okay. Did you ever participate in getting
10 girls?

11 A Yes. But...

12 Q Tell me what you mean. What did you do?
13 When you say 'get girls,' what do you mean?

14 A Pretty much I got some of my friends that
15 I knew, because Virginia was looking for other girls
16 to go over there, because Jeffrey was giving us \$200
17 apiece for every one that we brought over. And
18 I'll -- pretty much I would get friends that I went
19 to school with, and I would take them over there and
20 introduce them, and then I would just leave.

21 Q What did you tell them they were going to
22 do?

23 A A masseuse, like, and then I told them --
24 I was, like, "Now, listen." I was, like, "I'm
25 letting you know I don't know what he's going to ask

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,
Plaintiff,

v.

GHISLAINE MAXWELL,
Defendant.

_____ /

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 2 of 2

Pages 158 - 258

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company
B. Paul Katz Professional Center
(SunTrust Building)
One Florida Park Drive South
Suite 214
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR
Florida Professional Reporter
Court Reporter and Notary Public

1 MS. MENNINGER: Objection. Form.

2 Foundation.

3 A For Jeffrey.

4 BY MR. EDWARDS:

5 Q All right. Let me fix this. Ghislaine --
6 when Ghislaine Maxwell would call you during the
7 time that you were living with Virginia, she would
8 ask you what, specifically?

9 MS. MENNINGER: Objection. Form.

10 Foundation.

11 A Just if I had found any other girls just
12 to bring to Jeffrey.

13 BY MR. EDWARDS:

14 Q Okay.

15 A Pretty much every time there was a
16 conversation with any of them, it was either asking
17 Virginia where she was at, or asking her to get
18 girls, or asking me to get girls.

19 Q All right. Let's go to that second
20 category you just identified, which is asking
21 Virginia to get girls. How many times were you in a
22 room where specifically Ghislaine Maxwell would ask
23 Virginia to bring girls?

24 A None that I can recall.

25 Q Okay. How many times -- when you say they

EXHIBIT 5
(Filed Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

1 Q. Okay. Great.

2 All right. Do you know a female by the
3 name of Ghislaine Maxwell?

4 A. Yes.

5 Q. And when did you first meet Ms. Maxwell?

6 A. 2001. March probably. End of
7 February/beginning of March.

8 Q. And how did you meet her?

9 A. She approached me while I was on campus at
10 Palm Beach Atlantic College.

11 Q. And what happened when she approached you?

12 A. She asked me if I could tell her how to
13 find someone that would come and work at her house.
14 She wanted to know if there was, like, a bulletin
15 board or something that she could post, that she was
16 looking for someone to hire.

17 Q. And what did you discuss with her?

18 A. I told her where she could go to -- you
19 know, to put up a listing. And then she asked me if
20 I knew anyone that would be interested in working
21 for her.

22 Q. Did she describe what that work was going
23 to be?

24 A. She explained that she lived in Palm Beach
25 and didn't want butlers because they're too stuffy.

1 And so she just liked to hire girls to work at the
2 house, answer phones, get drinks, do the job a
3 butler would do.

4 Q. And did she tell you what she would pay
5 for that kind of a job?

6 A. At that moment, no, but later in the day,
7 yes.

8 Q. And what did she say?

9 A. Twenty dollars an hour.

10 Q. Was there anybody else with Ms. Maxwell
11 when you met her?

12 A. There was another woman with her. I don't
13 recall her or what she looks like or how old she
14 was.

15 Q. And what happened next?

16 A. And then she asked me if I would be
17 interested in working for her. And she told me that
18 she was -- I could trust her and that I could jump
19 in her car and go check out the house at that moment
20 if I wanted.

21 And so I said, Sure, let's do it, and went
22 to her home with her.

23 Q. And where was that home?

24 A. In Palm Beach.

25 Q. And did she describe that home as being

1 Q. And how long did you work in that position
2 answering phones and doing --

3 A. Just that one day.

4 Q. Just that one day.

5 And did your duties change?

6 A. Well, the next time she called me, she
7 asked me if I wanted to come over and make \$100 an
8 hour rubbing feet.

9 Q. And what did you think of that offer?

10 A. I thought it was fantastic.

11 Q. And did you come over to the house for
12 that purpose?

13 A. Yes.

14 Q. And when you came over to the house, was
15 Maxwell present?

16 A. I don't recall.

17 Q. And what happened that second time you
18 came to the house?

19 A. At that point, I met Emmy Taylor, and she
20 took me up to Jeffrey's bathroom and he was present.
21 And her and I both massaged Jeffrey. She was
22 showing me how to massage.

23 And then she -- he took -- he got off the
24 table, she got on the table. She took off her
25 clothes, got on the table, and then he was showing

1 me moves that he liked. And then I took my clothes
2 off. They asked me to get on the table so I could
3 feel it. Then they both massaged me.

4 Q. So it was more than a foot massage at that
5 point?

6 A. Yeah, it was mostly, like, legs and back.

7 Q. Was everybody in the room without clothes
8 on?

9 A. When they were on the massage table, yes.

10 Q. Did they -- when they got off the massage
11 table to perform the massage, did they dress or
12 did --

13 A. Yes.

14 Q. They dressed.

15 And do you recall who paid you for that
16 first day that you did the massages?

17 A. I don't recall.

18 Q. Do you recall whether Maxwell was at the
19 house during that first day when you were doing the
20 massage with Emmy and Jeffrey?

21 MS. MENNINGER: Objection, asked and
22 answered.

23 BY MS. McCAWLEY:

24 Q. You can answer.

25 A. I don't recall.

1 A. No, I only -- to you, I said that to you.
2 I just saw her as perhaps someone who may not have
3 had a strong family, and they took her under their
4 wing.

5 Q. Now, you mentioned remembering going to
6 Atlantic City.

7 Did you go -- where did you go after
8 Atlantic City?

9 A. Once we landed in New York, Emmy and I
10 went in a car and drove around the city for a half
11 hour or so, just to see some of the city.

12 Q. And then where did you go after doing the
13 sightseeing?

14 A. We went to the townhouse on East 71st.

15 Q. And can you describe that location for me?

16 A. Sure. Between Madison and Park. I think
17 the address might have been 9 East 71st Street.

18 Q. And who owned that home?

19 A. As far as I knew, Epstein.

20 Q. Can you describe for me physically what --

21 A. Palatial. When you walk up, it looks like
22 a normal door to a townhouse, and when you walk
23 in -- I thought there were four floors. I heard
24 there were seven floors. I didn't see them all.

25 Q. And do you recall who, if anybody, was at

1 Jeffrey's home when you arrived?

2 A. Yes. When I first walked in the door, it
3 was just myself, and Ghislaine headed for the
4 staircase and said -- told me to come up to the
5 living room.

6 Q. And what happened at that point, when you
7 came up to the living room?

8 A. I came up and saw Virginia, Jeffrey,
9 Prince Andrew, Ghislaine in the room.

10 Q. And did you meet Prince Andrew at that
11 time?

12 A. Yes.

13 Q. And what happened next?

14 A. At one point, Ghislaine told me to come
15 upstairs, and we went into a closet and pulled out
16 the puppet, the caricature of Prince Andrew, and
17 brought it down. And there was a little tag on the
18 puppet that said "Prince Andrew" on it, and that's
19 when I knew who he was.

20 Q. And did -- what did the puppet look like?

21 A. It looked like him. And she brought it
22 down and presented it to him; and that was a great
23 joke, because apparently it was a production from a
24 show on BBC. And they decided to take a picture
25 with it, in which Virginia and Andrew sat on a

1 couch. They put the puppet on Virginia's lap, and I
2 sat on Andrew's lap, and they put the puppet's hand
3 on Virginia's breast, and Andrew put his hand on my
4 breast, and they took a photo.

5 Q. Do you remember who took the photo?

6 A. I don't recall.

7 Q. Did you ever see the photo after it was
8 taken?

9 A. I did not.

10 Q. And Ms. Maxwell was present during the --
11 was Ms. Maxwell present during that?

12 A. Yes.

13 Q. What happened next?

14 A. The next thing I remember is just being
15 shown to which room I was going to be staying in.

16 Q. When you exited the room that you were in
17 where the picture was taken, do you recall who
18 remained in that room?

19 A. I don't.

20 Q. Do you recall seeing Virginia exit that
21 room?

22 A. I don't.

23 Q. During this trip to New York, did you have
24 to perform any work when you were at the New York
25 house?

1 A. I performed at least one massage that I
2 recall.

3 Q. And who instructed you to give that
4 massage?

5 A. Jeffrey.

6 Q. And can you describe for me what happened
7 during that massage?

8 A. Near the end, he asked me to rub his
9 nipples while he masturbated.

10 Q. And did that take place?

11 A. It did not.

12 Q. And why not?

13 A. I was not comfortable with it. And so I
14 left the room.

15 Q. Did you have any -- did you say anything
16 to him before leaving the room?

17 A. I believe I said, "I'm done."

18 Q. Do you recall what his reaction was to
19 that?

20 A. I do not. At the time, at that moment, I
21 do not.

22 Q. Did you recall later what --

23 A. Well, we had a conversation a little
24 later, talking about his expectations, and that was
25 the conversation where he said that the next trip

1 Q. Did you observe her to be young when you
2 met her?

3 MS. MENNINGER: Objection, vague as to
4 time.

5 THE WITNESS: All of the women were
6 generally young. I did not know the ages of
7 really anyone, so...

8 BY MS. McCAWLEY:

9 Q. How many massages did Jeffrey receive on
10 average in a given day?

11 MS. MENNINGER: Objection, foundation.

12 THE WITNESS: Three a day.

13 BY MS. McCAWLEY:

14 Q. Let me back up for a moment.

15 How long did you work for Jeffrey and
16 Ghislaine?

17 MS. MENNINGER: Objection, leading and
18 foundation.

19 THE WITNESS: I believe it was five years,
20 2001 to 2006.

21 BY MS. McCAWLEY:

22 Q. And how many massages did Epstein receive
23 per day on average?

24 MS. MENNINGER: Objection, foundation.

25 THE WITNESS: Three.

1 BY MS. McCAWLEY:

2 Q. Were the massages performed by the same
3 girl or different females?

4 A. Different.

5 MS. MENNINGER: Objection, foundation.

6 BY MS. McCAWLEY:

7 Q. What did the females who performed the
8 massages look like?

9 MS. MENNINGER: Objection, foundation.

10 THE WITNESS: They all looked different.
11 Some of them were ethnic, some were blond, some
12 were short, some were tall. Everyone was thin.

13 BY MS. McCAWLEY:

14 Q. Were the girls who performed the massages
15 young or old?

16 MS. MENNINGER: Objection, foundation.

17 THE WITNESS: I don't recall anyone being
18 old.

19 BY MS. McCAWLEY:

20 Q. Do you recall anybody being over the age
21 of, say, 25?

22 MS. MENNINGER: Objection, form.

23 THE WITNESS: Yeah, I believe there was
24 probably a few women that were older than 25.

25 MS. MENNINGER: I'm sorry. I get a chance

1 to object and then you can still answer. No
2 one is going to stop you from answering. I
3 just need to get the objection on the record,
4 in the same way she needs to be able to talk
5 before you. My apologies. I'm not trying to
6 cut you off, but I am supposed to get it in
7 before you answer.

8 BY MS. McCAWLEY:

9 Q. Did Jeffrey ever tell you why he received
10 so many massages from so many different girls?

11 MS. MENNINGER: Objection, hearsay.

12 BY MS. McCAWLEY:

13 Q. You can answer.

14 A. He explained to me that, in his opinion,
15 he needed to have three orgasms a day. It was
16 biological, like eating.

17 Q. And what was your reaction to that
18 statement?

19 A. I thought it was a little crazy.

20 Q. And what did -- do you recall what -- when
21 you observed the other females giving massages, do
22 you recall what they would dress like? Did they
23 wear scrubs or did they typically wear normal
24 clothes?

25 A. Normal clothes.

1 MS. MENNINGER: Objection, leading.

2 BY MS. McCAWLEY:

3 Q. Do you believe that from your
4 observations, Maxwell and Epstein were boyfriend and
5 girlfriend?

6 A. Initially, yes.

7 Q. Did Maxwell ever share with you whether it
8 bothered her that Jeffrey had so many girls around?

9 MS. MENNINGER: Objection, leading,
10 hearsay.

11 THE WITNESS: No. Actually, the opposite.

12 BY MS. McCAWLEY:

13 Q. What did she say?

14 A. She let me know that she was -- she would
15 not be able to please him as much as he needed and
16 that is why there were other girls around.

17 Q. Did there ever come a time -- did you ever
18 take a photography class in school?

19 A. Yes.

20 Q. And did there ever come a time when
21 Maxwell offered to buy you a camera?

22 A. Yes.

23 MS. MENNINGER: Objection, leading.

24 BY MS. McCAWLEY:

25 Q. Did Maxwell ever offer to buy you a

1 camera?

2 MS. MENNINGER: Objection, leading.

3 THE WITNESS: Yes.

4 BY MS. McCAWLEY:

5 Q. Was there anything you were supposed to do
6 in order to get the camera?

7 MS. MENNINGER: Objection, leading.

8 THE WITNESS: I did not know that there
9 were expectations of me to get the camera until
10 after. She had purchased the camera for me,
11 and I was over there giving Jeffrey a massage.
12 I did not know that she was in possession of
13 the camera until later.

14 She told me -- called me after I had left
15 and said, I have the camera for you, but you
16 cannot receive it yet because you came here and
17 didn't finish your job and I had to finish it
18 for you.

19 BY MS. McCAWLEY:

20 Q. And did you -- what did you understand her
21 to mean?

22 A. She was implying that I did not get
23 Jeffrey off, and so she had to do it.

24 Q. And when you say "get Jeffrey off," do you
25 mean bring him to orgasm?

1 A. Yes.

2 Q. Did Ghislaine ever describe to you what
3 types of girls Jeffrey liked?

4 A. Model types.

5 Q. Did Ghislaine ever talk to you about how
6 you should act around Jeffrey?

7 A. She just had a conversation with me that I
8 should always act grateful.

9 Q. Did Jeffrey ever tell you that he took a
10 girl's virginity?

11 A. He did not tell me. He told a friend of
12 mine.

13 Q. And what do you recall about that?

14 MS. MENNINGER: Objection, hearsay,
15 foundation.

16 THE WITNESS: He wanted to have a friend
17 of mine come out who was cardio-kickboxer
18 instructor. She was a physical trainer.

19 And so I brought her over to the house,
20 and he told my friend Rachel that -- he said,
21 You see that girl over there laying by the
22 pool? She was 19. And he said, I just took
23 her virginity. And my friend Rachel was
24 mortified.

25

1 BY MS. McCAWLEY:

2 Q. Based on what you knew, did Maxwell know
3 that the type of massages Jeffrey was getting
4 typically involved sexual acts?

5 MS. MENNINGER: Objection, foundation,
6 leading.

7 THE WITNESS: Yes.

8 BY MS. McCAWLEY:

9 Q. What was Maxwell's main job with respect
10 to Jeffrey?

11 MS. MENNINGER: Objection, foundation.

12 THE WITNESS: Well, beyond companionship,
13 her job, as it related to me, was to find other
14 girls that would perform massages for him and
15 herself.

16 BY MS. McCAWLEY:

17 Q. Did Maxwell ever refer to the girls in a
18 particular way?

19 A. At one point when we were in the islands,
20 we were all watching a movie and she called us her
21 children.

22 Q. Did anybody respond to that?

23 A. I don't recall.

24 Q. Did she ever refer to herself as a mother?

25 A. Yes, like a mother hen.

1 time.

2 Q. Did Epstein try to make the massages
3 sexual?

4 A. On occasion.

5 Q. Would Epstein have you rub his nipples?

6 A. Yes.

7 Q. Would he masturbate during the massages?

8 A. Yes.

9 Q. Did he use sex toys or vibrators on you?

10 A. Yes.

11 Q. Would he leave the sex toys or vibrators
12 out after the massage or would he clean up after
13 himself?

14 MS. MENNINGER: Objection, vague, form.

15 THE WITNESS: He did not ever clean up.

16 BY MS. McCAWLEY:

17 Q. Do you believe that your experience during
18 the years you were with Jeffrey and Maxwell damaged
19 you?

20 MS. MENNINGER: Objection, leading, form.

21 THE WITNESS: It affected me. "Damaged"
22 is a strong word.

23 BY MS. McCAWLEY:

24 Q. And in what way did it affect you?

25 A. It affected future relationships with men,

1 trust issues, expectation issues.

2 Q. Did you observe Nadia Marcinkova and
3 Ghislaine at the house at the same time?

4 MS. MENNINGER: Objection, leading, form.

5 THE WITNESS: I don't recall.

6 BY MS. McCAWLEY:

7 Q. On the USVI trip, the second trip that you
8 took, do you recall Nadia Marcinkova being present?

9 A. I believe she was present at that trip.

10 Q. Do you recall Maxwell being present on
11 that trip?

12 A. Yes.

13 Q. Do you know an individual by the name of
14 [REDACTED]?

15 A. Yes.

16 Q. And who is [REDACTED]?

17 A. She was one of the girls that was around.

18 Q. Was [REDACTED] around both Jeffrey Epstein
19 and Ghislaine Maxwell?

20 A. I don't recall.

21 Q. Do you recall where you first met [REDACTED]
22 [REDACTED]?

23 A. In Palm Beach.

24 Q. At Jeffrey Epstein's home?

25 A. Yes.

1 Q. And what -- do you recall any observations
2 about [REDACTED] when you met her?

3 A. To speak with, she was a little rough
4 around the edges, and I could see the progression of
5 her being groomed a little. They got her braces.
6 She had terrible posture. And with a lot of
7 massages, she learned to stand up straight. So I
8 just saw her become a much more confident person.

9 Q. Do you recall how old she was when you
10 first met her?

11 A. I assumed she was 18, but I do not know
12 her age.

13 MS. McCAWLEY: We're going to take a break
14 really quickly and then we will be back. So we
15 are going to go off the record.

16 THE VIDEOGRAPHER: Off the record at 9:48.

17 (Thereupon, a recess was taken, after
18 which the following proceedings were held:)

19 THE VIDEOGRAPHER: On the record at 9:58.

20 BY MS. McCAWLEY:

21 Q. I'm just going to resume. I have a few
22 more questions for you.

23 You mentioned visiting the US Virgin
24 Islands.

25 Do you recall doing any activities with

1 Maxwell when you were on the visit to the USVI?

2 MS. MENNINGER: Objection, vague as to
3 time.

4 THE WITNESS: I don't recall.

5 BY MS. McCAWLEY:

6 Q. Do you recall ever going hiking with her?

7 A. Yes.

8 Q. Did Maxwell ever ask you to try to bring
9 other girls over for Jeffrey?

10 A. At that time?

11 Q. Yes.

12 A. No.

13 Q. Any other time?

14 A. Well, she had asked me if I knew anyone
15 that could perform massages that would come to the
16 house.

17 Q. And what was your understanding of that
18 request?

19 MS. MENNINGER: Objection.

20 THE WITNESS: Well --

21 MS. MENNINGER: Form.

22 THE WITNESS: -- I just wondered why they
23 wouldn't just call me.

24 BY MS. McCAWLEY:

25 Q. And did you bring anybody else over to

1 perform massages?

2 A. I did not.

3 Q. When you were either in the USVI or in
4 Palm Beach, did you ever observe any females either
5 topless or naked out by the pool?

6 A. Yes.

7 Q. What did you observe?

8 A. Mostly skinny-dipping.

9 Q. Do you know who the individuals were that
10 you observed?

11 A. Sarah Kellen and Ghislaine.

12 Q. Anybody else?

13 A. Yes, but I don't recall who.

14 Q. Did that happen on more than one occasion?

15 A. Yes.

16 Q. How often do you remember making those
17 observations?

18 A. Three times.

19 Q. Do you recall giving a statement to the
20 police regarding Jeffrey Epstein?

21 A. Yes.

22 Q. Do you recall when you gave that
23 statement?

24 A. I don't recall the date.

25 Q. Do you recall the year?

1 post that she needed help.

2 She then asked me if I knew anyone, and I
3 didn't know who she was, I didn't want to take the
4 responsibility of finding someone to work for her,
5 and so I said, Sorry, I don't.

6 And then she said, Well, maybe what about
7 you?

8 And I was at a point in life, I was super
9 spontaneous and willing to skip school.

10 So she said, Come to my house, come in my
11 car and check it out.

12 And so I did.

13 Q. Okay. So for those of you -- of us who
14 don't know, is this like a college campus, like a
15 traditional college campus, or is it in a city
16 setting?

17 A. It's in a city setting. I mean, Palm
18 Beach is not a big city. So it's on the
19 Intracoastal, and there was a big grassy area that
20 were surrounded by buildings, so she was inside of
21 the campus.

22 Q. And she was looking for a bulletin board
23 where she could post a job?

24 A. Something like that, yes.

25 Q. Did she have any kind of flyers --

1 the news channel 12 showed up at my door asking me
2 questions.

3 Q. When Jeffrey was pressuring you to do more
4 than you felt comfortable with, did you observe him
5 being more aggressive in general? Outside of the
6 massage context?

7 MS. McCAWLEY: Objection.

8 THE WITNESS: No.

9 BY MS. MENNINGER:

10 Q. Do you know whether he was taking any type
11 of steroids?

12 A. No.

13 Q. Did you ever see him wearing a patch or
14 something like that?

15 A. I don't recall.

16 Q. Did you tell anyone that Jeffrey was
17 becoming more aggressive with you contemporaneous
18 with when it was happening?

19 MS. McCAWLEY: Objection.

20 THE WITNESS: No.

21 BY MS. MENNINGER:

22 Q. When Jeffrey asked you to do other things
23 besides a normal massage, did he offer to pay you
24 additionally?

25 A. Yes.

1 Q. How much?

2 A. One hundred dollars extra.

3 Can I clarify?

4 Q. Absolutely.

5 A. He didn't ever say he would pay me more,
6 but when the massage was more than just a massage
7 and it was sexual, then he would pay me more.

8 Q. It wasn't a discussion; it's just what
9 happened?

10 A. Correct.

11 Q. Thank you for clarifying.

12 The things that took place with you and
13 Jeffrey behind closed doors were when you were a
14 consenting adult, correct?

15 A. Yes.

16 MS. McCAWLEY: Objection.

17 THE WITNESS: Correct.

18 BY MS. MENNINGER:

19 Q. And you did not have knowledge of what
20 took place with other women behind closed doors and
21 Jeffrey, correct?

22 MS. McCAWLEY: Objection.

23 THE WITNESS: Correct.

24 BY MS. MENNINGER:

25 Q. Do you recall giving an interview to a

1 story out, because this is when Dershowitz --
2 Dershowitz was saying nothing was happening and
3 he was calling her a liar. And she was just
4 trying to find people to back up her story.

5 BY MS. MENNINGER:

6 Q. And what did you understand her story to
7 be? Did she tell you?

8 A. That she was recruited to give massages,
9 sexual massages, and have sex with people such as
10 Dershowitz and Andrew. But I knew none of that at
11 the time.

12 Q. Right. Did you tell them anything -- did
13 you tell them during that meeting that you knew of
14 anything about her being recruited to give sex to
15 either Jeffrey or to other people?

16 MS. McCAWLEY: Objection.

17 THE WITNESS: Can you rephrase?

18 BY MS. MENNINGER:

19 Q. Yes. That wasn't a very good question.
20 What did you say during this meeting with
21 Virginia and her investigator?

22 A. Basically that I believed her, even though
23 I -- she never spoke to me specifically about what
24 was going on; that once I learned everything that
25 happened based on reading the police report, I

1 believed her side of the story.

2 Q. And did she tell you what her side of the
3 story was?

4 A. You know, just that she wasn't a liar;
5 that, you know, she was there to have sex with men
6 that Jeffrey wanted her to sleep with.

7 Q. Did she tell you in that meeting who she
8 had sex with?

9 A. No.

10 Q. Did she name any of the famous people?

11 A. Only Dershowitz came up.

12 Q. Did you two talk about the incident in New
13 York with the puppet?

14 A. I don't recall.

15 Q. And you formed this opinion about whether
16 she was a liar based on things that you've read in
17 the police report?

18 MS. McCAWLEY: Objection.

19 THE WITNESS: I formed my opinion based on
20 my experience in the house.

21 BY MS. MENNINGER:

22 Q. Okay. And what experience in the house
23 helped you form your opinion that what Virginia is
24 saying is true?

25 A. You know, Jeffrey being open with me about

1 A. Flight logs.

2 Q. Any other documents?

3 A. No.

4 Q. What did Ms. McCawley or Mr. Edwards or
5 any of the other lawyers say to you about Ghislaine
6 Maxwell?

7 A. They just asked impressions. They never
8 said anything about her.

9 Q. Were you shown a copy of any report that
10 came out of that interview?

11 A. Which interview?

12 Q. The one with the -- Virginia's attorneys.

13 MS. McCAWLEY: Objection.

14 THE WITNESS: No.

15 BY MS. MENNINGER:

16 Q. You testified earlier about an incident
17 with a camera that Ghislaine Maxwell had given you.
18 I want to ask you some questions about that.

19 A. Sure.

20 Q. Do you know when that was?

21 A. That was in 2002.

22 Q. And why does that date stick out?

23 A. Because I was living -- where I was living
24 specifically and where I had the phone call.

25 Q. Tell me what you remember about the

1 conversation.

2 A. I had been over to her house prior
3 massaging Jeffrey. And I got a phone call from her,
4 and she told me she had a camera for me for my
5 photography class, but yet, she couldn't give it to
6 me yet because during the massage I didn't finish my
7 job and she had to finish it for me.

8 Q. Did she say what she meant?

9 A. No, but I knew.

10 Q. Was there any other time that you had
11 discussed with her finishing your job?

12 A. Not that I recall.

13 Q. Any other time you just recall discussing
14 with her anything about your sexual contact with
15 Jeffrey?

16 MS. McCAWLEY: Objection.

17 THE WITNESS: No.

18 BY MS. MENNINGER:

19 Q. Did she give you the camera?

20 A. I did get the camera.

21 Q. Okay. When did she give you the camera?

22 A. I guess the next time I went to the house.

23 Q. What was said at that time?

24 A. I honestly don't know that she handed it
25 to me. I remember it being there for me.

1 exposed her bra, and she grabbed it and pulled it
2 down.

3 Q. Anything else?

4 A. That was the conversation that he had told
5 her that he had taken this girl's virginity, the
6 girl by the pool.

7 Q. Okay. Did Maxwell ever say to you that it
8 takes the pressure off of her to have other girls
9 around?

10 A. She implied that, yes.

11 Q. In what way?

12 A. Sexually.

13 Q. And earlier Laura asked you, I believe, if
14 Maxwell ever asked you to perform any sexual acts,
15 and I believe your testimony was no, but then you
16 also previously stated that during the camera
17 incident that Maxwell had talked to you about not
18 finishing the job.

19 Did you understand "not finishing the job"
20 meaning bringing Jeffrey to orgasm?

21 MS. MENNINGER: Objection, leading, form.

22 BY MS. McCAWLEY:

23 Q. I'm sorry, Johanna, let me correct that
24 question.

25 What did you understand Maxwell to mean

1 when she said you hadn't finished the job, with
2 respect to the camera?

3 MS. MENNINGER: Objection, leading, form.

4 THE WITNESS: She implied that I had not
5 brought him to orgasm.

6 BY MS. McCAWLEY:

7 Q. So is it fair to say that Maxwell expected
8 you to perform sexual acts when you were massaging
9 Jeffrey?

10 MS. MENNINGER: Objection, leading, form,
11 foundation.

12 THE WITNESS: I can answer?

13 Yes, I took that conversation to mean that
14 is what was expected of me.

15 BY MS. McCAWLEY:

16 Q. And then you mentioned, I believe, when
17 you were testifying earlier that Jeffrey told you a
18 story about sex on the plane. What was that about?

19 MS. MENNINGER: Objection, hearsay.

20 THE WITNESS: He told me one time Emmy was
21 sleeping on the plane, and they were getting
22 ready to land. And he went and woke her up,
23 and she thought that meant he wanted a blow
24 job, so she started to unzip his pants, and he
25 said, No, no, no, you just have to be awake for

1 landing.

2 BY MS. McCAWLEY:

3 Q. Do you recall witnessing any sexual acts
4 on the plane?

5 A. No.

6 Q. Did Emmy ever talk to you about performing
7 sexual acts on the plane?

8 A. No.

9 Q. We looked earlier at the police report,
10 and I just want to clarify, you identified some
11 areas where there were discrepancies in that report.

12 And you can take another look at it if you
13 want, but other than the discrepancies you pointed
14 out, is that a recollection of what you remember
15 telling the detective?

16 A. Yes.

17 MS. MENNINGER: Objection, outside the
18 scope of cross.

19 BY MS. McCAWLEY:

20 Q. You mentioned that there was a time when
21 you noticed that Maxwell was around a little bit
22 less?

23 A. Uh-huh.

24 Q. And I believe you said that was during the
25 middle of the time you were with Jeffrey.

1 Do you remember approximately when that
2 was year-wise?

3 A. I don't. I would say it was probably
4 sometime between 2003 and 2004.

5 Q. And what made you think that?

6 A. I just saw her less and less at the house.

7 Q. Were you there more at the house during
8 that time period?

9 A. No, not necessarily. It's just at the
10 beginning, she was around a lot. And then I would
11 see her occasionally without him. The one time we
12 spent a few days together in 2006, she wasn't there
13 at all.

14 Q. So you saw her in the -- is it fair to say
15 that you saw her in the 2005 and 2006 time frame?

16 A. Yes.

17 Q. Then we were talking about the photography
18 earlier and about the photographs.

19 Did Maxwell ever ask you to take nude
20 photos of yourself for Jeffrey?

21 A. She asked me to take photos of myself for
22 Jeffrey, yes.

23 Q. And did you do that?

24 A. I did not.

25 Q. And the photos that were around that were

1 in the bathroom, that you mentioned a couple of
2 times places that there were photos of you, who took
3 those?

4 A. He did.

5 Q. And when we were talking about the Palm
6 Beach house and you were describing an area where
7 there were just a lot of photographs, is it fair to
8 say that there could have been nude photographs
9 amongst those photos that you saw?

10 A. Yes.

11 Q. And earlier you testified that you don't
12 have knowledge of what happens behind closed doors,
13 but you also said that Jeffrey had told you what
14 other girls did for him and that he wanted you to do
15 those things for him.

16 Is it fair to say that you knew that other
17 girls were performing sexual acts?

18 A. Yes.

19 MS. MENNINGER: Objection, foundation,
20 form.

21 BY MS. McCAWLEY:

22 Q. And I know you mentioned previously that
23 your relationship and the interaction with him
24 progressed over time.

25 Did there come a time when you were

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C E R T I F I C A T E

STATE OF FLORIDA)

: ss

COUNTY OF MIAMI-DADE)

I, KELLI ANN WILLIS, a Registered Professional, Certified Realtime Reporter and Notary Public within and for The State of Florida, do hereby certify:

That JOHANNA SJOBERG, the witness whose deposition is hereinbefore set forth was duly sworn by me and that such Deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of May, 2016.

KELLI ANN WILLIS, RPR, CRR

EXHIBIT 12
(Filed Under Seal)

09 - 22783

Condensed Transcript

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION

L.M.,

Plaintiff,

vs.

CASE No.
502008CA028051XXXXMB AB

JEFFREY EPSTEIN,

Defendant.
~~~~~

**DEPOSITION OF  
LOUELLA RABUYO  
VOLUME I**

October, 20, 2009  
10:10 a.m.

515 N. Flagler Drive  
Suite 200-P  
West Palm Beach, Florida 33401

Reported By: Teresa Whalen, RPR, FPR, Notary Public, State of Florida



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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">9</p> <p>1 head or shake your head, and she can't take that down.</p> <p>2 A All right.</p> <p>3 Q It's also very easy to say uh-huh or huh-uh,</p> <p>4 but it kind of looks the same on paper, so you can't do</p> <p>5 that either. I'm going to wait until you finish your</p> <p>6 answer, and you have to wait until I finish my question,</p> <p>7 because if we talk over one another, then the court</p> <p>8 reporter can't get it down.</p> <p>9 A Okay. Yes, sir.</p> <p>10 Q All right. So if you don't understand the</p> <p>11 question, tell me you don't understand and I'll try to</p> <p>12 ask a better question.</p> <p>13 A Yes.</p> <p>14 Q Okay. So you were hired in November of 2004</p> <p>15 to be the housekeeper for Mr. Epstein?</p> <p>16 A Yes.</p> <p>17 Q And when you were hired, who exactly hired</p> <p>18 you, who -- let me strike that.</p> <p>19 When you were hired to be the housekeeper for</p> <p>20 Mr. Epstein, who did you interview with?</p> <p>21 A Ms. Maxwell.</p> <p>22 Q Is that Ghislaine Maxwell or just</p> <p>23 Laine Maxwell?</p> <p>24 A Ghislaine Maxwell.</p> <p>25 Q And where did the interview take place?</p>                                                                                                   | <p style="text-align: center;">11</p> <p>1 that it's clean and appropriately, what's this..</p> <p>2 Q And as I understand this property, there is a</p> <p>3 main house and then there's also a staff house on the</p> <p>4 property; is that right?</p> <p>5 A Yes, sir.</p> <p>6 Q And when the guests would come over, would you</p> <p>7 stay in the main house, or would you go to the staff</p> <p>8 house?</p> <p>9 MR. REINHART: Can we get a time frame to the</p> <p>10 question?</p> <p>11 BY MR. EDWARDS:</p> <p>12 Q Over the last five years while you worked</p> <p>13 there.</p> <p>14 A I usually stay in the staff house and do the</p> <p>15 laundry, then I go to the kitchen and then tidy the</p> <p>16 kitchen.</p> <p>17 Q You were hired in November of 2004, and what</p> <p>18 were your hours that you worked there back in November</p> <p>19 of 2004 when you were hired?</p> <p>20 A Eight to five.</p> <p>21 Q How many days a week?</p> <p>22 A Depends.</p> <p>23 Q How would the schedule be relayed to you?</p> <p>24 A When Mr. Epstein is there, then I'm supposed</p> <p>25 to report, but usually it's five days a week.</p>                                                                                     |
| <p style="text-align: center;">10</p> <p>1 A At 358 El Brillo Way.</p> <p>2 Q And what did Ms. Maxwell and you speak about</p> <p>3 prior to your being hired as the housekeeper?</p> <p>4 A My duties.</p> <p>5 Q And what did she tell you your duties would</p> <p>6 be?</p> <p>7 A To tidy, to make beds, do laundry.</p> <p>8 Q Did she tell you what would take place in the</p> <p>9 house on a day-to-day basis?</p> <p>10 A No.</p> <p>11 Q So going into that position, you had no idea</p> <p>12 who the guests would be or who the people coming in the</p> <p>13 house would be, or what would generally go on?</p> <p>14 A Can you simplify the question?</p> <p>15 Q Sure. When you talked about with</p> <p>16 Ghislaine Maxwell at this interview, your duties being</p> <p>17 you would make the bed and tidy up, did she also tel</p> <p>18 you that there would be a lot of guests, there would be</p> <p>19 a few guests, did she talk to you about that at all?</p> <p>20 A She mentioned that if there are guests, we</p> <p>21 have to, like, you know, prepare the room, and, what's</p> <p>22 this, attend to the guests.</p> <p>23 Q And what did you understand that to mean that</p> <p>24 you have to attend to the guests?</p> <p>25 A You have to prepare the room and see to it</p> | <p style="text-align: center;">12</p> <p>1 Q So am I correct in understanding that there</p> <p>2 was one schedule when Mr. Epstein was in town, and the</p> <p>3 schedule may be a little bit different if Mr. Epstein</p> <p>4 was out of town?</p> <p>5 A Yes, sir.</p> <p>6 Q All right. Tell me the differences when</p> <p>7 Mr. Epstein is in town versus when Mr. Epstein was not</p> <p>8 in town.</p> <p>9 A If he stays like three or four days, then I'm</p> <p>10 supposed to be there, and then the house is to be</p> <p>11 cleaned. And then when they do not come, then I can</p> <p>12 either go there, or I'm given free days off.</p> <p>13 Q Three days off?</p> <p>14 A No. A free day.</p> <p>15 Q Oh, okay. But typically back in 2004 when you</p> <p>16 were hired, you worked an average of about five days a</p> <p>17 week; is that correct?</p> <p>18 A Yes.</p> <p>19 Q All right. And I guess by the way that you're</p> <p>20 explaining it, if Mr. Epstein was in town for a longer</p> <p>21 period of time, you may work more than five days, and if</p> <p>22 Mr. Epstein was not in town, you may work less than five</p> <p>23 days?</p> <p>24 A Yes.</p> <p>25 Q Okay. Did you ever talk to Mr. Epstein prior</p> |



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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">13</p> <p>1 to being hired?</p> <p>2 A No, sir.</p> <p>3 Q Where did this meeting, within the house where</p> <p>4 did the meeting with Ghislaine Maxwell take place?</p> <p>5 A In the living room.</p> <p>6 Q Aside from telling you that you were going to</p> <p>7 be required to make the beds and just generally tidy up,</p> <p>8 did she specify anything else that you would be required</p> <p>9 to do?</p> <p>10 A No.</p> <p>11 Q Where had you worked prior to working for</p> <p>12 Mr. Epstein?</p> <p>13 A I work as a certified nursing assistant.</p> <p>14 Q Where?</p> <p>15 A At that time I was doing private duty.</p> <p>16 Q How long have you been a certified nursing</p> <p>17 assistant?</p> <p>18 A Since about ten years.</p> <p>19 Q And what made you change professions from</p> <p>20 being a certified nursing assistant to be a housekeeper</p> <p>21 for Mr. Epstein?</p> <p>22 A The agency called me that there is an</p> <p>23 interview; if I like, I go to, so that's how it started.</p> <p>24 Q And when you went to the interview, obviously</p> <p>25 you're going to this very big house and you talked to</p> | <p style="text-align: center;">15</p> <p>1 Q Did she tell what you would be paid at that</p> <p>2 time?</p> <p>3 A Not yet.</p> <p>4 Q Did you show up that Saturday? I guess that's</p> <p>5 November 17th of 2004?</p> <p>6 A No, that's not.</p> <p>7 Q No. Was it prior to November 17th of 2004, or</p> <p>8 after?</p> <p>9 A After.</p> <p>10 Q Okay. The interview that you first went to</p> <p>11 was November 17th, 2004 with Ms. Maxwell; is that the</p> <p>12 date that you gave us?</p> <p>13 A I cannot remember.</p> <p>14 Q The only reason I'm using that date is I</p> <p>15 believe the question I asked was when did you start</p> <p>16 working for Mr. Epstein, and I thought the date that you</p> <p>17 gave me was November 17th, 2004.</p> <p>18 A Yes.</p> <p>19 Q Okay. And in the course of this whole thing,</p> <p>20 it sounds like you interviewed with Ghislaine Maxwell,</p> <p>21 there were other interviewees, you received a call and</p> <p>22 you were asked to try out on a Saturday?</p> <p>23 A Yes.</p> <p>24 Q And where does that Saturday fall in related</p> <p>25 to November 17th, 2004?</p> |
| <p style="text-align: center;">14</p> <p>1 Ghislaine Maxwell, right?</p> <p>2 A Yes.</p> <p>3 Q And did you decide right then that you liked</p> <p>4 this and that you were going to change professions and</p> <p>5 you were going to be his housekeeper?</p> <p>6 A No.</p> <p>7 Q Okay. Then walk me through that, how did you</p> <p>8 go about eventually accepting the position?</p> <p>9 A I didn't expect to be hired, because there</p> <p>10 were other interviewers (sic), interview people that</p> <p>11 were to be interviewed.</p> <p>12 Q Okay.</p> <p>13 A And then I receive a call from Ms. Maxwell if</p> <p>14 I like, I can do a try-out.</p> <p>15 Q Okay. Did she tell you how long this try-out</p> <p>16 period would last?</p> <p>17 A No.</p> <p>18 Q And what did you tell her when she made that</p> <p>19 offer for you to try out?</p> <p>20 A I told her that I am still taking care of this</p> <p>21 patient, so she said if you like, you can come Saturday</p> <p>22 and try it.</p> <p>23 Q Okay. And what did you tell her, did you</p> <p>24 accept that?</p> <p>25 A Yes, I did.</p>                                                                | <p style="text-align: center;">16</p> <p>1 A When I accepted the job offer.</p> <p>2 Q Okay. And did they tell you at that time when</p> <p>3 you accepted the job offer how much you were going to be</p> <p>4 paid?</p> <p>5 A Yes.</p> <p>6 Q What was that?</p> <p>7 A It was 32,000 per annum.</p> <p>8 Q And has your salary increased over time?</p> <p>9 A Yes, sir.</p> <p>10 Q And can you walk us through the increments of</p> <p>11 increase in your salary?</p> <p>12 A It was promised yearly increase.</p> <p>13 Q By whom?</p> <p>14 A Ms. Maxwell.</p> <p>15 Q Was that at the time when you were</p> <p>16 interviewed, or took the job?</p> <p>17 A Yes, sir.</p> <p>18 Q Did she promise you what your yearly increase</p> <p>19 would be?</p> <p>20 A No.</p> <p>21 Q And have you received a yearly increase every</p> <p>22 year?</p> <p>23 A I did.</p> <p>24 Q And what has that yearly increase been?</p> <p>25 A Up to 42.</p>                                                                                                                                                                                        |



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Louella Rabuyo - Volume I

October 20, 2009

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| <p>1 intentionally exposes the genitals in a lewd or<br/>2 lascivious manner, or intentionally commits any<br/>3 other sexual act that does not involve actual<br/>4 physical or sexual contact with the victim in the<br/>5 presence of a victim who is less than sixteen years<br/>6 of age commits lewd or lascivious exhibition. An<br/>7 offender eighteen years of age or older who<br/>8 commits a lewd or lascivious exhibition commits a<br/>9 felony of the second degree.<br/>10 Have you seen that crime committed in<br/>11 Mr. Epstein's house?<br/>12 A No, sir.<br/>13 MR. CRITTON: Form.<br/>14 BY MR. EDWARDS:<br/>15 Q Are you aware of the allegations by multiple<br/>16 female girls that allege that these are the crimes that<br/>17 were taking place behind closed doors when they were<br/>18 just minor females; are you aware of those allegations?<br/>19 MR. CRITTON: Form.<br/>20 MR. REINHART: Do you understand the question?<br/>21 MR. CRITTON: Asked and answered.<br/>22 MR. REINHART: Do you understand the question?<br/>23 MR. CRITTON: And argumentative.<br/>24 THE WITNESS: From the news, I heard that from<br/>25 the news.</p> | <p>1 BY MR. EDWARDS:<br/>2 Q Have you ever worked for anyone that had this<br/>3 many young females come over to his house every day?<br/>4 A No, sir.<br/>5 Q Have you ever heard anybody say that these<br/>6 girls are making this up or that this did not happen,<br/>7 these sexual acts did not happen in Mr. Epstein's<br/>8 bedroom?<br/>9 MR. CRITTON: Form, argumentative.<br/>10 BY MR. EDWARDS:<br/>11 Q By that I mean Mr. Epstein, Ghislaine Maxwell?<br/>12 A No, sir. No.<br/>13 Q Did Sarah Kellen ever say any of these girls<br/>14 were making this up?<br/>15 A No, sir.<br/>16 MR. CRITTON: Form.<br/>17 BY MR. EDWARDS:<br/>18 Q So these girls are making these allegations,<br/>19 you work in Mr. Epstein's house?<br/>20 A Yes.<br/>21 Q And you've never heard anybody deny these<br/>22 allegations, have you?<br/>23 MR. CRITTON: Form, argumentative.<br/>24 THE WITNESS: I do my job, we don't, like,<br/>25 talk.</p>                                                           |
| 58                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 60                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>1 BY MR. EDWARDS:<br/>2 Q And are you also aware that many of these<br/>3 girls did not know one another that were these female<br/>4 masseuses, are you aware of that?<br/>5 MR. CRITTON: Form.<br/>6 THE WITNESS: I don't know.<br/>7 BY MR. EDWARDS:<br/>8 Q Okay. When these girls that would come --<br/>9 Where these females that would come over where<br/>10 you were told they were giving massages would come over,<br/>11 how many would come over at any time, meaning would they<br/>12 come over with twenty at time, or one at a time?<br/>13 MR. CRITTON: Form.<br/>14 THE WITNESS: Sometimes one at a time.<br/>15 BY MR. EDWARDS:<br/>16 Q And given the number of these females that are<br/>17 making these allegations, doesn't it cause you to<br/>18 believe the allegations that there are so many of them<br/>19 and their stories are so strikingly similar as to what's<br/>20 taking place in Mr. Epstein's bedroom?<br/>21 MR. CRITTON: Form, predicate, speculation,<br/>22 argumentative.<br/>23 THE WITNESS: I don't know what's happening in<br/>24 the bedroom, I did not see anything that cause me<br/>25 alarm.</p>                  | <p>1 BY MR. EDWARDS:<br/>2 Q So is that a no, you've never heard anybody<br/>3 deny that?<br/>4 MR. CRITTON: Form.<br/>5 THE WITNESS: No, sir.<br/>6 BY MR. EDWARDS:<br/>7 Q When was the last time you talked to<br/>8 Ghislaine Maxwell?<br/>9 A I answer the phone when she...<br/>10 Q Okay. When you first started working there<br/>11 back in November of 2004, she was the person who you<br/>12 interviewed with, right?<br/>13 A Yes, sir.<br/>14 Q Was she somebody who you would regularly see<br/>15 at the house during that period of time?<br/>16 A Not regular.<br/>17 Q How often would you see her in the house back<br/>18 in the late 2004, when you were hired, through 2005?<br/>19 A Three times.<br/>20 Q Three times a week?<br/>21 A No. During the period of that I was there.<br/>22 Q Okay. During the entire five-year period you<br/>23 were there you only saw Ghislaine Maxwell three times?<br/>24 A Not five years.<br/>25 Q Okay. From the end of 2004 through 2005 you</p> |



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| <p style="text-align: center;">61</p> <p>1 saw her three times?</p> <p>2 A Yes, sir.</p> <p>3 Q During --</p> <p>4 A Maybe more or less three times.</p> <p>5 Q During 2006 how often did you see her?</p> <p>6 A 2006? He was in New York, so I saw her.</p> <p>7 Q You worked for Jeffrey Epstein but you worked</p> <p>8 in New York? I'm sorry.</p> <p>9 A I saw Ms. Maxwell in New York.</p> <p>10 Q I think I understand. Primarily, though, you</p> <p>11 were still working at the 358 El Brillo location?</p> <p>12 A Yes.</p> <p>13 Q However, at some point in time that year you</p> <p>14 took a trip to the New York house and you saw her there?</p> <p>15 A In her house.</p> <p>16 Q In Ghislaine Maxwell's house?</p> <p>17 A Yes.</p> <p>18 Q What was the occasion for you to go see her up</p> <p>19 there?</p> <p>20 A Lyn was having I think surgery.</p> <p>21 Q And when was that?</p> <p>22 A I cannot recall the month, but it's I think</p> <p>23 2006.</p> <p>24 Q So this is after the criminal investigation</p> <p>25 into Mr. Epstein, or before, if you remember?</p>                                                                                                                                 | <p style="text-align: center;">63</p> <p>1 MR. CRITTON: But if you just asked her, say</p> <p>2 did you ever have a discussion with her about it,</p> <p>3 if she says yes, then we'll find out what it is.</p> <p>4 If she didn't have one, why ask the question?</p> <p>5 Go ahead.</p> <p>6 THE WITNESS: There was no discussion.</p> <p>7 MR. REINHART: There's no question pending.</p> <p>8 Wait for Mr. Edwards to ask his question and answer</p> <p>9 the question if you understand it.</p> <p>10 BY MR. EDWARDS:</p> <p>11 Q How long were you at Ghislaine Maxwell's house</p> <p>12 this time that you visited her in 2006?</p> <p>13 MR. CRITTON: Form.</p> <p>14 THE WITNESS: I cannot remember, because I</p> <p>15 go...</p> <p>16 BY MR. EDWARDS:</p> <p>17 Q Back and forth?</p> <p>18 A Yes.</p> <p>19 Q From West Palm Beach to New York?</p> <p>20 A Yes.</p> <p>21 Q Why were you up in Ghislaine Maxwell's house</p> <p>22 in New York?</p> <p>23 A I help over there when she has a party.</p> <p>24 Q Okay. And then after the party you would</p> <p>25 return to West Palm Beach?</p>                                                                                                                                                                      |
| <p style="text-align: center;">62</p> <p>1 MR. CRITTON: Form, predicate.</p> <p>2 THE WITNESS: 2006? After.</p> <p>3 BY MR. EDWARDS:</p> <p>4 Q Okay. And while you were up there with</p> <p>5 Ghislaine Maxwell, did you talk to her about the</p> <p>6 criminal investigation of Mr. Epstein?</p> <p>7 A No, sir.</p> <p>8 Q At any point in time when you were up there,</p> <p>9 did she say to you or you overheard -- let me ask you</p> <p>10 this way: Did she say to you that the allegations are</p> <p>11 false --</p> <p>12 MR. CRITTON: Form.</p> <p>13 BY MR. EDWARDS:</p> <p>14 Q -- that are being made against him?</p> <p>15 MR. CRITTON: Form. There's no predicate that</p> <p>16 a discussion ever took place about anything.</p> <p>17 THE WITNESS: There was no discussion about</p> <p>18 that.</p> <p>19 MR. EDWARDS: Mr. Critton, if you could just</p> <p>20 object to the form. Obviously this witnesses just</p> <p>21 takes your words and she's going to recite them to</p> <p>22 me. If you want to say lack of predicate, okay,</p> <p>23 fine. But to say no discussion took place and then</p> <p>24 she says no discussion took place, we're leading</p> <p>25 the witness here, it's obvious.</p> | <p style="text-align: center;">64</p> <p>1 A Yes.</p> <p>2 Q While you were up there, during any of the</p> <p>3 times that you were up there, did you have any</p> <p>4 conversations with Ghislaine Maxwell?</p> <p>5 A I think once. But it was oh, and what's this,</p> <p>6 it was just oh, I'm sorry about the bad news. That's</p> <p>7 it.</p> <p>8 Q You said that?</p> <p>9 A Because we have only, like, short</p> <p>10 conversation, we just don't really, like, talk-talk.</p> <p>11 Q When you're saying that a statement was made</p> <p>12 I'm sorry about the bad news, who made the statement to</p> <p>13 whom; she made it to you, or you made it to her?</p> <p>14 A She made it. But that was -- I really cannot</p> <p>15 remember how it was how, but it was, like, I'm sorry</p> <p>16 about the news.</p> <p>17 Q Okay. What news was she referring to when she</p> <p>18 said to you I'm sorry to hear about the bad news?</p> <p>19 A She not say anything. I just -- I do not say</p> <p>20 anything about what the bad news is.</p> <p>21 Q Okay. I guess what I'm asking is did you have</p> <p>22 a death in the family or something happen to you</p> <p>23 personally? Or why would she say this to you, if you</p> <p>24 know?</p> <p>25 A No.</p> |



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| <p style="text-align: center;">65</p> <p>1 Q You have no idea why she said that statement?</p> <p>2 A I think that it was about the news that was</p> <p>3 going on about Mr. Epstein.</p> <p>4 MR. CRITTON: Move to strike as speculation.</p> <p>5 BY MR. EDWARDS:</p> <p>6 Q And did she elaborate on the news about</p> <p>7 Mr. Epstein?</p> <p>8 A No, sir.</p> <p>9 Q During that conversation where she makes a</p> <p>10 statement that she's sorry about the news, did she ever</p> <p>11 tell you that the allegations being made against him are</p> <p>12 false or unfounded or untrue?</p> <p>13 MR. CRITTON: Form.</p> <p>14 THE WITNESS: Our conversation was short.</p> <p>15 BY MR. EDWARDS:</p> <p>16 Q So the answer is no?</p> <p>17 A No.</p> <p>18 Q What is your understanding of</p> <p>19 Ghislaine Maxwell's role in Jeffrey Epstein's life back</p> <p>20 in 2004 and 2005 and 2006?</p> <p>21 MR. CRITTON: Form.</p> <p>22 THE WITNESS: She told me he was his boyfriend</p> <p>23 (sic).</p> <p>24 BY MR. EDWARDS:</p> <p>25 Q Ghislaine Maxwell told you that</p>                  | <p style="text-align: center;">67</p> <p>1 Q What did she say when you answered the phone?</p> <p>2 A Oh, she was happy. I was happy to hear her</p> <p>3 voice. And then she said oh, she was also happy to --</p> <p>4 she was so nice on the phone.</p> <p>5 Q What did she say?</p> <p>6 A Oh, nice talking to you, Louella.</p> <p>7 Q Then did she ask to speak to somebody else?</p> <p>8 A To Mr. Epstein.</p> <p>9 Q Aside from the telephone call one month ago,</p> <p>10 how many times has she called the house in the last</p> <p>11 year?</p> <p>12 A That was my only, what's this, my -- the time</p> <p>13 that I was answer the phone and it was Ms. Maxwell.</p> <p>14 Q Do you know why she called Mr. Epstein?</p> <p>15 A I do not know, sir.</p> <p>16 Q Have you ever seen scheduling logs, either on</p> <p>17 a computer or on paper, with girls' names on it and</p> <p>18 numbers?</p> <p>19 A No. No, sir.</p> <p>20 Q Have you ever seen the names of these females</p> <p>21 that are alleged to have been masseuses written on</p> <p>22 anything?</p> <p>23 A Yes, sir.</p> <p>24 Q What have you seen them written on?</p> <p>25 A I just saw names, and that's it.</p>                       |
| <p style="text-align: center;">66</p> <p>1 Jeffrey Epstein was her boyfriend?</p> <p>2 A When I was hired.</p> <p>3 Q And then over the next year and a half when</p> <p>4 Jeffrey Epstein was in West Palm Beach, you only saw</p> <p>5 Ghislaine Maxwell at the house approximately three</p> <p>6 times?</p> <p>7 A Yes, sir.</p> <p>8 Q Did you still believe that Ghislaine Maxwell</p> <p>9 and Jeffrey Epstein were boyfriend and girlfriend?</p> <p>10 MR. CRITTON: Form.</p> <p>11 THE WITNESS: At that time or what time?</p> <p>12 BY MR. EDWARDS:</p> <p>13 Q Yeah. Back then in 2004, 2005.</p> <p>14 A Yes.</p> <p>15 Q All right. Is it your understanding that they</p> <p>16 are still boyfriend and girlfriend today?</p> <p>17 A I don't know.</p> <p>18 Q Ghislaine Maxwell and Jeffrey Epstein, do they</p> <p>19 still talk to one another today?</p> <p>20 A I do not know, sir.</p> <p>21 Q What is the last time that you talked to</p> <p>22 Ghislaine Maxwell?</p> <p>23 A She called the house and I answered the phone.</p> <p>24 Q How long ago?</p> <p>25 A About a month ago.</p> | <p style="text-align: center;">68</p> <p>1 Q Just the names, or the telephone numbers as</p> <p>2 well?</p> <p>3 MR. CRITTON: Form.</p> <p>4 THE WITNESS: I cannot remember.</p> <p>5 BY MR. EDWARDS:</p> <p>6 Q Where did you see this?</p> <p>7 A We have like butler's pantry and there's a</p> <p>8 telephone there.</p> <p>9 Q Is this in the staff house or the main house?</p> <p>10 A No. The main house.</p> <p>11 Q And do you know who wrote the names?</p> <p>12 A No, sir.</p> <p>13 Q How do you know that these were the names of</p> <p>14 the females that were alleged to have been masseuses?</p> <p>15 A Because there is time.</p> <p>16 Q What do you mean, there is time?</p> <p>17 A Sometimes name and then the time, that's it.</p> <p>18 Q What does the time indicate?</p> <p>19 A I cannot remember.</p> <p>20 Q The time to you -- you know, I'm watching what</p> <p>21 you're doing, but the court reporter is not able to draw</p> <p>22 a picture of it. So I guess what I'm asking is you're</p> <p>23 saying there is -- on the left-hand side there is a</p> <p>24 name, and on the right-hand side corresponding to that</p> <p>25 name there is a time written down? Is that what you</p> |



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Louella Rabuyo - Volume I

October 20, 2009

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| <p style="text-align: center;">81</p> <p>1 A When I came back to report, that's how I</p> <p>2 learned.</p> <p>3 Q Elaborate on that for me. What do you mean,</p> <p>4 when you came back to report that's how I learned?</p> <p>5 A I reported in the afternoon, and then that's</p> <p>6 how I learned that the police came.</p> <p>7 Q All right. And when were you -- you're now</p> <p>8 saying you came back to report and you learned that the</p> <p>9 police had already come to the house, right?</p> <p>10 A Yes, sir.</p> <p>11 Q Prior to that occasion, when was the previous</p> <p>12 time that you were at the house?</p> <p>13 A The day before.</p> <p>14 Q Okay. And the day before you left your shift</p> <p>15 at roughly five o'clock?</p> <p>16 A I cannot remember. I usually leave 5:00 or</p> <p>17 5:30.</p> <p>18 Q But sometime late in the afternoon?</p> <p>19 A Yes.</p> <p>20 Q And as of that time, the day before the search</p> <p>21 warrant was issued, you had seen no police officers in</p> <p>22 or around the house?</p> <p>23 A No.</p> <p>24 Q And then the next day you reported to the job</p> <p>25 at what time?</p> | <p style="text-align: center;">83</p> <p>1 Q So are we talking about the day the police</p> <p>2 went to Jeffrey Epstein's house you did not go in the</p> <p>3 morning, but you went after lunch and the police had</p> <p>4 already left?</p> <p>5 A Oh. No. When I went there nobody was there,</p> <p>6 no policemen were around.</p> <p>7 Q Who was at the house then?</p> <p>8 A Janusz, and Douglas, the architect.</p> <p>9 Q Schoettle?</p> <p>10 A Yes.</p> <p>11 Q And did you have a discussion with them?</p> <p>12 A No.</p> <p>13 Q How did you know the police had been to the</p> <p>14 house?</p> <p>15 A Janusz told me.</p> <p>16 Q When?</p> <p>17 A When I arrive.</p> <p>18 Q That's what I was asking you when I said did</p> <p>19 you have a discussion with them, meaning Janusz and</p> <p>20 Douglas.</p> <p>21 A Okay. Being because them -- with Janusz only.</p> <p>22 Q What did he say?</p> <p>23 A He said the police came and, what's this, took</p> <p>24 away some stuff.</p> <p>25 Q Did he say what they took?</p>                                                                          |
| <p style="text-align: center;">82</p> <p>1 A The next day?</p> <p>2 Q The next day.</p> <p>3 A I report in the afternoon.</p> <p>4 Q Was there a reason why you reported in the</p> <p>5 afternoon?</p> <p>6 A Ms. Maxwell called me.</p> <p>7 Q When did she call you?</p> <p>8 A During that day, she said Louella, you can</p> <p>9 report in the afternoon.</p> <p>10 Q She called you early in the morning?</p> <p>11 A Not early.</p> <p>12 Q Normally you would report to the house between</p> <p>13 eight and nine o'clock, right?</p> <p>14 A Yes, sir.</p> <p>15 Q So in order for you not to arrive at the</p> <p>16 house, she had to have called you before eight or</p> <p>17 nine o'clock, right?</p> <p>18 A Yes.</p> <p>19 Q Okay. So approximately what time does</p> <p>20 Ms. Maxwell call you to tell you you can report to the</p> <p>21 house later on that day?</p> <p>22 A I cannot remember really the time.</p> <p>23 Q Okay. What time did you actually report to</p> <p>24 the house?</p> <p>25 A After lunch, about -- maybe after lunch.</p>                                                                                             | <p style="text-align: center;">84</p> <p>1 A He said pictures.</p> <p>2 Q Did he tell you which pictures?</p> <p>3 A No, sir.</p> <p>4 Q Aside from pictures, what else did the police</p> <p>5 take, as Janusz told you?</p> <p>6 A He did not elaborate.</p> <p>7 Q All right. Prior to the police going to the</p> <p>8 house and taking pictures, do you remember seeing</p> <p>9 pictures around Mr. Epstein's house?</p> <p>10 A Yes.</p> <p>11 Q Do you remember seeing pictures of naked or</p> <p>12 nude females around Mr. Epstein's house?</p> <p>13 A Not around, in his closet.</p> <p>14 Q In Mr. Epstein's closet you would see --</p> <p>15 describe what you would see related to females in</p> <p>16 pictures.</p> <p>17 A Some have topless.</p> <p>18 Q Is this a big closet?</p> <p>19 A No. Not really big, it's just this big, not</p> <p>20 so big.</p> <p>21 Q Okay. Were these pictures that could be seen</p> <p>22 by -- strike that.</p> <p>23 Do you know of any other pictures of females</p> <p>24 that were confiscated by the police that did not come</p> <p>25 from Mr. Epstein's closet?</p> |



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1 STATE OF FLORIDA  
 2 COUNTY OF PALM BEACH  
 3  
 4  
 5 I, the undersigned authority, certify that  
 6 LOUELLA RABUYO personally appeared before me on the 20th  
 7 of October, 2009, and was duly sworn.  
 8  
 9 Dated this 30th day of October, 2009.  
 10  
 11  
 12  
 13  
 14  
 15 Teresa Whalen, RPR, FPR  
 Notary Public - State of Florida  
 My Commission Expires: 4/25/11  
 My Commission No.: DD 644533  
 Job # 118991  
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1 CERTIFICATE  
 2 STATE OF FLORIDA  
 3 COUNTY OF PALM BEACH  
 4  
 5 I, Teresa Whalen, Registered Professional  
 6 Reporter and Notary Public in and for the State of  
 Florida at Large, do hereby certify that the  
 7 aforementioned witness was by me first duly sworn to  
 testify the whole truth; that I was authorized to  
 8 and did report said deposition in stenotype; and  
 that the foregoing pages are a true and correct  
 9 transcription of my shorthand notes of said  
 deposition.  
 10 I further certify that said deposition was  
 taken at the time and place hereinabove set forth  
 11 and that the taking of said deposition was commenced  
 and completed as hereinabove set out.  
 12  
 13 I further certify that I am not attorney or  
 counsel of any of the parties, nor am I a relative or  
 14 employee of any attorney or counsel of party connected  
 with the action, nor am I financially interested in the  
 action.  
 15  
 16 The foregoing certification of this transcript  
 does not apply to any reproduction of the same by any  
 means unless under the direct control and/or direction  
 17 of the certifying reporter.  
 18  
 19 Dated this 30th day of October, 2009.  
 20  
 21  
 22 Teresa Whalen, RPR, FPR  
 Job # 118991  
 23  
 24  
 25



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**EXHIBIT 13**  
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Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x  
VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.  
-----x

June 3, 2016  
9:07 a.m.

C O N F I D E N T I A L

Deposition of DAVID RODGERS, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

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Page 18

1 DAVID RODGERS

2 flyer person, then you would reduce it to an  
3 initial?

4 MR. PAGLIUCA: Object to form and  
5 foundation.

6 MR. REINHART: You can answer the  
7 question.

8 You can answer the question, if you can  
9 answer the question. You are allowed to answer  
10 the question, if you understand the question.

11 BY MR. EDWARDS:

12 Q. I'm trying to understand your testimony.

13 Is it, if you came to know that person --

14 A. Uh-huh.

15 Q. -- as a frequent flyer passenger, you  
16 would begin to reduce that person's name to an  
17 initial at some point?

18 MR. PAGLIUCA: Same objection.

19 THE WITNESS: Well, we don't really have a  
20 frequent flyer program that we do, so to speak.  
21 A lot of times I would do it because if you  
22 would write out everybody's name there is not  
23 enough space, you know, to get everybody's name  
24 in that little square there.

25

Confidential

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1 DAVID RODGERS

2 Q. -- is that right?

3 And is that -- is Ghislaine Maxwell  
4 somebody that through the years 1995 through 2013  
5 was somebody who flew very frequently?

6 A. What were the years again?

7 Q. The years of this book, 1995 --

8 A. I wouldn't say through 2013. But, yes,  
9 '95 through 2000 sometime. Probably, I would have  
10 to go back and -- well, you can see in there.

11 Q. We will get to it.

12 A. There will be a point where you don't see  
13 her much. But to say it went through 2013 would not  
14 be accurate.

15 Q. Let's do it this way: The person that you  
16 have reflected on numerous notations --

17 A. Yes.

18 Q. -- through here as GM --

19 A. Yes.

20 Q. -- just by the initials, are we able to  
21 safely know that that is Ghislaine Maxwell?

22 A. Yes.

23 MR. PAGLIUCA: Object to form and  
24 foundation.

25 MR. EDWARDS: Court reporter, did you get



Confidential

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1 DAVID RODGERS

2 the answer?

3 THE REPORTER: Yes. The answer came  
4 before the objection.

5 BY MR. EDWARDS:

6 Q. So on the next flight, the next day, from  
7 Palm Beach to SAF. Is SAF Santa Fe?

8 A. Yes.

9 Q. And it indicates JE and GM.

10 Are we able to then know that those  
11 passengers on that flight were Jeffrey Epstein and  
12 Ghislaine Maxwell?

13 A. Yes.

14 MR. PAGLIUCA: Object to form and  
15 foundation.

16 BY MR. EDWARDS:

17 Q. And where would you land at SAF? Is that  
18 an airport?

19 A. It is an airport.

20 Q. Is it a private airport?

21 A. No. It's -- airlines go in there.

22 Q. Did Jeffrey Epstein also have a landing  
23 strip at his property in New Mexico?

24 A. He did at one time.

25 Q. What would that -- do you remember what

Confidential

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1 DAVID RODGERS

2 that code would be?

3 A. I don't believe there was a code.

4 Q. All right. Were there times that you  
5 landed either the Gulfstream or the Boeing --

6 A. No.

7 Q. No.

8 MR. REINHART: Let him finish the question  
9 before you answer.

10 THE WITNESS: Oh, I'm sorry.

11 BY MR. EDWARDS:

12 Q. Sure. We are doing fine so far. But the  
13 court reporter is taking down all of our questions  
14 and all of our answers. We are communicating well.

15 A. Okay.

16 Q. But when I go to read this back, we may  
17 not get that.

18 A. Okay. Go ahead.

19 Q. So were there times where you landed one  
20 of Jeffrey Epstein's planes on his private landing  
21 strip at the New Mexico property?

22 A. Yes. But not the Gulfstream and not the  
23 Boeing.

24 Q. What plane did you land on his property?

25 A. The Cessna 421. And probably a

Confidential

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1 DAVID RODGERS

2 A. I don't recall if he did nor or not.

3 Q. Okay. And do you know, does anybody have  
4 a transcript of that deposition, to your knowledge?

5 A. I don't.

6 MR. PAGLIUCA: That is all of the  
7 questions I have.

8 THE WITNESS: Okay.

9 MR. EDWARDS: What exhibit are we on?

10 MR. REINHART: 8 was the last exhibit.

11 MR. EDWARDS: I want to show the witness  
12 what I pulled off the Internet. I want to ask,  
13 is that the plane? The answer may very well be  
14 no.

15 MR. PAGLIUCA: The exact plane?

16 MR. EDWARDS: Yeah, the exact plane.

17 (The referred-to document was marked by  
18 the court reporter for Identification as  
19 Deposition Exhibit 9.)

20 MR. REINHART: You mean based on the  
21 serial number?

22 MR. EDWARDS: Or there are some pictures  
23 from the inside of it, too.

24 MR. REINHART: The plane, you mean the  
25 Boeing or -- we have talked about a couple of

# EXHIBIT 14

(Filed Under Seal)

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,  
Plaintiff,  
-vs- VOLUME I OF III  
JEFFREY EPSTEIN,  
Defendant.

---

Related cases:  
08-80232, 08-08380, 08-80381, 08-80994  
08-80993, 08-80811, 08-80893, 09-80469  
09-80591, 09-80656, 09-80802, 09-81092

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VIDEOTAPED DEPOSITION OF  
SARAH KELLEN

Wednesday, March 24, 2010  
10:37 - 6:51 p.m.

250 Australian Avenue South  
Suite 1500  
West Palm Beach, Florida 33401

Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting Services  
Job No.: 1484

Page 3

1 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT  
2 IN AND FOR PALM BEACH COUNTY, FLORIDA  
3 CASE NO. 502008CA028051XXXXMB AB

4 L.M.,  
5 Plaintiff,  
6 -vs- VOLUME I OF III  
7 JEFFREY EPSTEIN,  
8 Defendant.

---

9  
10  
11  
12 VIDEOTAPED DEPOSITION OF  
13 SARAH KELLEN  
14  
15 Wednesday, March 24, 2010  
16 10:37 - 6:51 p.m.

17  
18 250 Australian Avenue South  
19 Suite 1500  
20 West Palm Beach, Florida 33401

21  
22 Reported By:  
23 Cynthia Hopkins, RPR, FPR  
24 Notary Public, State of Florida  
25 Prose Court Reporting Services  
Job No.: 1484

Page 2

1 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT  
2 IN AND FOR PALM BEACH COUNTY, FLORIDA  
3 CASE NO. 502008CA028058XXXXMB AD

4 E.W.,  
5 Plaintiff,  
6 -vs- VOLUME I OF III  
7 JEFFREY EPSTEIN,  
8 Defendant.

---

9  
10  
11 VIDEOTAPED DEPOSITION OF  
12 SARAH KELLEN  
13  
14 Wednesday, March 24, 2010  
15 10:37 - 6:51 p.m.

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17 250 Australian Avenue South  
18 Suite 1500  
19 West Palm Beach, Florida 33401

20  
21  
22 Reported By:  
23 Cynthia Hopkins, RPR, FPR  
24 Notary Public, State of Florida  
25 Prose Court Reporting Services  
Job No.: 1484

Page 4

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL  
2 CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA  
3 CASE No.502008CA037319XXXXMB AB

4 B.B.,  
5 Plaintiff,  
6 -vs- VOLUME I OF III  
7 JEFFREY EPSTEIN  
8 AND SARAH KELLEN,  
9 Defendants.

---

10  
11 VIDEOTAPED DEPOSITION OF  
12 SARAH KELLEN  
13  
14 Wednesday, March 24, 2010  
15 10:37 - 6:51 p.m.

16  
17 250 Australian Avenue South  
18 Suite 1500  
19 West Palm Beach, Florida 33401

20  
21  
22 Reported By:  
23 Cynthia Hopkins, RPR, FPR  
24 Notary Public, State of Florida  
25 Prose Court Reporting Services  
Job No.: 1484

Page 21

1 answer the question based on her Fifth  
 2 Amendment privilege.  
 3 THE WITNESS: On the instruction of my  
 4 lawyer, I must invoke my Fifth Amendment right.  
 5 BY MR. KUVIN:  
 6 Q. Who introduced you to Jeffrey Epstein the  
 7 first time that you met him?  
 8 MR. RHEINHART: Same instruction.  
 9 THE WITNESS: On the instruction of my  
 10 lawyer, I must invoke my Fifth Amendment right.  
 11 BY MR. KUVIN:  
 12 Q. Did Ghislaine Maxwell introduce you to  
 13 Jeffrey Epstein for the first time?  
 14 MR. RHEINHART: Same instruction.  
 15 THE WITNESS: On the instruction of my  
 16 lawyer, I must invoke my Fifth Amendment right.  
 17 BY MR. KUVIN:  
 18 Q. When was the first time you were in  
 19 Jeffrey Epstein's home located on El Brillo Way on  
 20 Palm Beach Island?  
 21 MR. RHEINHART: Object to the form of the  
 22 question as compound and assuming facts not  
 23 before the witness. And I instruct the witness  
 24 not to answer based on her Fifth Amendment  
 25 privilege.

Page 22

1 THE WITNESS: On the instruction of my  
 2 lawyer, I must invoke my Fifth Amendment right.  
 3 BY MR. KUVIN:  
 4 Q. Would you agree with me that  
 5 Jeffrey Epstein owns a home at 358 El Brillo Way,  
 6 Palm Beach Island, Florida?  
 7 MR. RHEINHART: Instruct the witness not  
 8 to answer based on her Fifth Amendment  
 9 privilege.  
 10 THE WITNESS: On instruction of my  
 11 counsel, I must invoke my Fifth Amendment  
 12 right.  
 13 BY MR. KUVIN:  
 14 Q. Would you agree with me that you've been  
 15 in that home numerous times?  
 16 MR. RHEINHART: Instruct the witness not  
 17 to answer the question based on her Fifth  
 18 Amendment privilege.  
 19 THE WITNESS: On instruction of my lawyer,  
 20 I must invoke my Fifth Amendment right.  
 21 BY MR. KUVIN:  
 22 Q. Would you agree with me that you have gone  
 23 on Jeffrey Epstein's plane numerous times?  
 24 MR. RHEINHART: Object to the form. It  
 25 assumes facts that are not present for the

Page 23

1 witness, and I will instruct the witness not to  
 2 answer based on her Fifth Amendment privilege.  
 3 THE WITNESS: On the instruction of my  
 4 lawyer, I must invoke my Fifth Amendment right.  
 5 BY MR. KUVIN:  
 6 Q. Would you agree with me that  
 7 Jeffrey Epstein owns numerous planes, private  
 8 planes?  
 9 MR. RHEINHART: Instruct the witness not  
 10 to answer.  
 11 THE WITNESS: On the instruction of my  
 12 lawyer, I must invoke my Fifth Amendment right.  
 13 BY MR. KUVIN:  
 14 Q. And you've been on every one of those  
 15 private planes; isn't that true?  
 16 MR. RHEINHART: Object to the form. It  
 17 assumes facts not before the witness, and I  
 18 will instruct the witness not to answer based  
 19 on her Fifth Amendment privilege.  
 20 THE WITNESS: On the instruction of my  
 21 lawyer, I must invoke my Fifth Amendment right.  
 22 BY MR. KUVIN:  
 23 Q. Ma'am, isn't it true that you've seen the  
 24 passenger manifest for Jeffrey Epstein's plane?  
 25 MR. RHEINHART: Object to the form. It

Page 24

1 assumes facts that are not established as known  
 2 to this witness, and I instruct the witness not  
 3 to answer the question based on her Fifth  
 4 Amendment privilege.  
 5 THE WITNESS: On the instruction of my  
 6 lawyer, I must invoke my Fifth Amendment right.  
 7 MR. KUVIN: Let me show you what we'll  
 8 mark as Exhibit 2.  
 9  
 10 (Plaintiff's Exhibit No. 2 was marked for  
 11 identification.)  
 12 MR. KUVIN: Thank you.  
 13 MR. RHEINHART: Do you want to zoom in on  
 14 it like you did the last time?  
 15 MR. KUVIN: No, that's fine.  
 16 MR. RHEINHART: Take your time.  
 17 MR. KUVIN: And flip through.  
 18 BY MR. KUVIN:  
 19 Q. All right. Ma'am, would you agree with me  
 20 that this is a passenger manifest for one of  
 21 Jeffrey Epstein's airplanes?  
 22 MR. RHEINHART: Instruct the witness not  
 23 to answer the question based on her Fifth  
 24 Amendment privilege.  
 25 THE WITNESS: On the instruction of my

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1 THE VIDEOGRAPHER: We're now on video  
 2 record at 11:01 a.m.  
 3 MR. KUVIN: Just for the video record and  
 4 for the written record Katherine Ezell and Amy  
 5 Ederi have now appeared and are present in  
 6 person.  
 7 MR. GOLDBERGER: Just one more matter for  
 8 the record. Jack Goldberger, on behalf of  
 9 Jeffrey Epstein. Rather than impose a form  
 10 objection to every question, I think we have  
 11 reached an agreement that on behalf of  
 12 Mr. Epstein, I am adopting the form objections  
 13 that Mr. Rheinhart is making on behalf of his  
 14 client nunc pro tunc to the beginning of this  
 15 deposition.  
 16 MR. KUVIN: No objection.  
 17 MR. GOLDBERGER: Okay.  
 18 BY MR. KUVIN:  
 19 Q. All right. All right. Ms. Kellen, would  
 20 you agree with me that there was an agreement  
 21 between Jeffrey Epstein, Ghislaine Maxwell,  
 22 Jean-Luc Brunel, yourself and Nadia Marcinkova to  
 23 bring in girls from out of state that were underage?  
 24 MR. RHEINHART: Object to the form of the  
 25 question as leading, as compound, and instruct

Page 38

1 the witness not to answer based on her Fifth  
 2 Amendment privilege.  
 3 THE WITNESS: On the instruction of my  
 4 lawyer I must invoke my Fifth Amendment right.  
 5 BY MR. KUVIN:  
 6 Q. Would you agree with me that there was an  
 7 agreement between Jeffrey Epstein,  
 8 Ghislaine Maxwell, Jean-Luc Brunel, yourself and  
 9 Nadia Marcinkova to bring in girls that were  
 10 underage from out of state for sexual contact?  
 11 MR. RHEINHART: Object to the form of the  
 12 question as leading and compound, and I  
 13 instruct the witness not to answer based on her  
 14 Fifth Amendment privilege.  
 15 THE WITNESS: On the instruction of my  
 16 lawyer I must invoke my Fifth Amendment  
 17 privilege.  
 18 BY MR. KUVIN:  
 19 Q. All right. Let me show you what we've  
 20 premarked as Plaintiff's Exhibit 3. Do you  
 21 recognize this as the passenger manifest for one of  
 22 Jeffrey Epstein's planes?  
 23 MR. RHEINHART: I object to the form of  
 24 the question. It assumes facts that this  
 25 witness, evidence that this witness has no

Page 39

1 personal knowledge and instruct her not to  
 2 answer based on her Fifth Amendment privilege.  
 3 It's also compound.  
 4 THE WITNESS: On the instruction of my  
 5 lawyer I must invoke my Fifth Amendment  
 6 privilege.  
 7 BY MR. KUVIN:  
 8 Q. The witness says that you may not have  
 9 knowledge or we don't know whether you have  
 10 knowledge regarding this passenger manifest, so let  
 11 me ask you, do you have any knowledge about this  
 12 passenger manifest?  
 13 MR. RHEINHART: Object to the form of the  
 14 question as ambiguous as to this and what a  
 15 manifest is, and also her knowledge, and I will  
 16 instruct her not to answer based on her Fifth  
 17 Amendment privilege.  
 18 THE WITNESS: On the instruction of my  
 19 lawyer, I must invoke my Fifth Amendment  
 20 privilege.  
 21 BY MR. KUVIN:  
 22 Q. Based on the objection, do you know what a  
 23 manifest is?  
 24 MR. RHEINHART: Object to the form of the  
 25 question as ambiguous and instruct her not to

Page 40

1 answer based on her Fifth Amendment privilege.  
 2 THE WITNESS: On the instruction of my  
 3 lawyer I must invoke my Fifth Amendment right.  
 4 BY MR. KUVIN:  
 5 Q. Have you heard the word "manifest" before?  
 6 MR. RHEINHART: I'll instruct the witness  
 7 not to answer based on her Fifth Amendment  
 8 privilege.  
 9 THE WITNESS: On the instruction of my  
 10 lawyer I must invoke my Fifth Amendment right.  
 11 BY MR. KUVIN:  
 12 Q. Would you agree with me, ma'am, that you  
 13 have seen this passenger manifest, listed as  
 14 Exhibit 3, in the past?  
 15 MR. RHEINHART: I'll instruct the witness  
 16 not to answer based on her Fifth Amendment  
 17 privilege.  
 18 THE WITNESS: On the instruction of my  
 19 lawyer I must invoke my Fifth Amendment right.  
 20 BY MR. KUVIN:  
 21 Q. Who is Zinta Broukis?  
 22 MR. RHEINHART: I'll instruct the witness  
 23 not to answer based on her Fifth Amendment  
 24 privilege.  
 25 THE WITNESS: On the instruction of my

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1 MR. RHEINHART: Same instruction.  
 2 THE WITNESS: On the instruction of my  
 3 lawyer, I must invoke my Fifth Amendment  
 4 privilege.  
 5 BY MR. KUVIN:  
 6 Q. Have you ever worked as a professional  
 7 model?  
 8 MR. RHEINHART: May I consult?  
 9 MR. KUVIN: Sure.  
 10 MR. RHEINHART: You can answer the  
 11 question.  
 12 THE WITNESS: Yes.  
 13 BY MR. KUVIN:  
 14 Q. When?  
 15 A. I don't remember. I don't remember the dates.  
 16 It was at least maybe ten years ago.  
 17 Q. And you're how old now?  
 18 MR. RHEINHART: I'll instruct the witness  
 19 not to answer the question. Nice try.  
 20 Instruct you not to answer based on  
 21 your Fifth Amendment privilege.  
 22 THE WITNESS: On the instruction of my  
 23 lawyer, I'm going to invoke my Fifth Amendment  
 24 privilege.  
 25 MR. KUVIN: I'm just trying to find out.

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1 MR. RHEINHART: Like I said, good try.  
 2 Move on.  
 3 BY MR. KUVIN:  
 4 Q. With respect to your work as a  
 5 professional model, what company did you work for?  
 6 MR. RHEINHART: Instruct the witness not  
 7 to answer based on the Fifth Amendment  
 8 privilege.  
 9 THE WITNESS: On the instruction of my  
 10 lawyer, I invoke my Fifth Amendment privilege.  
 11 BY MR. KUVIN:  
 12 Q. What is your understanding of  
 13 Mr. Epstein's involvement with the modeling  
 14 industry?  
 15 MR. RHEINHART: Standing objection, and  
 16 instruct the witness not to answer based on  
 17 Fifth Amendment, on that basis.  
 18 THE WITNESS: Upon the instruction of my  
 19 lawyer, I must invoke my Fifth Amendment  
 20 privilege.  
 21 BY MR. KUVIN:  
 22 Q. Were you ever promised anything regarding  
 23 your modeling career by Jean-Luc Brunel?  
 24 MR. RHEINHART: Instruct the witness not  
 25 to answer based on Fifth Amendment, also

Page 99

1 assumes facts that have not been established  
 2 and it's compound.  
 3 THE WITNESS: On the instruction of my  
 4 lawyer, I must invoke my Fifth Amendment  
 5 privilege.  
 6 MR. RHEINHART: And to clarify the  
 7 objection is that it assumes that she's ever  
 8 met or knows anything about Jean-Luc Brunel.  
 9 BY MR. KUVIN:  
 10 Q. Were you ever promised anything regarding  
 11 your modeling career by Jeffrey Epstein?  
 12 MR. RHEINHART: Same objection, instruct  
 13 the witness not to answer.  
 14 THE WITNESS: On the instruction of my  
 15 lawyer, I must invoke my Fifth Amendment  
 16 privilege.  
 17 BY MR. KUVIN:  
 18 Q. You would agree with me that there is a  
 19 financial arrangement between Jean-Luc Brunel and  
 20 Jeffrey Epstein, do you not?  
 21 MR. RHEINHART: Objection. It assumes she  
 22 has any knowledge of either Mr. Epstein or  
 23 Mr. Brunel, and as to that she is going to  
 24 invoke her Fifth Amendment privilege. The  
 25 question is compound and therefore ambiguous.

Page 100


1 THE WITNESS: On the instruction of my  
 2 lawyer, I must invoke my Fifth Amendment  
 3 privilege.  
 4 BY MR. KUVIN:  
 5 Q. Would you agree with me that  
 6 Ghislaine Maxwell provides underage girls to  
 7 Mr. Epstein for sex?  
 8 MR. RHEINHART: Objection to the form. It  
 9 assumes she knows anything at all about  
 10 Ghislaine Maxwell and asks her to assume that  
 11 she does, and therefore it is compound and  
 12 ambiguous, and I would instruct her not to  
 13 answer.  
 14 THE WITNESS: Upon the instruction of my  
 15 lawyer, I must invoke my Fifth Amendment  
 16 privilege.  
 17 MR. KUVIN: That's a good point. Take a  
 18 look at what we'll mark as Exhibit 10.  
 19 (Plaintiff's Exhibit No. 10 was marked for  
 20 identification.)  
 21 MR. KUVIN: All me to show it to the  
 22 camera first.  
 23 MR. RHEINHART: Okay.  
 24 MR. KUVIN: Okay.  
 25 THE WITNESS: Okay.



1 reasonably designed to lead to discoverable  
 2 evidence.  
 3 BY MS. EZELL:  
 4 Q. Did you facilitate these acts as well as  
 5 assisting Mr. Epstein in avoiding police detection?  
 6 MR. REINHART: Same instruction.  
 7 BY MS. EZELL:  
 8 Q. Do you know when and by whom the computers  
 9 were removed from the El Brillo mansion?  
 10 MR. REINHART: Objection to the form, lack of  
 11 foundation, and it also assumes knowledge of a  
 12 place known as the El Brillo mansion. So instruct  
 13 the witness not to answer the question based on the  
 14 Fifth Amendment.  
 15 THE WITNESS: At the instruction of my lawyer,  
 16 I must invoke my Fifth Amendment right.  
 17 BY MS. EZELL:  
 18 Q. Was Jane No. 103 invited to just come and hang  
 19 out at the El Brillo mansion?  
 20 MR. REINHART: Objection to the form, same as  
 21 the previous question. It assumes knowledge of a  
 22 place known as the El Brillo mansion and a person  
 23 by the name of Jane No. 103. It is compound and  
 24 lacking in foundation.  
 25 THE WITNESS: at the instruction of my lawyer,

1 deposition or you may waive reading and allow the  
 2 court reporter to simply type it up and distribute  
 3 it to the lawyers who order it.  
 4 Do you choose to read or waive?  
 5 THE WITNESS: Waive.  
 6 MS. EZELL: Thank you.  
 7 MR. REINHART: Thank you.  
 8 THE VIDEOGRAPHER: Okay, this concludes  
 9 today's videotape deposition of Sarah Kellen. The  
 10 time is 18:51.  
 11 (Witness excused.)  
 12 (Deposition was concluded.)  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 I must invoke my Fifth Amendment right.  
 2 BY MS. EZELL:  
 3 Q. Have you called any girls under the age of 18  
 4 in Palm Beach or West Palm Beach in the last six years?  
 5 MR. REINHART: For any purpose?  
 6 MS. EZELL: Yes.  
 7 THE WITNESS: Can you repeat the question?  
 8 BY MS. EZELL:  
 9 Q. Have you called any girls under the age of 18  
 10 in Palm Beach or West Palm Beach in the last six years?  
 11 MR. REINHART: You can answer that yes or no,  
 12 if you know.  
 13 THE WITNESS: I don't think so.  
 14 MS. EZELL: I don't have any other questions.  
 15 Thank you.  
 16 THE VIDEOGRAPHER: All set?  
 17 MR. REINHART: Yes.  
 18 THE VIDEOGRAPHER: This concludes today's  
 19 videotape deposition of Sarah Kellen.  
 20 MR. REINHART: Hold on, I'm sorry, one last  
 21 thing. Since you're the last defense person or  
 22 plaintiff's lawyer standing, I guess you need to  
 23 advise her she has the right to read or waive on  
 24 the record.  
 25 MS. EZELL: You do have the right to read this

1 CERTIFICATE  
 2 THE STATE OF FLORIDA  
 3 COUNTY OF PALM BEACH  
 4  
 5 I, Rachel W. Bridge, Registered Professional  
 6 Reporter, Florida Professional Reporter and Notary  
 7 Public in and for the State of Florida at large, do  
 8 hereby certify that I was authorized to and did report  
 9 said deposition in stenotype; and that the foregoing  
 10 pages are a true and correct transcription of my  
 11 shorthand notes of said deposition.  
 12 I further certify that said deposition was  
 13 taken at the time and place hereinabove set forth and  
 14 that the taking of said deposition was commenced and  
 15 completed as hereinabove set out.  
 16  
 17 I further certify that I am not attorney or  
 18 counsel of any of the parties, nor am I a relative or  
 19 employee of any attorney or counsel of party connected  
 20 with the action, nor am I financially interested in the  
 21 action.  
 22  
 23 The foregoing certification of this transcript  
 24 does not apply to any reproduction of the same by any  
 25 means unless under the direct control and/or direction  
 of the certifying reporter.  
 Dated this 9th day of April, 20  
  
*Rachel W. Bridge*  
 Rachel W. Bridge, RMR, CRR, FPR

21 (Pages 445 to 448)

(561) 832-7500 PROSE COURT REPORTING AGENCY, INC. (561) 832-7506

Electronically signed by Rachel Bridge (201-272-617-4627)

905d1499-0cd8-4599-a2a0-6d38827b68c6

**EXHIBIT 15**  
**(Filed Under Seal)**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CV-80893-CIV-MARRA/JOHNSON

JANE DOE,

Plaintiff,

vs.

JEFFREY EPSTEIN, et al.,

Defendants.

---

Related Cases:

08-80119, 08-80232, 08-80380, 08-80381,  
08-80994, 08-80811, 08-80893, 09-80469,  
09-8-591, 09-80656, 09-80802, 09-81092

VIDEOTAPED DEPOSITION OF NADIA MARCINKOVA  
TAKEN ON BEHALF OF THE PLAINTIFF

DATE: April 13, 2010

U.S. Legal Support  
(561) 835-0220

26

1 to his house to sexually molest; is that right?

2 MR. YAREMA: Object to the form.

3 A Fifth.

4 Q The first time she went to Jeffrey

5 Epstein's house was in 2002 when she was only 14

6 years old; is that true?

7 MR. YAREMA: Object to the form.

8 A Fifth.

9 Q In fact in 2002 you were only 18 years

10 old or so yourself; is that right?

11 A Fifth.

12 Q And E.W. is somebody you observed at

13 Jeffrey Epstein's house on more than 100

14 occasions between 2002 and 2005, a time period

15 between 14 and 17 years of age for her; is that

16 right?

17 MR. YAREMA: Object to the form.

18 A Fifth.

19 Q And each time E.W. was summoned to

20 Jeffrey Epstein's house, it was for the purposes

21 of Jeffrey Epstein sexually molesting her,

22 correct?

23 MR. YAREMA: Object to the form.

24 A Fifth.

25 Q If it was not Jeffrey Epstein personally

27

1 calling E.W., you observed Sarah Kellen to call

2 E.W. for the purposes of her coming over and

3 pleasing Jeffrey Epstein sexually, correct?

4 MR. YAREMA: Object to the form.

5 A Fifth.

6 Q And do you remember the instance where

7 Jeffrey Epstein instructed you to lay down naked

8 and engage in a threesome with E.W. and Jeffrey

9 Epstein?

10 MR. YAREMA: Object to the form.

11 A Fifth.

12 Q Do you remember that that during that

13 threesome, Jeffrey Epstein demanded E.W. to

14 straddle you and otherwise engage sexually with

15 you while Jeffrey Epstein was using vibrators

16 and/or dildos on you?

17 MR. YAREMA: Object to the form.

18 A Fifth.

19 Q In addition to your sexual interactions

20 with E.W., isn't it true that you have used

21 strap-on dildos and vibrators on other underage

22 minors at Jeffrey Epstein's direction?

23 MR. YAREMA: Object to the form.

24 A Fifth.

25 Q You have given oral sex to underage

28

1 minor females?

2 MR. YAREMA: Object to the form.

3 A Fifth.

4 Q You have received oral sex from underage

5 minor females?

6 MR. YAREMA: Object to the form.

7 A Fifth.

8 Q All of these sexual acts with minor

9 females involving you happened in the presence of

10 Jeffrey Epstein?

11 MR. YAREMA: Object to the form.

12 A Fifth.

13 Q During your interaction with underage

14 minor females in a sexual manner, isn't it true

15 that Jeffrey Epstein would participate in the

16 sexual acts and the act would be over upon

17 Jeffrey Epstein ejaculating, correct?

18 MR. YAREMA: Object to the form.

19 A Fifth.

20 Q Did Jeffrey Epstein tell you, that when

21 E.W. was an underage minor female, he forced her

22 to give him oral sex?

23 MR. YAREMA: Object to the form.

24 A Fifth.

25 Q Do you remember E.W. coming over, a

29

1 young girl, with braces on, and going up into

2 Jeffrey Epstein's bedroom on numerous occasions

3 to be sexually molested?

4 MR. YAREMA: Object to the form.

5 A Fifth.

6 Q Do you know when it was that Jeffrey

7 Epstein developed his plan or scheme to gain

8 access to hundreds of underage minor females for

9 the purposes of his sexual gratification?

10 MR. YAREMA: Object to the form.

11 A Fifth.

12 Q Were you a part of the planning of that

13 scheme of Jeffrey Epstein's to gain access to

14 underage minor females?

15 MR. YAREMA: Object to the form.

16 A Fifth.

17 Q Do you know Ghislaine Maxwell?

18 A Fifth.

19 Q Is that somebody who helped Jeffrey

20 Epstein to devise the scheme to allow him access

21 to various and a variety of underage minor

22 females?

23 MR. YAREMA: Object to the form.

24 A Fifth.

25 Q Is Sarah Kellen somebody that was also

30

1 involved in the planning of this scheme to gain  
 2 access to underage minor females?  
 3 MR. YAREMA: Object to the form.  
 4 A Fifth.  
 5 Q When is the first time that you observed  
 6 Jeffrey Epstein's method of enticing or inducing  
 7 underage minor females into sexual acts with him  
 8 inside his bedroom?  
 9 MR. YAREMA: Object to the form.  
 10 A Fifth.  
 11 Q Isn't it true that after an underage  
 12 minor female was brought to Jeffrey Epstein's  
 13 house, typically Sarah Kellen, or Adriana or  
 14 yourself would lead that underage minor female to  
 15 Jeffrey Epstein's bedroom and leave them alone in  
 16 the room; is that true?  
 17 MR. YAREMA: Object to the form.  
 18 A Fifth.  
 19 Q Then Jeffrey Epstein would appear either  
 20 naked or wearing a towel; is that true?  
 21 MR. YAREMA: Object to the form.  
 22 A Fifth.  
 23 Q This is his habit or method of  
 24 operation, every single time, and that's  
 25 something that he has told you about his sexual

31

1 interaction with underage minors; is that true?  
 2 MR. YAREMA: Object to the form.  
 3 A Fifth.  
 4 Q And he would direct or demand or  
 5 instruct the underage minor female to remove her  
 6 clothing; is that true?  
 7 MR. YAREMA: Object to the form.  
 8 A Fifth.  
 9 Q Then he would perform one or more lewd  
 10 or lascivious or sexual acts on the underage  
 11 minor female. Is that true?  
 12 MR. YAREMA: Object to the form.  
 13 A Fifth.  
 14 Q And you have observed Jeffrey Epstein  
 15 engage in sexual interaction with underage minor  
 16 females on hundreds and hundreds of occasions,  
 17 correct?  
 18 MR. YAREMA: Object to the form.  
 19 A Fifth.  
 20 Q And you have observed Jeffrey Epstein  
 21 using vibrators and sexual toys on underage  
 22 minors, true?  
 23 MR. YAREMA: Object to the form.  
 24 A Fifth.  
 25 Q In fact, he has also used vibrators and

32

1 sex toys on you, correct?  
 2 A Fifth.  
 3 Q And he has instructed you to use sex  
 4 toys and vibrators on other underage minor  
 5 females, correct?  
 6 MR. YAREMA: Object to the form.  
 7 A Fifth.  
 8 Q You have observed Jeffrey Epstein  
 9 digitally penetrate the vagina of underage minor  
 10 females, including E.W., correct?  
 11 MR. YAREMA: Object to the form.  
 12 A Fifth.  
 13 Q As part of his plan to avoid detection  
 14 by law enforcement, you have observed Jeffrey  
 15 Epstein to pay these underage minor females to be  
 16 quiet, correct?  
 17 MR. YAREMA: Object to the form.  
 18 A Fifth.  
 19 Q And this is something that he has told  
 20 you he does, for the purposes of grooming these  
 21 underage minor females, and avoiding law  
 22 enforcement detection, correct?  
 23 MR. YAREMA: Object to the form.  
 24 A Fifth.  
 25 Q Jeffrey Epstein has talked to you about

33

1 the psychology of brainwashing or grooming  
 2 underage minor females to perform for him  
 3 sexually, hasn't he?  
 4 MR. YAREMA: Object to the form.  
 5 A Fifth.  
 6 Q And Sarah Kellen has also spoken with  
 7 you about the methodology behind gaining access  
 8 to and grooming underage minor females for sex?  
 9 MR. YAREMA: Object to the form.  
 10 A Fifth.  
 11 Q Isn't it true that Ghislaine Maxwell and  
 12 yourself and Sarah Kellen had access to a master  
 13 list of underage minor females names and phone  
 14 numbers so that they could be called?  
 15 MR. GOLDBERGER: Time out. Are you  
 16 talking to me, counsel?  
 17 MR. HOROWITZ: Nodding my head, back at  
 18 you. You were nodding at me.  
 19 MR. GOLDBERGER: I wasn't nodding at  
 20 you. I'm not talking to you, I'm not  
 21 communicating with you. I don't know what  
 22 you think we are doing here. You said "It  
 23 is true," and I have no idea what you are  
 24 talking about. Don't interrupt the  
 25 deposition, okay?

34

1 MR. HOROWITZ: I think you interrupted.  
 2 MR. GOLDBERGER: I didn't do a thing --  
 3 MR. EDWARDS: I don't know what's  
 4 happened here. It has deteriorated here for  
 5 no reason whatsoever and has nothing to do  
 6 with me or the witness.  
 7 MR. GOLDBERGER: You're 100 percent  
 8 correct.  
 9 MR. EDWARDS: Can we go back to it.  
 10 MR. GOLDBERGER: Absolutely.  
 11 MR. EDWARDS: Perfect.  
 12 The silent fight disrupted me. I lost  
 13 where I am now.  
 14 MR. GOLDBERGER: Sorry.  
 15 MR. EDWARDS: Can you read it back.  
 16 THE COURT REPORTER: Certainly.  
 17 (The record was read.)  
 18 MR. EDWARDS: I'll rephrase the  
 19 question.  
 20 **Q** Isn't it true that yourself, Ghislaine  
 21 Maxwell and Sarah Kellen had access to a master  
 22 of list of underage minor females names and phone  
 23 numbers so they could be called for the purpose  
 24 of coming to Jeffrey Epstein's house to be  
 25 sexually molested?

35

1 MR. YAREMA: Object to the form.  
 2 A Fifth.  
 3 **Q** How many underage minor females are on  
 4 that master list?  
 5 MR. YAREMA: Object to the form.  
 6 A Fifth.  
 7 **Q** Are there photographs of these underage  
 8 minor females on that master list?  
 9 MR. YAREMA: Object to the form.  
 10 A Fifth.  
 11 **Q** Is that master list saved on a computer  
 12 system, as has been testified to in the past?  
 13 MR. YAREMA: Object to the form.  
 14 A Fifth.  
 15 **Q** Has Jeffrey Epstein talked to you about  
 16 the success of his scheme to procure underage  
 17 minor females?  
 18 MR. YAREMA: Object to the form.  
 19 A Fifth.  
 20 **Q** By that, I mean, the method where he  
 21 molests an underage minor female, then offers  
 22 them additional money if they will bring him  
 23 other underage minor females to molest; are you  
 24 familiar with that system?  
 25 MR. YAREMA: Object to the form.

36

1 A Fifth.  
 2 **Q** In addition to that system, isn't it  
 3 true that Jeffrey Epstein traffics underage minor  
 4 females through a modeling agency?  
 5 MR. YAREMA: Object to the form.  
 6 A Fifth.  
 7 **Q** Is a modeling agency that he is involved  
 8 in with Jean Luc Brunel; you know who that is  
 9 right?  
 10 MR. YAREMA: Object to the form.  
 11 A Fifth.  
 12 **Q** Are you familiar with MC-2 or MC-Squared  
 13 Modeling Agency?  
 14 A Fifth.  
 15 **Q** You know Jean Luc Brunel, right?  
 16 MR. YAREMA: Object to the form.  
 17 A Fifth.  
 18 **Q** Is Jean Luc Brunel somebody that you  
 19 have been made to perform on sexually?  
 20 MR. YAREMA: Object to the form.  
 21 A Fifth.  
 22 **Q** Jean Luc Brunel is somebody that you  
 23 know to also be a child molester, true?  
 24 MR. YAREMA: Object to the form.  
 25 A Fifth.

37

1 **Q** This is somebody who for years the  
 2 public has known of Jean Luc Brunel as a child  
 3 molester, true?  
 4 MR. YAREMA: Object to the form.  
 5 A Fifth.  
 6 **Q** In fact, that is the only thing Jeffrey  
 7 Epstein and Jean Luc Brunel have in common, is  
 8 their obsession for underage minor females,  
 9 correct?  
 10 MR. YAREMA: Object to the form.  
 11 A Fifth.  
 12 **Q** And the modeling agency is but one other  
 13 mechanism used by Jeffrey Epstein to gain access  
 14 to underage minor females for sex, true?  
 15 MR. YAREMA: Object to the form.  
 16 A Fifth.  
 17 **Q** I read you the statute earlier on Lewd  
 18 and Lascivious Molestation, Chapter 800.04, and  
 19 that's something that you have witnessed Jeffrey  
 20 Epstein violate on hundreds of occasions,  
 21 correct?  
 22 MR. YAREMA: Object to the form.  
 23 A Fifth.  
 24 **Q** And something that you have witnessed  
 25 Jeffrey Epstein specifically violate, against

46

1 A Fifth.

2 Q That particular message indicates it is

3 from Nadia. You're the only "Nadia" in the

4 house; is that correct?

5 MR. YAREMA: Object to the form.

6 A Fifth.

7 Q This is a call from you indicating that

8 [REDACTED] cannot work today and [REDACTED] will be

9 here at 4:00 p.m.;" is that right?

10 MR. YAREMA: Object to the form?

11 A Fifth.

12 Q Who is [REDACTED]?

13 A Fifth.

14 MR. YAREMA: Object to the form.

15 Q That's an underage minor female that was

16 scheduled to be molested at Jeffrey Epstein's

17 house?

18 MR. YAREMA: Object to the form.

19 A Fifth.

20 Q You scheduled that act of molestation;

21 is that right?

22 MR. YAREMA: Object to the form.

23 A Fifth.

24 Q And [REDACTED] will be at the house at 4:00

25 p.m. [REDACTED] is another underage minor female;

47

1 is that correct?

2 MR. YAREMA: Object to the form.

3 A Fifth.

4 Q That's somebody else that you were

5 scheduling to come to his house at 4:00 p.m. for

6 Jeffrey Epstein to engage in sexual acts with

7 her, while she was an underage minor, true?

8 MR. YAREMA: Object to the form.

9 A Fifth.

10 Q Do you know Les Wexner?

11 A Fifth.

12 Q That's somebody that you know owns and

13 operates the Victoria's Secret, the Limited?

14 MR. YAREMA: Object to the form.

15 A Is that a question?

16 Q Is that somebody that you know to own

17 Victoria's Secret or operate Victoria's Secret?

18 A Fifth.

19 Q Do you know if Jeffrey Epstein still

20 talks with Leslie Wexner?

21 MR. YAREMA: Object to the form.

22 A Fifth.

23 Q Do you know Jane Doe-102?

24 A Fifth.

25 Q Are you aware of Jeffrey Epstein and

48

1 Ghislaine Maxwell's sexual interaction with Jane

2 Doe-102 when she was a minor?

3 MR. YAREMA: Object to the form.

4 Q This is one of many underage minor

5 females that was trafficked basically around the

6 globe to be sexually exploited and abused; is

7 that correct?

8 MR. YAREMA: Object to the form.

9 A Fifth.

10 Q Was that typical of Jeffrey Epstein and

11 Ghislaine Maxwell to sexually abuse minors on

12 Jeffrey Epstein's airplane?

13 MR. YAREMA: Object to the form.

14 A Fifth.

15 Q And also typical of Ghislaine Maxwell

16 and Jeffrey Epstein to prostitute or pimp out

17 underage minors to friends?

18 MR. YAREMA: Object to the form.

19 A Fifth.

20 Q By "friends," I am talking specifically

21 about people of royalty, politicians,

22 academicians, businessmen and other professional

23 or personal acquaintances?

24 MR. YAREMA: Object to the form.

25 A Fifth.

49

1 Q Were you with Jeffrey Epstein on his

2 birthday when one of his friends sent to him

3 12 -- sorry, three 12-year olds for the purposes

4 of Jeffrey Epstein sexually abusing them?

5 MR. YAREMA: Object to the form.

6 A Fifth.

7 Q How many occasions have you observed

8 Jeffrey Epstein to receive as gifts from friends,

9 underage minor females for the purposes of him

10 sexually abusing them?

11 MR. YAREMA: Object to the form.

12 A Fifth.

13 Q These three 12-year olds were from

14 France. Were they sent to him on his birthday by

15 Jean Luc Brunel or by somebody else?

16 MR. YAREMA: Object to the form.

17 A Fifth.

18 Q Have you ever been made to engage in sex

19 with 12-year olds?

20 MR. YAREMA: Object to the form.

21 A Fifth.

22 Q Is it true that Jeffrey Epstein makes

23 you dress up as a 12-year old?

24 MR. YAREMA: Object to the form.

25 A Fifth.

58

1 Alan Dershowitz, meaning he continued to sexually  
 2 abuse minors despite Alan Dershowitz being a  
 3 guest in the house?  
 4 MR. YAREMA: Object to the form.  
 5 A Fifth.  
 6 Q Alan Dershowitz never engaged in any  
 7 sexual activity with these underage minors; isn't  
 8 that true?  
 9 MR. YAREMA: Object to the form.  
 10 A Fifth.  
 11 Q Have you been made to have sex with  
 12 Ghislaine Maxwell?  
 13 MR. YAREMA: Object to the form.  
 14 A Fifth.  
 15 Q Do you know [REDACTED]?  
 16 A Fifth.  
 17 Q Similar to you being Jeffrey Epstein's  
 18 sex slave, is [REDACTED], or was [REDACTED]  
 19 Ghislaine Maxwell's sex slave?  
 20 MR. YAREMA: Object to the form.  
 21 A Fifth.  
 22 Q Ghislaine Maxwell is somebody who you  
 23 know to be bi-sexual, true?  
 24 MR. YAREMA: Object to the form.  
 25 A Fifth.

59

1 Q You know that Ghislaine Maxwell engaged  
 2 in sexual acts with underage minor females, true?  
 3 MR. YAREMA: Object to the form.  
 4 A Fifth.  
 5 Q This is yet another friend of Jeffrey  
 6 Epstein's that is into the act of molesting  
 7 underage minor females, right?  
 8 MR. YAREMA: Object to the form.  
 9 A Fifth.  
 10 Q Now, you are the next participant in  
 11 that activity, meaning you have been groomed to  
 12 enjoy and appreciate the acts of sex with  
 13 underage minors, true?  
 14 MR. YAREMA: Object to the form.  
 15 A Fifth.  
 16 Q Has Jeffrey Epstein instructed you to  
 17 lie to his Probation Officer in any way?  
 18 MR. YAREMA: Object to the form.  
 19 A Fifth.  
 20 Q Mr. Visoski testified that you took a  
 21 helicopter flight within the last year with  
 22 Jeffrey Epstein to Miami. Do you remember that  
 23 flight?  
 24 MR. YAREMA: Object to the form.  
 25 A Fifth.

60

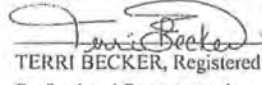
1 Q What was the purpose of that flight?  
 2 MR. YAREMA: Object to the form.  
 3 A Fifth.  
 4 Q Did you sign a confidentiality agreement  
 5 with Jeffrey Epstein?  
 6 MR. YAREMA: Object to the form.  
 7 A Fifth.  
 8 Q When is the last time that you observed  
 9 Jeffrey Epstein have sex with a minor?  
 10 MR. YAREMA: Object to the form.  
 11 A Fifth.  
 12 Q Since being on probation, has Jeffrey  
 13 Epstein been able to, or has he flown to his  
 14 island?  
 15 MR. YAREMA: Object to the form.  
 16 A Fifth.  
 17 Q To your knowledge, has Jeffrey Epstein  
 18 flown to New York while on probation or community  
 19 control?  
 20 MR. YAREMA: Object to the form.  
 21 A Fifth.  
 22 Q Isn't it true that he has flown both to  
 23 New York and to his island, and you have  
 24 accompanied him on those trips, since he was on  
 25 community control?

61

1 MR. YAREMA: Object to the form.  
 2 A Fifth.  
 3 Q Isn't it also true that Jeffrey Epstein  
 4 has indicated to you that he will always engage  
 5 in sex acts with underage minor females?  
 6 MR. YAREMA: Object to the form.  
 7 A Fifth.  
 8 Q In fact, that's something that he has  
 9 told you, that he believes he is entitled to do;  
 10 isn't that right?  
 11 MR. YAREMA: Object to the form.  
 12 A Fifth.  
 13 Q Isn't it true that Jeffrey Epstein  
 14 believes and has told you that if he doesn't  
 15 physically force the underage minor female into  
 16 any act, then he is entitled to engage in sex  
 17 with any underage minor female despite the age?  
 18 MR. YAREMA: Object to the form.  
 19 A Fifth.  
 20 Q What is the youngest female you have  
 21 witnessed or observed Jeffrey Epstein to engage  
 22 in sex with?  
 23 MR. YAREMA: Object to the form.  
 24 A Fifth.  
 25 Q Do you have a bank account at Chase Bank



1 A Fifth.  
 2 Q Did you know that Jeffrey Epstein gave  
 3 A.D. a digital camera?  
 4 MR. YAREMA: Object to the form.  
 5 A Fifth.  
 6 MS. EZELL: I don't have any other  
 7 questions. Thank you.  
 8 MR. GOLDBERGER: You still have your  
 9 microphone on. You must have something on  
 10 your mind, Brad.  
 11 REDIRECT EXAMINATION  
 12 BY MR. EDWARDS:  
 13 Q Ms. Marcinkova, through the whole day  
 14 you've taken the Fifth on just about every single  
 15 question. Is there any reason why we should not  
 16 presume that the answer to these questions would  
 17 incriminate you?  
 18 MR. YAREMA: Object to the form.  
 19 A The Fifth.  
 20 Q The reason that you have taken the Fifth  
 21 is because the questions you have been asked  
 22 would have been answered in the affirmative and  
 23 you're afraid of prosecution for your  
 24 involvement, true?  
 25 MR. GOLDBERGER: Don't answer that

1 THE STATE OF FLORIDA)  
 2 COUNTY OF PALM BEACH)  
 3 I, TERRI BECKER, a Registered  
 4 Professional Reporter and Notary Public for the  
 5 State of Florida at Large, do hereby certify that  
 6 I reported the videotaped deposition of NADIA  
 7 MARCINKOVA, the WITNESS, called by the PLAINTIFF  
 8 in the above-entitled action; that the witness  
 9 was duly sworn by me; that the foregoing pages,  
 10 numbered from 1 to 104, inclusive, constitute a  
 11 true record of the deposition by said witness.  
 12 I further certify that I am not attorney  
 13 or counsel of any of the parties, nor a relative  
 14 or employee of any attorney or counsel connected  
 15 with the action, nor financially interested in  
 16 the action.  
 17 WITNESS MY HAND and official seal in the  
 18 City of West Palm Beach, County of Palm Beach,  
 19 State of Florida, this 19th day of April 2010.  
 20   
 21 TERRI BECKER, Registered  
 22 Professional Reporter and  
 23 Notary Public, State of Florida  
 24 at Large. My Commission expires  
 25 March 13, 2011.

1 question. It interferes with the  
 2 attorney/client relationship that I have  
 3 with Ms. Marcinkova and any discussions she  
 4 and I may have had would come under that  
 5 privilege.  
 6 You can try and dance around that, but  
 7 I'm simply not going to allow her to answer  
 8 that question. If you want to bring it up  
 9 with the Judge, you can.  
 10 MR. EDWARDS: Thanks, Jack.  
 11 MR. GOLDBERGER: Okay.  
 12 THE VIDEOGRAPHER: Off the video record  
 13 at 1:41 p.m.  
 14 THE COURT REPORTER: You're ordering  
 15 this, Brad?  
 16 MR. EDWARDS: Yes. Copies?  
 17 MS. EZELL: Yes.  
 18 MR. YAREMA: Yes:  
 19 THE COURT REPORTER: And Adam wanted it;  
 20 is that right?  
 21 MR. EDWARDS: Yes.  
 22 (Time noted: 1:45 p.m.)  
 23  
 24  
 25

1 THE STATE OF FLORIDA)  
 2 COUNTY OF PALM BEACH)  
 3  
 4  
 5 The foregoing certificate was  
 6 acknowledged before me this \_\_\_\_\_  
 7 day of \_\_\_\_\_ 2010.  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15 \_\_\_\_\_  
 16 Notary Public, State of Florida.  
 17 My commission No.  
 18 Expires March 13, 2011.  
 19  
 20  
 21  
 22  
 23  
 24  
 25

# EXHIBIT 16

(Filed Under Seal)

1 JANE DOE NO. 6, Case No: 08-CV-80994  
2 Plaintiff,  
3 Vs  
4 JEFFREY EPSTEIN,  
5 Defendant.

6 \_\_\_\_\_/  
7 JANE DOE NO. 7, Case No. 08-CV-80993  
8 Plaintiff,

9 Vs  
10 JEFFREY EPSTEIN,  
11 Defendant.

12 C.M.A., Case No: 08-CV-80811  
13 Plaintiff,

14 Vs  
15 JEFFREY EPSTEIN,  
16 Defendant.

17 JANE DOE, Case No: 08-CV-80893  
18 Plaintiff,

19 Vs  
20 JEFFREY EPSTEIN,  
21 Defendant.

22 \_\_\_\_\_/  
23  
24  
25

1 VIDEOTAPED  
2 DEPOSITION  
3 of  
4 ALFREDO RODRIGUEZ  
5  
6 taken on behalf of the Plaintiffs pursuant  
7 to a Re-Notice of Taking Deposition (Duces Tecum)

8  
9 ---  
10 APPEARANCES:

11  
12 MERMELSTEIN & HOROWITZ, P.A.  
13 BY: STUART MERMELSTEIN, ESQ.  
14 18205 Biscayne Boulevard  
15 Suite 2218  
16 Miami, Florida 33160  
17 Attorney for Jane Doe 2, 3, 4, 5,  
18 6, and 7.

19 ROTHSTEIN ROSENFELDT ADLER  
20 BY: BRAD J. EDWARDS, ESQ., and  
21 CARA HOLMES, ESQ.  
22 Las Olas City Centre  
23 Suite 1650  
24 401 East Las Olas Boulevard  
25 Fort Lauderdale, Florida 33301  
Attorney for Jane Doe and E.W.  
And L.M.

PODHURST ORSECK  
BY: KATHERINE W. EZELL  
25 West Flagler Street  
Suite 800  
Miami, Florida 33130  
Attorney for Jane Doe 101 and 102.

1 JANE DOE NO. II, Case No: 08-CV-80469  
2 Plaintiff,  
3 Vs  
4 JEFFREY EPSTEIN,  
5 Defendant.

6 \_\_\_\_\_/  
7 JANE DOE NO. 101, Case No: 09-CV-80591  
8 Plaintiff,

9 Vs  
10 JEFFREY EPSTEIN,  
11 Defendant.

12 JANE DOE NO. 102, Case No: 09-CV-80656  
13 Plaintiff,  
14 Vs  
15 JEFFREY EPSTEIN,  
16 Defendant.

17 \_\_\_\_\_/  
18  
19  
20 1031 Ives Dairy Road  
21 Suite 228  
22 North Miami, Florida  
23 July 29, 2009  
24 11:00 a.m. to 5:30 p.m.  
25

1 APPEARANCES:

2  
3 LEOPOLD-KUVIN  
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7 Palm Beach Gardens, Florida 33410  
8 Attorney for B.B.

9 RICHARD WILLITS, ESQ.  
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11 Suite 404  
12 Lake Worth, Florida 33461  
13 Attorney for C.M.A.

14 BURMAN, CRITTON, LUTTIER &  
15 COLEMAN, LLP  
16 BY: ROBERT CRITTON, ESQ.  
17 515 North Flagler Drive  
18 Suite 400  
19 West Palm Beach, Florida 33401  
20 Attorney for Jeffrey Epstein.

21 ALSO PRESENT:

22 JOE LANGSAM, VIDEOGRAPHER  
23  
24  
25

1 written down anywhere?  
 2 A. No.  
 3 Q. It's my understanding that C. and T.  
 4 either came to his house alone to visit with Mr.  
 5 Epstein or brought other girls in their age group  
 6 to Mr. Epstein.  
 7 Were you familiar with that type of  
 8 recruitment process of girls bringing other girls?  
 9 MR. CRITTON: Form.  
 10 THE WITNESS: Yes.  
 11 BY MR. EDWARDS:  
 12 Q. Can you tell me more about what you know  
 13 about girls bringing other girls that are  
 14 relatively the same age to come to Jeffrey  
 15 Epstein's house and to use your words, have a good  
 16 time?  
 17 MR. CRITTON: Form.  
 18 THE WITNESS: It's hard to know who they  
 19 knew. But I think that was -- they feel  
 20 better themselves when they're in a group  
 21 than going by themselves, but I don't know  
 22 somebody recruiting.  
 23 BY MR. EDWARDS:  
 24 Q. Okay. And you've talked about, at least  
 25 referred to yourself I believe to the police and

1 for now we'll call it a massage -- as well as  
 2 anybody who brought that person over to the house,  
 3 they would both get paid cash. Are you familiar  
 4 with that?  
 5 MR. CRITTON: Form.  
 6 THE WITNESS: No.  
 7 BY MR. EDWARDS:  
 8 Q. If C. brought another girl over to the  
 9 house and C. stayed downstairs but this other girl  
 10 went upstairs with Mr. Epstein, which one would  
 11 you pay?  
 12 A. I don't know because I was told who to  
 13 pay.  
 14 Q. And Sarah Kellen always told you?  
 15 A. Sarah told me pay so and so.  
 16 Q. So if we were going to ask anybody else  
 17 about the exact method in terms of who would get  
 18 paid and for what, who would the people be? I  
 19 mean, other than Mr. Epstein who else could we ask  
 20 these questions?  
 21 A. Sarah.  
 22 Q. Sarah Kellen?  
 23 A. Yes.  
 24 Q. She would know this?  
 25 A. Yes.

1 as well today as a human ATM machine. Right?  
 2 MR. CRITTON: Form.  
 3 THE WITNESS: Something like that. I was  
 4 supposed to carry cash at all times.  
 5 BY MR. EDWARDS:  
 6 Q. One of the primary reasons why you  
 7 carried cash was to pay the girls in this age  
 8 group of C. and T. for whatever happened at the  
 9 house. Right?  
 10 MR. CRITTON: Form.  
 11 THE WITNESS: Yes.  
 12 BY MR. EDWARDS:  
 13 Q. That's a fair statement. Right?  
 14 MR. CRITTON: Form.  
 15 THE WITNESS: Yes.  
 16 BY MR. EDWARDS:  
 17 Q. Okay. And when C., let's use her for  
 18 example, would bring somebody else to the house,  
 19 did you pay C. as well as whomever she brought to  
 20 the house, pay them both?  
 21 A. No, I pay only one person.  
 22 Q. Okay. My understanding, and tell me if  
 23 this is wrong or you can corroborate this, is that  
 24 Mr. Epstein would pay the girl that was actually  
 25 performing whatever was happening in the room --

1 Q. What about Ghislaine Maxwell?  
 2 MR. CRITTON: Form.  
 3 THE WITNESS: You're talking about the  
 4 boss. I don't know.  
 5 BY MR. EDWARDS:  
 6 Q. To your knowledge was Ghislaine Maxwell  
 7 aware of these girls that are in the age group of  
 8 C. and T. coming to Jeffrey Epstein's house to  
 9 have a good time?  
 10 MR. CRITTON: Form.  
 11 THE WITNESS: I have to say something.  
 12 Mrs. Maxwell called me and told me not to  
 13 ever discuss or contact her again in a  
 14 threaten way.  
 15 BY MR. EDWARDS:  
 16 Q. When was this?  
 17 A. Right after I left because I call one of  
 18 the friends for a job and she told me this, but,  
 19 you know, I feel intimidated and so I want to keep  
 20 her out.  
 21 Q. What exactly did she say? First of all,  
 22 was this a telephone call?  
 23 A. Yes, she was in New York.  
 24 Q. She called you on your cell phone?  
 25 A. Yes.

1 Q. Is this the cell phone that was issued to  
 2 you by Mr. Epstein?  
 3 A. No, it was my personal phone. I was  
 4 already --  
 5 Q. Gone?  
 6 A. Yeah, this is three, four months down the  
 7 road.  
 8 Q. So if you left in --  
 9 A. February, March -- it was May or June.  
 10 Q. Of 2005?  
 11 A. Yes.  
 12 Q. And you got a call from Ghislaine Maxwell  
 13 out of the blue?  
 14 A. Yes.  
 15 Q. And do you know what prompted that  
 16 telephone call?  
 17 A. Because I contact somebody in New York to  
 18 get a job.  
 19 Q. Who was that person?  
 20 A. I contact Jean-Luc and I contact Eva, the  
 21 Swedish girl, she used to be very good friends  
 22 with Mr. Epstein because she asked me she need  
 23 somebody in New York.  
 24 Q. What does Eva do?  
 25 A. Eva was a model many years ago and he

1 precisely did she say?  
 2 A. She said I forbid you that you're going  
 3 to be -- that I will be sorry if I contact any of  
 4 her friends again.  
 5 Q. Okay. Other than you will be sorry if  
 6 you contact any of my friends again did she say  
 7 anything else about what you know about Mr.  
 8 Epstein and/or what goes on at his house?  
 9 A. She said something like don't open your  
 10 mouth or something like that. But you have to  
 11 understand, I'm a civil humble, I came as an  
 12 immigrant to service people, and right now you  
 13 feel a little -- I'm 55 and I'm afraid. First of  
 14 all, I don't have a job, but I'm glad this is on  
 15 tape because I don't want nothing to happen to me.  
 16 This is the way they treat you, better do this and  
 17 you shut up and don't talk to nobody and --  
 18 Q. When you say this is the way they treat,  
 19 who specifically are you talking about when you  
 20 say the word they?  
 21 A. Maxwell.  
 22 Q. And usually when you say the word they,  
 23 you're not only talking about one person --  
 24 A. Wealthy people.  
 25 Q. Are you also putting Jeffrey Epstein in

1 married -- Eva is the mother of the girl who was  
 2 on the wall.  
 3 Q. Who is on the wall of Mr. Epstein's  
 4 house?  
 5 A. Yeah.  
 6 Q. All right. There is a younger girl model  
 7 that's on the wall of Mr. Epstein's house and this  
 8 lady Eva is her mother?  
 9 A. Yes.  
 10 Q. And at some point in time you called her  
 11 in New York to get a job?  
 12 A. That's right.  
 13 Q. And you also called Jean-Luc Bernell?  
 14 That's his name. Right?  
 15 A. Jean-Luc, yeah, I don't remember his last  
 16 name.  
 17 Q. Does that sound familiar to you, Jean-Luc  
 18 Bernell?  
 19 A. Yeah.  
 20 Q. What did Eva and/or Jean-Luc say about  
 21 employing you?  
 22 A. No, they said they're going to find out  
 23 and obviously the first thing they did was talk to  
 24 Mrs. Maxwell.  
 25 Q. She made a telephone call to you and what

1 that category?  
 2 MR. CRITTON: Form.  
 3 THE WITNESS: I didn't talk to him  
 4 directly most of the time.  
 5 BY MR. EDWARDS:  
 6 Q. What's the reason why if you were his  
 7 head of security that you wouldn't have more  
 8 direct contact with him? Why is that?  
 9 MR. CRITTON: Form.  
 10 THE WITNESS: He wanted that way, you  
 11 know, so, yeah, I have to talk to Sarah,  
 12 Sarah is not available talk to Lesley in New  
 13 York. He didn't want to be disturbed.  
 14 BY MR. EDWARDS:  
 15 Q. Even while you were in the same house  
 16 with him he still had other people you could talk  
 17 to directly but he was not one of them?  
 18 A. Yeah.  
 19 Q. When you were fired you were not fired  
 20 directly by him?  
 21 A. No.  
 22 Q. It was through somebody else?  
 23 A. Ms. Maxwell.  
 24 Q. Okay. But it was for upsetting him for  
 25 taking the wrong car?

1 A. Yes.  
 2 Q. Okay. Ever since this communication that  
 3 Ms. Maxwell made to you where she called you  
 4 sometime in May or June of 2005, and have you felt  
 5 threatened?  
 6 A. Yes.  
 7 MR. CRITTON: Form.  
 8 BY MR. EDWARDS:  
 9 Q. Have you felt reluctant to come forward  
 10 and give truthful, honest, and full disclosure of  
 11 all information that you know about this case?  
 12 MR. CRITTON: Form.  
 13 THE WITNESS: I said this off the record  
 14 but I will say it on the record, being in  
 15 the Epstein case for me resulted in two  
 16 years I have -- I won't bring the names but  
 17 I was in the third interview to get hired as  
 18 a household manager in Palm Beach and they  
 19 told me you are the Jeffrey Epstein guy.  
 20 Not in the sense I did something wrong  
 21 because of the scandal, so they shun the job  
 22 away from me. And so I was afraid that --  
 23 this is very powerful people and one phone  
 24 call and you finish, so I'm the little guy.  
 25 Even I'm wearing a tie I'm a -- I'm talking

1 this. Because I went through -- the first  
 2 time I went to the deposition I was in Palm  
 3 Beach and I did my duty, I mean, I tell what  
 4 I know, but now I know there is more  
 5 digging, all I want is this to be to get on  
 6 with my normal life and stuff.  
 7 BY MR. EDWARDS:  
 8 Q. So when you come here today to testify,  
 9 your main objective is to get back to your normal  
 10 life and get out of the spotlight of this case.  
 11 Yes?  
 12 A. Yes.  
 13 Q. And in doing so have you held back some  
 14 of the details that you know about that happened  
 15 in this case to remove yourself from the  
 16 spotlight?  
 17 MR. CRITTON: Form.  
 18 THE WITNESS: No, sir.  
 19 BY MR. EDWARDS:  
 20 Q. Okay. Have you ever talked to Ghislaine  
 21 Maxwell after that telephone call where she called  
 22 you and you felt threatened?  
 23 A. No.  
 24 Q. Okay. So going back to where we started  
 25 here was, does Ghislaine Maxwell have knowledge of

1 from my heart. This is the way it is.  
 2 BY MR. EDWARDS:  
 3 Q. I feel for you, I'm sorry that you have  
 4 to be in this position.  
 5 MR. CRITTON: Move to strike this.  
 6 BY MR. EDWARDS:  
 7 Q. Well, when you applied for these jobs and  
 8 they turned you down and gave you the reason that  
 9 you're the person involved in the Jeffrey Epstein  
 10 scandal, was it that they are associated or  
 11 friends with Jeffrey Epstein or is it that you  
 12 have information and you have this confidentiality  
 13 but you're revealing some certain information that  
 14 Mr. Epstein would not like?  
 15 MR. CRITTON: Form.  
 16 THE WITNESS: Both.  
 17 BY MR. EDWARDS:  
 18 Q. Both?  
 19 A. Both.  
 20 Q. And since then given what you just told  
 21 us about these people being very powerful, are you  
 22 afraid for your life given the fact that you're  
 23 involved to some extent in this case?  
 24 MR. CRITTON: Form.  
 25 THE WITNESS: I just start thinking about

1 the girls that would come over to Jeffrey  
 2 Epstein's house that are in roughly the same age  
 3 group as C. and T. and to have a good time as you  
 4 put it?  
 5 MR. CRITTON: Form.  
 6 THE WITNESS: Yes.  
 7 BY MR. EDWARDS:  
 8 Q. And what was her involvement and/or  
 9 knowledge about that?  
 10 MR. CRITTON: Form.  
 11 THE WITNESS: She knew what was going on.  
 12 BY MR. EDWARDS:  
 13 Q. You referred to her at one point in time  
 14 as Jeffrey Epstein's companion. But then later on  
 15 you said that if she flew she flew on a different  
 16 airplane and oftentimes or sometimes she slept in  
 17 a different bed from Mr. Epstein. Did that seem  
 18 unusual to you?  
 19 MR. CRITTON: Form.  
 20 THE WITNESS: It was odd but, I mean, and  
 21 again, everything is odd in Palm Beach.  
 22 BY MR. EDWARDS:  
 23 Q. Okay, I don't mean to laugh.  
 24 A. Mr. Epstein fly to Jet Aviation, she fly  
 25 to Galaxy Aviation, but they never flew the same

1 BY MR. LANGINO:  
 2 Q. Are you currently in fear of Mr. Epstein?  
 3 A. Not at this particular moment but it's  
 4 something I have to be worry about, yes.  
 5 Q. Are you personally afraid of criminal  
 6 prosecution?  
 7 A. No.  
 8 Q. Do you believe that you did anything  
 9 illegal?  
 10 A. Illegal, no.  
 11 MR. LANGINO: I have no further  
 12 questions. Thank you.  
 13 MR. CRITTON: We're going to break in  
 14 about 15 minutes. Do you want to start and  
 15 go for 15 minutes or do you want to -- it's  
 16 up to you.  
 17 MS. EZELL: I'll start.  
 18 MR. WILLITS: When are we going to quit,  
 19 folks?  
 20 MR. CRITTON: In 15 minutes.  
 21 THE VIDEOGRAPHER: Might as well change  
 22 tapes.  
 23 MR. EDWARDS: Bob has to get back so  
 24 we've agreed we're going to come back some  
 25 other time.

1 THE STATE OF FLORIDA, )  
 2 COUNTY OF DADE. )  
 3  
 4  
 5 I, the undersigned authority, certify  
 6 that ALFREDO RODRIGUEZ personally appeared before  
 7 me on the 29th day of July, 2009 and was duly  
 8 sworn.  
 9  
 10 WITNESS my hand and official seal this  
 11 31st day of July, 2009.  
 12  
 13  
 14  
 15  
 16 \_\_\_\_\_  
 17 MICHELLE PAYNE, Court Reporter  
 18 Notary Public - State of Florida  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 MR. WILLITS: Why don't we just stop now?  
 2 MS. EZELL: Okay.  
 3 MR. EDWARDS: Rather than you start.  
 4 MS. EZELL: Yeah, I won't get very far.  
 5 MR. EDWARDS: Sorry to do this with you,  
 6 we didn't finish.  
 7 MR. CRITTON: So we're stopped?  
 8 MR. EDWARDS: We're stopped.  
 9 THE VIDEOGRAPHER: Off the record.  
 10 (Thereupon, the videotaped deposition was  
 11 adjourned at 5:30 p.m.)  
 12 - - -  
 13  
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 20  
 21  
 22  
 23  
 24  
 25

1 CERTIFICATE  
 2  
 3 The State Of Florida, )  
 4 County Of Dade. )  
 5  
 6 I, MICHELLE PAYNE, Court Reporter and  
 7 Notary Public in and for the State of Florida at  
 8 large, do hereby certify that I was authorized to  
 9 and did stenographically report the videotaped  
 10 deposition of ALFREDO RODRIGUEZ; that a review of  
 11 the transcript was requested; and that the  
 12 foregoing pages, numbered from 1 to 269,  
 13 inclusive, are a true and correct transcription of  
 14 my stenographic notes of said deposition.  
 15 I further certify that said videotaped  
 16 deposition was taken at the time and place  
 17 hereinabove set forth and that the taking of said  
 18 videotaped deposition was commenced and completed  
 19 as hereinabove set out.  
 20 I further certify that I am not an  
 21 attorney or counsel of any of the parties, nor am  
 22 I a relative or employee of any attorney or  
 23 counsel of party connected with the action, nor am  
 24 I financially interested in the action.  
 25 The foregoing certification of this  
 transcript does not apply to any reproduction of  
 the same by any means unless under the direct  
 control and/or direction of the certifying  
 reporter.  
 DATED this 31st day of July, 2009.  
 \_\_\_\_\_  
 MICHELLE PAYNE, Court Reporter

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_ /

**PLAINTIFF'S RESPONSE IN OPPOSITION TO  
DEFENDANT'S SECOND MOTION TO COMPEL AND FOR SANCTIONS**

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Plaintiff Virginia Giuffre (“Ms. Giuffre”), by and through her undersigned counsel, hereby files this Response in Opposition to Defendant’s Motion to Compel and her baseless Motion for Sanctions (DE 354).

## **I. INTRODUCTION**

For the third time, Defendant attempts to elevate a routine discover dispute into something over which she seeks sanctions, despite the complete lack of a basis for sanctions and a complete lack of case law supporting her request.<sup>1</sup> All three of Defendant’s requests for sanctions have been frivolous, legally unreasonable, without factual foundation, and for an improper purpose. Rule 11 provides for the imposition of sanctions in those circumstances. *See Elghanian v. Schachter*, 1997 WL 607546, at \*2 (S.D.N.Y. 1997) (Sweet, J.)

Indeed, in Defendant’s entire “argument” for sanctions, she only cites one case - a case from the District of the District of Columbia - for the proposition that Plaintiff should be sanctioned because her interrogatory responses were unsigned.<sup>2</sup> However, ***Defendant’s interrogatory responses are also unsigned.*** Defendant’s thirty-seven page brief is riddled with these half-truths in a grasping attempt to distort reality as the documentary and testimonial evidence piles up against her. By Defendant’s logic, Ms. Giuffre should have already moved for sanctions against Defendant for Defendant’s unsigned interrogatories, but unlike Defendant, Ms. Giuffre would not burden the Court with a frivolous request for sanctions.

## **II. DEFENDANT’S ENTIRE MOTION SHOULD BE DENIED**

Defendant’s motion violates Local Rule 37.1, and should be denied for that reason before the Court even reaches the merits. Local Rule 37.1 states that, “upon any motion or application

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<sup>1</sup> Defendant’s first baseless request for sanctions was improperly raised in a response brief (DE 228) to a routine motion for extension of time - a motion this Court granted (June 23, 2016, Minute Order). Defendant’s second baseless request (DE 231) centered on the fact that Ms. Giuffre listed her physicians in response to interrogatories instead of in her Rule 26 disclosures.

<sup>2</sup> Ms. Giuffre has signed her amended interrogatories, and has served them on Defendant.

involving discovery or disclosure requests or responses under Fed. R. Civ. P. 37, the moving party shall specify and quote or set forth verbatim *in the motion papers* each discovery request and response to which the motion or application is addressed.” For the majority of discovery items upon which Defendant moves, Defendant has wholly failed to do this. Instead, Defendant edits out a great deal of Ms. Giuffre’s answers and objections to the interrogatories, skipping entire data sets put forth in response to the interrogatories, and skipping Ms. Giuffre most cogent objections.

This is improper conduct. Upon a motion to compel, a Court is called upon to evaluate the discovery requests *as well as the responses and objections*. Local Rule 37.1 is designed to protect against the exact type of self-serving editing of the opposing party’s objections that Defendant has done in this brief. Accordingly, the Court should deny Defendant’s motion in its entirety for failure to comply with Local Rule 37.1. *See Blodgett v. Siemens Industry, Inc.*, 2016 WL 4203490, at \*1 (E.D.N.Y., 2016) (denying motion without prejudice for failure to comply with Local Rule 37.1 (which is the same rule in the Eastern District of New York)).

### **III. MOTION TO COMPEL RESPONSES TO INTERROGATORIES SHOULD BE DENIED**

#### **A. Interrogatory No. 5**

1. Ms. Giuffre’s Counsel’s Communications With the Media Are Outside the Scope of Rule 26 and Any Attempt at Collection Would be Unduly Burdensome

Interrogatory No. 5 seeks a catalogue of Ms. Giuffre *and her counsel’s* communications with the media, broadly defined, and without limitation of time or subject matter. First, the interrogatory request should be denied because Ms. Giuffre already produced her communications with the media, which included production of close to 200 e-mails. Despite having these key communications, Defendant is now pushing for all communications that any of

her counsel ever had with any media without any time or subject matter limitation. The search for, and production of, all communications involving her counsel and the media is unduly burdensome and wholly irrelevant. Given the nature of Ms. Giuffre's counsel's practices, the media reach out to Ms. Giuffre's counsel frequently, regarding a number of issues, and none of Ms. Giuffre's counsel catalogue or record any of these communications. Complete retrieval would be inordinately burdensome. Even Defendant's more limited request put forth in the instant motion seeking communications with the media regarding this case is overly broad. This would require a marshaling of enormous resources, and under Rule 26(b)(1), there is no need expressed by Defendant to justify this heavy burden. Notably, Defendant has deposed Ms. Giuffre in detail on topics relating to media inquiries and she also has of Ms. Giuffre's e-mail communications with the media produced by Ms. Giuffre. This request should be denied on these grounds alone.

Though she claims Ms. Giuffre's counsel's communications with the media somehow go to her defenses, tellingly, Defendant fails to explain how they do, or put forth any case law in support this proposition. Additionally, there's no explanation (or case law) as to how any such communications could go to Defendant's damages. Defendant does not explain and does not elaborate. Defendant has failed to articulate relevance or any supporting case law for this discovery, and the request should be denied for this reason as well.

2. Defendant is Already in Possession of Ms. Giuffre's Communications With the Media

Regarding Ms. Giuffre's communications with the media, Defendant already has them. And, importantly, Defendant didn't have to hunt and peck for these communications, as she is trying to lead the Court to believe. Ms. Giuffre's communications with the media consist of email communications between Ms. Giuffre and Sharon Churcher, and Ms. Giuffre and Jarred



Weissfeld. The overwhelming majority of them were produced in her second rolling production and continued on a rolling basis through the fifth production (all of which were small productions). Specifically, there are approximately 175 of these documents, and all were produced within a narrow Bates range.<sup>3</sup> Defendant had knowledge of these documents as soon as Ms. Giuffre produced them. Moreover, these documents are featured in Defendant's briefs, Defendant issued subpoenas to both Sharon Churcher and Jarred Weissfeld months ago, and Defendant has deposed Ms. Giuffre about her media contacts. *See* McCawley Decl. at Composite Exhibit 1, Defendant's May 31, 2016, Subpoenas to Churcher and Weissfeld.

Yet, Defendant cited a number of cases wherein discovery was buried amid voluminous productions so as to be hidden or to cause delayed or cumbersome discovery of them. They are inapposite. Defendant didn't have to "comb through literally thousands of pages of documents" to "find" these. Again, they were presented to Defendant in small production batches, starting with the second production. Moreover, Defendant can gather all of these documents via an electronic search with a simple keystroke.

By suggesting to the Court that Ms. Giuffre's communications with the media were somehow hidden or buried in her production, Defendant makes an argument in bad faith. Indeed, Defendant's argument is tantamount to making a false representation to the Court.

Finally, all of these communications were email communications. So, on their face, they tell Defendant "the date of any such Communication;" "the form of any such Communication, whether oral or written and if written, the format of any such Communication;" "the identities of all the persons involved in such Communication" (this is revealed from the to/from/cc lines); and the other data. Defendant also knows, very well, the identities of the individuals involved

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<sup>3</sup> These communications were produced at Giuffre003191-4274; Giuffre004275-4301; Giuffre004302-4371; Giuffre004372-4746; Giuffre004747-5092.

(including the identity of the organization with which they are affiliated), particularly as the communicators each received one of Defendant's subpoenas.

At the end of the day, the only thing Ms. Giuffre could do to answer this any more than she already has is to go through the burdensome and redundant exercise of writing down, for each of the approximately 175 emails, (1) the fact that it is an email; (2) what name appears in the "to" field; (3) what name appears in the "from" field; (4) what name appears in the "cc" field; and (5) what date appears on the email. Ms. Giuffre submits to the Court that making such a catalogue is a redundant exercise that is not appropriate under Rule 26(b)(1) which, under the 2015 amendment, takes into account "the parties' relative access to relevant information." Ms. Giuffre also submits to the Court that moving to compel Ms. Giuffre to make such a list based on documents she already produced to the Defendant is frivolous and a waste of resources.

**B. Interrogatory No. 6**

Defendant's Interrogatory No. 6 seeks any "false statements" attributed to Defendant that were published. Defendant also seeks the date, place, and form of publication, publishing entity, the URL address, etc., of all such statements. Ms. Giuffre knows, with certainty, of certain statements made by Defendant, and, together, they are the subject of this action. Ms. Giuffre made a listing of various websites that published those statements in response to this interrogatory. This compilation was part of Ms. Giuffre's interrogatory answer that Defendant misleadingly omits from her motion in violation of Local Rule 37.1. Based upon Ms. Giuffre's answer, there is nothing else to compel. Yet, Defendant moves to compel answers that Ms. Giuffre does not have.

Specifically, Ms. Giuffre does not have the knowledge (and certainly does not have the documents relating to) every time Defendant may have defamed her. That is information that lies solely in the possession of the Defendant. Indeed, Ms. Giuffre sought this very information from

Defendant in her Requests Nos. 17 and 18, in which she requested documents “concerning any statement made by You or on Your behalf to the press or any other group or individual, including draft statements, concerning Ms. Giuffre, by You, Ross Gow, or any other individual, from 2005 to the present, including the dates of any publications, and if published online, the Uniform Resource Identifier (URL) address” and “all documents concerning which individuals or entities You or Your agents distributed or sent any statements concerning Ms. Giuffre referenced in Request No. 17 made by You or on Your behalf.” Defendant objected to these requests and refused to produce any documents. Ms. Giuffre’s motion to compel is pending.

As stated above, Ms. Giuffre knows that Defendant defamed her through the statement issued on her behalf by Ross Gow, and she knows Defendant defamed her when she affirmed that statement on video the next day in New York. But, she doesn’t know all Defendant’s defamatory statements, nor does she know where Defendant made them, or to whom she issued them. Defendant is trying to turn logic on its head with this request which, essentially, says: “You tell *me* the people to whom I have sent my own defamatory statements.” Indeed, Defendant’s own language belies her argument. In the instant brief, Defendant says: “The interrogatory required Plaintiff, among other things, to provide each “exact false statement” that she attributes to Ms. Maxwell and that was published anywhere in the world.” How Ms. Giuffre can know every person to whom Defendant made defamatory statements is unexplained. For example, if Defendant took her defamatory statements to a media outlet that chose not to publish them, there is no way for Ms. Giuffre to know that. The only person who knows the full extent of Defendant’s defamation of Ms. Giuffre is defendant, which is why Ms. Giuffre sent her a request for the same information.

However, to make a good faith effort of a response, Ms. Giuffre compiled many examples of Defendant's defamation, examples that were absent from Defendant's brief, in contravention of Rule 37.1:

| Date            | Nature             | Publishing Entity  | Statement/URL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------|--------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 2, 2015 | Internet           | Ross Gow           | <p>Jane Doe 3 is Virginia Roberts - so not a new individual. The allegations made by Victoria Roberts against Ghislaine Maxwell are untrue. The original allegations are not new and have been fully responded to and shown to be untrue.</p> <p>Each time the story is re told it changes with new salacious details about public figures and world leaders and now: it is alleged by Ms. Roberts that Alan Dershowitz is involved in having sexual relations with her, which he denies.</p> <p>Ms. Roberts's claims are obvious lies and should be treated as such and not publicized as news, as they are defamatory,</p> <p>Ghislaine Maxwell's original response to the lies and defamatory claims remains the same. Maxwell strongly denies allegations of an unsavoury nature, which have appeared in the British press and elsewhere and reserves her right to seek redress at the repetition of such old defamatory claims.</p> |
| January 3, 2015 | Internet           | Telegraph          | <a href="http://www.telegraph.co.uk/news/uknews/theroyalfamily/11323872/Prince-Andrew-denies-having-relations-with-sex-slave-girl.html">http://www.telegraph.co.uk/news/uknews/theroyalfamily/11323872/Prince-Andrew-denies-having-relations-with-sex-slave-girl.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| January 4, 2015 | Internet           | Express            | <a href="http://www.express.co.uk/news/world/550085/Ghislaine-Maxwell-Jeffrey-Epstein-not-madam-paedophile-Florida-court-case-Prince-Andrew">http://www.express.co.uk/news/world/550085/Ghislaine-Maxwell-Jeffrey-Epstein-not-madam-paedophile-Florida-court-case-Prince-Andrew</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| January 3, 2015 | Internet           | Daily Mail         | <a href="http://www.dailymail.co.uk/news/article-2895366/Prince-Andrew-lobbied-government-easy-Jeffrey-Epstein-Palace-denies-claims-royal-tried-use-influence-help-billionaire-paedophile-2008-police-probe.html">http://www.dailymail.co.uk/news/article-2895366/Prince-Andrew-lobbied-government-easy-Jeffrey-Epstein-Palace-denies-claims-royal-tried-use-influence-help-billionaire-paedophile-2008-police-probe.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| January 3, 2015 | Internet           | Huffington Post    | <a href="http://www.huffingtonpost.co.uk/2015/01/03/duke-of-york-sex-abuse-claims_n_6409508.html">http://www.huffingtonpost.co.uk/2015/01/03/duke-of-york-sex-abuse-claims_n_6409508.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| January 4, 2015 | Internet           | Jewish News Online | <a href="http://www.jewishnews.co.uk/dershowitz-nothing-prince-andrews-sex-scandal/">http://www.jewishnews.co.uk/dershowitz-nothing-prince-andrews-sex-scandal/</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| January 2, 2015 | Internet           | Bolton News        | <a href="http://www.theboltonnews.co.uk/news/national/11700192.Palace_denies_Andrew_sex_case_claim/">http://www.theboltonnews.co.uk/news/national/11700192.Palace_denies_Andrew_sex_case_claim/</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| January 5, 2015 | Internet/Broadcast | NY Daily News      | <a href="http://www.nydailynews.com/news/world/alleged-madame-accused-supplying-prince-andrew-article-1.2065505">http://www.nydailynews.com/news/world/alleged-madame-accused-supplying-prince-andrew-article-1.2065505</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                 |                        |        |                                                                                                                                                                                                                                 |
|-----------------|------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 5, 2015 | Internet/<br>Broadcast | AOL UK | <a href="http://www.aol.co.uk/video/ghislaine-maxwell-declines-to-comment-on-prince-andrew-allegations-518587500/">http://www.aol.co.uk/video/ghislaine-maxwell-declines-to-comment-on-prince-andrew-allegations-518587500/</a> |
|-----------------|------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Ms. Giuffre recently updated this response to include an additional URL containing defamatory content:

|                 |          |         |                                                                                                                                                                                                                                                                                                                                               |
|-----------------|----------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 8, 2015 | Internet | The Sun | <a href="https://www.thesun.co.uk/archives/news/6754/prince-andrews-pal-ghislaine-groped-teen-girls/?CMP=spklr-128508300-Editorial-TWITTER-TheSunNewspaper-20150108-News">https://www.thesun.co.uk/archives/news/6754/prince-andrews-pal-ghislaine-groped-teen-girls/?CMP=spklr-128508300-Editorial-TWITTER-TheSunNewspaper-20150108-News</a> |
|-----------------|----------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Spending hours trolling the Internet for additional examples of entities that have published Defendant's defamatory statements is not appropriate under Rule 26(b)(1), which takes into account "whether the burden or expense of the proposed discovery outweighs the likely benefit." Here, scouring the Internet for additional examples of the publication of the defamatory statements that are already known (and, illogically, for those that are unknown) is not an appropriate discovery request.

If Defendant would respond to Ms. Giuffre's requests, Ms. Giuffre would be able to answer this interrogatory in full. Only Defendant has access to a comprehensive list of her defamatory statements and of the outlets to which she distributed them. Indeed, as the Court knows from the documents it reviewed *in camera* and found were not privileged, Defendant and Dershowitz were regularly communicating regarding how best to attack Ms. Giuffre. Accordingly, the Court should deny Defendant's motion

### **C. Interrogatory No. 7**

This interrogatory seeks a catalogue of all of defamatory statements made against Ms. Giuffre. This Interrogatory calls for a legal conclusion as to what statements constitute "defamation," and is, thus, improper, particularly as it is not limited to what has already been determined to be defamatory. Specifically, this interrogatory calls for Ms. Giuffre to search for

any statements made about her, throughout the internet and other sources, and determine whether or not they constitute defamation. Accordingly, this request is overly broad. *See* December 29, 2005 Discovery Order, *American Civil Liberties Union, et. al. v. Alberto R. Gonzales*, No. 98--5591, at p. 6 (E.D. Pa. Dec. 29, 2005) (“I find that interrogatory P is over-broad because it is not limited to speech defendant has already determined to be ‘harmful to minors’ under COPA but appears to command defendant to search for all speech over the entire internet and determine whether it is harmful to minors. As a result, defendant need not response to plaintiffs’ interrogatory P.”), at McCawley Decl. at Exhibit 2, for ease of reference.

Alan Dershowitz is the only other known person to defame Ms. Giuffre. As with Interrogatory No. 5, there is no way for Ms. Giuffre to know the full extent of Alan Dershowitz’s defamation of her. She knows that he has called her a “prostitute” and a “bad mother” during his press conferences. *See* McCawley Decl. at Exhibit 3, Local 10 News article dated January 22, 2015. But, Ms. Giuffre does not know the full extent of Alan Dershowitz’s defamation, nor has she conducted legal analysis regarding any such defamation.

Any party could attempt a Google search of such things to locate certain sources on the internet, but that is not what is contemplated by Rule 26(b)(1), Federal Rules of Civil Procedure, as such an exercise is unduly burdensome, and such information is well outside of Ms. Giuffre’s possession, custody, and control. Moreover, only Alan Dershowitz (Defendant’s joint defense partner) knows the comprehensive list of his defamatory statements and of the outlets to which he distributed them. Rule 26(b)(1) limits the scope of discovery based on an evaluation of “the parties’ relative access to relevant information.” As Dershowitz himself has admitted, he is actively involved with Defendant in this litigation. Defendant’s access to this information relative to Ms. Giuffre’s is unparalleled. It is unduly burdensome for Ms. Giuffre to troll the

internet for any instances of Dershowitz defaming her. He is not a party to this action. And, Ms. Giuffre's single count of defamation does not allege in facts in relation to Dershowitz.

Accordingly, the Court should deny Defendant's motion.

**D. Interrogatory No. 8**

Defendant seeks a list of all the individuals to whom Epstein trafficked Ms. Giuffre. Under Local Rule 33.3 interrogatories "may only be served (1) if they are a more practical method of obtaining the information sought than a request for production or a deposition, or (2) if ordered by the Court." Defendant has already lit upon "a more practical method of obtaining the information sought." She asked Ms. Giuffre for this information in her deposition. Moreover, Dershowitz, Defendant's joint defense partner, asked for this information when he took her deposition, and Ms. Giuffre produced that deposition transcript to Defendant.

This request is redundant, as this information has already been sought and Ms. Giuffre responded to questions at her May 3, 2016, deposition. *See, e.g.,* May 3, 2016, Giuffre Dep. Tr. at 192-193, 200; 14; 191-193; 193-194; 201-202; 2020-203; 204; January 16, 2016, Giuffre Dep. Tr. at 15; 34; 50-51; 24; 41; 45; 51-54; 6; 38; 24-25; 18-19; 21; 61; 17-18; 20-21; 33; 18; 15-16; and 21.

**E. Interrogatory No. 13**

1. Ms. Giuffre Has Answered Interrogatory No. 13 Completely

As discussed above, Defendant's entire motion violates Local Rule 37.1, but she does so most egregiously here. This interrogatory seeks Ms. Giuffre's health care provider for any physical, mental, or emotional condition, prior to the Defendant's defamation. Defendant does not include Ms. Giuffre's hard-won and fulsome answer, which includes a bevy of providers going back many years. The reason for Defendant's Rule violation with regard to this

interrogatory is quite obvious, and done in bad faith. Ms. Giuffre listed every physician known to her. The list is extensive. It looked like this:

“Health Care Providers known to Ms. Giuffre who may have provided treatment subsequent to the defamation are as follows<sup>4</sup>:

- **Dr. Steven Olson,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Chris Donohue,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Peter Del Mar,** [REDACTED]  
[REDACTED]  
[REDACTED]
- **St. Thomas More Hospital,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Ms. Judith Lightfoot,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

<sup>4</sup> Health care providers known to have provided treatment both prior to and subsequent to Defendant’s January 3, 2015 defamation of Ms. Giuffre are listed in the supplemental responses for both Interrogatories 12 and 13. There may be additional crossover of providers that have treated Ms. Giuffre prior to the defamation, listed in the supplemental response to Integratory 13, who also provided treatment subsequent to the defamation. Ms. Giuffre reserves the right to revise, amend, and supplement her response to Interrogatory No. 12 with providers listed in her supplemental response to Interrogatory 13 if and when she becomes aware of any additional crossover.



- **Medicare Australia** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Rauf Yousaf,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **CVS Pharmacy** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Walgreens Pharmacy** [REDACTED]  
[REDACTED]  
[REDACTED]

“Health Care Providers known to Ms. Giuffre who may have provided treatment prior to the defamation are as follows<sup>5</sup>:

- **Dr. John Harris** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Darshanee Majaliyana** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. K. L. Lee** [REDACTED]  
[REDACTED]

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<sup>5</sup> Health care providers known to have provided treatment both prior to and subsequent to Defendant’s January 3, 2015 defamation of Ms. Giuffre are listed in the supplemental responses for both Interrogatories 12 and 13. There may be additional crossover of providers that have treated Ms. Giuffre subsequent to the defamation, listed in the supplemental response to Interrogatory 12, who also provided treatment prior to the defamation. Ms. Giuffre reserves the right to revise, amend, and supplement her response to Interrogatory No. 13 with providers listed in her supplemental response to Interrogatory 12 if and when she becomes aware of any additional crossover.

[REDACTED]

- **Dr. M. Sellathurai** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Carol Hayek,** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Ahmed El Moghazi,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Stephen Edmond,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Campbelltown Hospital,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Westmead Hospital,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Ms. Judith Lightfoot,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Royal Oaks Medical Center,** [REDACTED]  
[REDACTED]  
[REDACTED]

- **Dr. Mona Devanesan,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Karen Kutikoff** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Wellington Imaging Associates** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Ranjit Thind,** [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]
- **Medicare Australia** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Wah Wah San,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **CVS Pharmacy** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Walgreens Pharmacy** [REDACTED]  
[REDACTED]  
[REDACTED]

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<sup>6</sup> In addition, counsel for Ms. Giuffre made multiple phone calls to potential medical records custodians in an attempt to locate Dr. Kutikoff's records. These efforts were unsuccessful.

<sup>7</sup> On information and belief, this occurred after 1999 and prior to the January 3, 2015 defamation. Based on the uncertainty of the exact date, Ms. Giuffre reserves the right to revise, amend, and supplement her responses to Interrogatories 12 and 13.

<sup>8</sup> Records from Medicare Australia are generally limited to 3 years. Ms. Giuffre is continuing to pursue additional records from prior to July 19, 2013 through their offices in Australia.

<sup>9</sup> Ms. Giuffre has now identified Dr. Wah Wah San and Dr. Wah San to be the same provider to the best of her knowledge. She had previously listed both names.

Additionally, since Ms. Giuffre served this answer, she has learned of three other physicians who may have treated her, and have served Defendant with that information:

- **Dr. Timothy D. Hartwig, D.O.** was identified in records produced by CVS pharmacy. Ms. Giuffre has requested those records, *see* GIUFFRE008346-8348.
- **Dr. James T. Nichols, M.D.** was identified in records produced by CVS pharmacy. Ms. Giuffre has requested those records, *see* GIUFFRE008349-8351.
- **Dr. Rodolfo Torres Jr., M.D.** was identified in records produced by CVS pharmacy. Ms. Giuffre has requested those records, *see* GIUFFRE008352-8354.

Local Rule 37.1 exists for a reason. These answers are nowhere in Defendant's brief. Ms. Giuffre is not withholding any medical records after 1999, including her pediatric records. The Court should deny Defendant's request.

2. This Court Has Already Ruled Against Defendant on Pre-1999 Medical Records, so Defendant is Estopped From Bringing This Argument regarding Interrogatory No. 13

Defendant makes another argument bad faith. Defendant tries to argue - to the very Court that held otherwise - that medical records are discoverable prior to 1999. That is false. That was not the Court's holding. The Court already, and specifically, rejected Defendant's argument:

MS. MENNINGER: Your Honor, the next topic are plaintiff's medical records.

THE COURT: I think I understand that. There is one thing, though. Are there any pre '99 medical records?

MS. MENNINGER: Your Honor, the case law is quite clear that injuries that were preexisting --

THE COURT: I'm sorry. Excuse me. Go ahead.

MS. MENNINGER: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

THE COURT: What's the basis of your statement that we will call it the flashback?

MS. MENNINGER: Your Honor, I believe --

THE COURT: Because, quite frankly, I was unaware of that. Is that my error? Are you telling me something that's not quite right?

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THE COURT: . . . The medical records of the period '99 to 2002 will be produced and the plaintiff will indicate whether that production is complete or, if it isn't complete, when it will be complete.

As for the pre-'99 medical records, based on where we are at the moment, I do not believe that those are relevant. Because the damage issue relates, in my view, solely to the defamation. If that changes in any way, I will revisit that issue.

April 21, 2106 Hr. Tr. at 11:15-12:25; 20:17-25.

Nothing since the hearing has changed. Ms. Giuffre has not added a claim or a new category of damages or made any representations concerning her pre-1999 medical history. The Court has heard Defendant's argument, and correctly rejected it. Defendant puts forth no new argument or facts that should disturb this ruling.

Defendant tries to argue that she only wants the "names" of the physicians, and not the records. This argument is fatally flawed. The names of Ms. Giuffre's physicians are necessarily part of her medical records. Additionally, the identity of a physician's name also gives information regarding the type of medical treatment Ms. Giuffre received, particularly if that physician is specialist or works within a certain field.



*Wheatley*, 165 Misc.2d 954, 958, 630 N.Y.S.2d 835, 838 (N.Y. Sup.Ct. 1995) (holding that in a personal injury action, *plaintiff's waiver of the physician-patient privilege "is not a wholesale waiver of all information about the plaintiff's entire physical and mental conditions but a waiver only of the physical and/or mental condition that is affirmatively placed in controversy"*).

4. Interrogatory No. 13 is Overly Burdensome

Defendant's request for Ms. Giuffre's pediatric medical records is also overly burdensome. Pursuant to the Federal Rules of Civil Procedure, if requested documents are not yielded in a "reasonable inquiry," Ms. Giuffre is not obligated to expend all of her time and resources on a quest to gather medical files from her birth to the present. Defendant wrongly suggests that it is only burdensome because her "mental condition was so complex or required so much medical attention that it would be unduly burdensome for her to 'track down' all her medical providers." This is mere fiction, like much of Defendant's brief, but even Defendant's fictitious argument cuts against her request: she admits it is burdensome. At any rate, Ms. Giuffre made no such claim about the nature of the burden. It is one thing for Defendant to argue the law, but it is improper to make up facts. Ms. Giuffre's claim of burden is based on the fact that it is burdensome for anyone to track down pediatric medical records from one's childhood because such records are hard if not impossible to find. Like all children, as a child, Ms. Giuffre was not responsible for seeking, arranging, paying for, or managing her health care. She does not remember any physicians or their names or any treatments.<sup>10</sup> There is no practicable or non-burdensome way of obtaining that information. This Court already denied this request for good reason.

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<sup>10</sup> Ms. Giuffre has provided pediatric records that she was able to collect from the time period she was with Defendant an Epstein including an emergency hospital visit when Ms. Giuffre was underage that Defendant and Epstein took her to in New York City.

Defendant's request for pediatric records is also overly-broad because, as this Court correctly noted, Ms. Giuffre is not seeking damages based on anything prior to Defendant abusing her. Defendant has told the Court that before she was sexually trafficked her as a minor, Tellingly, Defendant does not state upon what basis she makes the claim that they are relevant, nor does she say what relevance it has on Defendant's defamation of her in 2015. Of course, Defendant has no supporting case law.

Finally, Ms. Giuffre does not allege that she was trafficked by Defendant in 1999. Through discovery, Ms. Giuffre has been able to obtain documents that established that Defendant trafficked her starting in the summer 2000. Ms. Giuffre was 16 until August 9 of 2000, and was 17 thereafter. Defendant seems to think that it is much better, or even excusable to traffic a 16 or 17 year old than a 15 year old. Maxwell Dep. Tr. 33:3-4 (April 22, 2016) ("Virginia Roberts who your [sic] are referring to was a masseuse aged 17"). See McCawley Dec. at Exhibit 4. Of course, like the other young girls they abused, Ms. Giuffre was not a massage therapist.<sup>11</sup> Despite Defendant's view that being a older than 15 is fine for massaging her convicted pedophile boyfriend, the law makes it illegal to traffic humans at any age; particularly when they are children under the age of 18.

5. The Physician-patient Privilege Applies to Information sought by Interrogatory No. 13

The physician patient privilege most certainly applies to an individual's pediatric medical records. The identity of a physician's name also gives information regarding the type of medical treatment Ms. Giuffre received, particularly if that physician is specialist. Defendant cites no case law whatsoever in her argument that no privilege applies to this information.

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<sup>11</sup> See McCawley Decl. at Exhibit 5, Recarey Dep. Tr. at 125:16-23 ("Q. Did you ever ascertain whether or not FP had any formal training in massage therapy? THE WITNESS: She did not. ***None of the high school girls that I interviewed or anyone under the age of 18 had any formal massage training.***")



Defendant says that Ms. Giuffre's claim of medical damages somehow necessitates Defendant having access to Ms. Giuffre's childhood medical records. This argument is without merit. As Defendant knows, as was explained in detail in Ms. Giuffre's Rule 26 disclosures, Ms. Giuffre's claim of damages relates to the harm she suffered by being publically defamed by Defendant, who was also her abuser. Defendant has no case law to back up the claim that Ms. Giuffre's childhood records are necessary for any category of damages; therefore, it should be denied.

**F. Interrogatory No. 14**

Defendant asks for a list of all of the people who have subjected Ms. Giuffre to sexual abuse prior to 1999. This request is plainly harassing, and covers sexual abuse Ms. Giuffre experienced in the years prior to turning 16.

1. This Discovery sought in Interrogatory No. 14 is Barred by FRE 412

This discovery is not relevant as this evidence is barred under Federal Rule of Evidence 412, which applies to civil cases. Defendant's argument under Federal Rule Evidence 412 is completely misplaced. The Rule absolutely applies in this defamation action. Defendant cannot show evidence of a child being raped in order to show that her defamatory statements are untrue or did not harm Ms. Giuffre's reputation. Such an argument is unsupported by case law, and Defendant cites to none. Defendant defamed Ms. Giuffre when she was thirty-one years old. There is no way that Defendant can make a credible argument that someone raping Ms. Giuffre when she was 14 somehow affects the truth of Defendant's 2015 defamatory statements. Nor can the rape of a child prove an absence of damage to Ms. Giuffre's reputation as an adult. Indeed, Defendant is wrongfully attempting to publicize the fact that Ms. Giuffre was raped as a 14 year old (See Motion for Protection Order DE 335). Neither logic nor case law support this position.

This request is particularly improper as it cannot conceivably lead to admissible evidence. While Federal Rule of Civil Procedure 26 controls the limits of discovery, FRE 412 informs discovery over the boundaries of the proper inquiry into an alleged sexual assault victim's sexual conduct and history. *Silva v. Pioneer Janitorial Servs., Inc.*, No. CIV.A. 10-11264-JGD, 2011 WL 4729783, at \*1 (D. Mass. Oct. 4, 2011). *See also Gibbons v. Food Lion, Inc.*, No. 98-1197-CIV-T-23F, 1999 WL 33226474, at \*2 (M.D. Fla. Feb. 19, 1999) (stating that a majority of courts that have considered whether Fed. R. Evid. 412 is applicable to discovery “have found that Rule 412 has significance in the resolution of a discovery dispute”).

“As explained in the Advisory Committee Notes regarding the 1994 amendments to Rule 412, [t]he rule aims to safeguard the alleged victim against the invasion of privacy, potential embarrassment and sexual stereotyping that is associated with public disclosure of intimate sexual details and the infusion of sexual innuendo into the factfinding process.’ Moreover, although the Advisory Committee Notes acknowledge that the procedures set forth in the Rule for determining the admissibility of evidence relating to an alleged victim’s past sexual conduct or predisposition do not apply to discovery, they nevertheless provide as follows:

In order not to undermine the rationale of Rule 412 ... courts should enter appropriate orders pursuant to Fed. R. Civ. P. 26(c) to protect the victim against unwarranted inquiries and to ensure confidentiality. Courts should presumptively issue protective orders barring discovery unless the party seeking discovery makes a showing that the evidence sought to be discovered would be relevant under the facts and theories of the particular case, and cannot be obtained except through discovery. In an action for sexual harassment, for instance, while some evidence of the alleged victim’s sexual behavior and/or predisposition in the workplace may perhaps be relevant, non-workplace conduct will usually be irrelevant.”

*Silva*, 2011 WL 4729783, at \*1. (emphasis added). Accordingly, Ms. Giuffre objects to this request based on the Federal Rules of Evidence and prevailing case law applying such Rules.

2. Interrogatory No. 14 is Propounded for Improper Purposes and Harassment

Interrogatory No. 14 seeks information concerning Ms. Giuffre being sexually abused as a child. It is worth recalling that this request is being propounded by Defendant, who sexually abused Ms. Giuffre as a child. The purpose of this request appears to be nothing other than harassment. Defendant is not entitled to a full-scale production of everything that has happened to Ms. Giuffre through the entire course of her life time, particularly with regard to events that clearly predate Defendant's meeting and abusing Ms. Giuffre. A victim of sexual abuse should not be re-abused by having to disclose to one of her abusers (plus all the abusers who are her joint defense partners, including Jeffrey Epstein) details of other childhood sexual abuse.

This Court's Protective Order allows convicted pedophile Jeffrey Epstein to see all discovery in this case, even that marked confidential. The discovery sought here is not pertinent to any issue in the case and would merely serve to feed Defendant Maxwell and Jeffrey Epstein's prurient and continued interest her.

It has become increasingly clear that Defendant's counsel is seeking these documents for the improper purpose of harassment. Ms. Giuffre was only 14 years old at the time of the sexual assault. Yet Defendant's responses to Ms. Giuffre's interrogatories shockingly called this child victim of sexual abuse a "sexually permissive woman." (Defendant's Response to Plaintiff's First Set of Interrogatories). This blame-the-victim strategy is ironic for two reasons. First, Ms. Giuffre was a minor child, not a "woman," when Defendant sexually abused her. Second, it was Defendant and Mr. Epstein who trafficked her to other individuals - therefore, it was Defendant and Mr. Epstein's "permission" given to others to use Ms. Giuffre's sexually. In any event, Defendant can have no legitimate purpose for this discovery.

### 3. Interrogatory No. 14 Seeks Irrelevant Information

Furthermore, discovery concerning Ms. Giuffre's prior sexual assault is not relevant to the claim at issue in this case, the defenses at issue, or the damages claimed, and therefore well

outside the scope of discovery permitted by Fed. R. Civ. P. 26. Specifically, Ms. Giuffre's sexual abuse as minor child neither proves nor disproves Defendant and Epstein's sexual abuse; therefore, it is not within the scope of discovery permitted by Fed. R. Civ. P. 26, particularly since the December 1, 2015, amendments to the Rule. "Parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b)(1). Engaging in discovery on such irrelevant, but painful, topics would be extraordinarily embarrassing, oppressive, and traumatic for Ms. Giuffre, and it is wholly irrelevant to any party's claim or defense. Accordingly, such discovery is not sought in good faith.

Additionally, to the extent that it is available to Ms. Giuffre, all of this information is already in the possession of Maxwell as she obtained and produced police reports regarding Ms. Giuffre, which Ms. Giuffre did not have in her possession. Ms. Giuffre was also questioned for seven hours in her May 3, 2016, deposition by Defendant's attorney.

4. Sexual Assault Records are Records a Medical Event, and Are Barred by This Court's Order - Discovery Related to Interrogatory No. 14 is Inappropriate

Moreover, this Court has excluded the production of medical records from prior to 1999, stating, "the damage issue relates, in my view, solely to the defamation." (April 21, 2016, Hearing Transcript at 20:23-24). This holding applies equally to pre-1999 sexual assault records for two reasons. First, sexual assault is not only a crime, but a physical injury, and an injury for which medical treatment is often needed and for which a forensic medical exam is often

performed. Accordingly, any documentation of sexual assault is necessarily akin to a medical record, and, therefore, precluded under the Court's April 21, 2016 Order.

5. Information Sought in Interrogatory No. 14 related to Ms. Giuffre's Sexual Abuse is Protected by Florida Statutes

Finally, this abuse took place in Florida, and information relating to those events is protected from disclosure by law. Florida statutes protect "[a]ny information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery . . . which reveals that minor's identity." Fla. Stat. § 119.071. Additionally, Fla. Stat. § 985.036 protects records where a juvenile is a victim of a crime. Further, Fla. Stat § 794.026 creates a civil right of action against an individual who communicates to others, identifying information concerning the victim of a sexual offense. Additionally, Second, Fla. Stat. § 985.04 and Fla. Stat. § 985.054 make juvenile law enforcement records confidential from members of the public, and states that information obtained by a law enforcement agent participating in the assessment of a juvenile is confidential. Finally, certain of the police reports implicate Ms. Giuffre's involvement with the Florida Department of Children and Families, see e.g., GM\_00750, and if such reports are part of the State's Department of Children and Families' records, they are confidential pursuant to Fla. Stat. § 39.202(6).

While Defendant, a sex abuser of minors, says that the Protective Order is all the privacy Ms. Giuffre needs regarding being raped as a 14 year old, Federal Rules of Civil Procedure, Federal Rules of Evidence, Florida statutes, and case law say otherwise. Indeed, Defendant is engaging in double-speak on the Protective Order: her joint defense partner Alan Dershowitz is attempting, through his baseless motion to intervene, to challenge the confidential designations of various documents in the case, and strip away the Protective Order's protections. Finally, Defendant incorrectly states "[n]one of this illegal or inappropriate sexual contact, conduct or

assault is within the right to privacy.” Defendant cites no case law or statutes to back this up. Of course, the opposite is true, as evidenced by the statutes and case law cited above.

6. Defendant Makes Misrepresentations to the Court regarding Interrogatory No. 14

Defendant wrongly states, in the public record, there is “an abundance of evidence suggesting that well before she met Ms. Maxwell, Plaintiff had engaged in illegal sex activities or falsely claimed she was the victim of illegal sex activities.” This is a lie. There is evidence that Ms. Giuffre was raped as a child and there is evidence that she was abused as a child. There is no evidence that Ms. Giuffre did anything illegal sexually and there is no evidence that she “falsely claimed” she was raped. It is an old story to discredit the victim of sexual abuse by lying about and using that victim’s sexual past. *See* “Rape and the Culture of the Courtroom,” by Andrew Taslitz (1999). Federal Rule of Evidence 412, and all the rape shield laws, were erected to forbid this inappropriate tactic. *Id.* With no self-reflection, Defendant asserts that she is seeking documents relating to Ms. Giuffre’s sexual activities as a child “whether she was a willing participant.” However, the time-frame on this request was before Ms. Giuffre’ could possibly be a “willing participant,” because she was well under the age of consent.

7. Defendant Has Violated the Court’s Protective Order (DE 62) in Her Argument Concerning Interrogatory No. 14

Defendant’s statements about Ms. Giuffre “falsely claiming” to be a victim constitute a misrepresentation to the Court, and it is violation of the Protective Order. Ms. Giuffre has designated police reports concerning her rape as a fourteen year old to be confidential under the Protective Order. In contravention of that Order and in contravention of Ms. Giuffre’s designation, Defendant put that in the public realm by her filing DE 354, which did not redact this information. This Court should sanction Defendant for such behavior.

**IV. PLAINTIFF'S ANSWERS TO DEFENDANT'S REQUESTS FOR ADMISSIONS ARE NOT DEFICIENT AND DEFENDANT'S MOTION SHOULD BE DENIED**

Before rebutting Defendant's unsupported arguments, she notes for the Court that for 27 out of 33 answers to Request for Admission Ms. Giuffre served upon Defendant, Defendant began her answer with the phrase, "Denied in Part." Now, Defendant complains that Ms. Giuffre used the same phraseology in response to some of Defendant's Requests for Admission. Such a complaint is unfounded.

**A. Requests for Admission Nos. 1-8 and 13**

At the time of filing the Complaint, to the best of her recollection, Ms. Giuffre recollected that she met Defendant in the summer 1999 when she was working at Mar-a-Lago, a club in Palm Beach, Florida. Based on documents produced pursuant to litigation, Ms. Giuffre has learned that, instead, she met Defendant at the Mar-a-Lago club in 2000. During the summer of 2000, Ms. Giuffre was 16 until August 3, when she turned 17. Accordingly, Ms. Giuffre has learned that she did not meet Defendant when she was 15, but, rather, likely at 16. Either way, Ms. Giuffre was indisputably a minor when Defendant recruited her to have sex with convicted pedophile Jeffrey Epstein, with whom Defendant shared a household. Thereafter, Ms. Giuffre flew on Epstein's private jets with over Defendant 23 times while she was a minor.

Defendant makes much ado that she recruited a 16 or 17 year old for sex with Epstein rather than a 15 year old, and makes much ado over Ms. Giuffre's mistaken memory. Ms. Giuffre did not attend middle school or high school in a linear fashion, nor did she have any continuity of residence during those years. Instead, Ms. Giuffre's middle school and high school years were tumultuous. Based on her Palm Beach County, Florida records, it appears that, according to those records, for the 1993-1994 school year, when Ms. Giuffre's was 10, Ms.

Giuffre attended fifth grade in Florida, at the Loxahatchee Elementary School.<sup>12</sup> However, for the 1994-1995 and the 1995-1996 school years, there are no records.<sup>13</sup> Indeed, it appears that for the 1996-1997 school years, when she was 13, Ms. Giuffre attended Crestwood Middle School, but was only present, at most, 40 days of the 180-day school year.<sup>14</sup> For the 1997-1998 school years, when Ms. Giuffre was 14, it appears she attended Royal Palm Beach High School, but was absent 33 days, failed the grade, and had to repeat it. It is unsurprising that school year had so many absences and lack of academic standing: when she was 14 years old, she was raped. In both January and February of that school year, she was reported missing by her mother. GM\_000752-754; GM\_00783. Later in February, Ms. Giuffre was the victim of sexual assault. GM\_00756-758; GM\_00759; GM\_00766.

Ms. Giuffre has no records for the following school year. For the 1998-1999 school year, records show that when Ms. Giuffre was supposed to be repeating 9<sup>th</sup> grade, Ms. Giuffre was absent at least 25 days. GM\_00888. After 9<sup>th</sup> grade, Ms. Giuffre doesn't continue school. In the next school year, from 1999-2000, the transcript first reflects that there were no courses taken in 1999, and starting in June of 2000, the transcripts reflects a "Grade 30" school code. "Grade 30" means that Ms. Giuffre was supposed to be on a GED course plan. GM\_00888; 00893. After that, flight logs show, and Epstein's pilot testified, that Ms. Giuffre was on 44 flights on Epstein's jet, *before she turned 18*, flying all over the country and internationally. During this time period, according to school records, Ms. Giuffre attended school for, at most, 13 days at Royal Palm Beach High School (GM\_0888) for 10<sup>th</sup> grade, then spent, at most, possibly 56 days at Survivor's Charter school (out of a 180 day school year). (GM00888). Ms. Giuffre then was

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<sup>12</sup> See McCawley Decl. at Sealed Exhibit 6, School Records, GM\_00888.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* GM\_00888.



back with Defendant and Epstein, and went on five more flights on Epstein's plane before finally escaping abroad.

Accordingly, the records and testimony in this case establish that Ms. Giuffre had no continuity of education or residence or other markers that normally anchor specific events in time for a high schooler. Instead, she attended multiple schools sporadically, she was sexually assaulted at 14, she ran away from home multiple times, and then ended up being abused by Defendant and Epstein, traveling all around. It is not surprising that Ms. Giuffre had trouble identifying specific calendar dates.

At any rate, in compliance with Rule 36(a)(4), Ms. Giuffre stated which part of the statement she denies. She denies statements involve her age. She was not 15, but 16, turning 17 in August the summer she was trafficked by Defendant and when she met Epstein. She was sexually trafficked as a minor child by Defendant and Epstein; she did celebrate one of her teenage birthdays with Defendant; Defendant did tell her that she would soon be too old for [convicted pedophile] Jeffrey Epstein's taste; she did work at Mar-a-Lago the summer of 2000 when she was a minor; she did work for Epstein from 2000-2002. Ms. Giuffre will not deny those parts of Defendant's requests for admission; and she did see recall seeing Al Gore during the time she was with Epstein and Defendant.

**B. Requests for Admission Nos. 12**

Ms. Giuffre's objection to Request for Admission No. 12 is correct pursuant to Rule 36(a)(5), Fed. R. Civ. P.<sup>15</sup> Rule 36(a)(5) states "[t]he grounds for objecting to a request must be stated. A party must not object solely on the ground that the request presents a genuine issue for trial." Ms. Giuffre's objections are compliant with this Rule. Here, Defendant has made up a

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<sup>15</sup> Again, in violation of Local Rule 37.1, Defendant omits the case law that Ms. Giuffre put forth in support of her objection.

fictitious scenario and asks Ms. Giuffre to admit or deny it. This fictitious scenario is not something that Ms. Giuffre has ever alleged. As stated in the objection, Defendant has interposed and comingled facts which comprise the foundation of this request for admission. Specifically, Ms. Giuffre has never alleged that “she had a conversation with Bill Clinton regarding him flying with Ghislaine Maxwell in a helicopter.” Instead, Ms. Giuffre has been quoted by a reporter as saying, “I flew to the Caribbean with Jeffrey and then Ghislaine Maxwell went to pick up Bill [Clinton] in a huge black helicopter that Jeffrey had bought her.” Sara Nathan, Bill Clinton Pictured with Jeffrey Epstein’s Social Fixer, Daily Mail, (12 January 2015).

As a threshold matter, a court must determine whether the statements set forth in a request for admissions satisfy the formal requirements of Rule 36: “(e)ach request for admissions must be direct, simple and ‘limited to singular relevant facts,’” *United States v. Consolidated Edison Co.*, 1988 WL 138275 (E.D.N.Y. [Dec. 15, 1988] ) (quoting *S.E.C. v. Micro-Moisture Controls*, 21 F.R.D. 164, 166 (S.D.N.Y.1957)), so that “it can be admitted or denied without explanation.” [8 C. Wright & A. Miller,] Federal Practice and Procedure, § 2258 [(1970)]. A request “should not state ‘half a fact’ or ‘half-truths’ which require the answering party to qualify responses.” *Havenfield Corp. v. H & R Block, Inc.*, 67 F.R.D. 93, 96–97 (W.D.Mo.1973); *Dubin*, 125 F.R.D. at 375–76. *See also Thalheim v. Eberheim*, 124 F.R.D. 34, 35 (D.Conn.1988) (court must consider phraseology of requests as carefully as that of answers or objections).

At the end of the day, in making a determination under Rule 35(a)(5), “the Court is reminded that *the ‘purpose of the rule is to reduce the costs of litigation by eliminating the necessity of proving facts that are not in substantial dispute, to narrow the scope of disputed issues, and to facilitate the presentation of cases to the trier of fact.’*” *Spin Master Ltd. v. Bureau Veritas Consumer Products Service, Inc.*, 2016 WL 690819, at \*18 (W.D.N.Y., 2016)

(emphasis added), quoting *T. Rowe Price Small-Cap Fund, Inc. v. Oppenheimer & Co., Inc.*, 174 F.R.D. 38, 43 (S.D.N.Y. 1997). Admitting or denying this statement does not eliminate the necessity of proving facts, as this is not a fact in dispute. It does not narrow the scope of disputed issues. It does not facilitate the presentation of the case to the trier of fact. Admitting or denying this request for admission no more furthers the case than asking Ms. Giuffre, for example, to admit or deny that the sky is green. Ms. Giuffre has made neither statement - therefore, it is outside the scope of requests for admission.

Of course, what Defendant is attempting with this request for admission is obvious. Defendant has made up a scenario Ms. Giuffre never claimed to have happened in order to induce her to deny it, so that Defendant can, later, falsely claim to a jury that Ms. Giuffre lied about the scenario. The Court should not countenance this type of blatant gamesmanship. Accordingly, Ms. Giuffre had objected to answering this request for admission as it is based on “half-truths,” which make it impossible to answer without a qualified response.

**V. PLAINTIFF’S RESPONSES TO DEFENDANT’S OVERLY BROAD REQUESTS FOR PRODUCTOIN ARE COMPLIANT WITH HER DISCOVERY OBLIGATIONS UNDER THE APPLICABLE RULES AND DFEENDANT’S MOTION SHOULD BE DENIED**

**A. Request for Production No. 1**

Defendant puts forth no case law in support of her motion to compel Request No. 1. Request No. 1 seeks “[a]ll communications and documents identified in Interrogatories 5-14, above. Again, in violation of Local Rule 37.1, Defendant fails to tell the Court what those interrogatories are. The Court should know that Defendant’s Interrogatories 5-14 are as follows:

5. Identify each Communication that You or Your Attorneys have had with any author, reporter, correspondent, columnist, writer, commentator, investigative journalist, photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or independent consultant to the same, including:
  - a. the date of any such Communication;

- b. the form of any such Communication, whether oral or written and if written, the format of any such Communication;
- c. the identities of all persons involved in such Communication, including, the identity of the media organization with whom the agent is or was affiliated;
- d. the article title, date of publication, and means of publication of any article, report, or re-printing of any such Communication made by You or Your Attorneys;
- e. the amount of Income that You and/or Your Attorneys received in exchange for any such Communication;
- f. the dates on which You and/or Your Attorneys received any such Income for any such Communication.

6. Identify any “false statements” attributed to Ghislaine Maxwell which were “published globally, including within the Southern District of New York” as You contend in paragraph 9 of Count I of Your Complaint, including:

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication; and the nature of the publication, whether in print, internet, broadcast or some other form of media.

7. State whether You believe that You have ever been defamed by anyone other than Ghislaine Maxwell. If so, as to each alleged act of Defamation, state

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication; and
- e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

8. Identify the individuals referenced in Your pleadings filed in the U.S. District Court for the Southern District of Florida, Jane Doe I and Jane Doe 2 v. United States of America, 08-cv-80736-KAM, as the “high-profile non-party individuals” to whom Mr. Jeffrey Epstein sexually trafficked You, “including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders,” including as to each episode of alleged sexual trafficking:

- a. the date of any such sexual trafficking;
- b. the location of any such sexual trafficking;
- c. any witnesses to any such sexual trafficking;
- d. any Income You received in exchange for such sexual trafficking; and

e. any Documents You have to support or corroborate Your claim of such sexual trafficking.

9. Identify any Employment You have had from 1996 until the present, including without limitation, the name of Your employer or the name of any Person who engaged You for such Employment, the address and telephone number for any such Employment, the beginning and ending dates of any such Employment, Your job title in such Employment, and Your Income from such Employment.

10. Identify any Income from any source other than Your Employment that You have received from January 1, 1996 until the present, including the Person or entity providing such Income, the amount of the Income, the dates on which any such Income was received, and the nature of the Income, whether a loan, investment proceeds, legal settlement, asset sale, gift, or other source.

11. Identify any facts upon which You base Your contention that You have suffered as a result of the Alleged Defamation by Ghislaine Maxwell “past and future lost wages and past and future loss of earning capacity and actual earnings – precise amounts yet to be computed, but not less than \$5,000,000.”

12. Identify any Health Care Provider from whom You received any treatment for any physical, mental or emotional condition, that You suffered from subsequent to any Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider’s name, address, and telephone number;
- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;
- f. whether health insurance or some other person or organization or entity has paid for the medical expenses; and
- g. for each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

13. Identify any Health Care Provider from whom You received any treatment for any physical, mental or emotional condition, including addiction to alcohol, prescription or illegal drugs, that You suffered from prior to the Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider’s name, address, and telephone number;
- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;
- g. whether health insurance or some other person or organization or entity has paid for the medical expenses; and

h. For each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

14. Identify any Person who You believe subjected You to, or with whom You engaged in, any illegal or inappropriate sexual contact, conduct or assault prior to June 1999, including the names of the individuals involved, the dates of any such illegal or inappropriate sexual contact, conduct or assault, whether Income was received by You or anyone else concerning such event, whether a police report was ever filed concerning such event and the outcome of any such case, as well as the address and location of any such event.

Regarding documents related to **Interrogatory No. 5**, as described above, Ms. Giuffre has already produced her communications with the media, and a request for communications among her counsel and the media is overly-broad to the point of total impracticality and absurdity. Therefore, this request should be denied.

Regarding documents related to **Interrogatory No. 6**, Ms. Giuffre has already produced documents (or world-wide-web links to documents) in which Defendant has defamed her. Any more exhaustive search of the internet for additional documents, is not something contemplated by the Local Rules. Additionally, Ms. Giuffre has no documents related to any other defamation of Ms. Giuffre Defendant may have caused. Therefore, there is nothing further to “compel,” and this request should be denied. Defendant should be producing this responsive material, not Ms. Giuffre.

Regarding documents related to **Interrogatory No. 7**, Ms. Giuffre does not have documents relating to other’s defamation of her. She knows of a few statements made by Alan Dershowitz, but causing Ms. Giuffre to go through a time-consuming, burdensome, and, frankly, emotionally upsetting, exercise of searching around for whatever else he may have said is outside the scope of Rule 26, as discussed above, particularly as Ms. Giuffre has not based any part of her claim off of those statements. Accordingly, this request should be denied.

Regarding documents related to **Interrogatory No. 8**, seeking all documents relating to individuals to whom Ms. Giuffre was trafficked, Ms. Giuffre has already produced the documents in her possession. She has produced the photo of her when she was 17, taken inside Defendant's apartment, with Prince Andrew's hand around her bare waist while she was standing next to Defendant, and she has produced the deposition transcript wherein she testified about to whom she was trafficked, in *Edwards v. Cassell*, Broward County Case Number CACE 15-000072 on January 16, 2016. *See* GIUFFRE005094- GIUFFRE007566. Ms. Giuffre additionally testified regarding the subject matter requested in this interrogatory on in the above-captioned case in her deposition on May 3, 2016, and that deposition transcript is also within Defendant's possession. Because Ms. Giuffre has provided an answer to this interrogatory in her deposition, which was a more practical method of obtaining the information sought, this interrogatory is improper under the Local Rules as well as wholly duplicative.

Regarding documents related to **Interrogatory No. 9**, which seeks Ms. Giuffre's employment history, Ms. Giuffre has already answered that, and produced any corresponding documents she has and has obtained since the commencement of litigation. Ms. Giuffre dropped her claim for lost wages in her Amended Rule 26 disclosures rendering this interrogatory irrelevant which seeks over 20 years of employment information. Defendant puts forth no case law for the proposition that she is entitled to this discovery. Accordingly, Defendant's request should be denied.

Regarding documents related to **Interrogatory No. 10** requests information concerning Ms. Giuffre's income. Ms. Giuffre has already produced her responsive document, including bank statements showing electronic funds transfers. Accordingly, there is nothing to compel regarding this Interrogatory, and Defendant's request should be denied.

Regarding documents related to **Interrogatory No. 11**, which concerns facts about Ms. Giuffre's lost wages, Ms. Giuffre has withdrawn her lost wage claim, and therefore, this interrogatory is no longer relevant.

Regarding documents related to **Interrogatory No. 12**, concerns Ms. Giuffre's health care providers subsequent to the defamation. Ms. Giuffre has already produced the documents and medical records associated with these providers, as described above. Accordingly, there is nothing to compel regarding this Interrogatory, and Defendant's request should be denied.

Regarding documents related to **Interrogatory No. 13**, concerns Ms. Giuffre's health care providers prior to the defamation. Not only has Ms. Giuffre disclosed her health care providers from 1999 through the present, but she has retrieved and produced her medical records, and executed and sent releases for each and every one of them. Regarding any documents that may exist relating to any pre-1999 medical records, Ms. Giuffre incorporates her argument regarding the same, above, including the doctor-patient privilege.

Regarding documents related to **Interrogatory No. 14**, which concerns sexual assault Ms. Giuffre experienced as a young teenager, prior to Defendant's sexual assault of her while still a minor, Ms. Giuffre has no documents beyond the police reports that Defendant produced. This request should be denied, anyway, pursuant to the statutes and case law set forth above.

Despite Defendant's efforts to hide the vast categories of documents that fall within the ambit of Interrogatory No. 1 (in contravention of Local Rule 37.1), as the Court can see, Interrogatory No. 1 is a sprawling, over-broad, request, that seeks documents that are either (1) non-discoverable pursuant to this Court's April 21, 2016, Order; (2) protected by statutes and case law; (3) protected by the doctor-patient privilege; (4) are wholly irrelevant to this action; and (5) seek documents that are not within the possession, custody or control of Ms. Giuffre, or



are unduly burdensome. As described in full above, Ms. Giuffre has produced what documents she has in response to these requests. This Court should deny Defendant's motion to compel the documents related to this request for all of the foregoing reasons.

**B. Request for Production No. 4**

Defendant puts forth no case law in support of her motion to compel Request for Production No. 4. In this request, Defendant deliberately targets attorney-client privileged communication by seeking communications between Ms. Giuffre's attorneys and the nearly 100 individuals on Ms. Giuffre's witness list, with no date or subject matter limitations. This is an improper request. Certain attorneys for Ms. Giuffre represent other individuals listed on the Rule 26 Disclosures in separate legal matters, and revelation of such communications would violate privileges that do not belong to Ms. Giuffre, but rather belong to other victims of sexual abuse who have not waived such privileges.

In her brief, Defendant urges the Court to overlook the facial overbreadth of her requests and, instead, read them "reasonably." Based on a reasonable reading of this request, Ms. Giuffre has produced her counsel's communications with the attorneys for witnesses on Ms. Giuffre's disclosures that took place subsequent to filing the complaint,<sup>16</sup> including communications with counsel for Johanna Sjoborg (which is also responsive to Defendant's Request No. 7, seeking those communications specifically). Requiring anything further would be overly burdensome, and would violate the attorney-client privilege of third-parties.

**C. Request for Production No. 9**

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<sup>16</sup> The overwhelming majority of Ms. Giuffre's counsel's communications with witnesses' counsel were email communications on which Defendant's counsel were copied. Ms. Giuffre did not produce email communications in which Defendant's counsel were copied, as such an exercise is unnecessary. Instead, Ms. Giuffre's counsel produced communications with witnesses' counsel upon which Defendant's counsel was not copied.

Defendant's Request for Production No. 9 is, possibly, the best example of facial overbreadth in this entire dispute. Therefore, it is unsurprising that Defendant puts forth no case law in support of her motion to compel Request for Production No. 9. In this request, Defendant seeks all documents concerning any communications between Ms. Giuffre's attorneys and "any witness" in the case captioned Jane Doe #1 and Jane Doe #2 v. United States, Case no. 08-cv-90736-KAM, in the United States District Court for the Southern District of Florida (the Crime Victim's Rights Act case, or "CVRA case"). Some background on the CVRA case is necessary to address the overbreadth of this Request.

In 2008, one of Ms. Giuffre's attorneys, Bradley J. Edwards (soon joined by co-counsel, and former United States District Court Judge, Professor Paul Cassell) filed a *pro bono* action in the Southern District of Florida under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771. Filed on behalf of Jane Doe 1 (and later Jane Doe 2) the CVRA action alleged that federal government had failed to protect the rights of Jane Doe 1 and other-situated victims of sex crimes committed by Jeffrey Epstein, a politically-connected billionaire. *See* Complaint filed in *Jane Doe 1 v. United States*, No. 9:08-cv-80736, DE 1 (S.D. Fla. July 7, 2008). It will not surprise the Court that the victims alleged that, while they were underage girls, Epstein and his co-conspirators sexually abused them in his Florida mansion under the guise of obtaining "massages." The victims further alleged that the Government concealed from them a plea bargain under which the federal government extended to Epstein a non-prosecution agreement (NPA) in exchange for Epstein's guilty plea to low level state offenses. The CVRA case has been litigated for nearly eight years, with litigation continuing to date.

Jane Does 1 and 2 have achieved many precedent-setting victories in the case, including a ruling that the CVRA rights of victims could apply before charges were filed, *Does 1 and 2 v.*

*United States*, 817 F. Supp. 2d 1337 (S.D. Fla. 2011); that they had standing to challenge the non-prosecution agreement reached between the Government and Epstein, *Jane Does 1 and 2 v. United States*, 950 F. Supp. 2d 1262 (S.D. Fla. 2013); and that Epstein’s plea negotiations were not protected from disclosure by any federal rule of evidence, *Does v. United States*, 749 F.3d 999 (11th Cir. 2014). Congress has also followed the developments in the case closely, recently amending the CVRA to insure that in the future crime victims receive notice of any non-prosecution agreement entered into by the Government. *See* Pub. L. 114-22, Title I, § 113(a), (c)(1), May 29, 2015, 129 Stat. 240, 241 (adding 18 U.S.C. § 3771(a)(9) to give victims “[t]he right to be informed in a timely manner of any plea bargain or deferred prosecution agreement).

With regard to communications by Ms. Giuffre’s attorneys, this request seeks clearly privileged materials, because Ms. Giuffre’s attorneys represent not only Ms. Giuffre (Jane Doe 3) in the CVRA matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4. Any communications between the four Jane Does, via Ms. Giuffre’s attorneys, plainly would be subject to attorney-client protection, joint prosecution protection, and work product protection as well.

With regard to contact with “witnesses,” the request is vague, unduly burdensome, and overbroad. The CVRA case centers on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein. Accordingly, some of the main “witnesses” in the case are the Government prosecutors who handled the plea negotiations. Several of the same prosecutors who handled the plea negotiations are also involved in defending the CVRA case. The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims’ counsel and provided to Judge Marra for in camera review). The

request appears designed to target all of these communications, and such communications, *going back eight years*, would necessitate a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutors. The burden would be substantial and the relevance would be essentially non-existent. Whatever communications Ms. Giuffre's attorneys would have had with government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defamed Ms. Giuffre.

Moreover, many materials related to this case remain under Judge Marra's protective order. Accordingly, before Ms. Giuffre's counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

The request is also vague because it is not clear precisely what "witnesses" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult and overly burdensome. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre's attorneys will collecting such communications when she can collect them in other ways.

Defendant fails to make an argument addressing Ms. Giuffre's overbreadth argument and undue burden argument. Defendant also fails to make an argument explaining any relevance of

these documents. And, again, Defendant puts forth no case law in support of her position to compel. The Court should deny this request.

**D. Request for Production No. 10**

This request seeks the same documents as Request No. 9 with regard to the Dershowitz litigation.<sup>17</sup> Defendant sets forth no new or differentiated argument with regard to this request, and Defendant puts forth no case law in support of her motion to compel Request for Production No. 10. This request has nearly all of the same defects as Request No. 9. For the reasons stated above, it should be denied.

**E. Requests for Production No. 11 and No. 12**

With these requests, Defendant seeks “statements” obtained from witnesses in the CVRA case and the Dershowitz case, described above. This request directly targets privileged documents. In this discussion, Defendant puts forth her one and only example of case law. However, Defendant’s District of Ohio case is not applicable. It holds that affidavits are not normally protected as work product. Even should this Court adopt this premise, *and* adopt Defendant’s argument, there are not affidavits to produce. Based on the best of their recollection, Ms. Giuffre’s counsel do not have any affidavits that are (1) not part of the docket/filings in the CVRA case in the Southern District of Florida, or (2) not already produced to Defendant in this litigation.

Even looking for such documents it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Again, the CVRA case centers

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<sup>17</sup> While the CVRA case was moving forward in the Southern District of Florida on behalf of Jane Does 1 and 2, separate litigation developed between the *pro bono* attorneys who had filed the lawsuit (Cassell and Edwards) and Dershowitz. After Cassell and Edwards filed the joinder motion in the CVRA case, Dershowitz took the airwaves to attack not only Jane Doe 3’s allegations against him, but also Cassell and Edwards’ decision to file the allegations. Cassell and Edwards then filed a state law defamation action against Dershowitz in Broward County, Florida. Ultimately, Cassell, Edwards, and Dershowitz agreed to settle their defamation case.

on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein. It has been in litigation for nearly eight years, and there have been extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims' counsels and provided to Judge Marra for in camera review). It is not clear whether the request is designed to request all of these communications as "statements," but if it does capture these communications going back eight year, it would involve a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutor. The burden would be substantial and the relevance would be essentially non-existent. Whatever statements Ms. Giuffre's attorneys obtained from government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defamed Ms. Giuffre. Moreover, many materials remain under Judge Marra's protective order. Accordingly, before Ms. Giuffre's counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

The request is also vague because it is not clear precisely what "statements" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult.

Finally, if Defendant is now seeking sworn affidavits, there is no practicable way to search for those things. As stated above, upon counsel's best memory, any affidavits are part of the CVRA case docket or already produced in this litigation. If there happen to be others, to search for them, through 8 years of litigation, would certainly be a Herculean task, and not one that would necessarily yield any responsive documents. Defendant's requests are poorly drafted. Defendant's arguments are unavailing. And, Defendant's sole case does not go to this request regarding "statements." Even an attempt at compliance would be grossly overly burdensome. The Court should deny Defendant's motion to compel with regard to these requests.

## **VI. CONCLUSION**

Defendant's brief is bereft of case law, lacking the authority upon which this Court can grant her overly-broad requests, many of which have already been fully satisfied. Similarly, Defendant's motion for sanctions is completely baseless, and should be denied. For the foregoing reasons, Ms. Giuffre respectfully requests Defendant's Motion to Compel and for Sanctions be denied in its entirety.

DATED: August 17, 2016.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 17, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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COMPOSITE  
EXHIBIT 3  
(File Under Seal)



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

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

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

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**PEMBROKE PARK, Fla. -**

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

**Related:** [Billionaire's 'sex slave' details allegations against Prince Andrew, Dershowitz](#)

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

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

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

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

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

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

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

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

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

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

[Read the entire 14-page affidavit here.](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

15-cv-07433-RWS

**DEFENDANT’S RESPONSE IN OPPOSITION TO  
MOTION FOR PROTECTIVE ORDER AND MOTION FOR THE COURT TO DIRECT  
DEFENDANT TO DISCLOSE ALL INDIVIDUALS TO WHOM DEFENDANT HAS  
DISSEMINATED CONFIDENTIAL INFORMATION**

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Defendant Ghislaine Maxwell (“Ms. Maxwell”) files this Response (“Response) in Opposition to Plaintiff’s Motion for Protective Order and Motion for the Court to Direct Defendant to Disclose All Individuals to Whom Defendant Has Disseminated Confidential Information (“Motion”) (Doc. #335), and states as follows:

### INTRODUCTION

Plaintiff does not want to make public police reports which already are public and are freely available to any private citizen, media outlet or company who lodges a simple request with the relevant law enforcement agency. Her motives for hiding the information from the public eye are easily discernible from a simple review of the police reports. In painstaking detail, the reports contemporaneously document the falsity of Plaintiff’s claims against Ms. Maxwell, and therefore the substantial truth of statements attributed to Ms. Maxwell. The police reports are among the best records of Plaintiff’s lies. They are public documents and there is no good faith basis for Plaintiff’s attempt to render them hidden from public view, in her public lawsuit designed to promote her well-orchestrated media campaign.

The police reports reflect as to the late 1990s and early 2000s, Plaintiff’s substantial substance abuse, her lack of credibility, her failures of memory and her selective use of law enforcement. Regarding the year 2015, the police reports demonstrate Plaintiff’s tumultuous home life, bearing no relationship to any press statements or alleged defamation and providing alternative causation to any of Plaintiff’s now-claimed emotional distress. It makes perfect sense that Plaintiff would want to shield from the public eye these unflattering truths about her past and current circumstances. Yet, just because a document is unflattering does not make it “confidential,” under the terms of the protective order at issue in this case.



### Factual Background

Through sheer investigative determination, and in the face of Plaintiff's sworn denial that she has had *any contact* with law enforcement officials from 1996 to the present apart from supposed "active investigations involving Ghislaine Maxwell," counsel for Defendant unearthed numerous records of such contacts. In the time period just before and during her alleged "sexual slavery" to Jeffrey Epstein and Ghislaine Maxwell, Plaintiff interacted with law enforcement on numerous occasions.

- **November 1997** - Plaintiff, then 14 years old, was observed by law enforcement officers drunk in the backyard of a home during the middle of the school day. She was not "raped," as the Motion claims. She was observed engaging in a simulated sex act with her boyfriend who was then 17 years old. As all of the witnesses described, Plaintiff had voluntarily become intoxicated, made numerous passes at various members of their group, almost fallen into a canal, and then, when spotted by the school truancy officer, offered to have sex with him in exchange for not telling her parents she had failed to go to school that day. Both Plaintiff and her 17-year old boyfriend verified they had had sexual intercourse in the days before the report, and the boyfriend was charged with having sexual contact with a minor. Those were not the false allegations of sexual contact. Rather, on the way to the detox unit at the hospital, Plaintiff claimed she had been forcibly sexually assaulted by her friends. Plaintiff's claim of forced sexual assault was expressly refuted by the witnesses, who also verified Plaintiff's attempt to get out of trouble by offering to have sex with the truancy officer. While the young man was charged with statutory rape based on the admitted sexual intercourse, charges against him were ultimately dropped. Declaration of Laura A. Menninger ("Menninger Decl."), Ex. A (GM00784-00801). Consistent with Florida law, the records were redacted by the Palm Beach County Sheriff's Office for the identities and other identifying information of all juveniles as well as Plaintiff's parents.
- **January 1998** – In contradiction to Plaintiff's sworn testimony that she ran away from home at the age of 13, lived on the street for "months" without word from her family, and ultimately was rescued by the FBI in a SWAT raid from the clutches of a sexual predator named Ron Eppinger, the police documented a call from Plaintiff's mom that she ran away from home due to her recent "attitude change," "drug use" and "possible cult activities," was found four days later by her brother and returned to her family who had decided to involuntarily place her in a drug rehabilitation facility. Menninger Decl., Ex. B (GM00750-00754, 00783-00785). No reference to Ron Eppinger, an FBI SWAT raid, or months without family contact are reflected in the reports.

- **February 1998** - This report by the Palm Beach County Sheriff's Office documents Plaintiff's second false allegation of sexual assault in a four month period. Plaintiff, during the four days she was a runaway from home, asked to go out "partying" with two male friends of her boyfriend. After a ten-month investigation which included line-ups, witness interviews, and other police investigation, the prosecuting authorities decided against filing charges against the two based on Plaintiff's "lack of credibility" and "no substantial likelihood of success at trial." Menninger Decl., Ex. C (GM00755-00775). Consistent with Florida law, the records were redacted for the identity and identifying information as pertains to Plaintiff.

These same reports document that Plaintiff was a resident at a drug rehabilitation facility from at least February 1999 until December 1999, whereas she has sworn in deposition testimony, in affidavits, in pleadings, and in the Complaint in this case, that she was a "sex slave" to Jeffrey Epstein beginning in June 1999.

- **June 10, 2001** – Plaintiff's ex-fiancé, Michael Austrich, called the police after Plaintiff and her boyfriend, entered the apartment and the boyfriend punched Austrich in the face. Plaintiff apparently fled the scene with her boyfriend prior to the arrival of the police. The report documents that Plaintiff had a fiancé in or around June 2001, when she claims she was a "sex slave" to Jeffrey Epstein, that she lived in an apartment, and that she freely came and went with her boyfriend, including leaving the scene of a crime. Menninger Decl., Ex. D (GM00780-782). Plaintiff was not a claimed victim of this crime.
- **August 3, 2001** – Plaintiff (then a week shy of her 18<sup>th</sup> birthday) called police regarding a theft of cash from her shirt pocket in her apartment, during a party she was hosting there with a number of friends. The police took a report from Plaintiff, questioned her friends, but failed to apprehend a suspect. Menninger Decl., Ex. E (GM00777-00779). This report is during the time Plaintiff allegedly was a "sex slave" to Jeffrey Epstein. The report documents that she was not then being held captive by Mr. Epstein, was living independently in an apartment with her boyfriend and another friend, and that she obviously possessed the wherewithal at that time to contact law enforcement for perceived criminal law violations.
- **March 4, 2002** – Plaintiff (then 18) was charged with theft from her employer, the Roadhouse Grill. According to the police reports and court records, Plaintiff left mid-shift at approximately 7:45 p.m. and took all of the money from the tip jar. Menninger Decl., Ex. F (GM00802-809) The reports contradict Plaintiff's claimed "sexual slavery," by demonstrating she was working as a waitress at the same time. They also show that Plaintiff had an active warrant for her arrest at the time she moved to Australia in September 2002. Plaintiff was not a juvenile at the time and was charged as an adult.
- **June 2, 2002** Police report reflects Plaintiff's call for a civil assist. Plaintiff (then 18 years old) complained that her then landlord threw her abandoned belongings out as trash after she moved to a new location. The landlord said she had abandoned the items and yelled as she left: "You can keep the rest you bastard!"

Notably, the police report documents that neither the residences she was moving from or to involved the apartment Plaintiff claims was rented for her by Jeffrey Epstein and where she testified she lived exclusively from June 1999 until September 2002. Menninger Decl., Ex. G (GM00748-00749). Plaintiff was not a juvenile and the case was not documented as a crime.

Likewise, in Colorado, police records reflect that in March 2015, Plaintiff and her husband went to a bar drinking in the middle of the day, became intoxicated and returned home, wherein they became involved in a fight regarding the welfare of the family dog. Menninger Decl., Ex. H (GM00810-00840). Plaintiff alleges she was assaulted by her husband as witnessed by at least one of their children. Plaintiff's husband was charged with domestic violence, pled guilty and was placed on probation.

#### Designation as Confidential

After receiving Defendant's production of the police reports pursuant to Rule 26 disclosures, Plaintiff wrote a letter requesting the Documents be designated Confidential. Counsel for Ms. Maxwell promptly responded that the documents are publicly available and therefore should not be designated as "Confidential." *See* Declaration of Meredith Schultz, Ex. 1. While Plaintiff wrote a letter outlining the same frivolous legal arguments she incorporates here and as addressed more fully below, defense counsel never acquiesced to her request and she failed to pursue a judicial determination of the matter until August 8, 2016, nearly three months later, thus, Plaintiff has waived any claim of confidentiality.

### **I. THE DOCUMENTS AT ISSUE ARE NOT CONFIDENTIAL**

#### **A. Plaintiff's Police Records Are Publicly Available from Law Enforcement Agencies in Florida and Colorado**

Any private citizen, media outlet, or public entity can legally obtain the police reports at issue by interposing a simple request to the law enforcement agency and paying any applicable

copying and redaction fees. As such, there is no “privacy” interest in preserving these documents obtained in such fashion as “Confidential” under the Protective Order.

Indeed, in February 2015, the *New York Daily News* apparently obtained the police reports concerning Plaintiff’s false claim of sex assault from February 1998, interviewed one of the two boys accused and the lawyer for the other, and published substantial details obtained from the police reports. *See* Oren Yaniv, “Alleged ‘sex slave’ of Jeffrey Epstein, Prince Andrew accused 2 men of rape in 1998, but was found not credible,” *New York Daily News* (Feb. 23, 2015), <http://www.nydailynews.com/news/world/sex-slave-prince-andrew-accused-2-men-rape-1998-article-1.2125569> (last accessed Feb. 24, 2016). Remarkably, Plaintiff’s counsel provided an interview for that article and gave her own inaccurate characterization of the prosecuting authority’s findings. *See, id.* (“For the prosecutors to describe her as not credible means only that they did not think they had sufficient evidence to win. But she was raped,’ the lawyer said in a statement.”). Unfortunately, counsel’s characterization of the police reports is directly contradicted by the police reports themselves, which found that Plaintiff “lacked credibility” and there was a “no reasonable probability of success at trial.” *Compare id.* and Menninger Decl., Ex. C (GM00775) (“this case is no filed due to the victim’s lack of credibility and no substantial likelihood of success at trial”). The prosecutor did not say (as counsel claimed in the news article) that they lacked “sufficient evidence” to win. Now, Plaintiff’s counsel having put her own false public spin on the Palm Beach authorities’ findings wants to preclude others from correcting the public record with the actual findings contained in the report.

The records are not confidential because they are accessible by the public, can be (and have been) accessed by the media, and Plaintiff’s counsel has inaccurately characterized the

finding regarding Plaintiff's credibility to the media, and thus cannot be heard to complain that the records – exposing her mischaracterization – should be kept from the public eye.

**B. No State Statute Forbids Disclosure of the Documents**

There is no merit to Plaintiff's seriously misleading—and groundless—argument that various Florida and Colorado statutes forbid disclosure of the police reports. They do not. Plaintiff cites sections Florida Statutes 39.202(6), 119.071, 794.026 and 985.04 & .036 and Colorado Revised Statutes §§ 13-90-107(k) & 19-1-301, *et seq.*, as support for her arguments.<sup>1</sup> None of these statutes support her arguments.

Florida Laws

**Section 39.202** does not apply to the Documents. That provision relates to records held by the Florida Department of Children and Families. Each Florida document at issue here is stamped prominently as “Certified Copy by the Palm Beach County Sheriff's Office.” Menninger Decl., Ex. A-F. None of the Documents were obtained from the Department of Children and Families. Section 39.202 relates to records held by that Department related to child abuse and neglect. None of the Florida documents relates to child abuse or neglect.

**Section 119.071** exempts from Florida's open-records laws any *videotaped statement of a minor* who is allegedly the victim of sexual battery. First, there is no “videotaped statement” of Plaintiff contained within the Documents. Fla. Stat. § 119.071(2)(j)(2)(a). Second, the prohibitions only apply to the *identity* of the alleged victim. *See id.* & subsection (2)(h)1.b (“the *identity* of a person who is a victim of any sexual offense” exempt from Florida open-records laws). Here, the defense obtained **identity-redacted** copies of the police reports and disclosed them to Plaintiff. Indeed, the Sheriff's Office completed and provided a form with a list of state requirements regarding redaction and, consistent with their practice, checked the box indicating

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<sup>1</sup> Plaintiff also cited Fla. Stat. § 985.054. There is no such statute.

redactions pursuant to “119.071(2)(h)(1) Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 years old, child abuse, sexual offense.” Menninger Decl., Ex. C (GM00755) and Ex. B (GM00784). Accordingly, the Sheriff’s Office did not violate section 119.071 by producing identity-redacted copies of police reports concerning Plaintiff.

Florida Statutes **Section 985.036 and 985.04(1)(a)** pertain to juvenile-justice records, none of which are included within the Documents. In fact, a “child” is defined by that subsection to apply only to “mean[] any person under the age of 18 or any person who is alleged to have committed a violation of law occurring prior to the time that person reached the age of 18 years.” The records pertaining to Plaintiff’s **commissions of crimes occurred after she was 18 years old.** Florida Stat. 985.03. None of the Documents are juvenile-justice records; they are police reports.

Finally, **section 794.026** bears no relevance to the Florida Documents. That statute creates a cause of action by a sexual crime victim against any person who, “prior to open judicial proceedings,” communicates “the name, address, or other specific identifying information” concerning the victim. The statute is irrelevant here. One, the identifying information in the police reports in this case was *redacted*, and therefore was not communicated to anyone. No “name, address or other specific identifying information” is contained in the documents. Two, the case at bar is an “open judicial proceeding”<sup>2</sup> involving Plaintiff as a person who falsely has claimed to be a sexual assault crime victim; a number of such open judicial proceedings have preceded this one and, accordingly, the statute is inapplicable.

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<sup>2</sup> *Miami Herald Publ’g Co. v. Chappell*, 403 So. 2d 1342, 1344 (Fla. Ct. App. 1981).

Colorado Statutes

Plaintiff also cites Colorado statutes which, she claims, support the proposition that her identity as the victim of domestic violence is protected by Colorado law. It is not. **Section 13-90-107(k)**,<sup>3</sup> is a testimonial privilege statute, not a document-confidentiality statute. That provision forbids a victim's advocate from being required to testify concerning any communications with an alleged victim of domestic violence or assault. No one has sought testimony from any victim's advocate in these proceedings. The Colorado documents also do not contain Plaintiff's communications to any victim's advocate. Menninger Decl., Ex. H.

Plaintiff also cites **Colorado Rev. Stat. § 19-1-301 and 302** for the proposition that the identities of her children cannot be disclosed. Those provisions maintain the confidentiality of records pertaining to juvenile justice actions *against* children. The documents at issue do not relate to any such action; the children were witnesses to an alleged crime committed by Plaintiff's husband against her, not the subjects of any criminal action themselves.

**C. All Documents Were Redacted Appropriately By the Law Enforcement Agencies**

The police reports from Florida that pertain to juveniles who are alleged victims of criminal sexual conduct (as opposed to Plaintiff's own criminal conduct as an adult and her request for civil assist as an adult) were redacted consistent with Florida law. Indeed, both reports wherein she made allegations of sexual misconduct were provided along with a checklist demonstrating that the law enforcement agency redacted the reports consistent with Florida law. The Florida law protects the identity of the alleged victim and the police reports produced by Defendant were all identity-redacted. *See* Menninger Decl., Ex. C and B (GM00755 and 00784).

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<sup>3</sup> "A victim's advocate shall not be examined as to any communication made to such victim's advocate by a victim of domestic violence...or a victim of sexual assault, in person or through the media of written records or reports without the consent of the victim." C.R.S. § 13-90-107(k)(1).

Plaintiff has not cited any authority for the redaction of information from the Colorado police reports.

## **II. PLAINTIFF HAS WAIVED ANY ARGUMENT AS TO CONFIDENTIALITY**

### **A. Plaintiff Failed to Timely Move this Court to Uphold Her Designation of the Documents as Confidential**

The Protective Order in this case puts the onus on the person seeking a “Confidential” designation to either (a) resolve the matter with the opposing party, or (b) seek Court resolution.

The Protective Order at ¶ 11 provides:

“If the parties cannot resolve the objection within ten (10) business days after the time the notice is received, it shall be the obligation of the party designating the information as CONFIDENTIAL to file an appropriate motion requesting that the Court determine whether the disputed information should be subject to the terms of this Protective Order. *If such a motion is timely filed*, the disputed information shall be treated as CONFIDENTIAL under the terms of this Protective Order until the Court rules on the motion. *If the designating party fails to file such a motion within the prescribed time*, the disputed information shall lose its designation as CONFIDENTIAL and shall not thereafter be treated as CONFIDENTIAL in accordance with this Protective Order.” (Doc. # 62)

It is undisputed that the defense challenged Plaintiff’s designation of the materials as Confidential on May 18, 2016 and it is also undisputed that the parties could not resolve the objection within ten days after notice of the objection was received. Plaintiff did not file a motion requesting the Court to determine whether the material should be subject to the Protective Order *for three months*, hence, she did not file such a motion within the prescribed time, and the Protective Order now commands that the “disputed information shall lose its designation as Confidential” and “shall not thereafter be treated as Confidential.” *Id.*

### **B. Plaintiff’s Counsel Has Repeatedly and Publicly Filed In This Case Numerous Publicly Available Police Reports With Redacted Juvenile Information**

In complete contradiction to her legal position in this Motion, Plaintiff and her counsel have repeatedly filed in public documents associated with this case, police reports from Florida



pertaining to alleged victims of sexual abuse by Jeffrey Epstein. Beginning December 10, 2015 when Plaintiff filed her Response in Opposition to the Motion to Stay (Doc. # 21-7), then again on March 14, 2016 (Doc. # 55-2) and on May 5, 2016 (Doc. #144-3), May 11, 2016 (Doc. # 153-6), and May 27, 2016 (Doc. # 173-8), Plaintiff filed on ECF Palm Beach Police Department reports that contain references to alleged juvenile victims of sexual misconduct, with the names of the alleged victims redacted. If Plaintiff truly believes that police reports with redacted identifying information such as these are “confidential,” why has she been the one to publicly disseminate such reports? Where did she obtain these reports? Was it “theft” of “sealed juvenile records” for her to have those police reports?

It would seem the juveniles referenced in the reports filed by Plaintiff, juveniles who have never brought public defamation lawsuits, juveniles who have never been paid hundreds of thousands of dollars by the tabloids for their stories, are entitled to more protection from publicity than is Plaintiff. Her position that identity-redacted police reports should be kept Confidential is belied by her own repeated, public, self-serving court filings in this case.

### **CONCLUSION**

WHEREFORE, Ms. Maxwell requests the Court enforce the Protective Order, deny Plaintiff’s motion to make publicly available police reports “Confidential” under the terms of the Protective Order in this case, and award attorneys’ fees and costs associated with the filing of this Response to Ms. Maxwell.

Dated: August 18, 2016.

Respectfully submitted,

*/s/ Laura A. Menninger*

---

Laura A. Menninger (LM-1374)  
Jeffrey S. Pagliuca (*pro hac vice*)  
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150 East 10<sup>th</sup> Avenue  
Denver, CO 80203  
Phone: 303.831.7364  
Fax: 303.832.2628  
lmenninger@hmflaw.com

*Attorneys for Ghislaine Maxwell*

**CERTIFICATE OF SERVICE**

I certify that on August 18, 2016, I electronically served this *Defendant's Response in Opposition to Plaintiff's Motion for Protective Order and Motion for the Court to Direct Defendant to Disclose All Individuals to Whom Defendant Has Disseminated Confidential Information* via ECF on the following:

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*/s/ Nicole Simmons*

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Nicole Simmons

**EXHIBIT A**

PALM BEACH COUNTY SHERIFF'S OFFICE  
CENTRAL RECORDS  
FSS EXEMPTIONS/CONFIDENTIAL

- 119.071(2)(c) Active criminal intelligence/active criminal investigative Information
- 119.071(2)(e) Confession
- 365.171(15) Identity of 911 caller or person requesting emergency service
- 119.071(2)(d) Surveillance techniques, procedures, and personnel inventory of law enforcement resources, policies or plans pertaining to mobilization, deployment or tactical operations
- 119.071(2)(l) Assets of crime victim
- 119.071(5)(a)(5) Social security numbers held by agency
- 119.071(5)(b) Bank account #, debit, charge and credit card numbers held by an agency
- 395.3025(7)(a) and/or 456.057(7)(a) Medical information
- 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC
- 119.07(4)(d) Extra fee if request is voluminous or requires extensive personnel, technology
- 119.071(5)(g)1 Biometric Identification Information (Fingerprints, palm prints, and footprints)
- 119.071(2)(f) Confidential Informants
- 316.066(5)(a) Crash reports are confidential for period of 60 days after the report is filed
- 119.071(2)(h)(1) Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 years old, child abuse, sexual offense
- 985.04(1) Juvenile offender records
- 119.0712(2) Personal Information contained in a motor vehicle record
- 119.071(2)(b) Criminal intelligence/investigative information from a non-Florida criminal justice agency
- 394.4615(7) Mental health information
- 119.071(4)(c) Undercover personnel
- 119.071(4)(d)(1) Home address, telephone, soc. security #, photos of active/former LE personnel, spouses and children

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RIC L. BRADSHAW, SHERIFF

GM\_00784

Tracking 16-04-2729

RP 97-002687

Clerk Name/ID: M Tooks #8557

Date: 04/25/2016

Date: 4/25/16 ROYAL PALM BEACH POLICE DEPARTMENT Page: 1  
 Time: 8:52:07 Offense Report Program: CMS301L

Day Of Week . : Tuesday Report Date . : 11/04/97 10:55  
 Occur From Date: 11/04/97 10:52 Occur To Date : 11/04/97 10:52  
 Dept Class . . : SEX OFFENSE - LEWD AND LASCIVIOUS  
 Street Number : WILLOWS, 156 MARTIN CIR  
 City . . . . . : ROYAL PALM BEACH, FL 33411  
 Zone/division : Zone Two (2) (So of Okee/E thr Wil)  
 Location Type : RES-SNGL FAMILY Case Status . : CLEARED BY ARREST  
 Report Officer : MANCINO, JR, DOMINIC  
 Supervisory Emp: HUGHES, THOMAS 11/09/97  
 Verif. Employee: MANCINO, JR, DOMINIC 11/04/97  
 Case Status Dt : 11/25/97

\*\*\*\*\* C A S E M A N A G E M E N T I N F O R M A T I O N \*\*\*\*\*  
 Case Number . . : 1-97-002687  
 Dept Class . . : SEX OFFENSE - LEWD AND LASCIVIOUS  
 Case Status . . : CLEARED BY ARREST Case Status Dt : 11/25/97  
 Investigator . . : ROBKIN, R.

\*\*\*ASSIGNMENT HISTORY\*\*\*  
 Case Number . . : 1-97-002687 Dept Unit . . : DETECTIVE  
 Investigator . . : ROBKIN, ROBERT Supervisor . . : PERVENECKI, DAVID  
 Assignment Date: 11/04/97

\*\*\*\*\* O F F E N S E R E P O R T # 1 \*\*\*\*\*  
 State Class . . : Sex Offenses - Incest/Indecent Exp  
 Attmpt/Committ : Committed Statute/Ordin : 800.04  
 State Dispo . . : Adult UCR Disposition: Cleared by Arrest  
 Exception Clear: ARRESTED ON PRIMARY OFFENSE  
 Arrest Case No.: 1-97-006345 People Arrested: 1

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 1 \*\*\*\*\*  
 Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CONSUMABLE GOODS Quantity . . . : 1  
 Description . . : SEAGRAMS VO LIQUOR Value . . . . : 1.00  
 Recovered by . . : OFC. MANCINO Recovered Date : 11/04/97  
 Property type : FOOD/LIQUOR/CONSUMABLE Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 2 \*\*\*\*\*  
 Category . . . : SAFEKEEPING UCR Prop Type : MISCELLANEOUS  
 Quantity . . . : 1  
 Serial number : W/BOOKS, PAPERS AND CLOTHING  
 Description . . : BOOK BAGS Value . . . . : 1.00  
 Recovered by . . : OFC. MANCINO Recovered Date : 11/04/97  
 Property type : MISCELLANEOUS Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 3 \*\*\*\*\*  
 Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : MISCELLANEOUS Quantity . . . : 4  
 Serial number : BACKYARD OF 156 MARTIN CIRCLE  
 Description . . : POLAROID PICTURES Value . . . . : 1.00  
 Recovered by . . : OFC. MANCINO Recovered Date : 11/04/97  
 Property type : MISCELLANEOUS Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 4 \*\*\*\*\*

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 GM\_00785

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 Date: 4/25/16 ROYAL PALM BEACH POLICE DEPARTMENT Page: 2  
 Time: 8:52:07 Offense Report Program: CMS301L  
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1-97-002687 (Continued)

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Name . . . . : ADIDAS Description . . : SHOES  
 Value . . . . : 65.00 Recovered by . : OFC. WIKSE  
 Recovered Date : 11/04/97 15:25 Property type : CLOTHING/FURS  
 Recovery value : 65.00

## \*\*\*\*\* PROPERTY INFORMATION # 5 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Description . . : SOCKS Value . . . . : 1.00  
 Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 15:25  
 Property type : CLOTHING/FURS Recovery value : 1.00

## \*\*\*\*\* PROPERTY INFORMATION # 6 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Description . . : JENCO Value . . . . : 55.00  
 Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 15:25  
 Property type : CLOTHING/FURS Recovery value : 55.00

## \*\*\*\*\* PROPERTY INFORMATION # 7 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Description . . : BOXER SHORTS Value . . . . : 5.00  
 Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 15:25  
 Property type : CLOTHING/FURS Recovery value : 5.00

## \*\*\*\*\* PROPERTY INFORMATION # 8 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Name . . . . : MECCA Description . . : T SHIRT  
 Value . . . . : 30.00 Recovered by . : OFC. WIKSE  
 Recovered Date : 11/04/97 15:25 Property type : CLOTHING/FURS  
 Recovery value : 30.00

## \*\*\*\*\* PROPERTY INFORMATION # 9 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Name . . . . : BUSCH Description . . : BUSCH T SHIRT  
 Value . . . . : 15.00 Recovered by . : OFC. WIKSE  
 Recovered Date : 11/04/97 15:25 Property type : CLOTHING/FURS  
 Recovery value : 15.00

## \*\*\*\*\* PROPERTY INFORMATION # 10 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Description . . : GREEN/WHITE SHIRT Value . . . . : 30.00  
 Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 15:20  
 Property type : CLOTHING/FURS Recovery value : 30.00

## \*\*\*\*\* PROPERTY INFORMATION # 11 \*\*\*\*\*

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 Date: 4/25/16 ROYAL PALM BEACH POLICE DEPARTMENT Page: 3  
 Time: 8:52:07 Offense Report Program: CMS301L  
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1-97-002687 (Continued)

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Name . . . . : 26 RETREDD Description . . : SHOES  
 Value . . . . : 59.00 Recovered by . : OFC. WIKSE  
 Recovered Date : 11/04/97 15:20 Property type : CLOTHING/FURS  
 Recovery value : 59.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 12 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Name . . . . : MAX SPORT Description . . : PANTS  
 Value . . . . : 1.00 Recovered by . : OFC. WIKSE  
 Recovered Date : 11/04/97 15:20 Property type : CLOTHING/FURS  
 Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 13 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Description . : BOXER SHORTS Value . . . . : 1.00  
 Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 15:20  
 Property type : CLOTHING/FURS Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 14 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 2  
 Description . : SOCKS Value . . . . : 1.00  
 Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 14:40  
 Property type : CLOTHING/FURS Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 15 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 2  
 Name . . . . : NIKE Description . . : SHOES  
 Value . . . . : 90.00 Recovered by . : OFC. WIKSE  
 Recovered Date : 11/04/97 14:40 Property type : CLOTHING/FURS  
 Recovery value : 90.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 16 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Description . : T SHIRT Value . . . . : 1.00  
 Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 14:40  
 Property type : CLOTHING/FURS Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 17 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Description . : BOXER SHORTS Value . . . . : 1.00  
 Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 14:40  
 Property type : CLOTHING/FURS Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 18 \*\*\*\*\*

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Date: 4/25/16 ROYAL PALM BEACH POLICE DEPARTMENT Page: 4  
 Time: 8:52:07 Offense Report Program: CMS301L

1-97-002687 (Continued)

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Serial number : BL/WHT Description . . . : CLINCH SHIRT  
 Value . . . . : 25.00 Recovered by . . : OFC. WIKSE  
 Recovered Date : 11/04/97 14:40 Property type : CLOTHING/FURS  
 Recovery value : 25.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 19 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Name . . . . : THIRD RAIL Description . . . : THIRD RAIL JEANS  
 Value . . . . : 35.00 Recovered by . . : OFC. WIKSE  
 Recovered Date : 11/04/97 14:40 Property type : CLOTHING/FURS  
 Recovery value : 35.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 20 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Serial number : MULTI COLOR LEATHER Description . . : BELT  
 Value . . . . : 10.00 Recovered by . . : OFC. WIKSE  
 Recovered Date : 11/04/97 14:40 Property type : CLOTHING/FURS  
 Recovery value : 10.00

\*\*\*\*\* V E H I C L E I N F O R M A T I O N # 1 \*\*\*\*\*

Case number . : 1-97-002687

\*\*\*\*\* C O M P L A I N A N T I N F O R M A T I O N - # 1 \*\*\*\*\*

Case Number . : 1-97-002687 Last Name . . : ██████████  
 Street Number ██████████  
 City . . . . ██████████  
 Home Phone No. ██████████ Business Phone : 561/000-0000  
 Birth Date . . : 11/01/1938 59 Birth Country : Unknown  
 Oper Lic Cntry : Unknown Race . . . . . : Black  
 Sex . . . . . : Female Ethnic Origin : BLACK

\*\*\*\*\* S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 1 \*\*

Case Number . : 1-97-002687 Prompt valid in: ██████████  
 Street Number ██████████  
 City . . . . ██████████  
 Home Phone No. ██████████ Business Phone : 561/000-0000  
 Birth Date . . : ██████████ 17 Maximum Age . : 17  
 Birth Country : Unknown Oper Lic Cntry : Unknown  
 Race . . . . . : White Sex . . . . . : Male  
 Ethnic Origin : WHITE Minimum Height : 509  
 Minimum Weight : 150 Hair Color . . : Black  
 Hair Length . : Short (Up to 1/2") Eye Color . . : Brown  
 Complexion . . : Medium Facial Hair . : Mustache Only  
 Teeth . . . . : Normal Build . . . . : MEDIUM  
 Speech . . . . : Normal Status . . . . : Arrested  
 Arrest Case No.: 1-97-006345 Shirt . . . . : BLK BAGGY PANTS

\*\*\*\*\* S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 2 \*\*

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 GM\_00788

Date: 4/25/16 ROYAL PALM BEACH POLICE DEPARTMENT Page: 5  
 Time: 8:52:07 Offense Report Program: CMS301L

1-97-002687 (Continued)

Case Number . . . : 1-97-002687 Prompt valid in: [REDACTED]  
 Street Number . . . : [REDACTED]  
 City . . . . . : [REDACTED]  
 County . . . . . : PALM BEACH Home Phone No. [REDACTED]  
 Business Phone . . . : 407/000-0000 Birth Date . . . : 3/01/1980 17  
 Maximum Age . . . : 17 Birth City . . . : AC, FL  
 Birth Country . . . : United States  
 Oper Lic No. . . . : V616410800810 FL United States  
 Race . . . . . : White Sex . . . . . : Male  
 Ethnic Origin . . . : WHITE Minimum Height . . . : 504  
 Maximum Height . . . : 504 Minimum Weight . . . : 120  
 Maximum Weight . . . : 120 Occupation . . . : STUDENT  
 Hair Color . . . . . : Black Hair Length . . . : Medium (Up to 2")  
 Hair Style . . . . . : Parted in Center Eye Color . . . : Blue  
 Complexion . . . . . : Fair Facial Hair . . . : Mustache Only  
 Teeth . . . . . : Normal Build . . . . . : MEDIUM  
 Speech . . . . . : Normal Status . . . . . : Still Suspect  
 Pants . . . . . : BLK JEANS

\*\*\*\*\* V I C T I M I N F O R M A T I O N - # 1 \*\*\*\*\*

Case Number . . . : 1-97-002687 Prompt valid in: [REDACTED]  
 Street Number . . . : [REDACTED]  
 City . . . . . : [REDACTED]  
 Home Phone No. [REDACTED] Business Phone . . . : 561/000-0000  
 Birth Date . . . : 8/09/1983 14 Birth Country . . . : Unknown  
 Oper Lic Cntry . . . : Unknown Race . . . . . : White  
 Sex . . . . . : Female Ethnic Origin . . . : WHITE  
 Residency Type . . . : Royal Palm Beach Residency Sts . . . : Full Year  
 Victim Type . . . : Juvenile

\*\*\*\*\* O T H E R P E R S O N I N F O R M A T I O N - # 1 \*\*\*\*\*

Case Number . . . : 1-97-002687 Last Name . . . : [REDACTED]  
 Person Type . . . : OTHER PERSON  
 Street Number . . . : [REDACTED]  
 City . . . . . : [REDACTED]  
 Home Phone No. [REDACTED] Business Phone . . . : 561/000-0000  
 Birth Date . . . : 6/22/1983 14 Birth Country . . . : Unknown  
 Oper Lic Cntry . . . : Unknown Race . . . . . : White  
 Sex . . . . . : Female Ethnic Origin . . . : WHITE

\*\*\*\*\* O T H E R P E R S O N I N F O R M A T I O N - # 2 \*\*\*\*\*

Case Number . . . : 1-97-002687 Last Name . . . : [REDACTED]  
 Person Type . . . : OTHER PERSON  
 Street Number . . . : [REDACTED]  
 City . . . . . : [REDACTED] 334110000  
 County . . . . . : PALM BEACH Home Phone No. : [REDACTED]  
 Business Phone . . . : 407/000-0000 Birth Date . . . : 7/06/1981 16  
 Birth City . . . : WEST PALM BEACH, FL Birth Country . . . : United States  
 Race . . . . . : White Sex . . . . . : Female  
 Ethnic Origin . . . : WHITE Height . . . . . : 505  
 Weight . . . . . : 110

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\*\*\*\*\* N A R R A T I V E # 1 \*\*\*\*\*  
Original Report Reported By: MANCINO, JR, DOMINIC A. 11/05/97  
Entered By.: JARRETT, DAWN M. 11/10/97

On 11/4/97 at 1052 hours, I responded to 156 Martin Circle in regards to six juveniles acting suspicious in the backyard of 156 Martin Circle. On arrival I met with Adella Onen a elderly b/f complainant at 10:55 hours. Ms. Onen stated that at approximately 1045 hours, she woke from her sleep. Onen stated that she looked into her backyard and observed six juveniles in her back yard three w/m's and three w/f's. Onen stated that while she was watching the juveniles she observed that a blonde w/f was acting very intoxicated. Onen stated that she observed a w/m wearing a jacket and baggy black pants kissing and laying on top of the intoxicated w/f. Onen stated that while the intoxicated w/f was laying on the ground all of the other subjects were slapping her across the face yelling at the intoxicated w/f to wake up. I then walked into the backyard of [REDACTED]

I observed the six subjects laying on the ground near the canal. As I was walking towards the subjects I observed a w/m laying on top of a blonde, w/f. I observed that the w/f was wearing a multi colored dress which was above her hips, she had her legs wrapped around the w/m's hips and her ankles were locked together. I observed that the w/m was moving his hips side to side and he was moving his pelvic area in a up and down motion.

I then identified the two on top of each other as [REDACTED] and [REDACTED]. I then observed the other four juveniles who were just west of [REDACTED] and [REDACTED]. The two females were sitting in an upward position and they are [REDACTED] and [REDACTED]. The two other males who were laying down was [REDACTED] and [REDACTED]. The four subjects appeared to be watching [REDACTED] and [REDACTED] and laughing.

I then had [REDACTED] get off of [REDACTED]. I observed that [REDACTED] was very intoxicated, she was unable to stand on her legs. She was unable to crawl and she was clutching onto [REDACTED] crying, holding his leg's and around his neck.

Based on [REDACTED] intoxicated condition, a ambulance was called to transport her to [REDACTED] to check on her condition. I then met with [REDACTED] and his mother. I advised [REDACTED] of his Miranda rights, which he stated that he understood. [REDACTED] stated that [REDACTED] [REDACTED] and [REDACTED] came over to his home at [REDACTED] at 0930 hours. Collazo stated that his mother was upset to see the five inside her home and not in school. [REDACTED] stated his mother made all the subjects leave the house. [REDACTED] stated that after his ride did not show up to take him to a job interview he went outside, talked to a neighbor, then took some pictures of his home that was recently placed on the

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market. [REDACTED] stated that while he was standing outside, one of the subjects that was at his home earlier ran up to him and stated that [REDACTED] was in bad shape because of her intoxicated condition and she needed [REDACTED] help. [REDACTED] stated that he ran into the backyard of [REDACTED] and observed [REDACTED] rolling around on the grass and almost falling into the canal. [REDACTED] stated that the other parties in the backyard was not helping her and he feared that [REDACTED] was going to fall into the canal. [REDACTED] stated that he laid on top of [REDACTED] to keep her from falling into the canal.

I then asked [REDACTED] if he did or ever has had sexual intercourse with [REDACTED] and if he was the person that gave [REDACTED] that liquor she drank. [REDACTED] stated he did not give [REDACTED] any liquor and he said that he has never had sexual relations with [REDACTED].

The six juvenile's were handled in the following manner. Mr. [REDACTED] was turned over to his mother at [REDACTED] Mr. [REDACTED] and [REDACTED] were transported back to [REDACTED] by Officer Wikse. [REDACTED] and [REDACTED] were transported to the West Palm Beach Truancy Center by Officer Wensyel. [REDACTED] was transported to the hospital. [REDACTED] implied that she had sexual intercourse with some of the people that I observed in the rear of [REDACTED] to the emergency persons that was in the ambulance.

I then was advised of this information and this incident was turned over to the Detective Division.

\*\*\*\*\* N A R R A T I V E # 2 \*\*\*\*\*  
SUPPLEMENT Reported By: WIKSE, JOHN C. 11/04/97  
Entered By.: JARRETT, DAWN M. 11/10/97

On 11/5/97 at 1113 hours, I was dispatched as a backup unit to 156 Martin Circle in reference to a juvenile call.

Upon arrival I met with Sgt. T. Hughes who was standing with a group of six juveniles, three w/m and three w/f. Ofc. Mancino was present and had already run all of the names through dispatch who had called the [REDACTED] and confirmed that all present was truant, with the exception of [REDACTED] who is not enrolled in school. RPB EMS was also on scene dealing with one of the w/f who was identified as [REDACTED]. It appeared that [REDACTED] had been drinking and she was unable to stand and was hysterical. EMS transported [REDACTED] to [REDACTED] and Sgt. Hughes asked me to transport one of the w/m's. [REDACTED] back to the High School and obtain a contact number for [REDACTED] parents. Upon my arrival at the High School I dropped [REDACTED] off at the student services office and I proceeded to the nurses offices where I obtained four emergency contact numbers for [REDACTED] parents. I attempted all of these numbers numerous times to no

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avail. I called down to the [REDACTED] and asked to speak with paramedics. I spoke with [REDACTED] who told me that [REDACTED], while enroute to the hospital, had found grass and twig material in the patients panties and had received a spontaneous statement from the patient in reference to being raped. I notified Sgt, Hughes of this and he had me respond to the E.R. to stand by for detectives. Upon arrival, at the E.R., I met with [REDACTED] who stated that while enroute to the E.R. she was conducting a head to toe evaluation when the patient stated that she had to urinate. Par [REDACTED] was assisting [REDACTED] remove her panties when she noticed grass and twig particles in the crotch area of [REDACTED] panties as well as a small amount of blood, an unknown clear substance, and a substance which appeared to be semen. She also saw abrasions on [REDACTED] buttocks. [REDACTED] began screaming, "they held me down, they fucked me, they fucked me!" "I told them to stop, I thought they were my friends! Why would they do this to me? Am I pregnant?! Am I pregnant?!" I told [REDACTED] that I would need a witness statement from her in reference to these statements. She advised that she would complete the witness statement at the Fire Station and drop it off at the Police Station.

I remained at the E.R. and made several more attempts to contact [REDACTED] parents, again to no avail. Approximately 20 minutes later Detectives Pervenecki and Robeson responded to the E.R. and took over. I returned to the Police Department where Sgt. Hughes told Ofc. Wensyel and I to go find w [REDACTED] and [REDACTED]. Sgt. Hughes told us that their clothing would be needed for possible evidence and to ask them to come in on a voluntary basis. While enroute to [REDACTED] residence at [REDACTED] Ofc. Wensyel and I were southbound on Wildcat Way at Willows Park when we noticed [REDACTED] crossing the road. Ofc. Wensyel stopped and spoke with Ian who agreed to come in voluntarily. We then proceeded to [REDACTED] where I was able to locate [REDACTED] and notify his mother of the situation. Marcus also agreed to come in voluntarily. Ofc. Wensyel transported both individuals to the P.D. while I remained and took four photo's of the residence/yard located at [REDACTED]. Upon completing this I responded to [REDACTED] and made contact with w/m, [REDACTED] who also agreed to come in on a voluntary basis.

Upon arrival at the Royal Palm Beach Police Department I made contact with Ofc. Mancino and gave him the pictures that I had taken. All juveniles had been separated and notifications were made to their parents. Det. Robkin responded and was briefed on the situation. I took each individual into the traffic office and had them change clothes. I placed their old clothing into evidence bags and Ofc. Mancino placed these bags into evidence bins.

\*\*\*\*\* N A R R A T I V E # 3 \*\*\*\*\*  
SUPPLEMENT Reported By: ROBESON, JERRY R. 11/04/97  
Entered By.: JARRETT, DAWN M. 11/10/97

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On Tuesday, November 4, 1997 I was dispatched to Palm's West Hospital in reference to a suspicious incident. The juvenile victim, [REDACTED] was transported to the hospital by Royal Palm Beach Fire Department. There were allegations made by [REDACTED] that she may have been forced to have sex. (See original report).

Patricia Badu-Tweneboah, Counselor/Advocate from Victim Services was dispatched to the hospital. Patricia met with the victim and the parents of [REDACTED] in reference to the incident. A rape kit was done at the hospital by [REDACTED]

I interviewed [REDACTED] parents, [REDACTED] and [REDACTED] at the hospital. After explaining the incident to them, they stated that [REDACTED] had met [REDACTED] at school. On Sunday, November 2, 1997, the [REDACTED] first met [REDACTED]. They spent the entire day with [REDACTED] and eventually dropped him off at his residence. On Tuesday, November 4, 1997, [REDACTED] stated that she dropped [REDACTED] off at [REDACTED] for school. They also stated that [REDACTED] had previously been sexually active but, felt that she was not currently sexually active.

After the examination was done by [REDACTED] I interviewed [REDACTED]. [REDACTED] said that she didn't go to school and was with [REDACTED] and a group of friends. There were males and females in the group. Some of the juveniles [REDACTED] didn't know because she only met them today. [REDACTED] said that she remembers her legs being opened and being touched by individuals. She stated that her friends were laughing and saying something to the effect of "you will like it or enjoy it". [REDACTED] had her clothes on during the incident. She said that she had about five sips of alcohol and all her friends were drinking. [REDACTED] said that she had known [REDACTED] only a few days and she had been sexually active with him. She also remembered being kissed on her lips by a female that possibly was her friend, [REDACTED]. Virginia appeared to be very lethargic during the interview.

After the interview, I transported the collected evidence to the police station and proceeded to the [REDACTED] residence at [REDACTED]. I met with Mr. and Ms. [REDACTED]. Ms. [REDACTED] said that she saw a group of juveniles in front of her residence at around 9:00 A.M. [REDACTED] was at home, so she questioned him about the juveniles and found out they were some of his friends. At around 9:30 A.M., Ms. [REDACTED] told [REDACTED] that the group had to leave from her residence. Around 10:00 A.M., [REDACTED] told his mother that he was going to take pictures of their residence for their neighbor (the neighbor is helping them sell their residence). At about 11:00 A.M., Ms. [REDACTED] stated that she saw the Royal Palm Beach Fire Rescue with an unknown girl. Mr. [REDACTED] said that he wasn't missing any liquor from his residence.

On Wednesday, November 5, 1997, Marcus Collazo came to the

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police station in reference to property. I released two lighters, paper, seven dollars and sixteen cents, and a key on a weave. The property wasn't listed on the property sheet due to the property being inside the pants pockets.

\*\*\*\*\* N A R R A T I V E # 4 \*\*\*\*\*  
SUPPLEMENT Reported By: ROBKIN, ROBERT G. 11/04/97  
Entered By.: DRAHOS, KATHLEEN E. 11/26/97

On 11/4/97 at approximately 1215 hours, this investigator received a phone call at my home advising me of a possible sexual battery investigation. I was told to go to Palms West Hospital and met with Sgt. D. Pervenecki and if possible the victim.

This Detective arrived at the hospital at approximately 1300 hours and met with Sgt. Pervenecki, Detective J. Robeson and the victim's parents. After a brief conference with the above, I went to the Police Station to meet with the responding officers and to conduct this investigation.

After speaking with the responding officers, I then began to conduct interviews with [REDACTED] (S-1) [REDACTED] (S-2), and [REDACTED] (S-3). They were all at the Police Station.

I first met with S-3, [REDACTED]. I advised him that he was not under arrest and that he was under no obligation to answer any of my questions. I also asked him if he knew that this investigation was about. He told me that he thought it was because the victim had gotten very drunk.

I asked [REDACTED] to relate what had occurred this date, he stated that he had seen S-1 [REDACTED] prior to school at [REDACTED] house and there had been some discussion about skipping school. [REDACTED] says that he went to school and since he is in the "on the job training program" he gets out early. He is employed at "Tree's Wings", even though they are not open.

When he got out of school, he ran into [REDACTED] and his girlfriend and another girl, later identified as [REDACTED]. They all walked to [REDACTED] house where they met [REDACTED] and the victim. [REDACTED] says that they hung out at [REDACTED] house until his mother got mad and told [REDACTED] to have his friends leave. They were sitting in the driveway of the house and he says that he heard [REDACTED] and his mother yelling at each other.

All of the kids then went into the backyard. [REDACTED] says that he does not know where the victim got liquor from, but she became very drunk. He says that she was so drunk that she fell down several times and had to be pulled up an incline by her legs, to keep from falling into a canal. She was also acting very drunk by talking and laughing.

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According to [REDACTED] they had only hung out for 15 or 20 minutes before the police arrived. [REDACTED] says that he did not see anyone molest or sexually violate the victim. [REDACTED] wrote out a statement, it is included in this record.

It should be noted that I was unable to record [REDACTED] statement because of a malfunction with the tape recorder. I then interviewed [REDACTED]. He was also advised that he was under no obligation to talk to me, he stated that he understood. I asked him to tell me what he had done on this date. This statement was taped. He told me that he had got up at 7:08 AM and left for school. He ran into Nissensohn and he had told him that they were going to cut school today. [REDACTED] was with the victim (they are boyfriend and girlfriend). AT approximately 0845 to 0900 hours, [REDACTED] says that he, the victim, [REDACTED] and [REDACTED] all met and went to his house to skip and hang out. While they were there sometime around 0930 hours, his mother told him to have his friends go away. He says that he did. He also says that at this time he was also approached by his neighbor, [REDACTED] who is a real estate agent and is selling his parents house. [REDACTED] said that he needed to take pictures of the house. [REDACTED] states that after he sent his friends away, he took some pictures and approximately 40 to 45 minutes later, his friend, [REDACTED] (S-2) came and got him. He was told that his girlfriend was drunk and out of control. he then went behind the house at [REDACTED] and found the victim to be very drunk. She was falling down and scooting along the canal bank. It was necessary for him and the other subjects to physically pull her up the bank by her legs and at times also carry her away from the canal to prevent her from falling in. [REDACTED] says that at one point, in order to control her he found it necessary to sit a straddle on her. It was at this point that the police arrived. [REDACTED] says that he has no knowledge of anyone "messing" with the victim.

Since the victim and this subject are boyfriend and girlfriend, I asked [REDACTED] if he was having intercourse with the victim. [REDACTED] refused to answer this question. I then asked if he had had sex with the victim on this date he then stated no, not today. [REDACTED] also wrote out a statement, it is a part of this report.

The last person that I interviewed was [REDACTED] his story is similar to the others except he states that [REDACTED] after everyone arrived at his house produced the bottle of liquor.

He says that he, his girlfriend [REDACTED], [REDACTED] and the victim all were at [REDACTED] house skipping school. He says that he watched the victim drink from the bottle and get very drunk. He also says that in order to cut the taste of the liquor, they took oranges from the orange tree in the yard where they were. [REDACTED] says that [REDACTED] tried to sober up the victim, he even went and got some food and coffee to give her, but nothing worked. According to [REDACTED] all six of them were sitting around, under

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some trees at the canal bank, drinking at different times [REDACTED] and the victim might have kissed, but there was no serious petting or touching that he saw. He did say that the victim was crawling around on her seat and butt, and at times she would scoot about on her fanny and her dress and panties would ride up. It was necessary for them to physically restrain her to keep her from falling into the canal. AT one point, it became necessary for [REDACTED] to sit on top of the victim to keep her from going into the canal. It was then that the police arrived.

This statement was taped and he also wrote out a statement which is included in this report.

After taking these statements from the above subjects, they were all released to their parents. Their clothing was confiscated and placed into property by the responding officers, to be sent to the lab for testing. See property receipts.

This investigator then conducted an interview with Fire/Rescue Officer Ellen F. Delai who was in the rescue wagon with the victim while she was being transported to the hospital. She states that the victim had indicated to her that she had been assaulted, and she had also seen what appears to be blood on the victims underpants. See her written statement for details and also the Fire/Rescue report.

Detective Robeson, who had been at the hospital with the victim returned to the station. He had the victims clothes and the contents of the "Rape Kit", these were placed into property. Det. Robeson also took a taped statement from the victim at the hospital, this is also in property.

AT approximately 1700 hours, I received a phone call from [REDACTED]. He told me over the phone at this time that he wanted to keep the record straight and he then stated that he and the victim were actively having sex. He said that the last time that they had sex was on 11/3/97 in the morning. [REDACTED] also asked e if he could come to the station and talk to me about the case. I told him to come on in.

He arrived at my office at approx. 1730 hours, he was with his father. After I explained this investigation to Mr. [REDACTED] the son [REDACTED] requested to speak with me in private. [REDACTED] told me that he was very upset at the possibility that some of his friends might have abused his girlfriend and he wanted me to know that he was willing to cooperate in anyway that he could to get to the bottom of this incident. During this conversation [REDACTED] also told me that he had supplied the liquor to the other teenagers but he did not expect the victim to get so drunk.

At this time, [REDACTED] also admitted to me that he and the victim are sexually active and the last time that they had intercourse was on Monday morning (11/3/97), he also says that they always use protection when they make love. This statement was not

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recorded nor taped. I asked [REDACTED] what he knew about the other people involved. He said that as far as he knew, these people were his friends. He had known them for a long while. I asked him if he knew the subject [REDACTED] he sated that she was new to the school and he had just recently met her. Her boyfriend is someone named [REDACTED]

I then asked [REDACTED] to tell me about the subject [REDACTED]. He told me that she is Ian's girlfriend, and that she is "bi", I asked how he knew this and [REDACTED] told me that he had seen her kissing other girls. He also told me that she tells people that she is "bi". [REDACTED] repeated several times that he was very upset about his girlfriend being assaulted. I advised him to not do anything that would get him into trouble, and if he learned or heard any information for him to contact me. He agreed to do so.

On 11/5/97 at approx. 1600 hours the victim, [REDACTED] came to the police station with her parents to be interviewed by this investigator. I first met with the victim and her parents and explained the investigation to this point, I also answered several questions that they had.

I then met privately with the victim to discuss her recollection of the events of the previous day. The victim told me that she had gone to school on 11/4/97, but as planned she and her friends cut after the first hour. They went to her boyfriend's [REDACTED] house and hung around until Mrs. [REDACTED] ran them off. She then says that she and the others, minus [REDACTED] went in back of some houses at a canal and started to drink. She says that she became very drunk and does not remember much. She does remember falling down and someone grabbing at her legs, but she does not know who. She also says that she has a vivid recollection of being kissed by a girl, but she is not sure if it is [REDACTED], and she thinks that she was being held down. People told her to relax, that she would like it, but she does not recall anything happening. I asked the victim if she recalls anything being inserted into her at anytime. She stated "no".

I also asked her if she was having any discomfort or soreness in her vaginal area or buttocks area, she again replied no, also asked if it was time for her period, or if she was having any types of cramps, she stated, NO. I asked the victim if she was sexually active, she told me that she and [REDACTED] were. I then asked her when was the last time that they had had sex. She told me Monday morning (11/3/97). She also said that they used a rubber, they always used protection.

I then asked her if she could explain why there might be traces of blood in her panties. She could offer no explanation. She also repeated that she is past her period and she is not injured that she knows of. I also inquired as to the victim's relationship with [REDACTED]. She says that they are friends, I asked her if [REDACTED] is gay or "bi", she then told me that [REDACTED] had told her that she was "bi". I asked the victim if she had ever fooled around with [REDACTED], she said no.

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I asked her if she remembered the ride to the hospital, she told me that it was very vague, she does not recall her conversation with the rescue personnel. Because of certain statements that were made by the victim to the fire/rescue people, I felt that it was necessary to clear up some points. The victim had stated to the rescue people that "they had fucked me". I asked her if she knew the meaning of the word "fuck", she said that it meant to have sex. The victim had asked the fire/rescue personnel several times if she were pregnant because of what happened. I then asked the victim if she knew how a person becomes pregnant. She then told me that you get pregnant from having sex.

After conducting this interview the victim requested that some of her property be returned to her. She wanted her book bag and some clothing that was not submitted as evidence. These items were returned to her (see property receipt).

On this same date approximately 1830 hours, this investigator went to [REDACTED] and met with [REDACTED]. Her parents were not home, but she agreed to speak with me. I asked her to relate to me the vents of the day before. [REDACTED] told me that she had cut school with the other kids and had gone to [REDACTED] house. She told me that [REDACTED] Mom had told them to leave. [REDACTED] had supplied them with a bottle of liquor and they had drank some of it. [REDACTED] had to leave to do something and he left the victim who according to [REDACTED] was already drunk. This was somewhere around 1000 to 1030 hours. [REDACTED] says that the victim was so drunk that she was scooting and crawling around on the grass with her dress up and she was also making passes at the other boys who were there.

[REDACTED] states that she saw the victim grab Ian by the butt and by the crotch and she also attempted to do the same to [REDACTED] she would also ask them for sex. [REDACTED] states that she thinks the victim thought they were [REDACTED], because she kept asking for him. I asked [REDACTED] if she saw anyone in any way have any sexual contact with the victim, she states that the only thing that she saw at anytime was S-1 kissing the victim, but there was never any sex. I also asked her if at anytime did she kiss the victim or caress her in anyway. She stated "no".

I then asked her if she saw the victim place anything inside herself, she again said no. I then asked if she had anything to add before ending this interview. Crystal then asked me if I knew what the victim had said to the police officer when they came to the scene. I advised her no, for her to tell me. [REDACTED] states that when the police first arrived, the victim was very belligerent and was denying being drunk. When she (victim) realized that the police were going to take some sort of action, she told one of the officers that, "If you don't tell my parents, I'll fuck you". According to [REDACTED] the officer ignored this comment. This concluded the interview. The phone number shown for [REDACTED] on the report is not right, the correct phone number is 792-9076.

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I then went to [redacted] and met with [redacted] and her parents. AS before, I asked her to tell me about the vents of the day before. She told me that she had cut school at around 0830 hours and she and her friend had gone to [redacted] house. [redacted] says that she arrived there at around 0900 hours she thins, she also states that the victim was already drunk when she got there. [redacted] states that she thinks that she was with the other people for around 2 hours. During that time she did not see anyone do anything to the victim. She did say, as did [redacted], that the victim made passes at the other boys who were present but no one did anything with her. I asked her if she saw [redacted] make any pass at the victim, or if she saw her kiss the victim. Kristin said no to this. [redacted] also told me that the victim had propositioned the police officer who came to the scene. I also, asked her how well she knew the victim, she told me that this was the first time that she had ever met her. [redacted] and nothing else to add at this time. This concludes the interviews with the people involved.

All of the evidence that has been collected will be sent to the PBSO for testing and analysis. It is unknown at this time as to why the victim had blood in her panties or where it came from. The victims parents were advised by this officer to seek medical advice and aid for their daughter, as well as possible counseling of some type.

All of the clothing submitted and confiscated are being submitted to the crime lab for testing. See attached lab request. The information contained in this report will be sent to the State Attorney's Office for review in regard to possible charges of Lewd and Lascivious conduct to a child under 16 years of age against Collazo, because of his admission and the victims admission to having sexual intercourse. This is in violation of FSS 800.04 (2).

Besides this admission, a simulation of sexual intercourse was also witnessed by the responding officer upon his arrival, This is a violation of the same statute. All the evidence, (clothing, liquor and lab evidence etc. has been sent to the crime lab on 11/7/97).

It should be noted that [redacted] was arrested on 11/6/97 for Aggravated Battery in an unrelated case. He is now in the County Jail and is charged as an adult.

\*\*\*\*\* N A R R A T I V E # 5 \*\*\*\*\*  
SUPPLEMENT Reported By: ROBKIN, ROBERT G. 11/19/97  
Entered By.: DRAHOS, KATHLEEN E. 11/26/97

On 11/19/97 the listed subject, [redacted] who is currently being held in the Palm Beach County Hail on unrelated charges was served with a Probable Cause Affidavit, charging him with two counts of Lewd and Lascivious conduct with a child under 14 years of age.

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Date: 4/25/16 ROYAL PALM BEACH POLICE DEPARTMENT Page: 16  
Time: 8:52:07 Offense Report Program: CMS301L

1-97-002687 (Continued)

The PC Affidavit, Rough Arrest Form, and filing packet are all a part of this case file.

\*\*\*\*\* N A R R A T I V E # 6 \*\*\*\*\*  
PROBABLE CAUSE Reported By: ROBKIN, ROBERT G. 11/17/97  
Entered By.: DRAHOS, KATHLEEN E. 11/26/97

At the rear of [REDACTED], Palm Beach County, Florida when the responding patrol units arrived at the above scene, Officer Mancino who was the first on the scene observed the defendant laying on top of the victim. Both the defendant and the victim were both laying on the ground, the victim was laying on her back and according to Officer Mancino her dress was above her hips and her legs were wrapped around the defendants midsection. Both the defendant and the victim were clothes. The defendant was wearing his pants and the victim was wearing a pair of "Garfield the Cat" underpants. As stated, the defendant was on top of the victim in the missionary position both the victim and the defendant were undulating their hips and bodies, in a simulated sex act (dry humping). According to Officer Mancino the defendant's hips were moving in and out of the victim's pelvic area. The victim was also making moaning and groaning sounds.

On this same date at approximately 1730 hours, while at the police station, the defendant was being interviewed by this detective. He was not under arrest and had come to the station on his own. During this interview, the defendant told me that he and the victim had been having sex on a regular basis. The last time being on 11/3/97 at the defendants house at [REDACTED], royal palm beach, Florida. On 11/5/97, this Detective interviewed the victim at the police station. AT this time, the victim also told me that she and the defendant have had sex several times in the past. The last time was on 11/3/97 in the AM hours at the defendants house. She also stated that they used protection, they always sued protection.

The defendant is in the county jail on unrelated charges, he will be served with this arrest at that location.

\*\*\*\*\* N A R R A T I V E # 7 \*\*\*\*\*  
SUPPLEMENT Reported By: ROBKIN, ROBERT G. 12/23/97  
Entered By.: JARRETT, DAWN M. 12/30/97

On this date (12/23/97) this investigator went to the Palm Beach S.O. and picked up the items that were being tested by the lab.

Nothing of any evidentiary value was found.

I have also contacted the owners of the clothing and have advised them to pick up their belongings.

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Date: 4/25/16 ROYAL PALM BEACH POLICE DEPARTMENT Page: 17  
Time: 8:52:07 Offense Report Program: CMS301L

1-97-002687 (Continued)

I have also been advised by the State Attorneys Office that they do not choose to prosecute defendant Collazo for the charges of Lewd and Lascivious conduct. See attached letter from the S/A office.

At this time this case is closed because there is no need for any further police action.

\*\*\*\*\* N A R R A T I V E # 8 \*\*\*\*\*  
SUPPLEMENT Reported By: ROBESON, JERRY R. 12/23/97  
Entered By.: JARRETT, DAWN M. 12/30/97

The property listed on the attached property receipt was returned to the owner, Ian Varvaro on December 23, 1997 at 1907 hours.

\*\*\*\*\* N A R R A T I V E # 9 \*\*\*\*\*  
SUPPLEMENT Reported By: ROBKIN, ROBERT G. 12/23/97  
Entered By.: JARRETT, DAWN M. 12/30/97

On 12/23/97, Ms. Janice Magrane who is Adam Nissonsohn's mother came to the police station and picked up her sons clothes which had been returned from P.B.S.O.

See property receipt.

\*\*\*\*\* N A R R A T I V E # 10 \*\*\*\*\*  
SUPPLEMENT Reported By: FARRON, CHRISTOPHER S. 10/30/02  
Entered By.: FARRON, CHRISTOPHER S. 10/30/02

Due to the fact, the statute of limitations has run out on this case, the property was destroyed.

\*\*\*\*\* N A R R A T I V E # 11 \*\*\*\*\*  
SUPPLEMENT Reported By: GEROULD, GLENN A. 4/03/03  
Entered By.: GEROULD, GLENN A. 4/03/03

The evidence in this case has been destroyed.

\*\*\*\*\* N A R R A T I V E # 12 \*\*\*\*\*  
Supplemental Reported By: PERVENECKI, DAVID A. 5/08/03  
Entered By.: PERVENECKI, DAVID A. 5/08/03  
Reviewed By: GIANNOTTI (DAVIS, ERIN M. 5/22/03

The property listed in this case has been destroyed.

\*\*\*\*\* N A R R A T I V E # 13 \*\*\*\*\*  
Supplemental Reported By: PERVENECKI, DAVID A. 5/07/03  
Entered By.: PERVENECKI, DAVID A. 5/07/03  
Reviewed By: GIANNOTTI (DAVIS, ERIN M. 5/23/03

The property listed in this case has been destroyed.

\*\*\*\*\* END OF REPORT \*\*\*\*\*

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**EXHIBIT C**

PALM BEACH COUNTY SHERIFF'S OFFICE  
CENTRAL RECORDS  
FSS EXEMPTIONS/CONFIDENTIAL

- 119.071(2)(c) Active criminal intelligence/active criminal investigative Information
- 119.071(2)(e) Confession
- 365.171(15) Identity of 911 caller or person requesting emergency service
- 119.071(2)(d) Surveillance techniques, procedures, and personnel, inventory of law enforcement resources, policies or plans pertaining to mobilization, deployment or tactical operations
- 119.071(2)(l) Assets of crime victim
- 119.071(5)(a)(5) Social security numbers held by agency
- 119.071(5)(b) Bank account #, debit, charge and credit card numbers held by an agency
- 395.3025(7)(a) and/or 456.057(7)(a) Medical information
- 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC
- 119.07(4)(d) Extra fee if request is voluminous or requires extensive personnel, technology
- 119.071(5)(g)1 Biometric Identification Information (Fingerprints, palm prints, and footprints)
- 119.071(2)(f) Confidential Informants
- 316.066(5)(a) Crash reports are confidential for period of 60 days after the report is filed
- 119.071(2)(h)(1) Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 years old, child abuse, sexual offense
- 985.04(1) Juvenile offender records
- 119.0712(2) Personal Information contained in a motor vehicle record
- 119.071(2)(b) Criminal intelligence/investigative information from a non-Florida criminal justice agency
- 394.4615(7) Mental health information
- 119.071(4)(c) Undercover personnel
- 119.071(4)(d)(1) Home address, telephone, soc. security #, photos of active/former LE personnel, spouses and children

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Tracking 16-04-2729

CN: 98-041883

Clerk Name/ID: M Tooks #8557

Date: 04/25/2016



PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
OFFENSE REPORT CASE NO. 98041883

CASE NO. 98041883

DISPOSITION: INACTIVE  
DIVISION: ROAD PATROL

911: N CONFIDENTIAL  
SEXUAL BATTERY \* \* \*  
SIGNAL CODE: 35 CRIME CODE: 1 NON CRIME CODE: CODE: 110A 02/28/98 SATURDAY  
ZONE: B71 GRID: WPB DEPUTY I.D.: 3257 NAME: BURES DAVID ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

NAME LIST:

ROLE:  
VICTIM NO. 001

COMPLAINANT

ARRESTEE JOSHUA B BUNNER DOB: 10/02/1979  
SEX: M RACE: W HT: 601 WT: 155 HR: BLOND EYE: BLUE  
RESIDENTIAL ADDRESS: 5806 TIFFANY PL WPB FL 33417 HOME PHONE: 561 000-0000  
BUSINESS PHONE: 561 000-0000  
SUSPECT KEVIN P THOMPSON DOB: 05/15/1980  
SEX: M RACE: W HT: 602 WT: 230 HR: BLOND EYE: BLUE  
RESIDENTIAL ADDRESS: 12435 N 52 RD ROYAL PALM FL 33411 HOME PHONE: 561 000-0000  
BUSINESS PHONE: 561 000-0000

OFFENSE INDICATOR: OFFENSE 1 VICTIM NUMBER: 1  
VICTIM TYPE: JUVENILE  
RESIDENCE TYPE: COUNTY RESIDENCE STATUS: FULL YEAR  
EXTENT OF INJURY: NONE  
INJURY TYPE (1): NOT APPLICABLE  
INJURY TYPE (2): NOT APPLICABLE  
VICTIM RELATION: ACQUAINTANCE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 98041883 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: INACTIVE

REPORT NUMBER: 1  
FLORIDA VICTIM ? N  
WEATHER: CLOUDY  
WITNESS TO CRIME KNOWN ? . N SUSPECT NAME KNOWN ?..... Y  
CAN VICTIM I.D. SUSPECT ? Y SUSPECT LOCATION KNOWN ?... N  
WILL VICTIM PROSECUTE ?.. Y STOLEN PROPERTY TRACEABLE ? N  
IS M.O. SIGNIFICANT ?... N EVIDENCE LEFT AT SCENE ?... N  
LATENTS LIFTED ?..... N SUSPECT'S VEHICLE KNOWN ?.. N  
TAG NUMBER KNOWN ?..... N PROPERTY DAMAGE ?..... N

ON 2/28/98 AT 1600 HOURS I RESPONDED TO A CONFIDENTIAL LOCATION REFERENCE A COMPLAINT OF SEXUAL BATTERY.

UPON ARRIVAL I MET WITH THE ON-DUTY COUNSELOR, WHITE FEMALE, [REDACTED], DOB 122864. MS. [REDACTED] STATED, EARLIER IN THE DAY SHE LEARNED FROM ONE OF THE OCCUPANTS OF THE GROUP HOME THAT THE OCCUPANT WAS RAPED APPROXIMATELY THREE AND A HALF WEEKS AGO AT AN UNKNOWN LOCATION IN LOXAHATCHEE.

[REDACTED] IDENTIFIED THE VICTIM AS WHITE FEMALE, [REDACTED]. I THEN MET WITH MS. [REDACTED], WHO STATED THAT APPROXIMATELY THREE AND A HALF WEEKS AGO SHE WAS PICKED UP FROM HER BOYFRIEND'S HOUSE (WHICH IS IN THE CITY OF ROYAL PALM BEACH, FLORIDA), BY TWO WHITE MALE ACQUAINTANCES OF HERS. [REDACTED] STATED THAT BOTH WERE IN THEIR TWENTIES. [REDACTED] REFUSED TO PROVIDE IDENTIFICATION OR A DESCRIPTION OF THE TWO WHITE MALES.

[REDACTED] STATED THAT SHE WAS DRIVEN BY THE TWO WHITE MALES TO A WOODED AREA SOMEWHERE IN LOXAHATCHEE. SHE ALSO STATED THAT THEY ALL CONSUMED ALCOHOL AND SMOKED MARIJUANA, AND THAT MS. [REDACTED] WAS INTOXICATED DURING THIS INCIDENT.

[REDACTED] STATED ONCE THE VEHICLE WAS PARKED IN THE WOODED AREA, BOTH WHITE MALES HAD FORCED SEXUAL INTERCOURSE WITH MS. [REDACTED]. [REDACTED] STATED SHE DID RESIST BOTH WHITE MALES BY STATING TO THEM, NO.

[REDACTED] STATED AFTER THE SEXUAL INTERCOURSE, ONE OF THE WHITE MALES WAS DROPPED OFF, AND SHE WENT HOME WITH THE OTHER WHITE MALE TO HIS RESIDENCE AT AN UNKNOWN LOCATION. MS. [REDACTED] STATED ONCE IN THE BEDROOM OF THE RESIDENCE, ONCE AGAIN THE WHITE MALE HAD FORCED SEXUAL INTERCOURSE WITH HER. [REDACTED] STATED THAT SHE WAS NOT INJURED AS A RESULT.

WHEN ASKED ONCE AGAIN TO PROVIDE INFORMATION ON THE IDENTITY OR THE DESCRIPTION OF THE SUSPECTS, SHE REFUSED. SGT. ST. CYR, ID 359, WAS NOTIFIED AND RESPONDED. THE DETECTIVE BUREAU WAS NOTIFIED. THEY STATED THEY WOULD CONDUCT A FOLLOW-UP REFERENCE THIS CASE. CASE INFORMATION WAS GIVEN. THE DISPOSITION IN THIS CASE WILL BE CLASSIFIED AS INACTIVE PENDING FURTHER

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
SUPPLEMENT 1 OFFENSE REPORT CASE NO. 98041883

CASE NO. 98041883

DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N CONFIDENTIAL

SEXUAL BATTERY \* \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 03/31/98 SATURDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

ON 3-12-98, I RECEIVED A CALL FROM MRS. [REDACTED] INQUIRYING WHO WOULD BE INVESTIGATING HER DAUGHTER'S SEXUAL BATTERY INVESTIGATION. I CHECKED THE SIU LOG AND FOUND THAT THE CASE HAD NOT BEEN ASSIGNED. I WAS NEXT UP ON THE CASE ROTATION LIST SO I ASSIGNED THE CASE TO MYSELF AS SGT. STORMES WAS OFF. MRS. [REDACTED] TOLD ME THAT HER DAUGHTER IS CURRENTLY RESIDING AT A CONFIDENTIAL LOCATION AND THAT I SHOULD CONTACT [REDACTED] TO SPEAK WITH HER DAUGHTER.

ON 3-13-98, I CALLED [REDACTED] AT (CONFIDENTIAL LOCATION) TO SET UP AN INTERVIEW APPOINTMENT WITH [REDACTED]. [REDACTED] IS NOT AVAILABLE AND I LEFT A MESSAGE FOR HER TO PLEASE CALL ME BACK.

ON 3-16-98, I RECEIVED A MESSAGE FROM [REDACTED]. I CALLED HER BACK AND SHE WAS NOT AVAILABE. ON 3-17-98, I LEFT FOR A CONFERENCE IN HUNSTVILLE, ALABAMA AND DID NOT RETURN TO WORK UNTIL 3-23-98.

ON 3-24-98, I AGAIN CALLED [REDACTED] TO SET UP AN APPOINTMENT WITH [REDACTED] AND [REDACTED] WAS NOT AVAILABLE AND I LEFT A MESSAGE.

ON 3-30-98 I WAS ABLE TO MAKE CONTACT WITH [REDACTED] AND WE SET UP AN INTERVIEW FOR [REDACTED] ON 3-31-98 AT 2:30PM.  
DET. ARNOLD/3553  
RAMIREZ/4213/4-21-98

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
SUPPLEMENT 2 OFFENSE REPORT CASE NO. 98041883

CASE NO. 98041883

DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N CONFIDENTIAL

SEXUAL BATTERY \* \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 04/06/98 SATURDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

ON 3-31-98 AT 3:00PM, I INITIATED A SWORN TAPED STATEMENT WITH [REDACTED] IN REFERENCE TO A SEXUAL BATTERY INVESTIGATION. [REDACTED] HAD A VERY QUIET DEMEANOR AND AT TIME SEEMED VERY RELUCTANT TO DISCUSS SENSITIVE FACTS ABOUT THIS CASE, WHICH IS NOT UNUSUAL. [REDACTED] AT TIME WAS EMOTIONAL AND CRIED DURING THE INTERVIEW. [REDACTED] SAID THAT SHE MET THE SUSPECTS FROM THIS INCIDENT AT A PARTY SEVERAL WEEKS PRIOR TO THE ASSAULTS, WHICH OCCURRED SOMETIME AROUND THE 1ST OF FEBRUARY. ON THE NIGHT OF THE ASSAULT, [REDACTED] WAS AT HER BOYFRIEND'S HOUSE PLAYING VIDEO GAMES ([REDACTED] DOES NOT WANT TO DISCLOSE THE IDENTITY OF HER BOYFRIEND AT THIS TIME). THE SUSPECTS PULLED UP TO [REDACTED]'S BOYFRIEND'S HOUSE AT APPROXIMATELY 10:00PM ON THE DATE OF THE ASSAULT AND ASKED HIM IF HE WANTED TO GO OUT DRINKING. [REDACTED] BOYFRIEND COULD NOT GO, BUT HE TOLD THE SUSPECTS THAT [REDACTED] WAS THERE THAT SHE HAD RUN AWAY. SUSPECTS CAME INSIDE OF THE RESIDENCE AND ASKED [REDACTED] IF SHE WANTED TO GO DRINKING WITH THEM. AS STATED EARLIER, [REDACTED] HAD MET THE SUSPECT BEFORE AND SHE SAID SHE FIGURED IT WOULD MEAN FREE DRINKS SO SHE DECIDED TO GO. [REDACTED] SAID THAT SHE AND THE SUSPECTS DRANK FOR ABOUT FIFTEEN MINUTES AT HER BOYFRIEND'S HOUSE PRIOR TO LEAVING. [REDACTED] SAID THAT SHE DRANK A FEW SHOTS OF EITHER TEQUILLA OR VODKA BEFORE THEY LEFT. ONCE IN THE CAR, [REDACTED] SAID THAT SHE HAD ABOUT FIVE BEERS AND SHE WENT ON TO TELL ME THAT SHE BECAME VERY DRUNK. I ASKED [REDACTED] WHICH OF THE TWO SUSPECTS WAS DRIVING THE CAR AND SHE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 98041883 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

REPLIED "KEVIN" (UNKNOWN LAST NAME). [REDACTED] SAID THAT SHE AND THE TWO SUSPECTS ARRIVED AT A WOODED AREA IN LOXAHATCHEE CALLED "WOODSIES". I ASKED [REDACTED] FOR A DESCRIPTION OF KEVIN'S CAR AND SHE SAID THE CAR HAD "NORMAL SEATS" LIKE VELVET, WHICH INDICATES THEY PROBABLY WERE CLOTH SEATS. [REDACTED] SAID THAT SHE DID NOT KNOW THE MAKE OR MODEL OF THE CAR, BUT SHE SAID THAT IT WAS AN OLDER CAR, EITHER PURPLE OR MAROON IN COLOR. [REDACTED] DID NOT KNOW IF IT WAS A TWO DOOR OR FOUR DOOR OR ANY OTHER INFORMATION. I ASKED [REDACTED] FOR A DESCRIPTION OF KEVIN AND SHE SAID THAT HE IS A WHITE MALE, APPROXIMATELY TWENTY-THREE YEARS OF AGE, LONG BLONDE HAIR, MODERATELY OVERWEIGHT, APPROXIMATELY 5'11, WITH A DIRTY BLONDE GOATEE AND DIRTY BLONDE SIDEBURNS. [REDACTED] SAID THAT THE SUSPECT NEVER MENTIONED A PLACE OF EMPLOYMENT OR JOB TYPE DURING THEIR CONVERSATION.

[REDACTED] AT THIS TIME SAID SHE DID NOT FEEL COMFORTABLE IDENTIFYING SUSPECT NUMBER 2 BECAUSE SHE IS CLOSE FRIENDS WITH HIS BROTHER AND SHE FEELS THIS WOULD JEOPARDIZE THAT FRIENDSHIP.

AFTER ARRIVAL AT "THE WOODSIES" [REDACTED] SAID THAT SHE PASSED OUT. WHEN SHE AWOKE, SHE WAS LYING ON THE FRONT SEAT OF KEVIN'S CAR WITH HER PANTS AROUND HER ANKLES AND SUSPECT NUMBER 2 (THE UNIDENTIFIED SUSPECT) ON TOP OF HER ENGAGING IN FORCED VAGINAL INTERCOURSE. [REDACTED] SAID THAT KEVIN (SUSPECT 1) WAS ATTEMPTING TO FORCE HER TO PERFORM ORAL SEX ON HIM.

[REDACTED] SAID THAT THE SUSPECTS WOULD TAKE TURNS FORCING VAGINAL INTERCOURSE ON HER. I ASKED [REDACTED] ABOUT SUSPECT NUMBER 1 FORCING ORAL SEX ON HER AS SHE PREVIOUSLY MENTIONED AND SHE SAID THAT HE FORCED THE HEAD OF HIS PENIS IN HER MOUTH. [REDACTED] SAID THAT SHE TOLD THE SUSPECTS THAT SHE WAS TIRED AND THAT SHE DID NOT WANT TO PARTICIPATE IN THIS ACTIVITY. [REDACTED] WENT ON TO TELL ME THAT SHE WAS HAVING HER PERIOD DURING THE ASSAULT AND SHE REMEMBERS WAKING UP AND FINDING HER PANTS AROUND HER ANKLES AND SHE HAD A FEMININE PAD INSIDE OF HER. [REDACTED] SAID THAT SHE REMEMBERS TELLING THE SUSPECTS SOMETHING TO THE EFFECT OF "YOU'RE HAVING SEX WITH ME WHILE I'M ON MY PERIOD AND THAT'S GROSS".

I ASKED [REDACTED] IF THE SUSPECTS SAID ANYTHING WHILE THIS WAS HAPPENING AND SHE THEN SAID THAT SHE REMEMBERS THEM SAYING SOMETHING STUPID LIKE, ARE YOU HAVING FUN BABY. [REDACTED] ALSO SAID KEVIN WOULD LAUGH AND MAKE STUPID COMMENTS TO HER DURING THE ASSAULT.

I ASKED [REDACTED] IF EITHER OF THE SUSPECTS USED PROTECTION AND SHE SAID THEY DID NOT. [REDACTED] WAS UNSURE IF EITHER OF THE SUSPECTS EJACULATED INSIDE OF HER. [REDACTED] ESTIMATED THAT THE ASSAULT PROBABLY LASTED AROUND FIVE TO SEVEN HOURS.

[REDACTED] REPORTED THAT KEVIN (SUSPECT #1) FORCED SEXUAL INTERCOURSE WITH HER AT LEAST ONE TIME, BUT WAS UNSURE OF ANY ADDITIONAL ENCOUNTERS. [REDACTED] SAID THAT SUSPECT #2 (UNIDENTIFIED SUSPECT) FORCED SEXUAL INTERCOURSE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3  
CASE NO. 98041883 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

ON HER MORE THAN TWICE.

AFTER THE ASSAULT IN THE WOODED AREA, [REDACTED] RETURNED WITH SUSPECT #2 TO HIS RESIDENCE WHERE HE HAD SEXUAL INTERCOURSE WITH [REDACTED]. SUSPECT #2 TOLD [REDACTED] THAT IT WAS HER TURN, (MEANING SHE WAS TO BE ON TOP DURING SEXUAL INTERCOURSE). [REDACTED] TOLD HIM SHE WAS TOO TIRED TO DO ANYTHING. [REDACTED] SAID THAT SUSPECT #2 PARENTS AND BROTHER WERE HOME AT THE TIME OF THE ENCOUNTER AT HIS RESIDENCE. [REDACTED] SAID THAT HER FRIEND (SUSPECT #2'S BROTHER) SAW HER INSIDE OF THE RESIDENCE IN THE MORNING.

I ASKED [REDACTED] IF SHE TOLD ANYONE WHAT HAPPENED AND SHE SAID SHE TOLD HER BOYFRIEND THAT SHE HAD CONSENTED TO SEXUAL INTERCOURSE WITH THE SUSPECTS. I ASKED [REDACTED] IF SHE GOT ALL OF HER CLOTHING AND PERSONAL ITEMS BACK FROM KEVIN'S CAR. SHE SAID SHE IS MISSING A CLEAR PLASTIC PURSE WITH BLACK TRIM WHICH CONTAINED MAKEUP AND OTHER PERSONAL EFFECTS. [REDACTED] DOES NOT REMEMBER IF ANY OF HER CLOTHES WERE LEFT IN KEVIN'S CAR.

IN CONCLUDING THE INTERVIEW, I ASKED [REDACTED] IF ANYTHING ELSE HAPPENED THAT WE DID NOT DISCUSS AND SHE SAID "THEY PERFORMED ORAL SEX ON ME". I ASKED [REDACTED] IF BOTH SUSPECTS DID THIS AND SHE REPLIED "KEVIN DID, I DON'T REMEMBER IF JOSH DID". WITH THAT LAST QUOTE, [REDACTED] INADVERTENTLY IDENTIFIED SUSPECT NUMBER #2 AS JOSH. AT THE TIME [REDACTED] MENTIONED JOSH'S NAME, SHE DID NOT REALIZE IT.

I ASKED [REDACTED] ABOUT THE BEER THE SUSPECTS GAVE HER AND SHE SAID THAT THEY GAVE HER FIVE BOTTLES OF BEER AND SHE SAID IT WAS EITHER MICHELOB OR BUSCH.

I ASKED [REDACTED] IF THE SUSPECTS GAVE HER ANY DRUGS AND SHE REPLIED "MARIJUANA". I ASKED HER WHO GAVE HER MARIJUANA AND SHE REPLIED "JOSH". [REDACTED] THEN REALIZED THAT SHE HAD IDENTIFIED JOSH AS THE OTHER SUSPECT AND SHE BECAME VERY UPSET WITH HERSELF AND STARTED TO CRY. I ASKED [REDACTED] HOW MUCH POT SHE SMOKED AND SHE SAID A COUPLE OF JOINTS. THIS CONCLUDED THE INTERVIEW AND I SWORE [REDACTED] IN AGAIN AFTER THE INTERVIEW TO CONFIRM THAT ALL THE INFORMATION SHE HAD GIVEN WAS THE TRUTH AND SHE SWORE THAT IT WAS.

ON 4-1-98 AT 1515HRS, I SPOKE WITH MRS. [REDACTED] ABOUT MY INTERVIEW WITH [REDACTED]. I ASKED HER IF SHE COULD PROVIDE [REDACTED]'S BOYFRIEND'S NAME AND SHE SAID THAT SHE WOULD FIND HIS NAME AND CALL ME BACK.

AT 1535HRS ON 4-1-98, MRS. [REDACTED] CALLED ME BACK WITH [REDACTED]'S BOYFRIEND'S NAME. MRS. [REDACTED] SAID HIS NAME IS TONY FIGUEROA AND HIS PHONE NUMBER IS 792-9076. MRS. [REDACTED] ALSO SPOKE ABOUT HER DAUGHTER'S PAST DRUG ABUSE AND ALSO HOW MANY KIDS IN ROYAL PALM BEACH ARE INVOLVED IN DRUGS, WITCHCRAFT AND ANIMAL SACRIFICE. MRS. [REDACTED] SAID THAT SHE HAS ATTEMPTED TO DISCUSS THE DRUG PROBLEM WITH THE PRINCIPAL AT ROYAL PALM

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RIC L. BRADSHAW, SHERIFF

GM\_00762





PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 3 OFFENSE REPORT CASE NO. 98041883

DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N CONFIDENTIAL

SEXUAL BATTERY \* \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 06/16/98 SATURDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS

EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

..  
INVESTIGATIVE EFFORTS TO IDENTIFY THE LAST NAME OF SUSPECTS IN THIS  
CASE HAVE MET WITH NEGATIVE RESULTS AT THIS TIME. IT SHOULD BE NOTED THAT  
IT IS DIFFICULT TO MAKE CONTACT WITH THE VICTIM BECAUSE  
SHE IS HOUSED AT A CONFIDENTIAL LOCATION AND CALLS TO  
THE PATIENTS ARE STRICTLY LIMITED.

FURTHER INVESTIGATION WILL BE FORTHCOMING.  
DET. ARNOLD/3553  
RAMIREZ/4213/6-29-98

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
SUPPLEMENT 4 OFFENSE REPORT CASE NO. 98041883

CASE NO. 98041883

DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N CONFIDENTIAL

SEXUAL BATTERY \* \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 07/31/98 SATURDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

WHILE CONDUCTING FOLLOW UP INVESTIGATION IN AN ATTEMPT TO OBTAIN THE  
LAST NAMES OF THE SUSPECTS IN THIS CASE, I WAS REFERRED TO A SUBJECT BY  
THE NAME OF NICHOLAS SILVAGE AS THE PERSON WHO MIGHT KNOW THE LAST NAME  
OF A SUBJECT IDENTIFIED ONLY AS JOSH IN THE REPORT.

ON 7-29-98, I RESPONDED TO THE MCDONALDS RESTAURANT IN ROYAL PALM  
BEACH WHERE I MADE CONTACT WITH NICHOLAS SILVAGE (7-6-81). I ASKED SILVAGE  
IF HE WAS FAMILIAR WITH ANY SUBJECTS BY THE NAME OF JOSH. HE INDICATED THAT  
HE KNEW A SUBJECT BY THE NAME OF JOSH BUNNER. SILVAGE INDICATED THAT JOSH  
WAS APPROXIMATELY EIGHTEEN YEARS OF AGE AND THAT HE IS APPROXIMATELY  
SIX FEET TALL, 180LBS. PALMS SHOWS A LAST KNOWN ADDRESS OF 15396 SAN DIEGO  
DR. FOR JOSH'S BROTHER, NICHOLAS BUNNER. EFFORTS WILL BE MADE TO ATTEMPT TO  
LOCATE AND INTERVIEW JOSH BUNNER IN REGARDS TO THIS INVESTIGATION. PRIOR TO  
SPEAKING TO BUNNER THOUGH, I AM ATTEMPTING TO OBTAIN A PHOTO OF HIM SO I  
CAN PRESENT A PHOTO LINEUP TO THE VICTIM TO CONFIRM THAT THIS IS THE  
PERPETRATOR OF HER CRIME BEFORE HE IS INTERVIEWED IN REGARDS TO THE  
ALLEGATIONS. FURTHER INVESTIGATIVE LEADS WILL BE FORTHCOMING, THEREFORE CASE  
REMAINS CLASSIFIED AS OPEN.  
DET. ARNOLD/3553  
RAMIREZ/4213/8-6-98

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 5 OFFENSE REPORT CASE NO. 98041883

DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N CONFIDENTIAL

SEXUAL BATTERY \* \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 08/12/98 WEDNESDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

ON AUGUST 11, 1998 AT APPROXIMATELY 1800 HOURS, I RESPONDED TO (A CONFIDENTIAL LOCATION), WHERE I MADE CONTACT WITH [REDACTED] IN REGARDS TO SHOWING HER A PHOTO LINEUP OF A POSSIBLE SUSPECT IN HER SEXUAL BATTERY CASE.

I PRESENTED [REDACTED] A PHOTO LINEUP CONTAINING SIX YOUNG WHITE MALES AND ASKED HER IF THE PERTETRATOR OF HER CRIME WAS IN THIS PHOTO LINEUP AND [REDACTED] IMMEDIATELY BECAME EMOTIONALLY UPSET AND POINTED TO THE SUBJECT IN THE NUMBER FOUR POSITION OF THE PHOTO LINEUP. IT SHOULD BE NOTED THAT THE SUBJECT IN POSITION NUMBER FOUR OF THE PHOTO LINEUP IS JOSHUA B. BUNNER (WHITE MALE, 10/02/79). BASED ON THE FACT THAT THE VICTIM HAS MADE A POSITIVE IDENTIFICATION THAT JOSH BUNNER IS ONE OF THE SUBJECTS THAT RAPED HER ON OR ABOUT FEBRUARY 1, 1998, I WILL ATTEMPT TO LOCATE BUNNER AND CONDUCT AN INTERVIEW WITH HIM IN REGARDS TO THIS CASE. UNTIL SUCH TIME AS BUNNER IS LOCATED AND AN INTERVIEW IS CONDUCTED, THE CASE WILL REMAIN CLASSIFIED AS OPEN.

DET. BART ARNOLD ID #3553  
TRANS. 08/17/98/DAW/#3495

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RIC L. BRADSHAW, SHERIFF

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 98041883

DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N CONFIDENTIAL

SEXUAL BATTERY \* \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 08/20/98 WEDNESDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

AS REPORTED IN THE PREVIOUS SUPPLEMENT, [REDACTED] MADE A POSITIVE IDENTIFICATION THAT JOSH BUNNER WAS ONE OF THE SUBJECTS THAT RAPED HER ON/OR ABOUT MARCH 1ST, 1998. THE PBSO PALMS COMPUTER SHOWED A CURRENT ADDRESS OF BUNNER FOR 15396 SANDIEGO DR. IN LOXAHATCHEE.

ON 8-13-98, I RESPONDED TO THAT ADDRESS IN AN ATTEMPT TO MAKE CONTACT WITH BUNNER. THERE WAS A LOCKED GATE AND NO ONE APPEARED TO BE HOME. I CONTACTED PBSO DISPATCH TO SEE IF THEY COULD FIND A NUMBER FOR THE RESIDENCE AND THIS MET WITH NEGATIVE RESULTS. I LEFT MY BUSINESS CARD AT THE RESIDENCE WITH A NOTE TO HAVE JOSH CALL ME AT THE SHERIFF'S OFFICE.

ON 8-17-98 AT APPROXIMATELY 3:30PM, I AGAIN RESPONDED TO 15396 SANDIEGO DR. IN AN ATTEMPT TO MAKE CONTACT WITH JOSHUA BUNNER AND THIS TIME I WAS SUCCESSFUL. I ASKED JOSH IF HE WOULD BE WILLING TO SPEAK WITH ME IN REGARDS TO AN ONGOING SHERIFF'S OFFICE INVESTIGATION AND HE AGREED TO DO THIS. I TOLD JOSH THAT HE WAS NOT REQUIRED TO BE SUBJECT TO THIS INTERVIEW AND IF HE DECIDED TO CONDUCT THE INTERVIEW HE COULD TERMINATE THE INTERVIEW AT ANY TIME. PRIOR TO GOING ON TAPE, I ONLY ASKED JOSH BUNNER ABOUT HIS FRIEND KEVIN AND ABOUT ANY TYPE OF HOBBIES THAT HE AND THOMPSON ENGAGE IN TOGETHER.

AT 3:48PM, I INITIATED A TAPED INTERVIEW WITH JOSH BUNNER INSIDE OF MY UNMARKED VEHICLE PARKED IN THE FRONT OF BUNNER'S RESIDENCE AT 15396 SANDIEGO DR. AGAIN, I TOLD JOSH THAT HE COULD TERMINATE THE INTERVIEW ANY TIME THAT HE WANTED TO AND GO BACK INSIDE OF HIS HOUSE. JOSH SAID THAT HE UNDERSTOOD THIS.

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 98041883 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

JOSH TOLD ME THAT HE HAS KNOWN KEVIN THOMPSON FOR ABOUT TWO YEARS. I ASKED BUNNER IF HE KNEW A GIRL BY THE NAME OF [REDACTED] AND HE CONFIRMED THAT HE DID. I ASKED BUNNER HOW HE KNEW [REDACTED] AND HE SAID THAT HE KNEW HER AS A FRIEND AND HE WENT ON TO SAY THAT THEY (BUNNER AND KEVIN THOMPSON) TOOK HER OUT DRINKING.

I TOLD BUNNER THAT [REDACTED] HAD MADE ALLEGATIONS THAT SEXUAL ACTIVITY OCCURRED BETWEEN SHE, BUNNER AND THOMPSON AND THAT THIS SEXUAL ACTIVITY WAS NOT CONSENSUAL ON HER PART AND JOSH BUNNER REPLIED "THAT'S NOT TRUE". I ASKED HIM IF IT WAS CONSENSUAL AND HE REPLIED "YES".

BUNNER WENT ON TO TELL ME THAT THEY WERE DRINKING BEERS IN A WOODED AREA IN LOXAHATCHEE CALLED THE WHOOPTIES. JOSH INITIALLY SAID THAT [REDACTED] ROBERTS HAD TWO OR THREE BEERS. JOSH ALSO SAID THAT [REDACTED] WAS PLAYING LIKE SHE WAS GOING TO GO TO SLEEP WHILE THEY WERE IN THE WOODS.

I ASKED JOSH BUNNER TO TELL ME EXACTLY WHAT HAPPENED THAT NIGHT AND HE SAID "WE HAD SEX BASICALLY". I ASKED JOSH WHO HE MEANT BY SAYING WE HAD SEX AND HE REPLIED "ALL OF US", REFERRING TO JOSH, KEVIN THOMPSON AND [REDACTED]. I ASKED JOSH WHERE THIS HAPPENED AND HE REPLIED "IN THE CAR".

I ASKED JOSH BUNNER ABOUT HIS SEXUAL ENCOUNTER WITH [REDACTED] AND HE SAID "IT JUST HAPPENED, LIKE THAT, IT'S NOT SOMETHING YOU PLAN FOR". I ASKED BUNNER IF HE USED ANY PROTECTION AND HE SAID THEY USED A CONDOM. I ASKED BUNNER IF HE OR KEVIN WAS THE FIRST ONE TO HAVE SEX WITH [REDACTED] AND HE SAID "THAT WOULD PROBABLY BE ME".

I ASKED BUNNER HOW THE SEXUAL ACTIVITY GOT STARTED AND HE REPLIED "SHE WAS DRINKING AND SHE WAS ABOUT TO PASS OUT AND I SAID YOU CAN'T GO TO SLEEP, WE'RE STILL DRINKING BEERS". JOSH SAID [REDACTED] REPLIED "I'M GOING TO GO TO SLEEP" AND HE SAID "NO, YOU CAN'T GO TO SLEEP". JOSH SAID THAT [REDACTED] SAID TO HIM SOMETHING TO THE EFFECT OF WHY DON'T YOU KEEP ME AWAKE.

I ASKED BUNNER IF THEY WERE ABLE TO KEEP [REDACTED] AWAKE AND HE SAID "IT WAS AN INCENTIVE AT THE TIME, YOU KNOW WHAT I'M SAYING, IF YOU WERE IN THE SAME POSITION". I ASKED BUNNER IF THERE WAS ANY TALK PRIOR TO THE ACTUAL SEXUAL ACTIVITY ABOUT THEM HAVING SEXUAL RELATIONS AND HE SAID THERE WAS NOT ANY TALK OF THAT. I ASKED BUNNER TO TELL ME EXACTLY WHAT HAPPENED ABOUT HE AND [REDACTED] HAVING SEX AND HE SAID "WE WERE HAVING INTERCOURSE BASICALLY". I ASKED HIM WHERE THAT WAS AND HE REPLIED "IN KEVIN'S CAR, IN THE FRONT SEAT".

I ASKED BUNNER HOW THEY WERE POSITIONED AND HE SAID IT WAS HARD TO DESCRIBE. HE SAID THAT KEVIN WAS IN THE DRIVER'S SEAT AND THAT HE WAS IN THE PASSENGER SEAT AND THAT SHE ([REDACTED]) WAS IN THE MIDDLE. I ASKED BUNNER HOW HE WAS ABLE TO HAVE INTERCOURSE WITH [REDACTED] IN THAT POSITION

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RIC L. BRADSHAW, SHERIFF

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3  
CASE NO. 98041883 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

AND HE SAID "LEANING OVER THE FRONT SEAT". AT THIS POINT, KEVIN ASKED WHAT THIS (INTERVIEW) WAS ABOUT BEFORE WE CARRIED ON ANY FURTHER. I TOLD HIM THAT [REDACTED] MADE A REPORT THAT HE AND KEVIN RAPED HER AND I EXPLAINED I WAS ATTEMPTING TO GET THE STATEMENTS FROM HE AND KEVIN AS TO EXACTLY WHAT HAPPENED. AT THAT POINT, KEVIN TOLD ME THAT [REDACTED] HAS SLEPT AROUND.

I ASKED BUNNER IF SHE ([REDACTED]) HAD CLOTHES ON AND HE SAID SHE HAD PANTS AND A SHIRT ON. I ASKED HIM HOW HE WAS ABLE TO HAVE SEXUAL INTERCOURSE WITH HER WITH HER CLOTHES ON AND HE SAID THAT SHE TOOK THEM OFF. JOSH INDICATED THAT [REDACTED] WAS ON TOP OF HIM AT ONE POINT DURING THE SEXUAL INTERCOURSE. I ASKED JOSH BUNNER WHAT KEVIN THOMPSON WAS DOING AT THAT POINT AND HE SAID "WATCHING". JOSH WENT ON TO TELL ME THAT "AT NO POINT DID I HEAR NO, I GUESS THAT'S THE IMPORTANT THING".

I ASKED JOSH BUNNER WHAT HE WITNESSED BETWEEN KEVIN AND [REDACTED] AND HE SAID "THEY PROCEEDED TO HAVE INTERCOURSE, I GUESS SHE DIDN'T LIKE IT WITH KEVIN SO THAT STOPPED PRETTY QUICKLY". I ASKED JOSH IF [REDACTED] TOLD KEVIN NO OR TO STOP AND HE REPLIED SHE DID NOT. I ASKED JOSH WHAT HE MEANT BY THE STATEMENT ABOUT [REDACTED] STOPPING THE SEX QUICKLY WITH KEVIN AND HE REPLIED "I GUESS SHE GAVE HIM THE IMPRESSION THAT SHE DID NOT WANT TO HAVE INTERCOURSE WITH HIM, BUT SHE NEVER SAID NO, THAT'S THE MAIN THING THAT MATTERS. I NEVER HEARD NO OUT OF HER MOUTH". I ASKED JOSH HOW KEVIN AND [REDACTED] ENDED UP HAVING SEXUAL INTERCOURSE AND HE REPLIED "I GUESS I JUST FINISHED AND THEY PROCEEDED".

I ASKED JOSH BUNNER HOW KEVIN AND [REDACTED] WERE POSITIONED AND HE SAID "AT ONE POINT, I GUESS [REDACTED] WAS FACING HIM, BUT THEN THEY WERE ON THE SEAT AND THEY WERE AT AN ANGLE TOWARDS THE STEERING WHEEL I GUESS".

I ASKED JOSH IF KEVIN THOMPSON FORCED INTERCOURSE ON [REDACTED] AND HE REPLIED "NO". I ASKED HIM IF HE WAS SURE AND HOW HE KNEW THAT AND HE SAID "BECAUSE ONCE SHE GAVE UP, HE DIDN'T WANT ANYMORE TO DO WITH IT, HE KNEW THAT SHE DIDN'T WANT HIM".

I ASKED JOSH IF [REDACTED] HAD SEX WITH HE AND KEVIN AT THE SAME TIME AND HE SAID "NO". I ASKED JOSH IF HE SAW KEVIN AND [REDACTED] HAVING ORAL SEX AND HE SAID "NO". I ASKED JOSH WHAT HIS DEFINITION OF SEXUAL INTERCOURSE WAS AND HE SAID "PENIS FLOWING THROUGH THE VAGINA". I ASKED JOSH WHAT HIS DEFINITION OF ORAL SEX WOULD BE AND HE SAID "CARESSING PRIVATE PARTS".

I TOLD JOSH WHEN I USED THE TERM ORAL SEX THAT I MEAN IN REGARDS TO A FEMALE WOULD BE HER PUTTING HER MOUTH ON A PENIS AND IN REGARDS TO A MALE IT WOULD BE HIM PUTTING HIS MOUTH ON A VAGINA. I ASKED HIM IF HE UNDERSTOOD THAT AND HE SAID THAT HE DID. I ASKED JOSH IF [REDACTED] PERFORMED ORAL SEX ON KEVIN AND HE REPLIED "NO". I ASKED JOSH IF KEVIN PERFORMED ORAL SEX ON [REDACTED] AND HE REPLIED "NO". I ASKED JOSH IF [REDACTED] PERFORMED ORAL SEX ON HIM AND HE REPLIED "NO". I ASKED JOSH IF HE PERFORMED ORAL SEX ON [REDACTED] AND HE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 4  
CASE NO. 98041883 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

REPLIED NO.

I WENT OFF TAPE AT 4:06PM TO LOOK OVER THE REPORT. I WENT BACK ON TAPE AT 4:09PM AND I DID NOT ASK JOSH BUNNER ANY QUESTIONS OFF TAPE AND WHEN WE WERE BACK ON TAPE I ASKED HIM IF THIS WAS TRUE AND HE CONFIRMED THAT NO QUESTIONS WERE ASKED OFF TAPE. I ALSO RE-CONFIRMED WITH JOSH BUNNER THAT HE COULD TERMINATE THE INTERVIEW AT ANY TIME.

I ASKED JOSH BUNNER IF HE REMEMBERED HE AND KEVIN PICKING UP [REDACTED] AT HER BOYFRIEND'S HOUSE AND HE DID NOT REMEMBER. I ASKED JOSH IF HE SAID EARLIER IN THIS INTERVIEW THAT VIRGININA ALMOST PASSED OUT AND HE SAID "NO, SHE WAS ACTING LIKE SHE WAS GOING TO GO TO SLEEP". I ASKED JOSH BUNNER IF [REDACTED] APPEARED INTOXICATED AND HE SAID "YES, I GUESS SO". I AGAIN ASKED JOSH IF HE REMEMBERED HOW MANY BEERS [REDACTED] HAD AND HE REPLIED NO. I ALSO ASKED JOSH IF HE KNEW HOW OLD [REDACTED] WAS AND HE REPLIED NO. I ASKED JOSH IF HE HAD ANY RECOLLECTION IF [REDACTED] WAS ON HER PERIOD AND HE SAID HE HAD NO RECOLLECTION.

I ASKED JOSH BUNNER HOW MANY TIMES HE HAD SEXUAL INTERCOURSE WITH [REDACTED] AND HE REPLIED "TWICE". HE SAID ONE (ENCOUNTER) HAPPENED IN THE FRONT SEAT AND ONE (ENCOUNTER) HAPPENED IN HIS ROOM AT HIS HOUSE AFTER THEY LEFT THE WOODED AREA.

JOSH BUNNER THEN SAID "MAY I ASK WHAT THIS IS ABOUT". I REMINDED JOSH THAT I HAD ANSWERED THAT QUESTION EARLIER AND I AGAIN WENT ON TO TELL HIM THAT [REDACTED] REPORTED THAT SHE WAS RAPED BY HE AND KEVIN THOMPSON. I ASKED JOSH IF HE REMEMBERED ME TELLING HIM THAT EARLIER IN THE INTERVIEW AND HE REPLIED "I REMEMBER NOW, I HAVE A BAD MEMORY".

AGAIN, I ASKED JOSH BUNNER IF HE HAD ANY MEMORY OF KEVIN FORCING SEXUAL INTERCOURSE ON [REDACTED] AND HE SAID "NO, I WAS PRETTY INTOXICATED MYSELF, EVERYBODY WAS INTOXICATED". I ASKED JOSH IF KEVIN COULD HAVE FORCED INTERCOURSE ON [REDACTED] AND HE SAID "I CAN'T SAY YES AND I CAN'T SAY NO, I WAS OUT OF THE CAR SOME OF THE TIME".

I TOLD JOSH THAT [REDACTED] REPORTED THAT THEY RETURNED TO HIS HOUSE AND HAD SEXUAL INTERCOURSE IN HIS ROOM AND HE CONFIRMED THAT THIS WAS TRUE. I ASKED JOSH HOW [REDACTED] LEFT HIS RESIDENCE AND HE SAID SHE WENT ON THE BUS WITH HIS BROTHER. I WENT OFF TAPE AT 4:07PM TO REVIEW MY REPORT. I WAS BACK ON TAPE AT 4:18PM AND I ASKED JOSH ON TAPE IF I'D ASKED HIM ANY QUESTIONS OFF TAPE AND HE REPLIED "NO SIR".

I TOLD JOSH BUNNER THAT [REDACTED] REPORTED THAT THEY SMOKED POT AND THAT THEY SMOKED ONE OR TWO JOINTS AND I ASKED HIM IF HE REMEMBERED HOW MANY THEY SMOKED AND HE SAID "NO". I ASKED HIM IF IT WOULD HAVE BEEN AT LEAST ONE (JOINT) AND HE REPLIED "I DON'T EVEN REMEMBER SMOKING POT". I TOLD JOSH BUNNER THAT [REDACTED] SAID THAT THEY HAD SMOKED TWO JOINTS AND I ASKED IF HE REMEMBERED THAT AND HE SAID "NO". JOSH MADE THE STATEMENT "I MAYBE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 5  
CASE NO. 98041883 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

REMEMBER SMOKING A BOWL, A PIPE". I ASKED JOSH IF THE BOWL OR PIPE HAD MARIJUANA IN IT AND HE REPLIED YES. I ASKED JOSH IF HE REMEMBERED IF KEVIN SMOKED ANY OF THE MARIJUANA AND HE REPLIED "I'M SURE HE DID". I ASKED JOSH IF THIS WAS BEFORE OR AFTER THE SEXUAL INTERCOURSE AND HE REPLIED "PROBABLY BEFORE".

PRIOR TO ENDING THE INTERVIEW, I TRIED TO ASK JOSH SOME "CLEAN UP" QUESTIONS. I ASKED JOSH IF THE SEXUAL INTERCOURSE BETWEEN HE AND [REDACTED] WAS FORCED AND HE REPLIED NO. I ASKED HIM HOW MANY BEERS HE HAD THAT NIGHT AND REPLIED "ABOUT EIGHT OR NINE". I ASKED JOSH IF HE REMEMBERED HOW LONG THEY WERE OUT IN THE WOODS AND HE REPLIED NO. I SAID THAT [REDACTED] INDICATED THEY WERE THERE FOR ABOUT FIVE HOURS. I ASKED JOSH IF THAT WOULD SOUND ABOUT RIGHT AND HE REPLIED "NO, IT MIGHT HAVE BEEN AN HOUR OR TWO".

AFTER THE INTERVIEW, JOSH WENT INSIDE AND SPOKE TO HIS FATHER. JOSH'S FATHER RETURNED AND INFORMED ME THAT HE WANTED TO CONTACT JOSH'S ATTORNEY. IN THE MEANTIME, I HAD PREVIOUSLY ASKED JOSH IF HE WOULD SHOW ME KEVIN THOMPSON'S HOUSE AND HE AGREED TO DO THIS. JOSH'S FATHER DROVE WITH US AS WE DROVE TO THE ACREAGE AREA OF ROYAL PALM BEACH WHERE JOSH IDENTIFIED 12435 N. 52ND RD. AS BEING THE RESIDENCE OF KEVIN THOMPSON. AN INTERVIEW WILL BE CONDUCTED WITH KEVIN THOMPSON REGARDING THESE ALLEGATIONS. I MADE AN AGREEMENT WITH RICK SATURN, THE ATTORNEY FOR JOSH BUNNER, THAT JOSH CAN TURN HIMSELF IN TO MYSELF AT THE SHERIFF'S OFFICE ON MONDAY, 8-24-98 AT 2:30PM. PENDING FURTHER FOLLOW UP INVESTIGATION, CASE WILL REMAIN CLASSIFIED AS OPEN.  
DET. ARNOLD/3553/RAMIREZ/4213/8-26-98

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GM\_00771



PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 7 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: CLEARED BY ARREST  
DIVISION: DETECTIVE

911: N CONFIDENTIAL  
SEXUAL BATTERY \* \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 08/25/98 WEDNESDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD BART ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET  
OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A  
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ON 08/24/98, AT 1430 HOURS, I MET WITH JOSHUA BUNNER IN THE LOBBY OF THE SHERIFF'S OFFICE. JOSHUA BUNNER HAD COME TO TURN HIMSELF IN REGARDS TO PROBABLE CAUSE FOR HIS ARREST FOR A CHARGE OF LEWD ASSAULT UPON A CHILD UNDER 16 YEARS OF AGE. I TOOK JOSHUA UPSTAIRS WHERE PAPERWORK CONCERNING HIS ARREST WAS COMPLETED. JOSHUA WAS TRANSPORTED AND TURNED OVER TO THE PALM BEACH COUNTY JAIL.

CASE IS CLEARED BY ARREST, BUT STILL REMAINS UNDER INVESTIGATION CONCERNING SUSPECT KEVIN THOMPSON.  
DET. BART ARNOLD (3553)/JP TRANS. 08/28/98

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printed by Employee Id #: 8557 on April 25, 2016 11:05:24AM  
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CERTIFIED  
TO BE A TRUE COPY  
RIC L. BRADSHAW, SHERIFF

GM\_00772

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 8 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: CLEARED BY ARREST  
DIVISION: DETECTIVE

911: N CONFIDENTIAL  
SEXUAL BATTERY \* \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 09/14/98 WEDNESDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET  
OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

ON 9-3-98, I WAS FINALLY ABLE TO MAKE CONTACT WITH KEVIN P. THOMPSON IN REGARDS TO THIS INVESTIGATION. I INFORMED KEVIN THAT I NEEDED TO SPEAK WITH HIM ABOUT A CRIMINAL INVESTIGATION AND ASKED HIM WHEN HE WOULD BE AVAILABLE TO COME TO THE SHERIFF'S OFFICE FOR AN INTERVIEW. THOMPSON INFORMED ME THAT HE WAS AVAILABLE ON THIS SAME DATE (9-3-98) AND WE AGREED TO MEET AT THE SHERIFF'S OFFICE AT 6:00PM.

I MET WITH KEVIN THOMPSON AND HIS FATHER IN A CONFERENCE ROOM AT THE SHERIFF'S OFFICE AT APPROXIMATELY 6:00PM. I EXPLAINED TO MR. THOMPSON AND TO KEVIN THE ALLEGATIONS IN THIS CASE CONCERNING THE FACT THAT [REDACTED] WAS REPORTING THAT SHE HAD BEEN RAPED BY KEVIN THOMPSON AND JOSHUA BUNNER. I ASKED KEVIN THOMPSON IF HE WOULD BE WILLING TO PROVIDE ME A STATEMENT IN REGARDS TO THESE ALLEGATIONS AND HE WAS AGREEABLE TO THIS. KEVIN'S FATHER, MR. THOMPSON WAS ALSO IN AGREEMENT THAT KEVIN SHOULD PROVIDE A STATEMENT. MR. THOMPSON REQUESTED TO LEAVE THE BUILDING TO SMOKE A CIGARRETTE, DURING WHICH TIME I CONDUCTED A TAPED INTERVIEW WITH KEVIN THOMPSON.

PRIOR TO ASKING KEVIN THOMPSON THE FACTS CONCERNING THE ALLEGATIONS IN THIS CASE, I READ HIM HIS MIRANDA RIGHTS AND HE CONFIRMED THAT HE UNDERSTOOD THOSE MIRANDA RIGHTS AND SIGNED A MIRANDA RIGHTS CARD. KEVIN THOMPSON ADMITTED THAT HE HAD ENGAGED IN SEXUAL RELATIONS WITH [REDACTED] ON OR ABOUT THE DATE IN QUESTION AND THOMPSON ADMITTED THAT JOSHUA BUNNER WAS THERE ALSO. KEVIN THOMPSON INDICATED IN HIS INTERVIEW THAT THE SEXUAL ACTIVITY BETWEEN HE AND [REDACTED] WAS CONSENSUAL AND NOT

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TO BE A TRUE COPY  
RIC L. BRADSHAW, SHERIFF

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 9 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: CLEARED BY ARREST  
DIVISION: DETECTIVE

911: N CONFIDENTIAL  
SEXUAL BATTERY \* \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 12/03/98 WEDNESDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

I RECEIVED A LETTER FROM ASA TERESA BOWMAN CONCERNING THE FILING DISPOSITION ON THIS CASE. BOWMAN'S LETTER SAID THAT THIS CASE IS NO FILED DUE TO THE VICTIM'S LACK OF CREDIBILITY AND NO SUBSTANTIAL LIKELIHOOD OF SUCCESS AT TRIAL. A COPY OF THIS LETTER HAS BEEN FORWARDED TO CENTRAL RECORDS.  
DET. ARNOLD/3553  
RAMIREZ/4213/12-8-98

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printed by Employee Id #: 8557 on April 25, 2016 11:05:24AM  
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RIC L. BRADSHAW, SHERIFF

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United States District Court  
Southern District of New York

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

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**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANT’S MOTION FOR  
PROTECTIVE ORDER REGARDING FINANCIAL INFORMATION**

Plaintiff, Virginia Giuffre, by and through her undersigned counsel, files this Response in Opposition to Defendant’s Motion for a Protective Order Regarding Financial Information (DE 370). Defendant’s financial information is highly relevant to this case, particularly in light of Ms. Giuffre’s punitive damages claim as well as press reports suggesting that the Defendant may be selling her assets in New York and transferring the money outside the jurisdiction. Accordingly, Defendant’s motion for a protective order should be denied.<sup>1</sup>

**I. PRELIMINARY STATEMENT**

As recounted by Defendant (DE 370 at 1-3), Ms. Giuffre has served discovery requests on Defendant, seeking certain financial information from the Defendant. The requests are narrowly tailored to the time frame related to this case, as the requested information concerns

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<sup>1</sup> Contemporaneous with the filing of this response to Defendant’s motion for a protective order regarding financial information, Ms. Giuffre has also filed a motion to compel Defendant to produce the requested financial information. This parallel filing is apparently required because Ms. Giuffre does not simply seek the negative relief of denial of Defendant’s requested protective order but also the affirmative relief of a Court order requiring production of the materials.

financial information from just the time during which Defendant has defamed Ms. Giuffre (2015 to present).

As with most of the other discovery requests she has received, Defendant has chosen not to produce *any* information. Instead, she has filed this motion for a blanket protective order, arguing that financial discovery has no relevance whatsoever to any issue in this case. Of course, given the broad scope of discovery, the Court can grant Defendant's motion only if no relevance exists at all. But in fact, Defendant's financial information is highly relevant to at least three issues in this case. First, Defendant's recent efforts to conceal assets from the reach of this Court proves consciousness of her guilt of sex trafficking. Second, Defendant's financial affairs will show dependence on Epstein for financial support, an issue highly relevant to motive.<sup>2</sup> Third, as Defendant herself appears to admit, the discovery is relevant to the size of the punitive damage award that the jury should enter in this case. Facts relevant to each of these three points are set out in order below.

**A. Discovery of Financial Information is Relevant to Show Defendant's Transfer of Assets Out of the Jurisdiction after the Commencement of Litigation and thus Her Consciousness of Guilt.**

The requested financial information is relevant to issues relating to Defendant's apparent attempt to conceal assets from the Court. The timing of recent events is telling here. As the Court will recall, in court pleadings filed December 30, 2014, Ms. Giuffre initially publicly alleged Defendant had sexually abused her. On September 21, 2015, Ms. Giuffre filed her lawsuit against Defendant here in the Southern District of New York. (DE 1.) Ms. Giuffre is seeking at least \$50 million in compensatory and punitive damages from Ms. Maxwell. Just a few months after the suit was filed, on April 28, 2016, the *New York Post* reported that

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<sup>2</sup> As recently as 2005, Defendant was on Epstein's Palm Beach House bank account for Palm Beach. Bates Number SAO FOIA disc 7 (bates Giuffre 007590) at p. 93-95.

Defendant, “the daughter of the late disgraced press baron Robert Maxwell, has sold her townhouse at 116 E. 65<sup>th</sup> St. for \$15 million.” *See* <http://nypost.com/2016/04/28/alleged-epstein-madam-sells-16m-manhattan-townhouse/>. When questioned about the sale, Defendant’s representative refused to comment. *See id.* (broker Shari Scharfer Rollins, of Douglas Elliman, did not return calls).

The transfers of assets, likely out of the jurisdiction of this Court, provides evidence of consciousness of criminal guilt and civil liability. Clearly, Ms. Giuffre is entitled to explore all the circumstances surrounding the timing and consummation of this sale, including whether Defendant has now secreted these assets someplace where they may be difficult to reach, such as in the United Kingdom (where, on information and belief, Maxwell is a UK citizen holding a UK passport) or elsewhere.

Maxwell’s removal and apparent concealment of assets takes place against a backdrop of disregard of court orders by Maxwell and others involved in the Epstein sex trafficking organization. In 2009, before suit was ever filed in this case, Maxwell was served with a subpoena for a deposition in a civil case against Jeffrey Epstein. After extensive discussion and coordinating a convenient time and place, as well as ultimately agreeing to a confidentiality agreement prepared by Maxwell’s attorney, at the eleventh hour Maxwell’s attorney informed plaintiff’s counsel that Maxwell’s mother was very ill and that consequently Maxwell was leaving the country with no plans to return. The deposition was cancelled. Yet a short time later, Maxwell was photographed at Chelsea Clinton’s wedding in Rhinebeck, New York, confirming the suspicion that she was indeed still in the country and willing to say anything to avoid her deposition.

Similarly, the Court is familiar with the long (and still on-going) effort of Ms. Giuffre’s efforts to take the depositions of those who participated with Defendant in sexual abuse --

including Jeffrey Epstein, Nadia Marcikova, and Sarah Kellen – depositions that have thus far been defeated by evasions of service of process and other similar maneuvers. *See* DE 160, Motion for Leave to Serve Three Deposition Subpoenas by Means Other than Personal Service, which this Court granted on June 20, 2016; DE 308, Motion for Finding Civil Contempt against Sarah Kellen for Ignoring Subpoena (pending); DE 310, Motion for Finding of Civil Contempt against Nadia Marcinkova for Ignoring Subpoena (pending). Similarly, the Court will recall that Ms. Giuffre was recently forced to resort to the Hague Convention in an effort to depose Maxwell’s spokesman, Ross Gow, about statements he made on Defendant’s behalf. *See* DE 306, Motion for Extension of Time to Complete Discovery to Serve and Depose Ross Gow (pending); DE 330 and 331, Application for Letters Rogatory (application granted and letter issued by the Court on August 11, 2016 (DE 358)).

Against the backdrop of these repeated evasion efforts, Defendant’s sale of \$15 million in assets appears even more alarming. And, evidence of consciousness of guilt is admissible in criminal cases, even where the standard of proof is much higher than in a civil case. *See, e.g., United States v. Amuso*, 21 F.3d 1251, 1258 (2d Cir. 1994) (recognizing admissibility of evidence from which a jury could find consciousness of guilt). Ms. Giuffre is entitled to explore all the circumstances surrounding Ms. Maxwell’s apparent efforts to hide assets.<sup>3</sup>

**B. Discovery of Financial Information is Relevant to Show a Financial Link to Epstein.**

In addition to providing evidence Defendant is hiding assets, the financial information will help to establish an important link between Defendant and Jeffrey Epstein. Drawing again

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<sup>3</sup> The Court should review Defendant’s reply to this pleading carefully to see if she represents to the Court that the \$15 million in assets she has apparently concealed will be made available to satisfy any judgment that Ms. Giuffre might obtain in this case. If Defendant fails to make such a representation, the Court can draw the obvious inference that Defendant is attempting to hide her assets to escape responsibility for paying any ultimate judgment here.



on a published article from the *New York Post*, it appears that Defendant's townhouse (among other assets) might be part of a covert payoff from Epstein to Defendant. As the *Post* reports, "[a] lawyer with links to Epstein reportedly bought the townhouse for Maxwell, who has allegedly never earned enough or inherited enough to make the purchase on her own."

<http://nypost.com/2016/04/28/alleged-epstein-madam-sells-16m-manhattan-townhouse/>. This article suggests that Defendant is reliant upon Epstein for tremendous financial support, which certainly provides a strong motive for her to provide favors to Epstein – including providing him with underage girls for sex. It also provides a strong motive for her to lie at trial about Epstein's (and her own) sex trafficking. Indeed, to conceal these facts, other media reports suggest that the reason that Defendant was trying to sell her townhouse "quietly" was perhaps "to put some distance between herself and Epstein, who owns a mansion a few blocks away."

<http://pagesix.com/2015/02/02/accused-epstein-madam-quietly-selling-ues-townhouse/>.

Again, perhaps there is some innocent explanation for these secretive efforts. But, if so, Defendant has declined to provide it. *See id.* (noting Defendant's "rep didn't comment").

**C. Discovery of Financial Information is Relevant to the Issue of the Size of any Punitive Damages.**

Financial information regarding Defendant is also highly relevant to Ms. Giuffre's punitive damages claim. Of course, it is well-settled law that "evidence of a tortfeasor's wealth is traditionally admissible as a measure of the amount of punitive damages that should be awarded." *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 270 (1981). As explained by the Reporters of the American Law Institute's *Restatement of Torts*, when considering the size of punitive damages "[t]he wealth of the defendant is also relevant, since the purposes of exemplary damages are to punish for a past event and to prevent future offenses, and the degree of

punishment or deterrence resulting from a judgment is to some extent in proportion to the means of the guilty person.” *Restatement (Second) of Torts* § 908, cmt. e (1979).

Defendant does not attempt to quarrel with the proposition that her vast wealth is relevant to Ms. Giuffre’s punitive damages claim. *See, e.g.*, DE 370 at 6 (citing case allowing information about a defendant’s wealth to be presented to the jury). Instead, it appears that her only argument concerns the *timing* of the disclosure of such information, an issue discussed below. For purposes of setting out the salient facts, then, it is enough to note here that even Defendant has to ultimately concede that discovery about her financial information is relevant to this case.

## II. DISCUSSION

Because discovery regarding Defendant’s financial circumstances and recent transactions is relevant to this case for multiple reasons, Ms. Giuffre is entitled to discovery regarding that information. Under Federal Rule of Civil Procedure 34(a), a party may request that another party produce documents in her possession so long as the documents are within the scope of Fed. R. Civ. P. 26(b), which allows for broad discovery regarding any non-privileged matter that is relevant to any party’s claim or defense. Information within this scope of permitted discovery need not be admissible in evidence to be discoverable. Relevance is still to be “construed broadly to encompass any matter that bears on, or that reasonably could lead to other matter that could bear on” any party’s claim or defense. *State Farm Mut. Auto. Ins. Co. v. Fayda*, No. 14CIV9792WHPJCF, 2015 WL 7871037, at \*2 (S.D.N.Y. Dec. 3, 2015) (granting motion to compel). For reasons explained above, the financial information sought is relevant to issues in this case, and, accordingly Defendant’s motion for a protective order should be denied. There is also no sound reason for delaying discovery on these issues.

**A. Discovery of Financial Information is Appropriate Pre-Trial to Avoid the Need to Summon Two Separate Juries to Hear the Evidence in the Case.**

Seemingly recognizing the fact that discovery regarding her financial information is appropriate, Defendant's ultimate argument appears not to be that the discovery is improper, but rather that it should be delayed until after the trial starts. Thus, Defendant's first specific argument section is that financial "discovery is not appropriate pre-trial." DE 370 at 6. In support of this proposition, Defendant's lead citation is a forty-year-old New York case, *Rupert v. Sellers*, 48 A.D.2d 265 (4<sup>th</sup> Dept. 1975). But as much more recent authority from the Southern District of New York explains, *Rupert* is inapplicable to discovery issues because the case relates solely to the sequence with which evidence can be produced at trial:

[Defendant's] reliance on *Rupert v. Sellers*, 48 A.D.2d 265, 368 N.Y.S.2d 904 (4th Dep't 1975), for the proposition that punitive damages discovery is not appropriate until a plaintiff has first established liability is misguided since federal law and not state law governs questions of procedure such as discoverability. *Hazeldine v. Beverage Media, Ltd.*, No. 94 Civ. 3466 (CSH), 1997 WL 362229, at \*3 (S.D.N.Y. June 27, 1997) (citations omitted). Moreover, while the Second Circuit "has cited *Rupert* with approval, it has done so for the proposition that *evidence* of a defendant's wealth should not 'be brought out *at trial* unless and until the jury has brought in a special verdict that the plaintiff is entitled to punitive damages.' " *Id.* (citations omitted). It has not held that financial discovery such as that sought here may only be taken after a liability determination.

*Pasternak v. Dow Kim*, 275 F.R.D. 461, 463 (S.D.N.Y. 2011).

Defendant also cites another decision from this court, *Collens v. City of New York*, 222 F.R.D. 249, 254 (S.D.N.Y. 2004). DE 370 at 7. But *Collens* does not stand for the proposition that financial discovery is broadly barred, but only that on the facts of that case no such discovery was required. As a recent case from the District of New Jersey explains in allowing pre-trial discovery of financial information for punitive damages purposes:

Defendants assert that until there has been a finding of liability by the jury, punitive damage discovery is not appropriate. Defendants rely on *Collens*, where the court stated that because the issue of punitive damages is generally bifurcated

from issues of liability, and punitive damages issues thus may never arise, punitive damage discovery was not necessary at the pretrial stage. *See Collens*, 222 F.R.D. at 254. Plaintiffs assert that the same jury will decide both liability and punitive damages issues and that, as a practical matter, there is no time to conduct discovery—including depositions of the individual police officers—between the liability verdict and the charge to the jury on punitive damages. Plaintiffs' counsel represented at oral argument that if Defendants are concerned with maintaining the confidentiality of the individual police officer defendants' personal information, Plaintiffs will agree to a confidentiality order and the sealing of those portions of the deposition transcripts and documents that disclose such information until such time as there is a finding of liability, if any, as to the individual police officer defendants. . . . Insofar as Plaintiffs assert a claim under 42 U.S.C. § 1983, the Court notes that “evidence of a tortfeasor's wealth is traditionally admissible as a measure of the amount of punitive damages that should be awarded[.]” *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 270 (1981). Therefore, interrogatories seeking information about Defendants' financial condition are reasonably calculated to lead to the discovery of admissible evidence on the issue of punitive damages.

*Graham v. Carino*, No. CIV.09-4501 JEI/AMD, 2010 WL 2483294, at \*3 (D.N.J. June 4, 2010).

That pre-trial discovery on financial matters is allowed when a punitive damage issue is present in a case is confirmed by *Tillery v. Lynn*, 607 F. Supp. 399, 402-03 (S.D.N.Y. 1985). To leave the discovery until later would be burdensome on the jury – meaning that a common approach is to allow financial discovery to proceed pre-trial and then to later bifurcate the trial itself into liability and punitive damages phases:

Discovery as to defendant's personal assets may be undertaken by plaintiff at this time. It would be unduly burdensome to plaintiff, and most particularly a jury and the court, to delay resolution of the issue as to the amount of punitive damages, if any, which should be awarded until discovery as to defendant's personal assets had been completed. However, as the New York courts have recognized, “defendant's wealth should not be a weapon to be used by plaintiff to enable him to induce the jury to find the defendant guilty of malice, thus entitling plaintiff to punitive damages.” *Rupert v. Sellers*, 48 A.D.2d 265, 272, 368 N.Y.S.2d 904, 912 (4th Dep't 1975). *Accord, Chilvers v. New York Magazine Company, Inc.*, 114 Misc.2d 996, 453 N.Y.S.2d 153 (N.Y.Co.Sup.Ct.1982). Accordingly, in the interest of justice and to avoid any undue prejudice during the liability phase of this action, the trial will be bifurcated. . . . Therefore, defendant's motions for partial summary judgment and to stay discovery as to his financial status are denied.

*Tillery v. Lynn*, 607 F. Supp. 399, 402-03 (S.D.N.Y. 1985) (Motley, J.).

The holding in *Tillery* was endorsed in *Hazeldine v. Beverage Media, Ltd.*, No. 94 CIV. 3466 (CSH), 1997 WL 362229, at \*2-\*3 (S.D.N.Y. 1997), which explained” “*Tillery* followed this preferred course by bifurcating the trial, *see Simpson*, 901 F.2d at 283, but allowing pre-trial financial discovery to proceed.” Most cases in most jurisdictions outside the Southern District of New York have reached exactly the same conclusion and allowed pre-trial discovery of financial information for punitive damage purposes.<sup>4</sup>

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<sup>4</sup> *See, e.g.:*

- ***CEH, Inc. v. FV Seafarer***, 153 F.R.D. 491 (D.R.I.1994) (plaintiffs were not required to establish prima facie case on issue of punitive damages before they could obtain pretrial discovery of financial information of defendants; plaintiffs had alleged facts sufficient to make a non-spurious claim for punitive damages and that was sufficient to warrant discovery);
- ***E.E.O.C. v. California Psychiatric Transitions***, 258 F.R.D. 391 (E.D.Cal.2009) (evidence of employer's current financial worth was relevant to issue of punitive damages, and thus was discoverable in Title VII action alleging sexual harassment and retaliation, where complaint sought punitive damages, deposition evidence indicated that employer may have acted in reckless disregard of female employees' federal rights, and privacy concerns could be addressed with protective order);
- ***Grosek v. Panther Transp., Inc.***, 251 F.R.D. 162 (M.D. Pa. 2008) (there was no good cause to issue protective order preventing discovery of defendants' financial condition until determination was made that punitive damages were warranted; plaintiffs stated claim for punitive damages, and delaying discovery until after discovery of evidence supporting punitive damages would have been inefficient and delayed conclusion of the case);
- ***Vieste, LLC v. Hill Redwood Dev.***, No. C-09-04024 JSW DMR, 2011 WL 855831, at \*1 (N.D. Cal. Mar. 9, 2011) (allowing pre-trial discovery of Defendants' net worth and financial condition because it was clearly relevant to the issue of punitive damages);
- ***Charles O. Bradley Trust v. Zenith Capital, LLC***, 2005 WL 1030218, at \*3 (N.D.Cal. May 3, 2005) (while some federal courts have required a prima facie showing of entitlement to punitive damages before ordering discovery, the majority have not and listing cases);
- ***In re Aqua Dots Products Liability Litigation***, 270 F.R.D. 322 (N.D. Ill. 2010), *aff'd*, 654 F.3d 748 (7th Cir. 2011) (plaintiffs' discovery regarding financial information from manufacturer and distributor of recalled children's toy was discoverable in a product liability action. Plaintiffs sought punitive damages, and the distributor and manufacturer were arguably principal actors);
- ***Oakes v. Halvorsen Marine Ltd.***, 179 F.R.D. 281 (C.D. Cal. 1998) (because defendants asserted a counterclaim seeking punitive damages, they could obtain discovery regarding

Defendant also cites a decision from Judge Cote in *Tyco Intern. Ltd. v. Walsh*, which allowed a delay in seeking discovery of financial information in that case because it was not clear if the issue would become relevant. But that case involved peculiar circumstances, which permitted *discovery* of financial information to be bi-furcated without any burden on the Court. Specifically, that case involved a bench trial, which allowed a delay between the liability phase and punitive damages phases of the trial. As the Court explained. “it would be premature to force the defendant to produce his net worth information at this time. If necessary, plaintiff will have an opportunity to obtain discovery on the defendant's financial circumstances as part of any post-trial discovery. Since the trial in this matter is a bench trial, no jury will be burdened by any delay occasioned by this discovery period.” *Tyco Int'l Ltd. v. Walsh*, No. 02-CV-4633 (DLC), 2010 WL 3000179, at \*1 (S.D.N.Y. July 30, 2010).

Of course, exactly the opposite situation exists here. Defendant would apparently have the Court delay until the jury returns with its verdict in favor of Ms. Giuffre before allowing discovery to proceed on Defendant's financial circumstances. As a practical matter, this would seem to require sending the jury empaneled to hear liability issues home and then selecting a new, second jury on punitive damages issues – a new jury which would have to somehow be shown all of the previous testimony from the liability phase. *See Hazeldine v. Beverage Media, Ltd.*, No. 94 CIV. 3466 (CSH), 1997 WL 362229, at \*2-\*3 (S.D.N.Y. 1997) (“allowing pre-trial

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plaintiffs' net worth; California limitations on such discovery did not apply in federal court);

- ***Caruso v. Coleman Co.***, 157 F.R.D. 344 (E.D. Pa. 1994) (“In products liability action, plaintiffs would be allowed discovery of defendants' financial statements and total sales revenue on the ground they are relevant to the issue of punitive damages; information regarding punitive damages is as discoverable as information that relates to liability, and discovery could proceed without prior proof of prima facie case on punitive damages.”).

discovery [of financial information] avoids the inefficiency of a discovery delay between the liability and damages phases of trial, as well as the need to assemble a second jury.”).

Finally, Defendant relies upon *Guccione v. Flynt*, for the proposition that financial discovery is not appropriate on punitive damages issues here. But that case was *sui generis* with peculiar facts that render it inapplicable here. *See Guccione v. Flynt*, No. 83 CIV. 8020 RWS, 1985 WL 255, at \*1 (S.D.N.Y. Feb. 6, 1985) (“It should be apparent to anyone forced to review these papers and the issues presented by this action that two men with ample resources are employing lawyers and occupying space and time in the justice system to continue their personal feud. Regrettably there is to date no apparent basis to avoid the unappetizing task of ruling on these motions.”). Moreover, in that case, the Court in fact ordered the Defendant to produce financial information to be turned over to plaintiff’s counsel at the time of trial. *See id. at 1*. While that solution may have worked well in that case, it is not satisfactory here. Defendant is not an established businessperson with regularly-kept disclosure statements reporting income and related financial information. Instead, Defendant is participant in a covert, sex trafficking organization with mysterious financial arrangements and apparent, recent efforts to conceal assets. In such circumstance, Ms. Giuffre is not required to take the Defendant’s net worth statement at face value, but instead is entitled to receive it well in advance of trial so that she may investigate its accuracy.

Finally, this Court has previously rejected exactly the same arguments that are being made here. This Court explained that “[w]hile bifurcation may be the preferred method of resolving disputed issues of liability and damages, as it prevents prejudice to the defendants by keeping financial evidence out of the liability phase of the trial, this does not mean that plaintiffs should be denied pretrial financial discovery.” *Hamm v. Potamkin*, No. 98 CIV. 7425 (RWS), 1999 WL 249721, at \*2 (S.D.N.Y. Apr. 28, 1999). This Court explained that “[a]s far as the

general timing of financial disclosures is concerned, plaintiffs need not wait until after a finding of liability or a preliminary finding of damages to obtain discoverable financial information from defendants.” *Id.* Those conclusions were well-reasoned then, and remain well-reasoned now. Just as the Court refused to deny pretrial financial discovery to the plaintiff in that case, it should not deny Ms. Giuffre pretrial financial discovery here. Pre-trial discovery is the only way to ensure that Ms. Giuffre will be able to discover all the information that she needs for each of the three purposes outlined in Part I above.

**B. Discovery of Financial Information Should Not Be Delayed until a Ruling on Defendant’s Summary Judgment Motion.**

Defendant also tries to interpose one last stalling argument: That discovery of financial information should await a ruling on her anticipated summary judgment motion. This argument should be rejected for two reasons: First, any argument that Defendant might advance in a summary judgment motion would border on frivolous given **the overwhelming evidence establishing her involvement in sex trafficking.** Second, because the trial is drawing near, waiting for summary judgment motions to be decided would unreasonably compress the time available to Ms. Giuffre’s counsel to investigate Defendant’s financial information.

Defendant anticipates that she will “likely” file a summary judgment motion which will include an argument concerning the “substantial truth” of Defendant’s statements. DE 370 at 9. The Court will notice that even Defendant herself is not prepared to write that she will be able to prove the truth of her statements – inserting the qualifying word “substantial” in front of the word “truth,” presumably, because **of the avalanche of evidence showing her deep involvement in Epstein’s sex trafficking.** Defendant does not explain, for instance, how she will argue that **the Court should grant summary judgment rather than allow the jury to hear Ms. Sjoberg’s testimony of how Defendant lured her from her school to have sex with Epstein under the guise**



of answering phones cannot be given to the media.<sup>5</sup> Similarly, Defendant fails to explain why a jury shouldn't be allowed to consider Mr. Rizzo's testimony about how Defendant took the passport of a 15-year-old Swedish girl and threatened her when she refused to have sex with Epstein.<sup>6</sup> And certainly a reasonable jury could reach a verdict in Ms. Giuffre's favor based solely on Mr. Alessi's testimony about how Defendant brought girls over for Epstein,<sup>7</sup> or Mr. Figueroa's testimony about how Defendant would call him to bring over underage girls, and how Defendant and Epstein would have threesomes with Ms. Giuffre.<sup>8</sup>

The Court is familiar with that avalanche of mounting evidence showing sex trafficking,<sup>9</sup> which is presumably why Defendant makes only a half-hearted effort to suggest that she has a serious summary judgment motion based on "substantial truth." Instead, she gamely suggests that summary judgment might be proper on grounds that Ms. Giuffre is somehow a "libel-proof" plaintiff. DE 370 at 9. Here, too, Defendant's argument that the facts on this issue will be so

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<sup>5</sup> See McCawley Decl. at Composite Exhibit 1, Johanna Sjoberg's May 18, 2016 Dep. Tr. at 8-9, 13, 33-35, 142-143 (testifying that Defendant recruited her for sex with Epstein under the guise of answering phones, a job that lasted one day, because her second day Defendant asked her to start giving massages, and it soon made it clear that Sjoberg's purpose was to bring Epstein to orgasm so Defendant didn't have to all of the time).

<sup>6</sup> See McCawley Decl. at Composite Exhibit 2, Rinaldo Rizzo's June 10, 2016 Dep. Tr. at 52-60 (Defendant's friend's house manager, through tears, described how Defendant tried to force a 15 year old Swedish girl to have sex with Epstein through threats and stealing her passport)

<sup>7</sup> See McCawley Decl. at Composite Exhibit 3, Juan Alessi's June 1, 2016 Dep. Tr. at 28, 52-54 (Epstein's house manager, testified that Defendant was one of the people who procured the over 100 girls he witnessed visit Epstein, and that he had to clean Defendant's sex toys)

<sup>8</sup> See McCawley Decl. at Composite Exhibit 4, Figueroa June 24, 2016 Dep. Tr. Vol. 1 at 96-97 and 103 (Figueroa testified that Plaintiff told him about threesomes with Defendant and Epstein which included the use of strap-ons); and Vol. 2 at 200 (Figueroa testified that Defendant called him inquiring if he had found any other girls for Epstein)

<sup>9</sup> See, e.g., McCawley Decl. at Composite Exhibit 5, Detective Joseph Recarey's June 21, 2016 Dep. Tr. at 29-30 (the detective who led the investigation of Epstein, testified that Defendant procured underage girls for Epstein); David Rodgers' June 3, 2016 Dep. Tr. at 18, 34-36; see also Exhibit 6 Excerpted Rodgers Dep. Ex. 1 at flight #s 1433-1434, 1444-1446, 1464-1470, 1478-1480, 1490-1491, 1506, 1525-1526, 1528, 1570 and 1589 (Epstein's pilot testified that the passenger listed on his flight log bearing the initials – GM – was in fact Ghislaine Maxwell and Rodgers was the pilot on at least 23 of the flights in which Defendant flew with Plaintiff), etc.

clear-cut as to deprive Ms. Giuffre of her right to jury trial borders on frivolous. Ms. Giuffre is a courageous young woman who has come forward to reveal the broad dimensions of a sex trafficking ring – a criminal conspiracy that involved Defendant. That fact, alone, is enough to send the issue of damages to Ms. Giuffre’s reputation to a jury, particularly because any other approach would “require[] the Court to make factual findings regarding plaintiff’s reputation for a particular trait.” *Church of Scientology Int’l v. Time Warner, Inc.*, 932 F. Supp. 589, 594 (S.D.N.Y. 1996) (refusing to grant summary judgment on a libel proof plaintiff argument), *aff’d* 238 F.3d 168 (2d Cir. 2001); *see also id. citing Liberty Lobby, Inc. v. Anderson*, 746 F.2d 1563, 1568 (D.C. Cir. 1984) (“To begin with, we cannot envision how a court would go about determining that someone’s reputation had already been ‘irreparably’ damaged—*i.e.*, that *no* new reader could be reached by the freshest libel” (Scalia, J.) (emphasis in original)), *vacated on other grounds*, 477 U.S. 242 (1986).

Defendant also predicts that Ms. Giuffre will “have a *nearly* insurmountable task to demonstrate that [Defendant] acted with the requisite degrees of malice.” DE 370 at 10 (emphasis added). Of course, the qualifier gives away the game – a “nearly” insurmountable task is not one on which summary judgment is appropriate. And, in any event, once Ms. Giuffre proves at trial (as she will) that Defendant was deeply involved in Epstein’s sex trafficking ring, it becomes obvious that Defendant’s attacks on Ms. Giuffre’s credibility were uttered with malice. Defendant knew full well, for example, that Ms. Giuffre’s statements that Defendant was involved in Epstein’s sex trafficking were not “obvious lies.” She knew that because she had been involved in (among other things) **procuring multiple underage girls for Epstein to sexually abuse<sup>10</sup> – including Ms. Giuffre herself.**

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<sup>10</sup> *See* Message Pads concerning Defendant (GIUFFRE001523; GIUFFRE001427; GIUFFRE001451; GIUFFRE001454; GIUFFRE001460; GIUFFRE001461; GIUFFRE001464;

Further proof of malice comes from Defendant's extraordinary lack of memory about her involvement in the abuse.<sup>11</sup> For instance, Defendant cannot even recall a single flight on Epstein's private jet with Ms. Giuffre, even though flight logs show that Defendant had 23 flights with Ms. Giuffre while Ms. Giuffre was underage, and Epstein's own pilot confirmed those records.<sup>12</sup> And Defendant cannot recall the circumstances under which a photograph was taken of her, Ms. Giuffre, and Prince Andrew – all inside Defendant's London apartment. Based on Defendant's convenient and near total amnesia about documented incriminating events alone, a reasonable jury could find that she acted deliberately and maliciously when she arranged for false and defamatory statements about Ms. Giuffre to be transmitted (literally) around the globe.

Defendant is also less than forthcoming about the evidence that Ms. Giuffre will be able to produce at trial. Presumably recognizing that the statements her press agent (Ross Gow) released to the media were false and defamatory, Defendant states that there is "no other indicia of [Defendant] authorizing any statement [by Gow] regarding [Ms. Giuffre]." DE 370 at 10.

While there are many problems with that claim, perhaps it is enough to point out that Defendant's motion was filed on August 12, 2016 – and then, just four days later, on August 16, 2016 – defense counsel disclosed to Ms. Giuffre's counsel an email revealing quite clearly that

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GIUFFRE001465; GIUFFRE001436; GIUFFRE001435; GIUFFRE001472; GIUFFRE001474; GIUFFRE001492; GIUFFRE001553; GIUFFRE001388; GIUFFRE001555; GIUFFRE001556; GIUFFRE001557; GIUFFRE001392; GIUFFRE001526; GIUFFRE001530; GIUFFRE001568; GIUFFRE001536; GIUFFRE001538; GIUFFRE001541; GIUFFRE001546; GIUFFRE001399; GIUFFRE001402; GIUFFRE001405; GIUFFRE001406; GIUFFRE001449; GIUFFRE001409; GIUFFRE001410; GIUFFRE001411; GIUFFRE00; etc.); *See* McCawley Dec. at Sealed Composite Exhibit 4 Figueroa Dep. Tr. at page 200:5-12 (Defendant called him to bring girls and he brought 16 and 17 year olds).

<sup>11</sup> *See, e.g.*, McCawley Dec. at Exhibit 7, Maxwell's April 22, 2016 Dep. Tr. at 78-79, 144 (barely recollects Plaintiff at all); *see also* McCawley Decl. at Exhibit 6, Excerpted Rodgers Dep. Ex. 1 (flight records evidencing Defendant (GM) flying with Ms. Giuffre

<sup>12</sup> *See* McCawley Dec. at Sealed Composite Exhibit 5, David Rodgers' June 3, 2016 Dep. Tr. at 18, 34-36; *see also* Exhibit 6, Excerpted Rodgers Dep. Ex. 1 at flight #s 1433-1434, 1444-1446, 1464-1470, 1478-1480, 1490-1491, 1506, 1525-1526, 1528, 1570 and 1589.

Defendant and Gow had been coordinating the attacks on Ms. Giuffre. In November 10, 2015, after this defamation suit was filed, Defendant continued to use Gow as her press agent, as demonstrated in her email addressed to “Ghislaine [Maxwell] and Philip [Barden, attorney for Maxwell]”, Gow forwarded a press inquiry from the *New York Times* and then asked “[p]lease advise how you wish to respond.” See McCawley Dec. at Exhibit 8. In addition, since Defendant filed the instant motion, Ms. Giuffre has discovered an article that refers to a *yet another* of Defendant’s defamatory statements, not previously known to Ms. Giuffre. It is quoted in an article from The Sun (online), titled: “Prince Andrew’s pal Ghislaine ‘groped teen girls,’” located at <https://www.thesun.co.uk/archives/news/6754/prince-andrews-pal-ghislaine-groped-teen-girls/>.

Presumably, if further evidence of the linkages between Defendant and her press agent are required, those will be established during the deposition of Gow – which likely explains why Defendant has refused to make her press agent available for deposition, forcing Ms. Giuffre to resort to the Hague Convention to try to obtain his testimony. See DE 358, this Court’s Issuance of a Letter Rogatory.

Finally, waiting until any summary judgment is decided will effectively make it impossible for Ms. Giuffre to investigate financial issues. As things stand now, summary judgment motions must be filed by October 28, 2016. Given the ordinary time required for a response and a reply – and then a further decision by this Court – very little time would remain for the Ms. Giuffre to evaluate and investigate any financial information that might be provided by Defendant at that time. Clearly, the better approach is to allow that discovery now. See, e.g., *Munoz v. Manhattan Club Timeshare Ass’n, Inc.*, No. 11-CV-7037 JPO, 2012 WL 479429, at \*2 (S.D.N.Y. Feb. 8, 2012).

**III. DISCOVERY OF DEFENDANT’S FINANCIAL INFORMATION SHOULD NOT BE CONFINDED TO A NET WORTH STATEMENT.**

Perhaps recognizing that it is inevitable that her financial information will be relevant in this case, Defendant makes one last argument that discovery of financial information should be “limited to a sworn affidavit of net worth.” DE 370 at 13. Whatever may have been the circumstance warranting limitations in other cases, the circumstances here make that approach highly inappropriate. Once again, it is important to remember that this is not a case involving, for example, a public-traded company with audited financial statements, or a situation involving otherwise-incontestable financial information. *Cf. Hamm v. Potamkin*, No. 98 CIV. 7425 (RWS), 1999 WL 249721, at \*3 (S.D.N.Y. Apr. 28, 1999) (for purposes of pre-trial punitive damages discovery, directing corporate defendants “to produce a financial affidavit containing a statement of its total net worth and listing its income, assets, and liabilities for the past three years”).

Instead, this case involves a shadowy criminal organization, involving a kingpin with vast wealth (Jeffrey Epstein, a reported billionaire), and multi-million dollar transactions to others in the organization such as Defendant (e.g., the apparent concealed transfer, through an attorney associated with Epstein, of an apartment to Defendant worth, in 2015, \$15,000,000). Given the strong possibility of wrongdoing lurking here, a mere declaration of net worth promises to be next to worthless. To provide a simple example, if Defendant were to testify at trial she had a net worth of only ten million dollars – and not provide information about where she had hidden the fifteen million dollars associated with the sale of her apartment – then Ms. Giuffre will have little effective way to challenge the claim. Moreover, as noted above, the record is replete with multiple examples of Defendant failing to recall obvious and highly incriminating facts. Given Defendant’s amnesia about important events, it seems obvious that she may similarly be

forgetful about how many assets she has available to satisfy a judgment in this case – forgetfulness that can be easily concealed with an unelaborated net worth statement.

In addition, a net worth statement will not give Ms. Giuffre all the evidence to which she is entitled. For example, Defendant has refused to comply with a discovery request seeking information about her connection to the Clinton Foundation, claiming that such a request is “obviously intended to harass and embarrass” her. DE 370 at 11. Nothing could be further from the truth. It is Defendant who intends to argue at trial that Ms. Giuffre has made inaccurate statements about various interactions with former-President Bill Clinton. Of course, if Defendant (or any of her organizations) is receiving funding from the Clinton Foundation, that would provide a clear motive for her to slant testimony on this subject. Ms. Giuffre is entitled to explore this clear possibility of bias by obtaining information of the financial connections between Defendant and the Clinton Foundation.

Indeed, upon information and belief, Defendant owns and controls at least two corporations: Ellmax, LLC, and The TerraMar Project. Ms. Giuffre lawfully served both entities with a Rule 45 Subpoena requesting documents.<sup>13</sup> No response was made by either entity. Defendant can use both of these entities as vehicles for hiding her assets.

Defendant makes no argument that it will be difficult for her to assemble the information in question. And given that much of the information requested involves readily accessible information (such as a bank statement), no such claim is plausible. Instead, her argument ultimately rests that on the claim that the inquiries involve confidential information that is unduly intrusive. But at this discovery stage of the proceedings, all of Defendant’s financial information can be provided to Ms. Giuffre’s counsel under the protection of the existing Protective Order

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<sup>13</sup> See McCawley Dec. at Composite Exhibit 9, Subpoena to Ellmax LLC; Subpoena to The TerraMar Project.

(DE 62). As this Court has previously explained, in allowing discovery of financial information for punitive damage purposes, “any privacy interests defendants may have in confidential financial information produced to plaintiffs can be secured by the protective order issued by this Court.” *Hamm v. Potamkin*, No. 98 CIV. 7425 (RWS), 1999 WL 249721, at \*2 (S.D.N.Y. Apr. 28, 1999). Nothing in Defendant’s motion establishes that Ms. Giuffre should be barred from the kinds of ordinarily discovery that often accompanies cases in which the financial dealings of a defendant are discoverable.

This argument is also belied by the fact that Defendant sought, and received, Ms. Giuffre’s personal financial information. Specifically, she sought any payment information relating to the media. *See* Defendant’s First Set of Requests for Production at No. 30. Ms. Giuffre provided documents responsive to this request, which included her personal bank records. Defendant takes the contradictory and self-serving position that discovery concerning the personal finances of Ms. Giuffre is appropriate, yet discovery concerning her own finances is somehow inappropriate.

At the very least, the Defendant should be required to produce a “statement of [her] total net worth and listing [her] income, assets, and liabilities for the [relevant] years,” as this Court ordered in a previous case. *Hamm v. Potamkin*, No. 98 CIV. 7425 (RWS), 1999 WL 249721, at \*3 (S.D.N.Y. Apr. 28, 1999). But because that formulation came from an earlier case involving reputable corporate entities with (apparently) audited financial statements, the discovery here should be much broader – and should include all of the significant requests made by Ms. Giuffre. For example, Defendant should also be required to identify all financial transactions involving (directly or indirectly) Jeffrey Epstein, the Clinton Foundation, Ellmax LLC, The TerraMar Project, and any other person listed in the Rule 26 disclosures of either side in this case. Transactions with potential witnesses in this case are highly relevant to bias and other trial

issues. And because of concern that the Defendant is concealing assets, she should also be required to reveal all significant (greater than \$10,000) assets or other monetary transfers in since the beginning of January 1, 2015, as well as all transfers of assets or money outside of this Court's jurisdiction, including transfers overseas.

#### IV. CONCLUSION

Based upon the foregoing, Ms. Giuffre respectfully requests that this Court deny Defendant's motion for a protective order barring discovery into her financial situation. In a contemporaneously-filed motion to compel, Ms. Giuffre also respectfully requests that the Court grant a motion to compel Defendant to answer questions about her financial information.

Dated: August 22, 2016.

Respectfully Submitted,  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22th day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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/s/ Sigrid S. McCawley  
Sigrid S. McCawley

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_/

**DECLARATION OF SIGRID MCCAWLEY IN SUPPORT OF  
PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR  
PROTECTIVE ORDER REGARDING FINANCIAL INFORMATION**

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

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's Order granting my Application to Appear Pro Hac Vice.

2. I respectfully submit this Declaration in Support of Plaintiff's Response in Opposition to Defendant's Motion for Protective Order Regarding Financial Information.

3. Attached hereto as Sealed Composite Exhibit 1 is a true and correct copy of Excerpts from May 18, 2016, Deposition of Johanna Sjoberg.

4. Attached hereto as Sealed Composite Exhibit 2 is a true and correct copy of Excerpts from June 10, 2016, Deposition of Rinaldo Rizzo.

5. Attached hereto as Sealed Composite Exhibit 3 is a true and correct copy of Excerpts from June 1, 2016, Deposition of Juan Alessi.

6. Attached hereto as Sealed Composite Exhibit 4 is a true and correct copy of Excerpts from June 24, 2016 Deposition of Tony Figueroa.

7. Attached hereto as Sealed Composite Exhibit 5 is a true and correct copy of Excerpts from June 21, 2016, Deposition of Detective Joseph Recarey and June 3, 2016, Deposition of David Rodgers.

8. Attached hereto as Sealed Exhibit 6 is a true and correct copy of Excerpts from June 3, 2016, Deposition of David Rodgers Exhibit 1.

9. Attached hereto as Sealed Exhibit 7 is a true and correct copy of Excerpts from April 22, 2016, Deposition of Ghislaine Maxwell.

10. Attached hereto as Sealed Exhibit 8 is a true and correct copy of November 10, 2015 Correspondence from Ross Gow to Ghislaine Maxwell.

11. Attached here to as Sealed Composite Exhibit 9 are true copies of Ellmax, LLC and The TerraMar Project Subpoenas.

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

/s/ Sigrid S. McCawley  
Sigrid S. McCawley, Esq.

Dated: August 22, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22<sup>nd</sup> day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Sigrid S. McCawley  
Sigrid S. McCawley

**COMPOSITE  
EXHIBIT 1  
(Filed Under Seal)**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.



1 Q. Okay. Great.

2 All right. Do you know a female by the  
3 name of Ghislaine Maxwell?

4 A. Yes.

5 Q. And when did you first meet Ms. Maxwell?

6 A. 2001. March probably. End of  
7 February/beginning of March.

8 Q. And how did you meet her?

9 A. She approached me while I was on campus at  
10 Palm Beach Atlantic College.

11 Q. And what happened when she approached you?

12 A. She asked me if I could tell her how to  
13 find someone that would come and work at her house.  
14 She wanted to know if there was, like, a bulletin  
15 board or something that she could post, that she was  
16 looking for someone to hire.

17 Q. And what did you discuss with her?

18 A. I told her where she could go to -- you  
19 know, to put up a listing. And then she asked me if  
20 I knew anyone that would be interested in working  
21 for her.

22 Q. Did she describe what that work was going  
23 to be?

24 A. She explained that she lived in Palm Beach  
25 and didn't want butlers because they're too stuffy.

1 And so she just liked to hire girls to work at the  
2 house, answer phones, get drinks, do the job a  
3 butler would do.

4 Q. And did she tell you what she would pay  
5 for that kind of a job?

6 A. At that moment, no, but later in the day,  
7 yes.

8 Q. And what did she say?

9 A. Twenty dollars an hour.

10 Q. Was there anybody else with Ms. Maxwell  
11 when you met her?

12 A. There was another woman with her. I don't  
13 recall her or what she looks like or how old she  
14 was.

15 Q. And what happened next?

16 A. And then she asked me if I would be  
17 interested in working for her. And she told me that  
18 she was -- I could trust her and that I could jump  
19 in her car and go check out the house at that moment  
20 if I wanted.

21 And so I said, Sure, let's do it, and went  
22 to her home with her.

23 Q. And where was that home?

24 A. In Palm Beach.

25 Q. And did she describe that home as being

1 Q. And how long did you work in that position  
2 answering phones and doing --

3 A. Just that one day.

4 Q. Just that one day.

5 And did your duties change?

6 A. Well, the next time she called me, she  
7 asked me if I wanted to come over and make \$100 an  
8 hour rubbing feet.

9 Q. And what did you think of that offer?

10 A. I thought it was fantastic.

11 Q. And did you come over to the house for  
12 that purpose?

13 A. Yes.

14 Q. And when you came over to the house, was  
15 Maxwell present?

16 A. I don't recall.

17 Q. And what happened that second time you  
18 came to the house?

19 A. At that point, I met Emmy Taylor, and she  
20 took me up to Jeffrey's bathroom and he was present.  
21 And her and I both massaged Jeffrey. She was  
22 showing me how to massage.

23 And then she -- he took -- he got off the  
24 table, she got on the table. She took off her  
25 clothes, got on the table, and then he was showing

1 MS. MENNINGER: Objection, leading.

2 BY MS. McCAWLEY:

3 Q. Do you believe that from your  
4 observations, Maxwell and Epstein were boyfriend and  
5 girlfriend?

6 A. Initially, yes.

7 Q. Did Maxwell ever share with you whether it  
8 bothered her that Jeffrey had so many girls around?

9 MS. MENNINGER: Objection, leading,  
10 hearsay.

11 THE WITNESS: No. Actually, the opposite.

12 BY MS. McCAWLEY:

13 Q. What did she say?

14 A. She let me know that she was -- she would  
15 not be able to please him as much as he needed and  
16 that is why there were other girls around.

17 Q. Did there ever come a time -- did you ever  
18 take a photography class in school?

19 A. Yes.

20 Q. And did there ever come a time when  
21 Maxwell offered to buy you a camera?

22 A. Yes.

23 MS. MENNINGER: Objection, leading.

24 BY MS. McCAWLEY:

25 Q. Did Maxwell ever offer to buy you a

1 camera?

2 MS. MENNINGER: Objection, leading.

3 THE WITNESS: Yes.

4 BY MS. McCAWLEY:

5 Q. Was there anything you were supposed to do  
6 in order to get the camera?

7 MS. MENNINGER: Objection, leading.

8 THE WITNESS: I did not know that there  
9 were expectations of me to get the camera until  
10 after. She had purchased the camera for me,  
11 and I was over there giving Jeffrey a massage.  
12 I did not know that she was in possession of  
13 the camera until later.

14 She told me -- called me after I had left  
15 and said, I have the camera for you, but you  
16 cannot receive it yet because you came here and  
17 didn't finish your job and I had to finish it  
18 for you.

19 BY MS. McCAWLEY:

20 Q. And did you -- what did you understand her  
21 to mean?

22 A. She was implying that I did not get  
23 Jeffrey off, and so she had to do it.

24 Q. And when you say "get Jeffrey off," do you  
25 mean bring him to orgasm?

1 A. Yes.

2 Q. Did Ghislaine ever describe to you what  
3 types of girls Jeffrey liked?

4 A. Model types.

5 Q. Did Ghislaine ever talk to you about how  
6 you should act around Jeffrey?

7 A. She just had a conversation with me that I  
8 should always act grateful.

9 Q. Did Jeffrey ever tell you that he took a  
10 girl's virginity?

11 A. He did not tell me. He told a friend of  
12 mine.

13 Q. And what do you recall about that?

14 MS. MENNINGER: Objection, hearsay,  
15 foundation.

16 THE WITNESS: He wanted to have a friend  
17 of mine come out who was cardio-kickboxer  
18 instructor. She was a physical trainer.

19 And so I brought her over to the house,  
20 and he told my friend Rachel that -- he said,  
21 You see that girl over there laying by the  
22 pool? She was 19. And he said, I just took  
23 her virginity. And my friend Rachel was  
24 mortified.

25

1 exposed her bra, and she grabbed it and pulled it  
2 down.

3 Q. Anything else?

4 A. That was the conversation that he had told  
5 her that he had taken this girl's virginity, the  
6 girl by the pool.

7 Q. Okay. Did Maxwell ever say to you that it  
8 takes the pressure off of her to have other girls  
9 around?

10 A. She implied that, yes.

11 Q. In what way?

12 A. Sexually.

13 Q. And earlier Laura asked you, I believe, if  
14 Maxwell ever asked you to perform any sexual acts,  
15 and I believe your testimony was no, but then you  
16 also previously stated that during the camera  
17 incident that Maxwell had talked to you about not  
18 finishing the job.

19 Did you understand "not finishing the job"  
20 meaning bringing Jeffrey to orgasm?

21 MS. MENNINGER: Objection, leading, form.

22 BY MS. McCAWLEY:

23 Q. I'm sorry, Johanna, let me correct that  
24 question.

25 What did you understand Maxwell to mean

1 when she said you hadn't finished the job, with  
2 respect to the camera?

3 MS. MENNINGER: Objection, leading, form.

4 THE WITNESS: She implied that I had not  
5 brought him to orgasm.

6 BY MS. McCAWLEY:

7 Q. So is it fair to say that Maxwell expected  
8 you to perform sexual acts when you were massaging  
9 Jeffrey?

10 MS. MENNINGER: Objection, leading, form,  
11 foundation.

12 THE WITNESS: I can answer?

13 Yes, I took that conversation to mean that  
14 is what was expected of me.

15 BY MS. McCAWLEY:

16 Q. And then you mentioned, I believe, when  
17 you were testifying earlier that Jeffrey told you a  
18 story about sex on the plane. What was that about?

19 MS. MENNINGER: Objection, hearsay.

20 THE WITNESS: He told me one time Emmy was  
21 sleeping on the plane, and they were getting  
22 ready to land. And he went and woke her up,  
23 and she thought that meant he wanted a blow  
24 job, so she started to unzip his pants, and he  
25 said, No, no, no, you just have to be awake for



**COMPOSITE  
EXHIBIT 4  
(Filed Under Seal)**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,  
Plaintiff,

v.

GHISLAINE MAXWELL,  
Defendant.

\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.  
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company  
B. Paul Katz Professional Center  
(SunTrust Building)  
One Florida Park Drive South  
Suite 214  
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR  
Florida Professional Reporter  
Court Reporter and Notary Public

1           Q     I guess my question is: Did she ever tell  
2           you that she had started as a regular masseuse for  
3           him and then transitioned to something other than a  
4           masseuse?

5           A     No. She never said that it transitioned.  
6           But she ended up explaining to me what had happened  
7           before, so...

8           Q     What has -- what is that?

9           A     That her and Ms. Maxwell and Jeffrey would  
10          obviously be doing stuff, all three of them  
11          together. Like I said, that they would all go out  
12          to clubs to pick up girls and try and find them to  
13          bring back for Jeffrey. And then she told me about  
14          how, like I said, her and Ms. Maxwell and Jeffrey  
15          were all intimate together on multiple occasions.

16          Q     When did she tell you this?

17          A     I'm not exactly sure on the dates.

18          Q     Was it while you were still together?

19          A     Yes.

20          Q     Did you -- had you met Ms. Maxwell?

21          A     Yeah, I had met her a couple of times.

22          Q     When did you meet Ms. Maxwell?

23          A     Dates, I'm unsure of. But it was pretty  
24          much, like I said, at Jeffrey's house in the  
25          kitchen.

1 Q Was it earlier in the time you were with  
2 her, or...

3 A It was about -- I'd say about six months  
4 or so. I don't know. I'm not exactly positive.

5 Q All right. So at the time you met  
6 Ms. Maxwell, had Ms. Roberts already told you that  
7 she had been intimate?

8 A No. She had told me about that, I  
9 believe, after I had max- -- after I had already met  
10 her.

11 Q Okay. And tell me everything that you  
12 remember about what Ms. Roberts said about being  
13 intimate with Ms. Maxwell and Mr. Epstein at the  
14 same time.

15 A I remember her talking about, like,  
16 strap-ons and stuff like that. But, I mean, like I  
17 said, all the details are not really that clear.  
18 But I remember her talking about, like, how they  
19 would always be using and stuff like that.

20 Q She and Ms. Maxwell and Mr Epstein would  
21 used strap-ons?

22 A Uh-huh (affirmative).

23 Q How did you feel about that?

24 A I just -- obviously not happy about it.

25 Q What did you say?

1 A I did not.

2 Q When the FBI interviewed you, did you  
3 mention this to them?

4 A I mentioned -- anything they asked me, I  
5 did not hold anything back.

6 Q Okay. Do you recall specifically talking  
7 about sex with the Prince?

8 A I -- I don't recall talking to them about  
9 that, but, I mean, it's -- it could be possible.

10 Q Other than sex with the Prince, is there  
11 anyone else that Jeffrey wanted Ms. Roberts to have  
12 sex with that she relayed to you?

13 A Mainly, like I said, just Ms. Maxwell and  
14 all the other girls.

15 Q Ms. Maxwell wanted -- Jeffrey wanted  
16 Virginia to have sex with Ms. Maxwell?

17 A And him, yeah.

18 Q And did she tell you whether she had ever  
19 done that?

20 A Yeah. She said that she did.

21 Q And when did she tell you that?

22 A I'm not sure on the date.

23 Q And what did she describe having happened?

24 A I believe I already told you that. With  
25 the strap-ons and dildos and everything.

1 MS. MENNINGER: Objection. Form.

2 Foundation.

3 A For Jeffrey.

4 BY MR. EDWARDS:

5 Q All right. Let me fix this. Ghislaine --  
6 when Ghislaine Maxwell would call you during the  
7 time that you were living with Virginia, she would  
8 ask you what, specifically?

9 MS. MENNINGER: Objection. Form.

10 Foundation.

11 A Just if I had found any other girls just  
12 to bring to Jeffrey.

13 BY MR. EDWARDS:

14 Q Okay.

15 A Pretty much every time there was a  
16 conversation with any of them, it was either asking  
17 Virginia where she was at, or asking her to get  
18 girls, or asking me to get girls.

19 Q All right. Let's go to that second  
20 category you just identified, which is asking  
21 Virginia to get girls. How many times were you in a  
22 room where specifically Ghislaine Maxwell would ask  
23 Virginia to bring girls?

24 A None that I can recall.

25 Q Okay. How many times -- when you say they

**EXHIBIT 8**  
**(Filed Under Seal)**

---

From: Ross Gow [REDACTED]  
Sent: 10 November 2015 18:16  
To: Gmax; Philip Barden  
Subject: Fwd: Inquiry from The New York Times

Hi Ghislaine and Philip  
Please advise how you wish to respond...  
Best  
Ross

----- Forwarded message -----

From: Meier, Barry [REDACTED]  
Date: Tuesday, 10 November 2015  
Subject: Inquiry from The New York Times  
To: [REDACTED]

Mr. Gow,  
Good day. I am a reporter for the Times and it is my understanding that you represent Ghislaine Maxwell. I am working on an article about the legal fallout from the Jeffrey Epstein case. I anticipate mentioning the lawsuit filed earlier this year by Virginia Roberts Guiffie against Ms. Maxwell. How does she respond?  
Kindly advise by close of business Thursday, November 12, 2015.  
And call me if you have any questions.  
Regards,  
Barry Meier

--  
The New York Times  
620 Eighth Avenue  
New York, NY 10018  
212-556-1917  
[REDACTED]



--

Ross Gow  
Managing Partner

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[www.acuityreputation.com](http://www.acuityreputation.com)<<http://www.acuityreputation.com>>

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Devonshires Solicitors, 30 Finsbury Circus, London EC2M 7DT tel +44 (0)20 7628 7576 fax +44 (0)20 7256 7318

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The Devonshires Foundation is proud to support Action for Kids (reg. charity 1068841), Wide horizons (reg. charity 1105847), and Theatre Royal Stratford East (reg. charity 233801) during 2014/2015.

Please consider the environment before printing this email.

**EXHIBIT 9**  
**(Filed Under Seal)**

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Virginia L. Giuffre

*Plaintiff*

v.

Ghislaine Maxwell

*Defendant*

Civil Action No. 15-cv-07433-RWS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Ellmax, LLC c/o Registered Agent  
CT Corporation System, 1200 S Pine Island Road, Plantation, Florida 33324-4413

*(Name of person to whom this subpoena is directed)*

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Schedule A (attached).

|                                                                                                                             |                                          |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| Place: Boies, Schiller & Flexner LLP<br>401 East Las Olas Boulevard, Suite 1200<br>Fort Lauderdale, FL 33301 (954) 356-0011 | Date and Time:<br><br>06/27/2016 5:00 pm |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------|

**Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

|        |                |
|--------|----------------|
| Place: | Date and Time: |
|--------|----------------|

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/15/2016

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Virginia Giuffre, who issues or requests this subpoena, are:

Sigrid McCawley Boies, Schiller & Flexner LLP 401 E. Las Olas Blvd. #1200, Ft. Lauderdale, FL 33301; 954-356-0011

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 15-cv-07433-RWS

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

To: Ellmax, LLC

**EXHIBIT A**

**DEFINITIONS**

Wherever they hereafter appear the following words and phrases have the following meanings:

1. “Plaintiff” in the above captioned action shall mean the plaintiff Virginia Giuffre formerly known as Virginia Roberts.

2. “Defendant” in the above captioned action shall mean the defendant Ghislaine Maxwell and her employees, representatives or agents.

3. “Agent” shall mean any agent, employee, officer, director, attorney, independent contractor or any other person acting, or purporting to act, at the discretion of or on behalf of another.

4. “Correspondence” or “communication” shall mean all written or verbal communications, by any and all methods, including without limitation, letters, memoranda, and/or electronic mail, by which information, in whatever form, is stored, transmitted or received; and, includes every manner or means of disclosure, transfer or exchange, and every disclosure, transfer or exchange of information whether orally or by document or otherwise, face-to-face, by telephone, telecopies, e-mail, text, modem transmission, computer generated message, mail, personal delivery or otherwise.

5. “Document” shall mean all written and graphic matter, however produced or reproduced, and each and every thing from which information can be processed, transcribed, transmitted, restored, recorded, or memorialized in any way, by any means, regardless of technology or form. It includes, without limitation, correspondence, memoranda, notes, notations, diaries, papers, books, accounts, newspaper and magazine articles, advertisements,

photographs, videos, notebooks, ledgers, letters, telegrams, cables, telex messages, facsimiles, contracts, offers, agreements, reports, objects, tangible things, work papers, transcripts, minutes, reports and recordings of telephone or other conversations or communications, or of interviews or conferences, or of other meetings, occurrences or transactions, affidavits, statements, summaries, opinions, tests, experiments, analysis, evaluations, journals, balance sheets, income statements, statistical records, desk calendars, appointment books, lists, tabulations, sound recordings, data processing input or output, microfilms, checks, statements, receipts, summaries, computer printouts, computer programs, text messages, e-mails, information kept in computer hard drives, other computer drives of any kind, computer tape back-up, CD-ROM, other computer disks of any kind, teletypes, telecopies, invoices, worksheets, printed matter of every kind and description, graphic and oral records and representations of any kind, and electronic “writings” and “recordings” as set forth in the Federal Rules of Evidence, including but not limited to, originals or copies where originals are not available. Any document with any marks such as initials, comments or notations of any kind of not deemed to be identical with one without such marks and is produced as a separate document. Where there is any question about whether a tangible item otherwise described in these requests falls within the definition of “document” such tangible item shall be produced.

6. “Employee” includes a past or present officer, director, agent or servant, including any attorney (associate or partner) or paralegal.

7. “Including” means including without limitations.

8. “Jeffrey Epstein” includes Jeffrey Epstein and any entities owned or controlled by Jeffrey Epstein, any employee, agent, attorney, consultant, or representative of Jeffrey Epstein.

9. “You” or “Your” hereinafter means Ellmax, LLC and any employee, agent, attorney, consultant, related entities or other representative of Ellmax, LLC.

## INSTRUCTIONS

1. Production of documents and items requested herein shall be made at the offices of **Boies Schiller & Flexner, LLP, 401 E. Las Olas Boulevard, Suite 1200, Fort Lauderdale, Florida 33301**, no later than five (5) days before the date noticed for your deposition, or, if an alternate date is agreed upon, no later than five (5) days before the agreed-upon date.

2. Unless indicated otherwise, the Relevant Period for this Request is from 1996 to the present. A Document should be considered to be within the relevant time frame if it refers or relates to communications, meetings or other events or documents that occurred or were created within that time frame, regardless of the date of creation of the responsive Document.

3. This Request calls for the production of all responsive Documents in your possession, custody or control without regard to the physical location of such documents.

4. If any Document requested was in your possession or control, but is no longer in its possession or control, state what disposition was made of said Document, the reason for such disposition, and the date of such disposition.

5. For the purposes of reading, interpreting, or construing the scope of these requests, the terms used shall be given their most expansive and inclusive interpretation. This includes, without limitation the following:

- a) Wherever appropriate herein, the singular form of a word shall be interpreted as plural and vice versa.
- b) “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope hereof any information (as defined herein) which might otherwise be construed to be outside the scope of this discovery request.
- c) “Any” shall be understood to include and encompass “all” and vice versa.
- d) Wherever appropriate herein, the masculine form of a word shall be interpreted as feminine and vice versa.
- e) “Including” shall mean “including without limitation.”



6. If you are unable to answer or respond fully to any document request, answer or respond to the extent possible and specify the reasons for your inability to answer or respond in full. If the recipient has no documents responsive to a particular Request, the recipient shall so state.

7. Unless instructed otherwise, each Request shall be construed independently and not by reference to any other Request for the purpose of limitation.

8. The words “relate,” “relating,” “relates,” or any other derivative thereof, as used herein includes concerning, referring to, responding to, relating to, pertaining to, connected with, comprising, memorializing, evidencing, commenting on, regarding, discussing, showing, describing, reflecting, analyzing or constituting.

9. “Identify” means, with respect to any “person,” or any reference to the “identity” of any “person,” to provide the name, home address, telephone number, business name, business address, business telephone number and a description of each such person’s connection with the events in question.

10. “Identify” means, with respect to any “document,” or any reference to stating the “identification” of any “document,” provide the title and date of each such document, the name and address of the party or parties responsible for the preparation of each such document, the name and address of the party who requested or required the preparation and on whose behalf it was prepared, the name and address of the recipient or recipients to each such document and the present location of any and all copies of each such document, and the names and addresses of all persons who have custody or control of each such document or copies thereof.

11. In producing Documents, if the original of any Document cannot be located, a copy shall be produced in lieu thereof, and shall be legible and bound or stapled in the same manner as the original.

12. Any copy of a Document that is not identical shall be considered a separate document.

13. If any requested Document cannot be produced in full, produce the Document to the extent possible, specifying each reason for your inability to produce the remainder of the Document stating whatever information, knowledge or belief which you have concerning the portion not produced.

14. If any Document requested was at any one time in existence but are no longer in existence, then so state, specifying for each Document (a) the type of document; (b) the types of information contained thereon; (c) the date upon which it ceased to exist; (d) the circumstances under which it ceased to exist; (e) the identity of all person having knowledge of the circumstances under which it ceased to exist; and (f) the identity of all persons having knowledge or who had knowledge of the contents thereof and each individual's address.

15. All Documents shall be produced in the same order as they are kept or maintained by you in the ordinary course of business.

16. You are requested to produce all drafts and notes, whether typed, handwritten or otherwise, made or prepared in connection with the requested Documents, whether or not used.

17. Documents attached to each other shall not be separated.

18. Documents shall be produced in such fashion as to identify the department, branch or office in whose possession they were located and, where applicable, the natural person in whose possession they were found, and business address of each Document's custodian(s).

19. If any Document responsive to the request is withheld, in all or part, based upon any claim of privilege or protection, whether based on statute or otherwise, state separately for each Document, in addition to any other information requested: (a) the specific request which calls for the production; (b) the nature of the privilege claimed; (c) its date; (d) the name and

address of each author; (e) the name and address of each of the addresses and/or individual to whom the Document was distributed, if any; (f) the title (or position) of its author; (g) type of tangible object, *e.g.*, letter, memorandum, telegram, chart, report, recording, disk, etc.; (h) its title and subject matter (without revealing the information as to which the privilege is claimed); (i) with sufficient specificity to permit the Court to make full determination as to whether the claim of privilege is valid, each and every fact or basis on which you claim such privilege; and (j) whether the document contained an attachment and to the extent you are claiming a privilege as to the attachment, a separate log entry addressing that privilege claim.

20. If any Document requested herein is withheld, in all or part, based on a claim that such Document constitutes attorney work product, provide all of the information described in Instruction No. 19 and also identify the litigation in connection with which the Document and the information it contains was obtained and/or prepared.

21. Plaintiff does not seek and does not require the production of multiple copies of identical Documents.

22. This Request is deemed to be continuing. If, after producing these Documents, you obtain or become aware of any further information, Documents, things, or information responsive to this Request, you are required to so state by supplementing your responses and producing such additional Documents to Plaintiff.

**DOCUMENTS TO BE PRODUCED PURSUANT TO THIS SUBPOENA**

1. All email from your server containing the term “Epstein.”
2. All documents containing the term “Epstein.”
3. All records of donations made by Jeffrey Epstein or related entities.
4. All email from your server containing the term “Giuffre.”
5. All documents containing the term “Giuffre.”
6. All email from your server containing the term “Virginia.”
7. All documents containing the term “Virginia.”
8. All email from your server containing the term “vr” or “VR.”
9. All documents containing the term “vr” or “VR.”
10. All email from your server containing the term “Dershowitz” or “dershowitz.”
11. All documents containing the term “Dershowitz” or “dershowitz.”
12. All email from your server containing the term “jeevacation.”
13. All documents containing the term “jeevacation.”
14. All email from your server, and all other documents, relating to sex abuse.
15. All email from your server, and all other documents, relating to trafficking of any females.
16. All emails and all documents reflecting any placements of employees You have made with Jeffrey Epstein or related entities.
17. All emails and all documents reflecting any contracts You have concerning Jeffrey Epstein or related entities.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Virginia L. Giuffre )

Plaintiff )

v. )

Ghislaine Maxwell )

Defendant )

Civil Action No. 15-cv-07433-RWS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: TerraMar Project, Inc. c/o Registered Agent  
National Corporate Research, Ltd.; 1025 Vermont Avenue, NW, Suite 1130, Washington, DC 20005-3516

(Name of person to whom this subpoena is directed)

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Schedule A (attached).

|                                                                                                         |                                      |
|---------------------------------------------------------------------------------------------------------|--------------------------------------|
| Place: Boies, Schiller & Flexner LLP<br>5301 Wisconsin Avenue NW<br>Washington, DC 20015 (954) 356-0011 | Date and Time:<br>06/27/2016 5:00 pm |
|---------------------------------------------------------------------------------------------------------|--------------------------------------|

**Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

|        |                |
|--------|----------------|
| Place: | Date and Time: |
|--------|----------------|

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/16/2016

CLERK OF COURT

OR



Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Virginia Giuffre, who issues or requests this subpoena, are:

Sigrid McCawley Boies, Schiller & Flexner LLP 401 E. Las Olas Blvd. #1200, Ft. Lauderdale, FL 33301; 954-356-0011

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 15-cv-07433-RWS

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Virginia L. Giuffre )

Plaintiff )

v. )

Ghislaine Maxwell )

Defendant )

Civil Action No. 15-cv-07433-RWS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: TerraMar Project, Inc. c/o Registered Agent  
National Corporate Research, Ltd.; 1025 Vermont Avenue, NW, Suite 1130, Washington, DC 20005-3516

(Name of person to whom this subpoena is directed)

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Schedule A (attached).

|                                                                                                         |                                      |
|---------------------------------------------------------------------------------------------------------|--------------------------------------|
| Place: Boies, Schiller & Flexner LLP<br>5301 Wisconsin Avenue NW<br>Washington, DC 20015 (954) 356-0011 | Date and Time:<br>06/27/2016 5:00 pm |
|---------------------------------------------------------------------------------------------------------|--------------------------------------|

**Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

|        |                |
|--------|----------------|
| Place: | Date and Time: |
|--------|----------------|

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/16/2016

CLERK OF COURT

OR



Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Virginia Giuffre, who issues or requests this subpoena, are:

Sigrid McCawley Boies, Schiller & Flexner LLP 401 E. Las Olas Blvd. #1200, Ft. Lauderdale, FL 33301; 954-356-0011

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Civil Action No. 15-cv-07433-RWS

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
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- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

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- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

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- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

To: TerraMar Project, Inc.

## EXHIBIT A

### DEFINITIONS

Wherever they hereafter appear the following words and phrases have the following meanings:

1. “Plaintiff” in the above captioned action shall mean the plaintiff Virginia Giuffre formerly known as Virginia Roberts.
2. “Defendant” in the above captioned action shall mean the defendant Ghislaine Maxwell and her employees, representatives or agents.
3. “Agent” shall mean any agent, employee, officer, director, attorney, independent contractor or any other person acting, or purporting to act, at the discretion of or on behalf of another.
4. “Correspondence” or “communication” shall mean all written or verbal communications, by any and all methods, including without limitation, letters, memoranda, and/or electronic mail, by which information, in whatever form, is stored, transmitted or received; and, includes every manner or means of disclosure, transfer or exchange, and every disclosure, transfer or exchange of information whether orally or by document or otherwise, face-to-face, by telephone, teletypes, e-mail, text, modem transmission, computer generated message, mail, personal delivery or otherwise.
5. “Document” shall mean all written and graphic matter, however produced or reproduced, and each and every thing from which information can be processed, transcribed, transmitted, restored, recorded, or memorialized in any way, by any means, regardless of technology or form. It includes, without limitation, correspondence, memoranda, notes, notations, diaries, papers, books, accounts, newspaper and magazine articles, advertisements, photographs, videos, notebooks, ledgers, letters, telegrams, cables, telex messages, facsimiles,

TerraMar Project, Inc.  
Schedule A

contracts, offers, agreements, reports, objects, tangible things, work papers, transcripts, minutes, reports and recordings of telephone or other conversations or communications, or of interviews or conferences, or of other meetings, occurrences or transactions, affidavits, statements, summaries, opinions, tests, experiments, analysis, evaluations, journals, balance sheets, income statements, statistical records, desk calendars, appointment books, lists, tabulations, sound recordings, data processing input or output, microfilms, checks, statements, receipts, summaries, computer printouts, computer programs, text messages, e-mails, information kept in computer hard drives, other computer drives of any kind, computer tape back-up, CD-ROM, other computer disks of any kind, teletypes, telecopies, invoices, worksheets, printed matter of every kind and description, graphic and oral records and representations of any kind, and electronic “writings” and “recordings” as set forth in the Federal Rules of Evidence, including but not limited to, originals or copies where originals are not available. Any document with any marks such as initials, comments or notations of any kind of not deemed to be identical with one without such marks and is produced as a separate document. Where there is any question about whether a tangible item otherwise described in these requests falls within the definition of “document” such tangible item shall be produced.

6. “Employee” includes a past or present officer, director, agent or servant, including any attorney (associate or partner) or paralegal.

7. “Including” means including without limitations.

8. “Jeffrey Epstein” includes Jeffrey Epstein and any entities owned or controlled by Jeffrey Epstein, any employee, agent, attorney, consultant, or representative of Jeffrey Epstein.

9. “You” or “Your” hereinafter means TerraMar Project, Inc. and any employee, agent, attorney, consultant, related entities or other representative of TerraMar Project, Inc.

TerraMar Project, Inc.  
Schedule A

**INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of **Boies Schiller & Flexner, LLP, 5301 Wisconsin Avenue NW Washington, DC 20015**, no later than five (5) days before the date noticed for your deposition, or, if an alternate date is agreed upon, no later than five (5) days before the agreed-upon date.

2. Unless indicated otherwise, the Relevant Period for this Request is from 1996 to the present. A Document should be considered to be within the relevant time frame if it refers or relates to communications, meetings or other events or documents that occurred or were created within that time frame, regardless of the date of creation of the responsive Document.

3. This Request calls for the production of all responsive Documents in your possession, custody or control without regard to the physical location of such documents.

4. If any Document requested was in your possession or control, but is no longer in its possession or control, state what disposition was made of said Document, the reason for such disposition, and the date of such disposition.

5. For the purposes of reading, interpreting, or construing the scope of these requests, the terms used shall be given their most expansive and inclusive interpretation. This includes, without limitation the following:

- a) Wherever appropriate herein, the singular form of a word shall be interpreted as plural and vice versa.
- b) “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope hereof any information (as defined herein) which might otherwise be construed to be outside the scope of this discovery request.
- c) “Any” shall be understood to include and encompass “all” and vice versa.
- d) Wherever appropriate herein, the masculine form of a word shall be interpreted as feminine and vice versa.
- e) “Including” shall mean “including without limitation.”

TerraMar Project, Inc.  
Schedule A

6. If you are unable to answer or respond fully to any document request, answer or respond to the extent possible and specify the reasons for your inability to answer or respond in full. If the recipient has no documents responsive to a particular Request, the recipient shall so state.

7. Unless instructed otherwise, each Request shall be construed independently and not by reference to any other Request for the purpose of limitation.

8. The words “relate,” “relating,” “relates,” or any other derivative thereof, as used herein includes concerning, referring to, responding to, relating to, pertaining to, connected with, comprising, memorializing, evidencing, commenting on, regarding, discussing, showing, describing, reflecting, analyzing or constituting.

9. “Identify” means, with respect to any “person,” or any reference to the “identity” of any “person,” to provide the name, home address, telephone number, business name, business address, business telephone number and a description of each such person’s connection with the events in question.

10. “Identify” means, with respect to any “document,” or any reference to stating the “identification” of any “document,” provide the title and date of each such document, the name and address of the party or parties responsible for the preparation of each such document, the name and address of the party who requested or required the preparation and on whose behalf it was prepared, the name and address of the recipient or recipients to each such document and the present location of any and all copies of each such document, and the names and addresses of all persons who have custody or control of each such document or copies thereof.

11. In producing Documents, if the original of any Document cannot be located, a copy shall be produced in lieu thereof, and shall be legible and bound or stapled in the same manner as the original.

TerraMar Project, Inc.  
Schedule A

12. Any copy of a Document that is not identical shall be considered a separate document.

13. If any requested Document cannot be produced in full, produce the Document to the extent possible, specifying each reason for your inability to produce the remainder of the Document stating whatever information, knowledge or belief which you have concerning the portion not produced.

14. If any Document requested was at any one time in existence but are no longer in existence, then so state, specifying for each Document (a) the type of document; (b) the types of information contained thereon; (c) the date upon which it ceased to exist; (d) the circumstances under which it ceased to exist; (e) the identity of all person having knowledge of the circumstances under which it ceased to exist; and (f) the identity of all persons having knowledge or who had knowledge of the contents thereof and each individual's address.

15. All Documents shall be produced in the same order as they are kept or maintained by you in the ordinary course of business.

16. You are requested to produce all drafts and notes, whether typed, handwritten or otherwise, made or prepared in connection with the requested Documents, whether or not used.

17. Documents attached to each other shall not be separated.

18. Documents shall be produced in such fashion as to identify the department, branch or office in whose possession they were located and, where applicable, the natural person in whose possession they were found, and business address of each Document's custodian(s).

19. If any Document responsive to the request is withheld, in all or part, based upon any claim of privilege or protection, whether based on statute or otherwise, state separately for each Document, in addition to any other information requested: (a) the specific request which calls for the production; (b) the nature of the privilege claimed; (c) its date; (d) the name and

TerraMar Project, Inc.  
Schedule A

address of each author; (e) the name and address of each of the addresses and/or individual to whom the Document was distributed, if any; (f) the title (or position) of its author; (g) type of tangible object, e.g., letter, memorandum, telegram, chart, report, recording, disk, etc.; (h) its title and subject matter (without revealing the information as to which the privilege is claimed); (i) with sufficient specificity to permit the Court to make full determination as to whether the claim of privilege is valid, each and every fact or basis on which you claim such privilege; and (j) whether the document contained an attachment and to the extent you are claiming a privilege as to the attachment, a separate log entry addressing that privilege claim.

20. If any Document requested herein is withheld, in all or part, based on a claim that such Document constitutes attorney work product, provide all of the information described in Instruction No. 19 and also identify the litigation in connection with which the Document and the information it contains was obtained and/or prepared.

21. Plaintiff does not seek and does not require the production of multiple copies of identical Documents.

22. This Request is deemed to be continuing. If, after producing these Documents, you obtain or become aware of any further information, Documents, things, or information responsive to this Request, you are required to so state by supplementing your responses and producing such additional Documents to Plaintiff.



TerraMar Project, Inc.  
Schedule A

**DOCUMENTS TO BE PRODUCED PURSUANT TO THIS SUBPOENA**

1. All email from your server containing the term “Epstein.”
2. All documents containing the term “Epstein.”
3. All records of donations made by Jeffrey Epstein or related entities.
4. All records of donations made by William Jefferson Clinton, the Clinton Global Initiative, the Clinton Foundation (a/k/a William J. Clinton Foundation, a/k/a the Bill, Hilary & Chelsea Clinton Foundation), or the Clinton Foundation Climate Change Initiative.
5. All email from your server containing the term “Giuffre.”
6. All documents containing the term “Giuffre.”
7. All email from your server containing the term “Virginia.”
8. All documents containing the term “Virginia.”
9. All email from your server containing the term “vr” or “VR.”
10. All documents containing the term “vr” or “VR.”
11. All email from your server containing the term “Dershowitz” or “dershowitz.”
12. All documents containing the term “Dershowitz” or “dershowitz.”
13. All email from your server containing the term “jeevacation.”
14. All documents containing the term “jeevacation.”
15. All email from your server, and all other documents, relating to sex abuse.
16. All email from your server, and all other documents, relating to trafficking of any females.

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_ /

**DECLARATION OF SIGRID MCCAWLEY IN SUPPORT OF PLAINTIFF'S REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR PROTECTIVE ORDER AND TO DIRECT THE DEFENDANT TO DISCLOSE ALL INDIVIDUALS TO WHOM DEFENDANT HAS DISSIMINATED CONFIDENTIAL INFORMATION (DE 335)**

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

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's Order granting my Application to Appear Pro Hac Vice.

2. I respectfully submit this Declaration in Support of Plaintiff's Reply in Support of Motion for Protective Order and to Direct The Defendant To Disclose All Individuals to Whom Defendant has Dissiminated Confidential Information (DE 335).

3. Attached hereto as Sealed Composite Exhibit 1 are true and correct copies of Excerpts from June 24, 2016, Deposition of Tony Figueroa; May 18, 2016, Deposition of Johanna Sjoberg; June 10, 2016, Deposition of Rinaldo Rizzo; June 1, 2016, Deposition of John Alessi; May 24, 2016, Deposition of Lynn Miller; June 21, 2016, Deposition of Detective Joseph Recarey; and June 3, 2016, Deposition of David Rodgers. .

4. Attached hereto as Sealed Exhibit 2 is a true and correct copy of Flight Logs

from Exhibit 1 of June 3, 2016, Deposition of David Rodgers.

5. Attached hereto as Sealed Exhibit 3 is a true and correct copy of Excerpts from July 22, 2016, Deposition of Ghislaine Maxwell.

6. Attached hereto as Sealed Exhibit 4 is a true and correct copy of Excerpts from April 22, 2016, Deposition of Ghislaine Maxwell.

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

/s/ Sigrid McCawley  
Sigrid McCawley, Esq.

Dated: August 23, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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---

<sup>1</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 23rd day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Sigrid S. McCawley  
Sigrid S. McCawley

**COMPOSITE  
EXHIBIT 1  
(Filed Under Seal)**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,  
Plaintiff,

v.

GHISLAINE MAXWELL,  
Defendant.

\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.  
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company  
B. Paul Katz Professional Center  
(SunTrust Building)  
One Florida Park Drive South  
Suite 214  
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR  
Florida Professional Reporter  
Court Reporter and Notary Public

1 Q I guess my question is: Did she ever tell  
2 you that she had started as a regular masseuse for  
3 him and then transitioned to something other than a  
4 masseuse?

5 A No. She never said that it transitioned.  
6 But she ended up explaining to me what had happened  
7 before, so...

8 Q What has -- what is that?

9 A That her and Ms. Maxwell and Jeffrey would  
10 obviously be doing stuff, all three of them  
11 together. Like I said, that they would all go out  
12 to clubs to pick up girls and try and find them to  
13 bring back for Jeffrey. And then she told me about  
14 how, like I said, her and Ms. Maxwell and Jeffrey  
15 were all intimate together on multiple occasions.

16 Q When did she tell you this?

17 A I'm not exactly sure on the dates.

18 Q Was it while you were still together?

19 A Yes.

20 Q Did you -- had you met Ms. Maxwell?

21 A Yeah, I had met her a couple of times.

22 Q When did you meet Ms. Maxwell?

23 A Dates, I'm unsure of. But it was pretty  
24 much, like I said, at Jeffrey's house in the  
25 kitchen.



1 Q Was it earlier in the time you were with  
2 her, or...

3 A It was about -- I'd say about six months  
4 or so. I don't know. I'm not exactly positive.

5 Q All right. So at the time you met  
6 Ms. Maxwell, had Ms. Roberts already told you that  
7 she had been intimate?

8 A No. She had told me about that, I  
9 believe, after I had max- -- after I had already met  
10 her.

11 Q Okay. And tell me everything that you  
12 remember about what Ms. Roberts said about being  
13 intimate with Ms. Maxwell and Mr. Epstein at the  
14 same time.

15 A I remember her talking about, like,  
16 strap-ons and stuff like that. But, I mean, like I  
17 said, all the details are not really that clear.  
18 But I remember her talking about, like, how they  
19 would always be using and stuff like that.

20 Q She and Ms. Maxwell and Mr Epstein would  
21 used strap-ons?

22 A Uh-huh (affirmative).

23 Q How did you feel about that?

24 A I just -- obviously not happy about it.

25 Q What did you say?

1 A I did not.

2 Q When the FBI interviewed you, did you  
3 mention this to them?

4 A I mentioned -- anything they asked me, I  
5 did not hold anything back.

6 Q Okay. Do you recall specifically talking  
7 about sex with the Prince?

8 A I -- I don't recall talking to them about  
9 that, but, I mean, it's -- it could be possible.

10 Q Other than sex with the Prince, is there  
11 anyone else that Jeffrey wanted Ms. Roberts to have  
12 sex with that she relayed to you?

13 A Mainly, like I said, just Ms. Maxwell and  
14 all the other girls.

15 Q Ms. Maxwell wanted -- Jeffrey wanted  
16 Virginia to have sex with Ms. Maxwell?

17 A And him, yeah.

18 Q And did she tell you whether she had ever  
19 done that?

20 A Yeah. She said that she did.

21 Q And when did she tell you that?

22 A I'm not sure on the date.

23 Q And what did she describe having happened?

24 A I believe I already told you that. With  
25 the strap-ons and dildos and everything.

1 MS. MENNINGER: Objection. Form.

2 Foundation.

3 A For Jeffrey.

4 BY MR. EDWARDS:

5 Q All right. Let me fix this. Ghislaine --  
6 when Ghislaine Maxwell would call you during the  
7 time that you were living with Virginia, she would  
8 ask you what, specifically?

9 MS. MENNINGER: Objection. Form.

10 Foundation.

11 A Just if I had found any other girls just  
12 to bring to Jeffrey.

13 BY MR. EDWARDS:

14 Q Okay.

15 A Pretty much every time there was a  
16 conversation with any of them, it was either asking  
17 Virginia where she was at, or asking her to get  
18 girls, or asking me to get girls.

19 Q All right. Let's go to that second  
20 category you just identified, which is asking  
21 Virginia to get girls. How many times were you in a  
22 room where specifically Ghislaine Maxwell would ask  
23 Virginia to bring girls?

24 A None that I can recall.

25 Q Okay. How many times -- when you say they

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

1 Q. Okay. Great.

2 All right. Do you know a female by the  
3 name of Ghislaine Maxwell?

4 A. Yes.

5 Q. And when did you first meet Ms. Maxwell?

6 A. 2001. March probably. End of  
7 February/beginning of March.

8 Q. And how did you meet her?

9 A. She approached me while I was on campus at  
10 Palm Beach Atlantic College.

11 Q. And what happened when she approached you?

12 A. She asked me if I could tell her how to  
13 find someone that would come and work at her house.  
14 She wanted to know if there was, like, a bulletin  
15 board or something that she could post, that she was  
16 looking for someone to hire.

17 Q. And what did you discuss with her?

18 A. I told her where she could go to -- you  
19 know, to put up a listing. And then she asked me if  
20 I knew anyone that would be interested in working  
21 for her.

22 Q. Did she describe what that work was going  
23 to be?

24 A. She explained that she lived in Palm Beach  
25 and didn't want butlers because they're too stuffy.

1 And so she just liked to hire girls to work at the  
2 house, answer phones, get drinks, do the job a  
3 butler would do.

4 Q. And did she tell you what she would pay  
5 for that kind of a job?

6 A. At that moment, no, but later in the day,  
7 yes.

8 Q. And what did she say?

9 A. Twenty dollars an hour.

10 Q. Was there anybody else with Ms. Maxwell  
11 when you met her?

12 A. There was another woman with her. I don't  
13 recall her or what she looks like or how old she  
14 was.

15 Q. And what happened next?

16 A. And then she asked me if I would be  
17 interested in working for her. And she told me that  
18 she was -- I could trust her and that I could jump  
19 in her car and go check out the house at that moment  
20 if I wanted.

21 And so I said, Sure, let's do it, and went  
22 to her home with her.

23 Q. And where was that home?

24 A. In Palm Beach.

25 Q. And did she describe that home as being

1 Q. And how long did you work in that position  
2 answering phones and doing --

3 A. Just that one day.

4 Q. Just that one day.

5 And did your duties change?

6 A. Well, the next time she called me, she  
7 asked me if I wanted to come over and make \$100 an  
8 hour rubbing feet.

9 Q. And what did you think of that offer?

10 A. I thought it was fantastic.

11 Q. And did you come over to the house for  
12 that purpose?

13 A. Yes.

14 Q. And when you came over to the house, was  
15 Maxwell present?

16 A. I don't recall.

17 Q. And what happened that second time you  
18 came to the house?

19 A. At that point, I met Emmy Taylor, and she  
20 took me up to Jeffrey's bathroom and he was present.  
21 And her and I both massaged Jeffrey. She was  
22 showing me how to massage.

23 And then she -- he took -- he got off the  
24 table, she got on the table. She took off her  
25 clothes, got on the table, and then he was showing

1 MS. MENNINGER: Objection, leading.

2 BY MS. McCAWLEY:

3 Q. Do you believe that from your  
4 observations, Maxwell and Epstein were boyfriend and  
5 girlfriend?

6 A. Initially, yes.

7 Q. Did Maxwell ever share with you whether it  
8 bothered her that Jeffrey had so many girls around?

9 MS. MENNINGER: Objection, leading,  
10 hearsay.

11 THE WITNESS: No. Actually, the opposite.

12 BY MS. McCAWLEY:

13 Q. What did she say?

14 A. She let me know that she was -- she would  
15 not be able to please him as much as he needed and  
16 that is why there were other girls around.

17 Q. Did there ever come a time -- did you ever  
18 take a photography class in school?

19 A. Yes.

20 Q. And did there ever come a time when  
21 Maxwell offered to buy you a camera?

22 A. Yes.

23 MS. MENNINGER: Objection, leading.

24 BY MS. McCAWLEY:

25 Q. Did Maxwell ever offer to buy you a



1 camera?

2 MS. MENNINGER: Objection, leading.

3 THE WITNESS: Yes.

4 BY MS. McCAWLEY:

5 Q. Was there anything you were supposed to do  
6 in order to get the camera?

7 MS. MENNINGER: Objection, leading.

8 THE WITNESS: I did not know that there  
9 were expectations of me to get the camera until  
10 after. She had purchased the camera for me,  
11 and I was over there giving Jeffrey a massage.  
12 I did not know that she was in possession of  
13 the camera until later.

14 She told me -- called me after I had left  
15 and said, I have the camera for you, but you  
16 cannot receive it yet because you came here and  
17 didn't finish your job and I had to finish it  
18 for you.

19 BY MS. McCAWLEY:

20 Q. And did you -- what did you understand her  
21 to mean?

22 A. She was implying that I did not get  
23 Jeffrey off, and so she had to do it.

24 Q. And when you say "get Jeffrey off," do you  
25 mean bring him to orgasm?

1 A. Yes.

2 Q. Did Ghislaine ever describe to you what  
3 types of girls Jeffrey liked?

4 A. Model types.

5 Q. Did Ghislaine ever talk to you about how  
6 you should act around Jeffrey?

7 A. She just had a conversation with me that I  
8 should always act grateful.

9 Q. Did Jeffrey ever tell you that he took a  
10 girl's virginity?

11 A. He did not tell me. He told a friend of  
12 mine.

13 Q. And what do you recall about that?

14 MS. MENNINGER: Objection, hearsay,  
15 foundation.

16 THE WITNESS: He wanted to have a friend  
17 of mine come out who was cardio-kickboxer  
18 instructor. She was a physical trainer.

19 And so I brought her over to the house,  
20 and he told my friend Rachel that -- he said,  
21 You see that girl over there laying by the  
22 pool? She was 19. And he said, I just took  
23 her virginity. And my friend Rachel was  
24 mortified.

25

1 exposed her bra, and she grabbed it and pulled it  
2 down.

3 Q. Anything else?

4 A. That was the conversation that he had told  
5 her that he had taken this girl's virginity, the  
6 girl by the pool.

7 Q. Okay. Did Maxwell ever say to you that it  
8 takes the pressure off of her to have other girls  
9 around?

10 A. She implied that, yes.

11 Q. In what way?

12 A. Sexually.

13 Q. And earlier Laura asked you, I believe, if  
14 Maxwell ever asked you to perform any sexual acts,  
15 and I believe your testimony was no, but then you  
16 also previously stated that during the camera  
17 incident that Maxwell had talked to you about not  
18 finishing the job.

19 Did you understand "not finishing the job"  
20 meaning bringing Jeffrey to orgasm?

21 MS. MENNINGER: Objection, leading, form.

22 BY MS. McCAWLEY:

23 Q. I'm sorry, Johanna, let me correct that  
24 question.

25 What did you understand Maxwell to mean

1 when she said you hadn't finished the job, with  
2 respect to the camera?

3 MS. MENNINGER: Objection, leading, form.

4 THE WITNESS: She implied that I had not  
5 brought him to orgasm.

6 BY MS. McCAWLEY:

7 Q. So is it fair to say that Maxwell expected  
8 you to perform sexual acts when you were massaging  
9 Jeffrey?

10 MS. MENNINGER: Objection, leading, form,  
11 foundation.

12 THE WITNESS: I can answer?

13 Yes, I took that conversation to mean that  
14 is what was expected of me.

15 BY MS. McCAWLEY:

16 Q. And then you mentioned, I believe, when  
17 you were testifying earlier that Jeffrey told you a  
18 story about sex on the plane. What was that about?

19 MS. MENNINGER: Objection, hearsay.

20 THE WITNESS: He told me one time Emmy was  
21 sleeping on the plane, and they were getting  
22 ready to land. And he went and woke her up,  
23 and she thought that meant he wanted a blow  
24 job, so she started to unzip his pants, and he  
25 said, No, no, no, you just have to be awake for

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:  
15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendant.

- - - - - x

\*\*CONFIDENTIAL\*\*

Videotaped deposition of RINALDO RIZZO, taken pursuant to subpoena, was held at the law offices of Boies Schiller & Flexner, 333 Main Street, Armonk, New York, commencing June 10, 2016, 10:06 a.m., on the above date, before Leslie Fagin, a Court Reporter and Notary Public in the State of New York.

- - -

MAGNA LEGAL SERVICES  
1200 Avenue of the Americas  
New York, New York 10026  
(866) 624-6221



1 R. Rizzo - Confidential

2 Q. Did you learn whether your  
3 perception was correct?

4 MR. PAGLIUCA: Same objection.

5 A. It was younger. Yes, I did.

6 Q. How old was this girl?

7 A. 15 years old.

8 Q. What happens next when Ghislaine  
9 Maxwell and Jeffrey Epstein and a 15-year-old  
10 girl walk into Eva Anderson's home?

11 MR. PAGLIUCA: Object to the form.  
12 Foundation.

13 A. They proceed into the dining room  
14 area, which is across from the living room  
15 area. I go into the kitchen and I hear a  
16 conversation start. Very muffled, I could  
17 not hear any particulars about the  
18 conversation whatsoever.

19 My wife and I are in the kitchen  
20 preparing the evening meal. Eva brings the  
21 young girl into the kitchen. In the kitchen,  
22 there is an island with three barstools. Eva  
23 instructs the young girl to sit to the  
24 furthest barstool on the right.

25 Q. Describe for me what the girl

1 R. Rizzo - Confidential

2 looked like, including her demeanor and  
3 anything else you remember about her when she  
4 walks into the kitchen.

5 A. Very attractive, beautiful young  
6 girl. Makeup, very put together, casual  
7 dress. But she seemed to be upset, maybe  
8 distraught, and she was shaking, and as she  
9 sat down, she sat down and sat in the stool  
10 exactly the way the girls that I mentioned to  
11 you sat at Jeffrey's house, with no  
12 expression and with their head down. But we  
13 could tell that she was very nervous.

14 Q. What do you mean by distraught and  
15 shaking, what do you mean by that?

16 A. Shaking, I mean literally  
17 quivering.

18 Q. What happens next?

19 A. We were, again, the absurdity,  
20 never introduced. Like you would walk into a  
21 room and say this is -- so my wife and I are  
22 in the kitchen and this young girl is sitting  
23 there. It was a very uncomfortable moment.  
24 I look at my wife. And so I want to ease the  
25 moment, and so I introduced myself and I

1 R. Rizzo - Confidential

2 introduced my wife, and she doesn't really  
3 respond.

4 And I asked her, are you okay? And  
5 she doesn't really respond. Nothing verbal,  
6 no cues, her head is still down. I ask her  
7 if she would like some water, tissue,  
8 anything, and she basically doesn't respond.

9 Q. You ask her for a tissue?

10 A. If she would like a tissue or some  
11 water at the time.

12 Q. Was she crying at the time?

13 A. My perception, she was on the verge  
14 of crying. And I'm trying to loosen the  
15 situation every way I know how, so the only  
16 way I knew how, and I thought maybe this will  
17 comfort her, I said oh, by the way, do you  
18 work for Jeffrey.

19 And she says that, I guess kind of  
20 made her feel comfortable, because maybe it  
21 was that comment or my persistence, and she  
22 said yes. So I said, what do you do? And  
23 she says I'm Jeffrey's executive assistant,  
24 personal assistant. Which, from looking at  
25 her, just didn't seem to suit.



1 R. Rizzo - Confidential

2 And I blurted out: You're his  
3 executive personal assistant? What do you  
4 do? And she says I was hired as his  
5 executive personal assistant. I schedule his  
6 appointments.

7 And I'm shocked, and I blurt out:  
8 You seem quite young, how did you get a job?  
9 How old are you? And she says to me, point  
10 blank: I'm 15 years old.

11 And I said to her: You're 15 years  
12 old and you have a position like that? At  
13 that point she just breaks down hysterically,  
14 so I feel like I just said something wrong,  
15 and she will not stop crying. My wife and I  
16 were at a loss for words, and I keep on  
17 trying to console her, and nothing I was  
18 saying, are you all right, do you need a  
19 tissue, do you need water, consoles her.

20 And then in a state of shock, she  
21 just lets it rip, and what she told me was  
22 just unbelievable.

23 Q. What did she say?

24 MR. PAGLIUCA: Object to the form  
25 and foundation.

1 R. Rizzo - Confidential

2 A. She proceeds to tell my wife and I  
3 that, and this is not -- this is blurting  
4 out, not a conversation like I'm having a  
5 casual conversation. That quickly, I was on  
6 an island, I was on the island and there was  
7 Ghislaine, there was Sarah, she said they  
8 asked me for sex, I said no.

9 And she is just rambling, and I'm  
10 like what, and she said -- I asked her, I  
11 said what? And she says yes, I was on the  
12 island, I don't know how I got from the  
13 island to here. Last afternoon or in the  
14 afternoon I was on the island and now I'm  
15 here. And I said do you have a -- this is  
16 not making any sense to me, and I said this  
17 is nuts, do you have a passport, do you have  
18 a phone?

19 And she says no, and she says  
20 Ghislaine took my passport. And I said what,  
21 and she says Sarah took her passport and her  
22 phone and gave it to Ghislaine Maxwell, and  
23 at that point she said that she was  
24 threatened. And I said threatened, she says  
25 yes, I was threatened by Ghislaine not to

1 R. Rizzo - Confidential

2 discuss this.

3 And I'm just shocked. So the  
4 conversation, and she is just rambling on and  
5 on, again, like I said, how she got here, she  
6 doesn't know how she got here. Again, I  
7 asked her, did you contact your parents and  
8 she says no.

9 At that point, she says I'm not  
10 supposed to talk about this. I said, but I  
11 said: How did you get here. I don't  
12 understand. We were totally lost for words.

13 And she said that before she got  
14 there, she was threatened again by Jeffrey  
15 and Ghislaine not to talk about what I had  
16 mentioned earlier, about -- again, the word  
17 she used was sex.

18 Q. And during this time that you're  
19 saying she is rambling, is her demeanor  
20 continues to be what you described it?

21 A. Yes.

22 Q. Was she in fear?

23 A. Yes.

24 MR. PAGLIUCA: Object to the form  
25 and foundation.

1 R. Rizzo - Confidential

2 Q. You could tell?

3 A. Yes.

4 MR. PAGLIUCA: Same objection.

5 A. She was shaking uncontrollably.

6 Q. What happens with this 15-year-old  
7 girl next?

8 MR. PAGLIUCA: Object to the form  
9 and foundation.

10 A. As she is trying to explain, and  
11 I'm asking questions because I'm as feared as  
12 she is at this point. We hear people  
13 approach and she just shuts up.

14 Q. What happens next?

15 A. Eva comes in and tells her that she  
16 will be working for Eva in the city.

17 Q. As what?

18 A. As a nanny.

19 Q. Did you see this girl again?

20 A. Yes.

21 Q. And when?

22 A. On a flight maybe a month or so to  
23 Sweden.

24 Q. What was the purpose of the flight?

25 A. We were going to Sweden for the

1 R. Rizzo - Confidential

2 summer.

3 Q. Who was on the flight?

4 A. The Dubin family.

5 Q. As well as this girl?

6 A. Yes.

7 Q. What happens?

8 A. One thing that I forgot to mention  
9 is during our initial conversation, I asked  
10 her what her name was and she said her name  
11 was Caroline.

12 Q. What happened with Caroline?

13 A. We flew to Sweden, we stopped at an  
14 airport that we didn't usually stop at and  
15 she got off the plane.

16 Q. Just so that I make sure I  
17 understand, who it was that she says asked  
18 her for sex on the island, who was that?

19 MR. PAGLIUCA: Object to the form.  
20 Foundation.

21 A. She didn't specify who asked for  
22 sex. She said that they asked for sex.  
23 Immediately after that she put Ghislaine and  
24 Sarah into the conversation.

25 Q. Taking her passport?

1 R. Rizzo - Confidential

2 A. Yes.

3 Q. From -- are there any other  
4 incidents or occurrences that you observed  
5 personally with Jeffrey Epstein and Ghislaine  
6 Maxwell?

7 MR. PAGLIUCA: Object to the form  
8 and foundation.

9 A. Not that I can recall.

10 Q. This last event that you described,  
11 what's the timeframe when that occurred?

12 A. Late 2004, 2005.

13 Q. When did you resign your employment  
14 from the Dubin family?

15 A. I think roughly October.

16 Q. Of what year?

17 A. 2005.

18 Q. Why?

19 A. My wife and I had discussed these  
20 incidents, and this last one was just, we  
21 couldn't deal with it.

22 Q. When you left your employment with  
23 the Dubin family, did you have a job?

24 A. When we finally left, I stayed on  
25 three months after my resignation, I had a

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 1, 2016

9:12 a.m.

C O N F I D E N T I A L

Deposition of JOHN ALESSI, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

1 JOHN ALESSI

2 Q. And where did the massage therapists --  
3 where did they come from?

4 A. Most, they came from Palm Beach. Palm  
5 Beach County.

6 Q. And over the course of that 10-year period  
7 of time while Ms. Maxwell was at the house, do you  
8 have an approximation as to the number of different  
9 females -- females that you were told were massage  
10 therapists that came to the house?

11 MR. PAGLIUSCA: Object to form and  
12 foundation.

13 THE WITNESS: I cannot give you a number,  
14 but I would say probably over 100 in my stay  
15 there.

16 BY MR. EDWARDS:

17 Q. And many of the times would the females  
18 come only one time and not return?

19 MR. PAGLIUSCA: Object to form and  
20 foundation.

21 BY MR. EDWARDS:

22 Q. Let me ask that a different way.

23 Were there times when some of these  
24 females that would come to the house, and you were  
25 told that they were massage therapists, would come



1 JOHN ALESSI

2 MR. PAGLIUSCA: Object to form and  
3 foundation.

4 THE WITNESS: Himself. Himself.

5 BY MR. EDWARDS:

6 Q. And you do not know the ages of the  
7 various massagists, right?

8 A. No.

9 Q. Did you have occasion to clean up after  
10 the massages?

11 A. Yes.

12 Q. Okay. And that is after both a massage  
13 for Jeffrey Epstein, as well as clean up after a  
14 massage that Ghislaine Maxwell may have received?

15 A. Yes.

16 Q. And on occasion, after -- in cleaning up  
17 after a massage of Jeffrey Epstein or Ghislaine  
18 Maxwell, did you have occasion to find vibrators or  
19 sex toys that would be left out?

20 MR. PAGLIUSCA: Object to form and  
21 foundation.

22 THE WITNESS: Yes, I did.

23 BY MR. EDWARDS:

24 Q. Can you describe the types of vibrators or  
25 sex toys that you found left out after a massage

1 JOHN ALESSI

2 that Jeffrey Epstein had just received or Ghislaine  
3 Maxwell had just received?

4 MR. PAGLIUSCA: Object to form and  
5 foundation.

6 THE WITNESS: It was probably two to three  
7 times, I would say. It was not all the time.  
8 I would find things like a dildo, it's called a  
9 double. I hate to say it because these ladies.  
10 But I find these things, put my gloves on, took  
11 it out and rinse it, and put it in  
12 Ms. Maxwell's closet.

13 BY MR. EDWARDS:

14 Q. Why would you put the dildo or sex toy in  
15 Ms. Maxwell's closet?

16 A. Because I knew that's where they were  
17 kept.

18 Q. How did you know that the sex toys were  
19 kept in Ms. Maxwell's closet?

20 A. Because I know where everything was in  
21 that house. Every single room, every single thing,  
22 it was a place, it was placed by me, by the cleaning  
23 lady or my wife. Every -- everything that happened  
24 in that house, I knew it.

25 Q. Who showed you where the dildo or sex toys

1 JOHN ALESSI

2 were kept in the house the first time?

3 MR. PAGLIUSCA: Object to form and  
4 foundation.

5 THE WITNESS: Nobody. Nobody show me.

6 BY MR. EDWARDS:

7 Q. You just saw it?

8 A. I saw it.

9 Q. So you knew where to put it back?

10 A. Yeah. We had to open the closet, clean  
11 the closet, put the clothes in place, put the shoes  
12 in place, put everything in place. So it was a  
13 matter of tidying things up.

14 Q. Did you ever find any costumes?

15 A. I saw one shiny black costume, but I  
16 didn't even know --

17 Q. Where did you see it?

18 A. The same place.

19 Q. In Ms. Maxwell's closet?

20 A. Yes.

21 Q. And where was Ms. Maxwell's closet in the  
22 house?

23 A. In the house? It was in the opposite side  
24 of his bathroom. It was her bathroom in the master  
25 bedroom. It was in the middle. So it was on the

***GIUFFRE***

***VS.***

***MAXWELL***

**Deposition**

***LYNN TRUDE MILLER***

*05/24/2016*

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***Agren Blando Court Reporting & Video, Inc.***

*216 16th Street, Suite 600*

*Denver Colorado, 80202*

*303-296-0017*

1 A Because I wasn't told any different.

2 Q Do you know where any -- any source of  
3 that information came from? Was it Sky?

4 A It came from Sky.

5 Q Okay. And what do you recall him telling  
6 you about when Virginia stopped working at  
7 Mar-a-Lago?

8 A She was in a discussion with Mrs. Maxwell  
9 to educate her and take her under her wing and be her  
10 new momma. That's what I heard.

11 Q Okay. And who told you that?

12 A Sky.

13 Q Okay. And do you remember when Sky told  
14 you that?

15 A I don't remember.

16 Q Okay. Did you learn anything else about  
17 that, other than what you just said?

18 A No.

19 Q Okay. Do you know where she went to work  
20 after Mar-a-Lago?

21 A I think she went with Mrs. Maxwell.

22 Q But do you know where, physically?

23 A Physically, Sky and I dropped her off one  
24 day at Mrs. Maxwell's. I did not speak with  
25 Mrs. Maxwell. I didn't have anything to say to her.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x  
VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 21, 2016

9:17 a.m.

C O N F I D E N T I A L

Deposition of JOSEPH RE CAREY, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

1 JOSEPH RE CAREY - CONFIDENTIAL

2 Ghislane Maxwell?

3 A. I wanted to speak with everyone related to  
4 this home, including Ms. Maxwell. My contact was  
5 through Gus, Attorney Gus Fronstin, at the time, who  
6 initially had told me that he would make everyone  
7 available for an interview. And subsequent  
8 conversations later, no one was available for  
9 interview and everybody had an attorney, and I was  
10 not going to be able to speak with them.

11 Q. Okay. During your investigation, what did  
12 you learn in terms of Ghislane Maxwell's  
13 involvement, if any?

14 MR. PAGLIUCA: Object to form and  
15 foundation.

16 THE WITNESS: Ms. Maxwell, during her  
17 research, was found to be Epstein's long-time  
18 friend. During the interviews, Ms. Maxwell was  
19 involved in seeking girls to perform massages  
20 and work at Epstein's home.

21 MR. PAGLIUCA: Object to form and  
22 foundation.

23 BY MR. EDWARDS:

24 Q. Did you interview -- how many girls did  
25 you interview that were sought to give or that

1 JOSEPH RECAREY - CONFIDENTIAL

2 actually gave massages at Epstein's home?

3 MR. PAGLIUCA: Object to form and  
4 foundation.

5 BY MR. EDWARDS:

6 Q. Approximately.

7 MR. PAGLIUCA: Same objection.

8 THE WITNESS: I would say approximately  
9 30; 30, 33.

10 BY MR. EDWARDS:

11 Q. And of the 30, 33 or so girls, how many  
12 had massage experience?

13 MR. PAGLIUCA: Object to form and  
14 foundation.

15 THE WITNESS: I believe two of them may  
16 have been -- two of them.

17 BY MR. EDWARDS:

18 Q. Okay. And as we go through this report,  
19 you may remember the names?

20 A. Correct. Let me correct myself. I  
21 believe only one had.

22 Q. And was that -- was that one of similar  
23 age to the other girls?

24 MR. PAGLIUCA: Object to form and  
25 foundation.



Confidential

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x  
VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.  
-----x

June 3, 2016  
9:07 a.m.

C O N F I D E N T I A L

Deposition of DAVID RODGERS, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

Confidential

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DAVID RODGERS

flyer person, then you would reduce it to an initial?

MR. PAGLIUCA: Object to form and foundation.

MR. REINHART: You can answer the question.

You can answer the question, if you can answer the question. You are allowed to answer the question, if you understand the question.

BY MR. EDWARDS:

Q. I'm trying to understand your testimony.

Is it, if you came to know that person --

A. Uh-huh.

Q. -- as a frequent flyer passenger, you would begin to reduce that person's name to an initial at some point?

MR. PAGLIUCA: Same objection.

THE WITNESS: Well, we don't really have a frequent flyer program that we do, so to speak. A lot of times I would do it because if you would write out everybody's name there is not enough space, you know, to get everybody's name in that little square there.

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1 DAVID RODGERS

2 Q. -- is that right?

3 And is that -- is Ghislaine Maxwell  
4 somebody that through the years 1995 through 2013  
5 was somebody who flew very frequently?

6 A. What were the years again?

7 Q. The years of this book, 1995 --

8 A. I wouldn't say through 2013. But, yes,  
9 '95 through 2000 sometime. Probably, I would have  
10 to go back and -- well, you can see in there.

11 Q. We will get to it.

12 A. There will be a point where you don't see  
13 her much. But to say it went through 2013 would not  
14 be accurate.

15 Q. Let's do it this way: The person that you  
16 have reflected on numerous notations --

17 A. Yes.

18 Q. -- through here as GM --

19 A. Yes.

20 Q. -- just by the initials, are we able to  
21 safely know that that is Ghislaine Maxwell?

22 A. Yes.

23 MR. PAGLIUCA: Object to form and  
24 foundation.

25 MR. EDWARDS: Court reporter, did you get

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1 DAVID RODGERS

2 the answer?

3 THE REPORTER: Yes. The answer came  
4 before the objection.

5 BY MR. EDWARDS:

6 Q. So on the next flight, the next day, from  
7 Palm Beach to SAF. Is SAF Santa Fe?

8 A. Yes.

9 Q. And it indicates JE and GM.

10 Are we able to then know that those  
11 passengers on that flight were Jeffrey Epstein and  
12 Ghislaine Maxwell?

13 A. Yes.

14 MR. PAGLIUCA: Object to form and  
15 foundation.

16 BY MR. EDWARDS:

17 Q. And where would you land at SAF? Is that  
18 an airport?

19 A. It is an airport.

20 Q. Is it a private airport?

21 A. No. It's -- airlines go in there.

22 Q. Did Jeffrey Epstein also have a landing  
23 strip at his property in New Mexico?

24 A. He did at one time.

25 Q. What would that -- do you remember what

Confidential

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1 DAVID RODGERS

2 that code would be?

3 A. I don't believe there was a code.

4 Q. All right. Were there times that you  
5 landed either the Gulfstream or the Boeing --

6 A. No.

7 Q. No.

8 MR. REINHART: Let him finish the question  
9 before you answer.

10 THE WITNESS: Oh, I'm sorry.

11 BY MR. EDWARDS:

12 Q. Sure. We are doing fine so far. But the  
13 court reporter is taking down all of our questions  
14 and all of our answers. We are communicating well.

15 A. Okay.

16 Q. But when I go to read this back, we may  
17 not get that.

18 A. Okay. Go ahead.

19 Q. So were there times where you landed one  
20 of Jeffrey Epstein's planes on his private landing  
21 strip at the New Mexico property?

22 A. Yes. But not the Gulfstream and not the  
23 Boeing.

24 Q. What plane did you land on his property?

25 A. The Cessna 421. And probably a

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_ /

**REPLY IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL (DE 345)**

Sigrid McCawley (Pro Hac Vice)  
Meredith Schultz (Pro Hac Vice)  
BOIES, SCHILLER & FLEXNER LLP  
401 E. Las Olas Blvd., Suite 1200  
Ft. Lauderdale, FL 33301  
(954) 356-0011

Plaintiff Virginia Giuffre (“Ms. Giuffre”), by and through her undersigned counsel, hereby files this Reply in Support of her Motion to Compel (DE 345).

## I. ARGUMENT

### A. This Court should Order Production of Documents Responsive to Requests Nos. 1-3

Defendant characterizes the police reports (and information therein) concerning Ms. Giuffre as a minor as both “highly relevant” (Br. at 4) and “irrelevant” to this action (Br. at 5). On page 4, Defendant claims that actual police reports are “highly relevant,” stating: “the publicly available, redacted police reports are part of the record and constitute highly relevant evidence in this action.” But, on the very next page, when discussing the information gleaned from those police reports that Mr. Pagliuca had prior to the conferral call, Defendant claims the information from the police reports is “irrelevant,” stating: “**The records requested are irrelevant.** Plaintiff has asserted a single claim for defamation based on Ms. Maxwell’s denial of her outrageous allegations of ‘sex trafficking.’ The dispositive question is whether the denial was defamatory. RFP No. 1 seeks documents Mr. Pagliuca allegedly ‘reviewed and/or relied upon’ in allegedly making statements stating that Plaintiff previously made false accusations of sexual assault.” (Br. at 5). (Emphasis original).

How Defendant purports to distinguish between the actual police reports as “relevant,” and the information contained in the police reports as “irrelevant,” is unexplained. However, logic would dictate that if the police reports are “relevant,” so, too, is the information contained therein and how it was acquired. For that reason, this Court should grant Ms. Giuffre’s requests Nos. 1-3.

Defendant states that the material responsive to Ms. Giuffre’s requests Nos. 2-3 constitute “privileged communications between (a) Ms. Maxwell’s attorneys and Ms. Maxwell, (b) defense counsel and their agents, and between (c) defense counsel with joint defense or common interest privileges concerning obtaining or receiving ‘local police[] findings or opinions’ and ‘statements

made by law enforcement or any state attorney.” (Br. at 9). Ms. Giuffre understands this winding sentence to mean that documents responsive to Requests Nos. 2-3 constitute communications between Defendant and Jeffrey Epstein and Alan Dershowitz or their counsel. As discussed at length in the moving brief, Defendant bears the burden to show that there is a joint defense agreement among them, but she refuses to disclose the joint defense agreement, and this Court, months ago, has already ordered Defendant to turn over her communications with Epstein and Dershowitz that she purported were privileged. (*See* April 15, 2016 Order). Accordingly, this Court should grant Ms. Giuffre’s requests Nos. 2-3.

**B. This Court should Order Production of Documents Responsive to Requests Nos. 6-7; 9-10; and 11.**

These requests concern joint defense agreements between and among Defendant, Epstein, and Dershowitz, and communications among counsel for Defendant and Epstein and Dershowitz. In Defendant’s objections submitted to Ms. Giuffre in response to the request for the joint defense agreement between her and Dershowitz, she stated that she “has been unable to locate any documents responsive to this Request.” In her brief, she says that “there is no joint defense agreement to produce.” (Br. at 9). There are two problems with this position.

First, Defendant is withholding responsive documents consisting of communications between Dershowitz/Dershowitz’s counsel and Epstein/Epstein’s counsel. Defendant does not, and cannot, refute the case law that puts the burden on establishing a joint defense privilege applies on the party claiming it, which must be shown through evidence. Defendant has put forth no evidence of these agreements. In fact, Defendant states that no such agreement exists with Dershowitz, and she is refusing to reveal the agreement with Epstein. Even if any privileges apply to the actual joint defense agreement with Epstein (and, in many cases, Courts find no privilege applies whatsoever), Defendant has to make that showing. This response brief does not



make that showing. “Such showings must be based on competent evidence, usually through affidavits, deposition testimony, or other admissible evidence.” *Egiazaryan v. Zalmayev*, 290 F.R.D. 421, 428 (S.D.N.Y. 2013) (citations omitted). Defendant has put forth no affidavits or testimony, but, instead, filed declarations of counsel for Epstein and Dershowitz, indicating their “belief” that a common interest exists.<sup>1</sup> Should the Court consider these declarations to be “competent evidence” to establish that a joint defense agreement exists between Defendant and Dershowitz and Epstein (though neither declaration state that an agreement exists), Ms. Giuffre submits that it should not have taken motion practice to elicit such “evidence” as it is Defendant’s burden to produce this evidence.

Second, these agreements are plainly relevant to the defamation claim in this case. This Court has previously ordered Defendant to produce emails in which both Epstein and Dershowitz were active in assisting Defendant draft defamatory statements against Ms. Giuffre. *See* April 15, 2016 Order. Defendant has set forth the defense that her defamatory statements are “substantially true,” and “cannot realistically have cause impairment to Plaintiff’s reputation.” The emails between and among Defendant, Epstein, and Dershowitz, show that that the three of them conspired specifically to damage Ms. Giuffre’s reputation. They also reveal that Defendant’s defamatory statements are not “substantially true.” The joint defense agreement(s) show Defendant’s ongoing and continued relationship with Dershowitz and Epstein, which is relevant to her defenses. Both of these individuals had a hand in Defendant’s statements to the public. At the very least, the Court should conduct an *in camera* review of any joint defense agreements that exist to determine their relevance to both the defamation claim and the multiple affirmative defenses offered by Defendant. *See Steuben Foods, Inc. v. GEA Process Engineering, Inc.*, 2016

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<sup>1</sup> Strangely, Defendant redacted both the names of counsel and the names of Epstein and Dershowitz in these filings.

WL 1238785, at \*2 (W.D.N.Y., 2016) (granting Plaintiff's motion to compel production of paragraph 5 of defendant's joint defense agreement, since that paragraph is relevant to the claims and defenses).

**C. This Court should Order Production of Documents Responsive to Requests No 12.**

In this request, Ms. Giuffre seeks the documents that concern her. Defendant tells the Court, “[c]onspicuously missing is any explanation of why a request for ‘all documents concerning’ Plaintiff would not require review and production of every document the defense has in this case.” (Br. at 14). Both common sense and common attorney competencies belie this statement.<sup>2</sup> First, it is expected that the overwhelming majority of documents “concerning” Ms. Giuffre are attorney-client communications or work product created after the filing of this lawsuit. Such documents do not even require extensive review as they are protected by privilege, and can be categorically logged pursuant to the Local Rules and governing case law.<sup>3</sup> Therefore, there is no merit to Defendant's burden claim.

Moreover, throughout the months of motion practice concerning these issues, and throughout all of the meet and confers, Defendant's counsel has *never* presented a case supporting the far-fetched position that non-privileged documents in the possession of the

---

<sup>2</sup> Furthermore, Ms. Giuffre's correspondence suggesting just how these documents can be collected electronically without undue burden also belie any claim of ignorance on how to collect and produce documents responsive to this request without reviewing “thousands” of presumptively privileged communications.

<sup>3</sup> See also Southern District of New York Local Civil Rule 26.2(c); *Am. Broad. Companies, Inc. v. Aereo, Inc.*, 2013 WL 139560, at \*2 (S.D.N.Y. Jan. 11, 2013) (“the Court notes that [parties] . . . are presented with a number of option that . . . could mitigate the burden . . . including . . . **exclusion from the privilege logs of documents created after the commencement of litigation** . . .”) (Emphasis added); *United States v. Bouchard Transp.*, 2010 WL 1529248, at \*2 (E.D.N.Y. Apr. 14, 2010) (“First, privilege logs are commonly limited to documents created before the date litigation was initiated. This is due to the fact that, in many situations, **it can be assumed that all documents created after charges have been brought or a lawsuit has been filed and withheld on the grounds of privilege were created “because of” that pending litigation.**”) (Emphasis added).

Defendant, and containing explicit references to Ms. Giuffre, are irrelevant and not subject to discovery.

What should be reviewed and produced are the documents in Defendant's possession concerning Ms. Giuffre that are outside the scope of privilege. This would include, for example, Defendant's communications with third parties that concern Ms. Giuffre. The Court has already seen examples of some of these communications in its *in camera* review, and it ordered Defendant to produce Defendant's communications concerning Ms. Giuffre that she exchanged with Epstein, Ross Gow, and others. This request targets documents like those. Defendant has not argued any burden applies to such a collection.

Furthermore, if Defendant had collected her electronic data pursuant to this Court's order, an electronic search - few key strokes - would both identify these documents and eliminate the communications to/from Defendant's attorneys that fall under the ambit of privilege.

This is a basic request for documents concerning one of the parties, and one that would be issued in almost any litigation. Defendant's continued refusal to produce documents concerning Ms. Giuffre is made in bad faith and shows that she is hiding additional incriminating documents<sup>4</sup> (including those regarding a recently-discovered defamatory statement in the January 8, 2015, article, discussed, *infra*, at p. 6-7). An adverse inference instruction is appropriate in this circumstance, as more fully briefed in Ms. Giuffre's August 8, 2016, Memorandum of Law on the same (DE 338).

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<sup>4</sup> After the close of discovery and after the depositions have been taken in this matter, just days ago, Defendant produced a critical e-mail asserting that its exclusion from production was a "clerical error." The e-mail proves that the Defendant has continued to use Ross Gow as her "image consultant" and media relations agent during the course of this lawsuit to interface with the media. *See* McCawley Dec. at Exhibit 1, GM\_01141, November 10, 2015 email from Ross Gow to Defendant. This runs directly contrary to Defendant's representations to this Court that she has no ability to produce Ross Gow for a deposition and instead has forced Ms. Giuffre to spend thousands of dollars to track down a person who is in Defendant's employ.

**D. This Court Should Order Production of Documents Responsive to Requests No 17 and 18.**

Requests Nos. 17 and 18 seek documents “concerning any statement made by You or on Your behalf to the press or any other group or individual, including draft statements, concerning Ms. Giuffre, by You, Ross Gow, or any other individual, from 2005 to the present, including the dates of any publications, and if published online, the Uniform Resource Identifier (URL) address” and “all documents concerning which individuals or entities You or Your agents distributed or sent any statements concerning Ms. Giuffre referenced in Request No. 17 made by You or on Your behalf.” In other words, Ms. Giuffre is seeking what statements about Ms. Giuffre Defendant distributed and to whom. This is another basic request, particularly in a defamation case. Moreover, the only person who knows the full extent of Defendant’s defamation of Ms. Giuffre is Defendant.

In her brief, Defendant states that “the defense previously produced responsive documents.” It is likely that Defendant is referring to the press release email communication from Mr. Gow to various media outlets. The defamatory statements contained therein are referenced in Ms. Giuffre’s Complaint.

Since filing the instant motion, Ms. Giuffre has become aware that Defendant caused additional defamatory statements to be published. This is important. Ms. Giuffre has discovered an article that refers to a *different* defamatory statement, not contained in the above-state press release. *See* McCawley Dec. at Exhibit 2, January 8, 2015, The Sun (online) article: “Prince Andrew’s pal Ghislaine ‘groped teen girls,’” (Miss Maxwell’s spokesman branded the accusations against her a “web of lies and deceit” — adding: “None of these allegations are on oath. “These girls are saying anything they want for money.”). Communications bearing this language are responsive to these requests, as is the publication in which Ms. Giuffre discovered

it. Defendant has produced no documents at all related to this statement made by her representative.

This is a statement made to a major publication on behalf of Defendant. “Reasonable inquiry,” as required by Rule 26, Fed. R. Civ. P., would have *easily* yielded documents relating to this statement issued on Defendant’s behalf. Yet, Defendant did not produce documents relating to that defamatory statement, and is now caught in another discovery violation for her failure to produce documents related to that January 8, 2015, statement.

Defendant cannot refuse to provide Ms. Giuffre with the extent of the publication of Defendant’s defamatory statements nor can she decide, merely, to provide self-selected documents relating to the defamatory statements Ms. Giuffre knows about at the time. Wanting to hide the fact that her defamation was on a greater scale than originally known to Ms. Giuffre is not a proper objection, and withholding from discovery Defendant’s additional defamation constitutes a discovery violation. The Court should order Defendant to fully comply with the requests in Nos. 17 and 18, including the production of documents related to the statement issued on her behalf to The Sun as reported in the January 8, 2015, article, above.

**E. The Documents Improperly Logged**

Defendant has withheld communications with Alan Dershowitz’s counsel claiming a common interest/joint defense privilege. As stated above, Defendant claims that there exist no joint defense agreement between her and Mr. Dershowitz. (Br. at 9). Yet, Defendant has agreed to provide non-party Dershowitz all the discovery materials in this case, and Dershowitz has clearly agreed to assist Defendant in this litigation.

It is Ms. Giuffre’s position that an agreement must still be evidenced in order to invoke the common interest/joint defense privilege by affidavit or similar evidence. *See Von Bulow by Auersperg v. Von Bulow*, 811 F.2d 136, 147 (2d Cir.), cert. denied, 481 U.S. 1015, 107 S.Ct.

1891, 95 L.Ed.2d 498 (1987); *Bowne of N.Y.C., Inc. v. AmBase Corp.*, 150 F.R.D. 465, 472 (S.D.N.Y.1993). *Egiazaryan v. Zalmayev*, 290 F.R.D. 421, 428 (S.D.N.Y. 2013). A “declaration” from Dershowitz’s counsel stating that she “believe[s] Professor Dershowitz and Defendant Ghislaine Maxwell have a common interest”<sup>5</sup> is not evidence of a joint defense agreement, and Defendant still fails to carry her burden. Accordingly, this Court should compel the production communications with Dershowitz’s counsel. The “declaration” of Epstein’s counsel similarly falls short. *See* Indyke Dec. at ¶ 4 (“I consider Mr. Epstein and his lawyers and Ms. Maxwell and her lawyers to have a common interest.”) Therefore, if the Court finds that these declarations do not satisfy Defendant’s burden under *Egiazaryan*, it should compel Defendant to produce those documents.

#### **F. A Forensic Review is Appropriate in these Circumstances**

Since filing the instant motion, Defendant has produced another communication between her and Ross Gow, and another email between her and Jeffrey Epstein. Defendant explained that they were not produced “following the Court’s *in camera* review in April” due to “clerical error.” *See* McCawley Dec. at Exhibit 3, August 16, 2016 letter from Laura Menninger.<sup>6</sup> One of these documents is an April 2015, email between Defendant and Epstein.

Defendant complains to the Court that a forensic review would invade her privacy (br. at 20-21), while at the same time, she and her joint defense partner both seek to strip away Ms. Giuffre’s privacy by revealing confidential documents under the Protective Order. However,

<sup>5</sup> Declaration of Mary E. Borja (DE 387).

<sup>6</sup> In one of the communications, she states that she would like “Barden” to reply to “one further allegation” and Epstein writes back, “ok.” This document was not produced until after the close of discovery, and therefore, Defendant was never deposed on (1) why she was seeking Epstein’s permission for a having Barden make a “reply;” (2) what Epstein’s relationship was with Barden; (3) or who drafted the original communication at the bottom of the email, as it does not appear to have been created by either Defendant or Epstein. (Pending before this Court is Ms. Giuffre’s motion to reopen Defendant’s deposition.) (DE 315/356). *See* GM\_01143-1144.

Defendant fails to mention that a forensic review would not give Ms. Giuffre - or the Court, or anyone in the world - access to, or knowledge of "highly sensitive information" that is not directly responsive or directly relevant to this case. Ms. Giuffre requested a forensic exam by an independent, third-party technician (not conducted by Ms. Giuffre or her agents), who would be bound by the terms of this Court's Protective Order or any other strictures necessary to maintain Defendant's privacy. Therefore, this argument is without merit.

Additionally, Defendant's case law is easily distinguishable. *Abidor v. Napolitano*, 990 F. Supp. 2d 260, 280 (E.D.N.Y. 2013), is a case brought by criminal defense lawyers challenging the inspection by governmental entities (Immigration and Customs Enforcement and Customs and Border Protection) of electronic devices individuals brought across the border under Fourth Amendment grounds.<sup>7</sup> Of course, there are no Fourth Amendment implications in this case raised by having a neutral third-party (who is not a state actor) assist Defendant in recovering relevant/deleted material from her electronic data in this civil case. Similarly, *U.S. v. Galpin*, 720 F.3d 436, 447 (2d Cir. 2013), is a criminal case involving possession of child pornography, evidence of which was found through a government search of a party's computer. These cases are inapposite.

Furthermore, in her Rule 45 subpoenas to Microsoft and Apple, Defendant sought ***unfettered access all of Ms. Giuffre's sent and received email*** (and attendant metadata), regardless of the relevance, and regardless of content. Defendant's subpoenas, combined with her argument made to this Court to support them, surely belies Defendant's expressed concern

---

<sup>7</sup> Of course, the Fourth Amendment protects individuals from search and seizure by ***state actors***, and states: "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. Const. amend. IV.

about privacy. (This Court quashed those subpoenas, *see* June 23, 2016, Minute Entry).

Defendant cannot argue to the Court *in June* that it is appropriate for her to receive unfettered access to every email Ms. Giuffre ever sent or received from two accounts, and then, *in August*, argue to the Court that it is inappropriate for a neutral third-party to review Defendant's electronic documents for deleted (or unproduced) responsive documents - a process through which, importantly, neither Ms. Giuffre nor the Court gets access to all of Defendant's data (unlike Defendant's subpoenas which would give all data directly to her). To the contrary, neither Ms. Giuffre nor the Court would ever see or know about Defendant's personal data unless it is non-privileged, and directly responsive to the requests for production that this Court has already, specifically allowed.

Finally, Defendant denies using her gmax1@mindspring.com account for anything other than spam, despite the fact that the account was set up by Jeffrey Epstein for the purpose of sending electronic communications to members of his household. *See* DE 338; Alessi Dep. Tr. at 223:5-225:17. (June 1, 2016) (McCawley Decl. at Exhibit 4); Banasiak Dep. Tr. at 56:13-17; 5:2-14; 58:1-7; 60:21-61:7 (February 16, 2010) (Emphasis added) (McCawley Decl. at Exhibit 5). Defendant denies knowledge of her [REDACTED], and has not pursued access to that account, despite the fact that the account name bears her initials and was part of her contact information gathered by the police from Epstein's home, and turned over to the Palm Beach County State Attorney as part of the investigation and prosecution of Epstein. *See* (DE 280-2), Palm Beach County State Attorney's Office, Public Records Request No.: 16-268, Disc 7 at p. 2305 (GIUFFRE007843). Yet, Defendant has **not disclosed** what email account she did use while she abused Ms. Giuffre, and has never searched that account nor produced documents from it. Accordingly, a forensic exam is called for at this time.



Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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---

<sup>8</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 24, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Meredith Schultz  
Meredith Schultz

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_ /

**DECLARATION OF SIGRID MCCAWLEY IN SUPPORT OF PLAINTIFF'S REPLY IN  
SUPPORT OF PLAINTIFF'S MOTION TO COMPEL (DE 345)**

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

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's Order granting my Application to Appear Pro Hac Vice.

2. I respectfully submit this Declaration in Support of Plaintiff's Reply in Support of Plaintiff's Motion to Compel (DE 345).

3. Attached hereto as Sealed Exhibit 1 is a true and correct copy of November 10, 2015, Correspondence from Ross Gow to Ghislaine Maxwell.

4. Attached hereto as Sealed Exhibit 2 is a true and correct copy of January 8, 2015, Online Article from The Sun.

5. Attached hereto as Sealed Exhibit 3 is a true and correct copy of August 16, 2016, Correspondence from Laura Menninger.

6. Attached hereto as Sealed Exhibit 4 is a true and correct copy of Excerpts from June 1 2016, Deposition of John Alessi.

7. Attached hereto as Sealed Exhibit 5 is a true and correct copy of Excerpts from February 16, 2016, Deposition of Janusz Banasiak.

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

/s/ Sigrid McCawley  
Sigrid McCawley, Esq.

Dated: August 24, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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---

<sup>1</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 24<sup>th</sup> day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Sigrid S. McCawley  
Sigrid S. McCawley

**EXHIBIT 1**  
**(File Under Seal)**

---

From: Ross Gow [REDACTED]  
Sent: 10 November 2015 18:16  
To: Gmax; Philip Barden  
Subject: Fwd: Inquiry from The New York Times

Hi Ghislaine and Philip  
Please advise how you wish to respond...  
Best  
Ross

----- Forwarded message -----

From: Meier, Barry [REDACTED]  
Date: Tuesday, 10 November 2015  
Subject: Inquiry from The New York Times  
To: [REDACTED]

Mr. Gow,  
Good day. I am a reporter for the Times and it is my understanding that you represent Ghislaine Maxwell. I am working on an article about the legal fallout from the Jeffrey Epstein case. I anticipate mentioning the lawsuit filed earlier this year by Virginia Roberts Guiffie against Ms. Maxwell. How does she respond?  
Kindly advise by close of business Thursday, November 12, 2015.  
And call me if you have any questions.  
Regards,  
Barry Meier

--  
The New York Times  
620 Eighth Avenue  
New York, NY 10018  
[REDACTED]



--

Ross Gow  
Managing Partner  
ACUITY Reputation

[REDACTED]

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Devonshires Solicitors, 30 Finsbury Circus, London EC2M 7DT tel +44 (0)20 7628 7576 fax +44 (0)20 7256 7318

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The Devonshires Foundation is proud to support Action for Kids (reg. charity 1068841), Wide horizons (reg. charity 1105847), and Theatre Royal Stratford East (reg. charity 233801) during 2014/2015.

Please consider the environment before printing this email.

**EXHIBIT 5**  
**(File Under Seal)**

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA  
CASE NO:502008CA028051XXXXMB AB

L.M.

Plaintiff,

-vs-

JEFFREY EPSTEIN  
AND SARAH KELLEN,

Defendants.

\_\_\_\_\_ /

DEPOSITION OF JANUSZ BANASIAK

Tuesday, February 16, 2010  
10:09 - 2:30 p.m.

250 Australian Avenue South  
Suite 1500  
West Palm Beach, Florida 33401

Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting  
Job No.: 1317

(561) 832-7500 PROSE COURT REPORTING AGENCY, INC. (561) 832-7506

1 Q. Is your computer in your office --

2 A. Yes.

3 Q. Let me finish. Is the computer in your  
4 office linked up with the three computers that were  
5 removed from the house? Meaning, can you look at  
6 the system and see what is on those three computers?

7 A. No, no.

8 Q. Is it your understanding that those three  
9 computers are linked with one another or do you  
10 know?

11 A. I don't know, but I, I doubt it. They are  
12 separate I guess.

13 Q. Okay. Were you aware that Mr. Epstein  
14 used a Citrix program to link various computers?  
15 Did you know that?

16 A. Yeah. I use Citrix too in my computer for  
17 exchanging e-mails and get through Internet.

18 Q. Okay. So, is it your understanding that  
19 the only connection then through Citrix with these  
20 computers, these various computers that were in  
21 Mr. Epstein's home, was for e-mail purposes?

22 A. Yes.

23 Q. Okay. To your knowledge, you're not  
24 familiar with those computers sharing other files or  
25 information?

1 A. No.

2 Q. That's not something that you were, you  
3 were privy to? You weren't, you weren't in the loop  
4 of the sharing of information in the house in terms  
5 of the computers being connected through any server?

6 A. I don't really know what, how, how to answer  
7 your question because Citrix is for the whole  
8 organization to exchange e-mail between employees.

9 Q. All right. You used the term?

10 A. So, even my computer is connected to Citrix.  
11 I can receive mail and I can e-mail information to  
12 employee within organization. But I don't know if you  
13 can see to each computer what is going on on another  
14 computer.

15 Q. You don't know about --

16 A. Is that your question?

17 Q. You don't know about shared files?

18 A. No.

19 Q. You only know that the one computer can  
20 e-mail the other?

21 A. Right.

22 Q. But that can happen with any two computers  
23 in the world pretty much. You can send e-mails to  
24 each other, right.

25 A. Yes.

1 Q. You have used the term organization, you  
2 can share within the organization. What do you --  
3 just so I can understand what you're calling the  
4 organization, what do you mean by that word?

5 A. People employed by Jeffrey Epstein. There are  
6 a few groups of people, his office in New York and I  
7 guess --

8 Q. Who are those people by name that you  
9 would consider within the Jeffrey Epstein  
10 organization?

11 A. His accountant, his --

12 Q. Who is that?

13 A. Bella Klen.

14 Q. What is it?

15 A. Bella Klen. K-l-i-n. E-n, I'm sorry.

16 Q. Bella, B-e-l-l-a?

17 A. Yes.

18 Q. Is that somebody in New York?

19 A. Yes.

20 Q. Is that a male or female?

21 A. Female.

22 Q. And you understand that's his accountant?

23 A. Right.

24 MR. GOLDBERGER: Just to get the spelling  
25 correct is it K-l-e-i-n?

1 THE WITNESS: I don't know.

2 BY MR. EDWARDS:

3 Q. We'll go back to that but I tell you why I  
4 ask. If you don't know then you don't know, but in  
5 the course of Mr. Epstein's -- you're aware that he  
6 did plead guilty to a couple felonies in state  
7 court, right?

8 A. Right.

9 Q. Well, in the course of the negotiation  
10 with the federal government and the U.S. Attorney's  
11 Office, they, the agreement between Mr. Epstein and  
12 the U.S. Attorney's office mentions people that are  
13 called co-conspirators of Epstein. And Leslie Groff  
14 is named as one of those co-conspirators.

15 Do you know what involvement, if any, that  
16 she had with the crimes that were being  
17 investigated?

18 A. No.

19 Q. Okay.

20 A. I am not aware of this.

21 Q. Okay. The other people mentioned as  
22 co-conspirators are Sarah Kellen, Adriana Ross, and  
23 Nadia Marcinkova. So we'll get to them in a minute  
24 but first just so we stay on the track of who was in  
25 the organization, is Sarah Kellen, Adriana Ross and

1 Nadia Marcinkova all people that you would also  
2 consider within the organization?

3 A. Yes.

4 Q. Okay. So, we just added three more names  
5 to it. Who else would you consider, Ghislaine  
6 Maxwell?

7 A. Yes.

8 Q. And who else?

9 A. Who was working there?

10 Q. Bella, Richard Kahn, Leslie Groff,  
11 Ghislaine Maxwell, Nadia, Sarah, Adriana.

12 A. I think Harry was involved with the  
13 accounting.

14 Q. Okay.

15 A. I don't recall his last name.

16 Q. Somebody else involved with the  
17 accounting?

18 A. Yes.

19 Q. Okay. Any of those people that you just  
20 named, were any of those people that you just named  
21 the person that you described as the gentleman that  
22 assisted Adriana in removing the computers from the  
23 house prior to the search warrant being executed?

24 A. No. You mean the one who show up to do those  
25 computers?



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

15-cv-07433-RWS

**DEFENDANT’S MOTION FOR LEAVE TO FILE A SUR-REPLY  
OR, ALTERNATIVELY, TO STRIKE  
PLAINTIFF’S MISREPRESENTATIONS OF FACT TO THE COURT**

Laura A. Menninger  
Jeffrey S. Pagliuca  
HADDON, MORGAN, AND FOREMAN, P.C.  
150 East 10<sup>th</sup> Avenue  
Denver, CO 80203  
303.831.7364

Defendant Ghislaine Maxwell (“Ms. Maxwell”) files this Motion for Leave to File a Sur-Reply or, Alternatively, to Strike Plaintiff’s Misrepresentations of Fact from her Reply In Support of Motion For Protective Order And To Direct The Defendant To Disclose All Individuals To Whom Defendant Has Disseminated (sic) Confidential Information (Doc. #388), and states as follows:

### INTRODUCTION

Plaintiff’s Reply makes material misrepresentations of fact. Those misstatements cannot stand in a filed, albeit redacted, pleading. Ms. Maxwell has never “admitted” to having “threesomes with multiple different girls.” (Reply at 4). That is a misstatement of fact compounded by Plaintiff’s intentional omission of the previous page of deposition testimony which exposes the falsehood. Similarly, Detective Joe Recarey never “testified that Defendant procured underage girls for Epstein.” (Reply at 4) To the contrary, he testified that *all* of the underage girls he interviewed never mentioned Ms. Maxwell at all.

These are but a few of the misrepresentations of fact contained in Plaintiff’s Reply. Accordingly, Ms. Maxwell seeks leave of the Court to file a Sur-Reply or, alternatively, moves the Court to strike from Plaintiff’s Reply the misstatements of fact.

### PLAINTIFF’S MISSTATEMENTS OF FACT

1. “Defendant’s own admission of how she and Epstein had threesomes with **multiple different girls** whose names she can’t even remember...” (Reply at 4). Ms. Maxwell testified that on a “few occasions” she engaged in sexual activity with Jeffrey Epstein and another *adult woman*. Specifically, when asked to describe the woman, Ms. Maxwell testified:

Q. Can you describe any of the people with whom you engaged in sexual activities at Mr. Epstein's home in Palm Beach?

A. The description that I have is **somebody who is roughly my age**, and I recall a blond and I recall a brunette, and that's pretty much what I recall.

(Tr. at 57:5-13).

Q. The women with whom you engaged in sexual activities with Mr. Epstein and yourself and the other women, were they older or younger than you?

A. Same age as me.

(Tr. at 62:10-14).

It is an outright misrepresentation to this Court that Ms. Maxwell admitted to any sexual contact with a “multiple different girls.” A “girl” is a female child. *See, e.g.*, Cambridge University Dictionary, “Girl: a female child or young woman, especially one still at school” (<http://dictionary.cambridge.org/dictionary/english/girl>) (last accessed August 25, 2016). Ms. Maxwell described these few occasions as occurring in the late 1990s when she was in her late 30s, with women who were the “same age as me.” Plaintiff well knows that it is irrelevant to this lawsuit whether Ms. Maxwell engaged in consensual, adult sexual activities with women. There is no allegedly defamatory statement that has anything to do with Ms. Maxwell’s private adult sex life. It is an abuse of this litigation process to even ask Ms. Maxwell such questions.

Instead, Plaintiff’s flagrant misrepresentation is designed to support her false assertion that Ms. Maxwell participated in sexual activities with underage girls, which she did not and indeed, no witness other than Plaintiff has claimed that she has. Plaintiff intentionally omitted the deposition pages from Ms. Maxwell’s testimony which clarified the age and misstated in her Reply that she “admitted” to “threesomes with multiple girls.” This was an intentional misrepresentation of fact.

2. “*Ms. Giuffre was the child victim of sexual abuse, which is undisputed.*” (Reply at 9) If there is one thing this litigation makes clear, it is heavily disputed that Ms. Giuffre was the child victim of sexual abuse. Ms. Maxwell has absolutely no evidence whatsoever that Ms. Giuffre was the child victim of any sexual abuse. As she testified at her deposition:

Q. Do you know what happened during the massage appointments with Jeffrey Epstein and Virginia Roberts?

A. No.

Q. Were you ever present to view a massage between Jeffrey Epstein and Virginia Roberts?

A. I don't recollect ever seeing Virginia and Jeffrey in a massage situation.

Q. Do you ever recollect seeing them in a sexual situation?

A. I never saw them in a sexual situation.

Q. Did you ever participate in sex with Virginia Roberts and Jeffrey Epstein?

A. I never ever at any single time at any point ever at all participated in anything with Virginia and Jeffrey. And for the record, she is an absolute total liar and you all know she lied on multiple things and that is just one other disgusting thing she added.

(4/22/16 Tr. at 75-76). The Palm Beach State's Attorney's Office, the Palm Beach Police Department and the Royal Palm Beach Police Departments all likewise have never concluded that Plaintiff was a "child victim of sexual abuse." Rather their reports reflect Plaintiff's false allegations of being a "child victim of sexual abuse" in situations such as getting in trouble for running away from home, getting in trouble for not attending school, getting in trouble for using alcohol and marijuana. There is absolutely nothing "undisputed" about Plaintiff's claim of victimhood.

Furthermore, Plaintiff left unredacted her assertion that it is "undisputed" that Ms. Roberts was the child victim of sexual abuse, leaving the mis-impression with the public that Ms. Maxwell has in some way conceded that to be true. She has not.

3. *"Detective Joseph Recarey ... testified that Defendant procured underage girls for Epstein"* (Reply at 3, n.4). In fact, Detective Recarey testified that *none* of the underage girls interviewed in connection with his investigation into Epstein claimed to have been hired by Maxwell; in fact, none of them mentioned Ms. Maxwell at all. The two *women* he interviewed who were hired by Ms. Maxwell both said they gave professional, adult massages to Epstein.

Q. So out of your entire report, the only two people who ever said anything about Ms. Maxwell were Ms. Sjoberg, who I believe was 23 when you interviewed her?

A. Right, but she was -- She was -- she had worked there for quite some time, so you would have to back up, I think, a year or two.

Q. She was an adult when she worked there?

A. Right. She was over the age of 18, right, let's put it that way.

Q. And she was not listed by you as a victim as part of this case, right?

A. Correct, because it was between two consenting adults.

Q. Exactly. And so that's Ms. Sjoberg, and then the other individual, I think you said Bolero; is that right?

A. Venero, Christina Venero. She's a --

Q. Adult masseuse, correct?

A. Yes. I remember she had lots of tattoos.

Q. Tatts, right. But the 17 individuals that you listed in Exhibit 1, none of those individuals ever said the word -- the words "Ghislaine Maxwell" during the course of this investigation to you, correct?

A. I don't believe so. It would be on the tapes if they did.

(Tr. 194-195).

4. *"Ms. Sjoberg's testimony of how Defendant lured her from her school to have sex with Epstein under the guise of answering phones..."* (Reply at 4). In truth, Ms. Sjoberg (an adult at the time, attending *college*) testified that Ms. Maxwell asked her to "massage feet," which is something she had recently been doing on her mission trip, that she later became a professional masseur, that she came to engage in "consensual, adult" sexual contact with Epstein through no involvement of Ms. Maxwell, that any sexual intercourse with Epstein took place in 2005 when Ms. Maxwell was no longer around, and that Ms. Maxwell never participated in nor asked her to participate in any sexual conduct. (Tr. at 8, 13, 49, 50-52, 99, 101, 147).

5. *"Mr. Rizzo's testimony about how Defendant took the passport of a 15-year-old Swedish girl and threatened her when she refused to have sex with Epstein"* (Reply at 4).

Plaintiff's continued reliance on the testimony of Mr. Rizzo is tantamount to suborning perjury.

Mr. Rizzo's testimony is vehemently denied by all individuals involved, including his former employers, a respected medical professional and her husband a well-respected businessman. His account does not accord with *any* reports made to law enforcement (Mr. Rizzo himself did not make any reports to law enforcement regarding the events that he says occurred 12 years ago). Further, Mr. Rizzo said the events were so "shocking" that he quit his job, but he later admitted he returned to the same job a short time later. Mr. Rizzo has been in litigation against his employers and admitted he contacted Mr. Edwards to represent him hoping he could make more money from this case.

6. *"Mr. Alessi's testimony about how Defendant brought girls over for Epstein"*

(Reply at 4). In truth, Mr. Alessi testified that the massage therapists for Mr. Epstein were over the age of 18 and that he only assisted Ms. Maxwell in hiring *adult* massage therapists from high end spas such as Breakers Hotel, Mar-a-Lago, or Boca Raton Resort and Hotel. The only underage person he saw at the house was [REDACTED] and she was never naked or participating in massages. (Tr. at 165, 182, 188).

7. *"Mr. Figueroa's testimony about how Defendant would call him to bring over*

*underage girls and how Defendant and Epstein would have threesomes with Ms. Giuffre"*

(Reply at 4). In fact, convicted felon Tony Figueroa *denied* that Ms. Maxwell called him at all.

Q: Did you ever bring a girl to Ms. Maxwell?

A: No.

Q: Did Ms. Maxwell ever call you and ask you to bring a girl to her?

A: No.

Q: Did Ms. Maxwell ever call you and ask you to bring a girl to Jeffrey?

A: No.

(Tr. at 106-07).

He had no personal knowledge whether anything other than massage occurred with the females that went over to Mr. Epstein's home:

Q. Well, you said you observed bringing a girl over.

A. No. I'm just saying -- like, I brought them over, yes. But I have never observed anything, like, sexual. Never anything -- like to where it would be an illegal activity. Like, any time I was there, everybody was dressed. They were all talking like it was just, like, people hanging out in a room, you know what I mean? There was never anything going on when I was there, so...

Q Do you have any personal knowledge as to whether anything other than a massage took place between Jeffrey and these girls?

A No.

Q You did not see anything?

A Nope.

Q They didn't tell you afterwards anything happened?

A Nope.

(Tr. at 116). He testified that all of the females he brought over were his age, or at most a year younger, and he was 20. (Tr. at 234) Further, he never saw any sexual activity occur between Plaintiff and Mr. Epstein:

Q Ms. Roberts described sexual acts that she participated in with Jeffrey; correct?

A Yes.

Q And you did not observe that?

A No.

(Tr. at 121).

8. *"Defendant and/or Her Joint Defense Partners Previously Fed [Plaintiff's False Claims of Sexual Assault] to the Media"* (Reply at 9). Ms. Maxwell, and her "joint defense partners," have never "fed" to the media anything about Plaintiff's various false claims of sexual abuse. To the contrary, all of the email exchanges between Ms. Maxwell, Mr. Gow, Mr. Epstein and others indicate Ms. Maxwell's extreme reluctance to be involved with the media. The email quoted by Plaintiff in her Reply at page 5 simply shows that Mr. Gow picked up on the media's

independent reports of Plaintiff's false allegations of sexual assault and sent that information to Ms. Maxwell. There is nothing in Mr. Gow's email then or afterwards which suggests *he* or Ms. Maxwell or anyone else they know "leaked" the story. Indeed, there is nothing to suggest that Ms. Maxwell had access to Plaintiff's police reports in February 2015. The police reports were obtained, by Plaintiff's admission, in April 2016. This is pure unsupported speculation and slander on the part of Plaintiff's counsel, ironically, the very people who misrepresented to the press the contents of the police reports and hid from production all of the other instances of Plaintiff's contact with law enforcement.

### **ARGUMENT**

None of these factual assertions bear on the issue before the Court -- whether Plaintiff's publicly available criminal files should be deemed "confidential" under the Protective Order. None of the witnesses has anything to do with Plaintiff's false claims of sexual assault as a child, nor her domestic violence. Indeed, in what is an almost daily occurrence in this case, Plaintiff has selectively misquoted portions of deposition transcript testimony in an effort to mislead the Court into believing there is evidence of Ms. Maxwell's guilt, a topic in the exclusive province of the jury, so as to improperly influence the Court's discovery rulings.

Ms. Maxwell cannot stand idly by while Plaintiff *misrepresents to the Court* and says, for example, that she confessed to participating in threesomes with "girls." Reply at 4. No such admission occurred. It is a violation of candor to the Court to claim otherwise. Likewise, Detective Recarey never concluded in his investigation that Ms. Maxwell "procured underage girls for Epstein." In fact, quite the opposite, Detective Recarey found no evidence that Ms. Maxwell ever even met any of the underage girls he interviewed.



Ms. Maxwell seeks leave of the Court to file a Sur-Reply to refute these baseless, false misrepresentations to the Court that Plaintiff included within her Reply, if Plaintiff does not honor her obligations under Rule of Professional Conduct 3.3 to withdraw them of her own accord.

Dated: August 25, 2016.

Respectfully submitted,

*/s/ Laura A. Menninger*

---

Laura A. Menninger (LM-1374)  
Jeffrey S. Pagliuca (*pro hac vice*)  
HADDON, MORGAN AND FOREMAN, P.C.  
150 East 10<sup>th</sup> Avenue  
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Phone: 303.831.7364  
Fax: 303.832.2628  
lmenninger@hmflaw.com

*Attorneys for Ghislaine Maxwell*

**CERTIFICATE OF SERVICE**

I certify that on August 25, 2016, I electronically served this *Defendant's Motion For Leave To File A Sur-Reply Or, Alternatively, To Strike Plaintiff's Misrepresentations Of Fact To The Court* via ECF on the following:

Sigrid S. McCawley  
Meredith Schultz  
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StanPottinger@aol.com

/s/ Nicole Simmons  
Nicole Simmons

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
                  Plaintiff,  
v.  
GHISLAINE MAXWELL,  
                  Defendant.  
-----X

15-cv-07433-RWS

**Declaration Of Laura A. Menninger In Support Of  
Defendant’s Motion For Leave to File A Sur-Reply Or, Alternatively,  
to Strike Plaintiff’s Misrepresentations of Fact to the Court**

I, Laura A. Menninger, declare as follows:

1. I am an attorney at law duly licensed in the State of New York and admitted to practice in the United States District Court for the Southern District of New York. I am a member of the law firm Haddon, Morgan & Foreman, P.C., counsel of record for Defendant Ghislaine Maxwell in this action. I respectfully submit this Declaration in support of Ms. Maxwell’s Motion for Leave to File A Sur-Reply Or, Alternatively, to Strike Plaintiff’s Misrepresentations of Fact to the Court.

2. Attached as Exhibit A (filed under seal) are true and correct copies of excerpts from the July 22, 2016 deposition of Ghislaine Maxwell, designated as Confidential under the Protective Order.

3. Attached as Exhibit B (filed under seal) are true and correct copies of excerpts from the April 22, 2016 deposition of Ghislaine Maxwell, designated as Confidential under the Protective Order.

4. Attached as Exhibit C (filed under seal) are true and correct copies of excerpts from the deposition of Detective Joseph Recarey designated as Confidential under the Protective Order.

5. Attached as Exhibit D (filed under seal) are true and correct copies of excerpts from the deposition of Johanna Sjoberg, designated as Confidential under the Protective Order.

6. Attached as Exhibit E (filed under seal) are true and correct copies of excerpts from the deposition of Juan Alessi, designated as Confidential under the Protective Order.

7. Attached as Exhibit F (filed under seal) are true and correct copies of excerpts from the deposition of Tony Figueroa, designated as Confidential under the Protective Order.

Executed on August 25, 2016

By: */s/ Laura A. Menninger*  
\_\_\_\_\_  
Laura A. Menninger

**CERTIFICATE OF SERVICE**

I certify that on August 25, 2016, I electronically served this *Declaration Of Laura A. Menninger In Support Of Defendant's Motion for Leave to File A Sur-Reply Or, Alternatively, to Strike Plaintiff's Misrepresentations of Fact to the Court* via ECF on the following:

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*/s/ Nicole Simmons*  
\_\_\_\_\_  
Nicole Simmons

**EXHIBIT D**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

1 Q. Okay. Great.

2 All right. Do you know a female by the  
3 name of Ghislaine Maxwell?

4 A. Yes.

5 Q. And when did you first meet Ms. Maxwell?

6 A. 2001. March probably. End of  
7 February/beginning of March.

8 Q. And how did you meet her?

9 A. She approached me while I was on campus at  
10 Palm Beach Atlantic College.

11 Q. And what happened when she approached you?

12 A. She asked me if I could tell her how to  
13 find someone that would come and work at her house.  
14 She wanted to know if there was, like, a bulletin  
15 board or something that she could post, that she was  
16 looking for someone to hire.

17 Q. And what did you discuss with her?

18 A. I told her where she could go to -- you  
19 know, to put up a listing. And then she asked me if  
20 I knew anyone that would be interested in working  
21 for her.

22 Q. Did she describe what that work was going  
23 to be?

24 A. She explained that she lived in Palm Beach  
25 and didn't want butlers because they're too stuffy.



1 Q. And how long did you work in that position  
2 answering phones and doing --

3 A. Just that one day.

4 Q. Just that one day.

5 And did your duties change?

6 A. Well, the next time she called me, she  
7 asked me if I wanted to come over and make \$100 an  
8 hour rubbing feet.

9 Q. And what did you think of that offer?

10 A. I thought it was fantastic.

11 Q. And did you come over to the house for  
12 that purpose?

13 A. Yes.

14 Q. And when you came over to the house, was  
15 Maxwell present?

16 A. I don't recall.

17 Q. And what happened that second time you  
18 came to the house?

19 A. At that point, I met Emmy Taylor, and she  
20 took me up to Jeffrey's bathroom and he was present.  
21 And her and I both massaged Jeffrey. She was  
22 showing me how to massage.

23 And then she -- he took -- he got off the  
24 table, she got on the table. She took off her  
25 clothes, got on the table, and then he was showing

1 (The referred-to document was marked by  
2 the court reporter for Identification as  
3 Sjoberg Exhibit 4.)

4 BY MS. McCAWLEY:

5 Q. I'm just going to ask that you take a look  
6 at that. As you can see, under the narrative line  
7 there, there is a name. It says, "Reported by  
8 Recarey, Joseph." Is that a name you recall meeting  
9 with, a Detective Recarey?

10 A. Yes. I mean, I don't recall his name,  
11 only except that he had been following me around,  
12 and he left me cards, like, on my car and in my  
13 door. I tried to avoid him for a long time.

14 Q. And can you just look at the text  
15 underneath there?

16 A. Uh-huh.

17 Q. Take a moment to look at that.

18 A. Sure.

19 Q. Does that refresh your recollection as to  
20 what you told the police during the investigation?

21 A. There are errors in here. I was not 23  
22 when I met him. I was 21.

23 Q. Anything else that doesn't look correct?

24 A. The same error: That I had met him three  
25 years ago, and it obviously had been closer to five.

1           There is also the error, he obviously  
2       misunderstood me: He did not pay for my tuition at  
3       college. I'm still paying those school loans. But  
4       he did pay for me to go to massage school and to  
5       cosmetology school.

6           Okay. It pretty much ends here.

7           Q. Yes. Right. About halfway through the  
8       page.

9           A. Okay.

10          MS. McCAWLEY: So, Johanna, that concludes  
11       my initial piece. I'm going to reserve the  
12       rest of my time for redirect. I'm going to  
13       turn it over to Laura.

14          MS. MENNINGER: Can we take just a little  
15       break?

16          MS. McCAWLEY: Sure, no problem.

17          THE VIDEOGRAPHER: Off the record at  
18       10:05.

19               (Thereupon, a recess was taken, after  
20       which the following proceedings were held:)

21          THE VIDEOGRAPHER: On the record at 10:14.

22                       E X A M I N A T I O N

23       BY MS. MENNINGER:

24           Q. Hi.

25           A. Hello.

1 Q. We've never met before today, correct?

2 A. Correct.

3 Q. Can you tell me a little bit about your  
4 current job?

5 A. Sure. I just purchased a salon. I'm a  
6 salon owner. I'm a hairstylist.

7 Q. Congratulations.

8 A. Thank you.

9 Q. How long have you been a hairstylist?

10 A. For 10 years.

11 Q. And what did you do before that?

12 A. I briefly did massage in a spa for about a  
13 year and a half. And before that I was a nanny, and  
14 before that I was in school.

15 Q. And I believe you said you studied  
16 psychology in school?

17 A. Correct.

18 Q. Did you graduate?

19 A. Yes.

20 Q. With a degree in psychology?

21 A. Yes.

22 Q. Where did you get training to be a massage  
23 therapist?

24 A. A school called Palm Beach Academy of  
25 Health and Beauty in Lake Park, Florida.

1 Q. And when did do you that?

2 A. That would have been, I believe, in 2003.

3 Q. And how long did you study there?

4 A. I think it was a six-month program.

5 Q. And you worked in a spa thereafter?

6 A. I did.

7 Q. What was the name of the spa again?

8 A. The Lane Spa in Palm Beach Gardens.

9 Q. And are you married?

10 A. No.

11 Q. Do you have children?

12 A. No.

13 Q. And how old are you now?

14 A. Thirty-six.

15 Q. Can you tell me about your first meeting  
16 with Ghislaine Maxwell?

17 A. Sure. I was sitting on a bench [REDACTED]  
[REDACTED] She approached me.

19 I was getting ready to go to a class. It was my  
20 junior year. Yes, it was the second semester of my  
21 junior year. And she and another woman approached  
22 me. The other woman didn't speak that I recall.

23 And she asked me about -- she had a house  
24 in Palm Beach, and she was looking for someone that  
25 she could hire to work at the house, where she could

1 Q. Ghislaine was not present when you were  
2 giving massages to Jeffrey, correct?

3 MS. McCAWLEY: Objection.

4 THE WITNESS: Correct.

5 BY MS. MENNINGER:

6 Q. At some point Jeffrey became more  
7 aggressive with you, correct?

8 A. Correct.

9 MS. McCAWLEY: Objection.

10 BY MS. MENNINGER:

11 Q. At what point was that?

12 A. In the last year.

13 Q. And what does that mean to you, "became  
14 more aggressive"?

15 A. He was pressuring me to do more than I was  
16 comfortable with doing.

17 Q. Is that what ultimately caused you to  
18 leave working for Jeffrey?

19 A. What caused me to leave was when it was  
20 made public what I was doing.

21 Q. What do you mean by that?

22 A. Well, after I had spoken with the police  
23 report -- the police and there was a police report,  
24 I did not realize that was public knowledge,  
25 journalists would get a hold of. So at one point

1 Q. How much?

2 A. One hundred dollars extra.

3 Can I clarify?

4 Q. Absolutely.

5 A. He didn't ever say he would pay me more,  
6 but when the massage was more than just a massage  
7 and it was sexual, then he would pay me more.

8 Q. It wasn't a discussion; it's just what  
9 happened?

10 A. Correct.

11 Q. Thank you for clarifying.

12 The things that took place with you and  
13 Jeffrey behind closed doors were when you were a  
14 consenting adult, correct?

15 A. Yes.

16 MS. McCAWLEY: Objection.

17 THE WITNESS: Correct.

18 BY MS. MENNINGER:

19 Q. And you did not have knowledge of what  
20 took place with other women behind closed doors and  
21 Jeffrey, correct?

22 MS. McCAWLEY: Objection.

23 THE WITNESS: Correct.

24 BY MS. MENNINGER:

25 Q. Do you recall giving an interview to a

1 expected to have sexual intercourse with Jeffrey?

2 A. Yes.

3 Q. And when was that?

4 A. 2005.

5 MS. McCAWLEY: That's it. I just do want  
6 to also put on the record that we're  
7 designating the testimony as confidential under  
8 the protective order.

9 F U R T H E R E X A M I N A T I O N

10 BY MS. MENNINGER:

11 Q. Okay. You just testified that you have  
12 knowledge -- you had knowledge that -- of what  
13 Jeffrey was doing behind closed doors with other  
14 girls. Was that your testimony?

15 A. Based on what he had told me.

16 Q. Okay. So Jeffrey told you things that he  
17 had done with other girls?

18 A. Yes.

19 Q. You did not observe any of those things?

20 A. No.

21 Q. You did not talk to any of those girls  
22 about what they had done with Jeffrey behind closed  
23 doors?

24 MS. McCAWLEY: Objection.

25



# **EXHIBIT E**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 1, 2016  
9:12 a.m.

C O N F I D E N T I A L

Deposition of JOHN ALESSI, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

1 JOHN ALESSI

2 at 358 El Brillo Way; is that correct?

3 A. Yes.

4 Q. Now, when counsel for the Plaintiff was  
5 asking you questions, he kept referring to females  
6 as girls, okay?

7 A. Yes.

8 Q. So is it fair to say that other than [REDACTED]  
9 [REDACTED], you understood at the time that any of the  
10 massage therapists that were being -- giving  
11 massages at 358 El Brillo Way were over the age of  
12 18; is that correct?

13 MR. EDWARDS: Objection, argumentative,  
14 counsel testifying.

15 THE WITNESS: Most of them.

16 BY MR. PAGLIUSCA:

17 Q. Okay. And you talked a little bit about  
18 paying for massages. Now, as I understand it,  
19 people who were getting massages at 358 El Brillo  
20 Way were paid \$100 per massage; is that right?

21 A. That was -- everybody got \$100 an hour.

22 Q. Okay. And you never paid more than \$100  
23 to anyone who gave a massage, correct?

24 A. Not for one, but I paid more if they were  
25 four massages; I would pay \$400, \$500.

1 JOHN ALESSI

2 his equipment for yoga and exercising there. They  
3 have a treadmill, exercise equipment. They have a  
4 bathroom. And there was the pool.

5 And behind the pool was the lake, the  
6 Intracoastal lake, and we had a boat, a couple -- we  
7 had -- at one time we had those jet -- jet flows.

8 Q. Jet skis?

9 A. Jet skis. We had a couple of those. And  
10 that was it.

11 Q. Was the pool private?

12 A. Very much, yeah. It was no access to the  
13 street. There was no access -- no view from any  
14 neighbors or anything like that.

15 Q. Okay. You were asked some questions by  
16 Mr. Edwards about [REDACTED]; is that right?

17 A. Yes.

18 Q. To your knowledge, she was the only person  
19 at El Brillo that was under the age of 18?

20 A. To my knowledge, yes.

21 Q. Okay. And you recall seeing her with her  
22 mother at the house, correct?

23 A. The first couple of times, after, she came  
24 with her mother.

25 Q. And you don't ever recall her spending the

1 JOHN ALESSI

2 person; I recommend her to you?

3 A. Yes, he would give to me the number.

4 Q. And most of the people, I take it, were  
5 from these spas or clubs; is that right? Most of  
6 the massage people?

7 A. Yes.

8 Q. And do you know, did they have what I'll  
9 call regular day jobs at the spas, and then they  
10 would come into Mr. Epstein's after?

11 MR. EDWARDS: Objection, speculation.

12 THE WITNESS: I think so.

13 BY MR. PAGLIUSCA:

14 Q. Okay. And why do you think so?

15 A. Because they were working at the Breakers,  
16 and sometimes I have to get in touch with these  
17 people. I used to call -- have to call the Breakers  
18 or the Mar-a-Lago or the -- all the clubs. There be  
19 clubs, even in Boca Raton, the Boca Raton Resort and  
20 Hotel. They have a great spa. I had to call these  
21 people, Can you come in at 10:00 tonight?

22 Q. You would know they were working there  
23 because you would talk to them there?

24 A. Yes.

25 Q. I'm going to have you take a look at

# **EXHIBIT F**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,  
Plaintiff,

v.

GHISLAINE MAXWELL,  
Defendant.

\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.  
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company  
B. Paul Katz Professional Center  
(SunTrust Building)  
One Florida Park Drive South  
Suite 214  
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR  
Florida Professional Reporter  
Court Reporter and Notary Public

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,  
Plaintiff,

v.

GHISLAINE MAXWELL,  
Defendant.

\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 2 of 2

Pages 158 - 258

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.  
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company  
B. Paul Katz Professional Center  
(SunTrust Building)  
One Florida Park Drive South  
Suite 214  
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR  
Florida Professional Reporter  
Court Reporter and Notary Public



1 Q Do you know her name?

2 A I think it was Carolyn -- Caroline,  
3 Carolyn -- I don't know -- something like that.

4 Q Did Jeffrey call you directly about  
5 getting more girls?

6 A Yes.

7 Q On the phone?

8 A Uh-huh (affirmative).

9 Q What did he say?

10 A He was just asking me if I had any other  
11 girls that wanted to come work.

12 Q Okay. Is that the term that he used?

13 A Yeah.

14 Q And did he pay -- he paid you personally?

15 A Yeah. He handed me \$200 for every girl  
16 that I walked in that door, whether they did stuff  
17 with him or not.

18 Q In cash?

19 A Cash.

20 Q Did you ever get paid by Ms. Maxwell for  
21 that?

22 A No.

23 Q Did you ever bring a girl to Ms. Maxwell?

24 A No.

25 Q Did Ms. Maxwell ever call you and ask you

1 to bring a girl to her?

2 A No.

3 Q Did Ms. Maxwell ever call you and ask you  
4 to bring a girl to Jeffrey?

5 A No.

6 Q All right. Approximately what period of  
7 time were you doing this bringing of girls?

8 A I'd say probably, like, about six months  
9 before she left. Because mainly, like I said, I  
10 mean, she would get them with Ms. Maxwell or whoever  
11 else. And whenever we were around, like I said, I  
12 would find friends that I went to school with or  
13 whatever that were willing to go there, so...

14 Q I'm sorry. What did you start that  
15 sentence with? She would get them from Ms. Maxwell?

16 A No. Her and Ms. Maxwell would go get them  
17 for him.

18 Q Did you see Virginia with Ms. Maxwell  
19 at --

20 A I had never. Like I said, aside from  
21 going to the mansion, I had never went out with them  
22 anywhere. I've never been out to clubbing with  
23 them. I've never been to New York or anything. I  
24 never went on any trips with them. So anything that  
25 happened, I was not there for, so...

1       happen, so...

2               Q       Well, you said you observed bringing a  
3       girl over.

4               A       No. I'm just saying -- like, I brought  
5       them over, yes. But I have never observed anything,  
6       like, sexual. Never anything --

7               Q       Okay.

8               A       -- like to where it would be an illegal  
9       activity. Like, any time I was there, everybody was  
10       dressed. They were all talking like it was just,  
11       like, people hanging out in a room, you know what I  
12       mean? There was never anything going on when I was  
13       there, so...

14              Q       Do you have any personal knowledge as to  
15       whether anything other than a massage took place  
16       between Jeffrey and these girls?

17                      MR. EDWARDS: Form.

18              A       No.

19       BY MS. MENNINGER:

20              Q       You did not see anything?

21              A       Nope.

22              Q       They didn't tell you afterwards anything  
23       happened?

24              A       Nope. Like I said, the only people  
25       with -- some would ask to go back; some wouldn't.

1 Q Right?

2 A Yes.

3 Q But you did not observe that?

4 A No.

5 Q Ms. Roberts described sexual acts that she  
6 participated in with Jeffrey; correct?

7 A Yes.

8 Q And you did not observe that?

9 A No.

10 Q Ms. Roberts described sexual acts she  
11 participated in with Ms. Maxwell; correct?

12 A Yes.

13 Q You did not observe that?

14 A No.

15 Q When you saw Ms. Roberts and Ms. Maxwell  
16 in the same room, was there anything sexual going on  
17 between them?

18 A No.

19 Q How much money did you see Ms. Roberts  
20 possessing at any given time?

21 A I mean, it could of -- up to a couple  
22 thousand at a time to, like, just a few hundreds at  
23 a time. I mean, it was never like, overly amounts.  
24 Like, not like \$10,000, \$20,000, nothing like that.  
25 But, I mean, it was every time she would come back,

1 Q It pays better than the vet office?

2 A Yeah.

3 MR. EDWARDS: Object to the form.

4 BY MS. MENNINGER:

5 Q The information about other girls going  
6 back to Jeffrey without you was information you  
7 heard thirdhand --

8 A Yes.

9 Q -- correct?

10 Did you have conversations with these  
11 girls about their ages?

12 A The ones that I took?

13 Q The two, [REDACTED] and Carolyn.

14 A No. They were my age. That's what I'm  
15 saying, they were literally at -- at most, like, a  
16 year younger than me.

17 Q The girls that you were in the car when  
18 Virginia took --

19 A Those, I did not even ask.

20 Q You did not ask?

21 A No.

22 Q Did you hear her discussing anything about  
23 age with them?

24 A No.

25 Q Did you hear them discussing you have to

# **EXHIBIT D**

To: Marianne Strong[mariannestrong@stronglit.com]  
From: Virginia Giuffre  
Sent: Fri 2/21/2014 1:17:22 PM  
Importance: Normal  
Subject: Re: NYC Post Inquiry re: Jeffrey Epstein  
Received: Fri 2/21/2014 1:17:22 PM

Dearest marianne,

While all of this information would be great to have brought to light, it is in no favour or intention for me to put myself and story out there for nothing. I w contact Brad Edwards to see if he would still like to do a piece with Emily, and maybe even later down the track, when all is said and done there just might be a helluva piece for the page 6.

God Bless you and yours...Take Care,  
Jenna

On Thursday, 20 February 2014 4:16 PM, Marianne Strong <mariannestrong@stronglit.com> wrote:  
Dear Jenna –

While I believe that your Jeffrey Epstein exposé has tremendous merit, the only role that we can play is one where we are not recompensed unless we are hired to do Public Relations and make a story happen at some later point.

Lord Colin Campbell and I do have huge respect for his countrywoman, the English-born Emily Smith. Colin is Scottish as his nephew is the Duke of Argyll, one of Scotland's primary, noble families.

Today Emily is one of the most noted, plus influential columnists in the United States, and yes, she is a friend of mine. We can pop off an arresting column item as a favor to her – if indeed the item is applicable for Page Six? But it must have true gravitas.

No money changes hands in such a news release to a publication! If it helps, have your attorney write a suggested column-oriented item re your case and if it's written in 'journalistic style,' Colin and I can pop it off to Emily, as a possible piece f her renowned Page Six column. It's called 'pure favor time' to Emily from the owner of the item, plus the press person wh may or may not elect to pop it into print.

I certainly do feel that down the long, winding road, your case has merit! God willing that it puts that piece of human scurr back behind bars! Should you win the day, yes, I do believe that you can create a mighty manifesto on prostitution as it exists in the U.S.A. in the years leading up to 2014 – one that has real literary possibilities. If you win the case, contact us and perhaps we can get it printed in a N.Y.C. newspaper? If you lose, a press release has nothing favorable for you, obviously, and should be avoided.

Good luck and God Bless,  
Marianne Strong

On Wed, Feb 19, 2014 at 4:09 PM, Virginia Giuffre [REDACTED] wrote:

Hi Marianne,

I hope you have been well since our last conversation, we have been enjoying the amazing pre-spring heat here in Florida, I hope you do visit soon the weather is absolutely splendid this year and it would be finally nice to meet you in person with so much we already know about each other and hopeful; more to come!!

About the NYC Post, as you already know I have an extremely informative piece of the recent proceedings to tell both truth and justice as well as the past history of the ill-esteemed billionaire and registered sex offender, Jeffrey Epstein, that I unfortunately served four years as his personal and abused sex slave to, most of those years underage, and trust me I would like nothing more than the world to know all about the inequality of the government to act appropriately and violate our rights as victims by giving Jeffrey Epstein a plea bargain and immunity to only take accreditation for one account of the sensitive subject of procuring us underage girls for the usage of prostitution internationally to some of the world's most influential people. But with that comes a lot of responsibility for me to consider or "my neck on the line too" so to speak. Even though there is over forty women that were once vulnerable girls that looked like the "sweet girl next door" but now that they have been taken advantage of by this "disgusting wall street tyrant" most of them have led a very unhealthy lifestyle since having served Jeffrey, such as drug addictions and prostitution and do not hold accreditation to talk...according to Jeffrey and his team of minion lawyers. Miraculously since I came to light with the truth and speaking out against him in 2011, the

FBI have reopened the case which as you know has current proceedings in which I am involved in. There are many branches that lead out on this incredibly taunting story of perversion of the governmental system and the one's that seem to fly above the law. I am not giving up or giving in this to me is something I must do to break a large chain of serial sex abuse happening for too long now.

We have spoken in great deal about what kind of piece you would like to present to the NYC Post but we haven't spoken about any contract of any sort and I do need to know as much as you and the Post do, that we will all be "legally" okay bringing out this story as long as everything that is printed is 100% factual and prove worthy.

There is also another major paper that has followed the story for a while and has worked with me before, they're asking me again for the exclusive story but updated and obviously the end outcome from the judicial decision. I have held out because you told me about your contact Emily with the NYC Post and I appreciate you trying to make big headlines for the story and hopefully one day the book... plus I just like working with someone I can somewhat trust, which is a rare find in this world! But if they're selling something this headline worthy and going to sell many papers and not to mention the "online" inputs, I would also like to know that I am going to profit from this as well.

If the NYC Post can agree to arrange a reasonable contract, above the competitors offer, then I will be able to give you all of the factual information that would give your mate Emily a great piece that I know is proceeding to be a rarity in the justice system, as well as being so rare of an atrocity, a new article pertaining to Jeffrey, has just been written into state law, which I also have a copy of.

I look forward to your response and hopefully more to come. Call me if needed. [REDACTED]

All the best,  
Jenna

--  
Marianne Strong  
President

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The Marianne Strong Literary Agency has represented writers of quality fiction and non-fiction since 1978. Located on Manhattan's Upper East Side, the agency seeks to aid writers in the publication of works which advance the national conversation on matters of politics, economics, health, religion, and art.



**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_ /

**RESPONSE IN OPPOSITION TO MOTION TO INTERVENE (DE 362)**

Sigrid McCawley (Pro Hac Vice)  
Meredith Schultz (Pro Hac Vice)  
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## I. INTRODUCTION

The Court has before it a request from a non-party (Alan Dershowitz) to intervene in this case for the purpose of extracting and publicizing several emails and a draft manuscript from the Protective Order that has long been entered in this case. Dershowitz does not seek public access of these documents for the legitimate purpose of informing the public on this Court's adjudication of its Article III powers. Instead, Dershowitz make clear that his purpose is to advance his own agenda, and continue to wage his media war on Ms. Giuffre, as he has already appeared on national news calling her a "prostitute" and a "bad mother."<sup>1</sup> This is not the typical intervention case where a non-party seeks documents it lacks access to, or where a news organization seeks to inform the public on court proceedings. Here, Alan Dershowitz seeks to inject himself into this litigation for the wrongful purpose of conducting a public smear campaign of Ms. Giuffre. He has no interests beyond his own. And, he has already violated another court order directing him to stop wrongfully leaking confidential information to the media. Unsurprisingly, Dershowitz's motion fails to cite a single case in which a court granted a non-party, who already possessed the sealed documents in dispute, the right to freely disseminate those documents in the public domain for self-serving purposes.

His motion for permissive intervention is committed to the discretion of the Court, and the Court should deny it. Fed. R. Civ. P. 24(b)(3); *Liz Claiborne, Inc. v. Mademoiselle Knitwear, Inc.*, 1996 WL 346352, at \*4 (S.D.N.Y. June 26, 1996) (Sweet, J.) (denying leave to intervene); *Levin v. U.S.*, 633 Fed. Appx. 69, 70 (2nd Cir. 2016) (affirming denial of motion to intervene, "[b]ecause of the fact-intensive nature of an intervention decision, we review for 'abuse of discretion' a district court's order denying intervention . . . by permission.")

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<sup>1</sup> McCawley Dec. at Exhibit 1, Local 10 News, January 22, 2015.

Indeed, the documents in question could hardly “confirm his absolute innocence.” DE 364 at 1. The documents do not directly bear on Ms. Giuffre’s sworn and detailed statements about how Dershowitz sexually abused her, statements that are corroborated by a mountain of supporting evidence.<sup>2</sup> Instead, according to Dershowitz, these materials create some sort of a web of circumstantial inferences suggesting his innocence. His attenuated reasoning hardly provides the kind of compelling reason needed to pierce the Protective Order. Instead, Dershowitz seeks these documents for the primary purpose of conducting a media blitz against Ms. Giuffre in advance of trial – clearly to assist his joint defense partner, Defendant Maxwell, by poisoning the jury pool in this case.

Dershowitz has no legal basis for his request. The documents in questions are not judicial documents, and thus neither a First Amendment nor common law right of access applies. Moreover, both the parties in this case have long reasonably relied on the existing Protective Order. Under that order, numerous documents involving child sex abuse and other sensitive subjects have been placed under seal. If Dershowitz is permitted to cherry pick the documents that he finds favorable and extract them from the protective order to serve his purposes, it would seem only fair that Ms. Giuffre be permitted to lift the protective order from currently-confidential documents and testimony in the court file which would support her position.

This Court entered the Protective Order “upon a showing of good cause.” Dershowitz is not a party to this litigation and provides no sound reason for modification. Accordingly, this Court should deny Dershowitz’s motion in its entirety.

---

<sup>2</sup> As an overview, Dershowitz, who touted Epstein as a close friend, flew on Jeffrey Epstein’s private jet 15 times from 1996 through 2006, which was during the time period that Jeffrey was actively assaulting a number of minor children. Twice Dershowitz flew with Sarah Kellen, who was Defendant’s right hand recruiter of these underage girls. McCawley Dec at 2, Dershowitz Flights. While Dershowitz said he was “never” in the places where Virginia was during the period of 2000 – 2002, public records directly contradict this statement and show that he actually had an apartment in New York not far from Epstein’s home for a year from 2000 – 2001. McCawley Dec. at 3. While there is mounting evidence to support Ms. Giuffre’s allegations of Dershowitz’s involvement, that issue is not something the Court needs to decide because this case is about Defendant Maxwell’s conduct, not Dershowitz.

## II. FACTUAL AND PROCEDURAL BACKGROUND

### A. Abundant Evidence Supports Ms. Giuffre's Sworn Testimony That Alan Dershowitz Sexually Abused Her

Dershowitz says he needs to see several documents because they will somehow “demonstrate that the allegations of sexual misconduct . . . are nothing more than a recent fabrication . . .” DE 364 at 2. To the contrary, they will in no way prove the allegations are a “fabrication,” given the mountain of evidence supporting Ms. Giuffre's sworn testimony.

Ms. Giuffre has not made vague assertions, but described in detail what Dershowitz did to her and where.<sup>3</sup> In response to Ms. Giuffre's sworn testimony, Dershowitz does not argue that any witnesses will be able to prove his innocence. Instead, he tries to build a circumstantial case that he could not have committed the sexual abuse. Dershowitz now claims, for example, that at the time of the abuse, he was merely “acquainted with Mr. Epstein through academic events . . .” DE 364 at 4.<sup>4</sup> But in 2005 (before news of Epstein's criminal prosecution broke), Dershowitz stated “I'm on my 20th book . . . The only person outside of my immediate family that I send drafts to is Jeffrey.”<sup>5</sup> Dershowitz has also been quoted as saying that, even if Epstein went bankrupt, “I would be as interested in him as a friend if we had hamburgers on the boardwalk in Coney Island and talked about his ideas.”<sup>6</sup>

Dershowitz also claims that he never saw “Epstein in the presence of underage girls.” DE 364 at 3.<sup>7</sup> This lack of observation is remarkable given that Epstein brazenly and repeatedly

---

<sup>3</sup> *Id.* at 88-91, McCawley Dec at Exhibit 4, describing Dershowitz's abuse of her in Epstein's New York mansion.

<sup>4</sup> In earlier media statements, Dershowitz took an even more extreme position, stating that “I have never been alone with . . . Jeffrey Epstein.” UMAR News, Jan. 5, 2015. <https://www.youtube.com/watch?v=KXzcxsQv7Q>. And yet (among other occasions), a flight log shows Epstein and Dershowitz traveling together—alone.

<sup>5</sup> *The Talented Mr. Epstein*, by Vicky Ward, in *Vanity Fair* (Jan. 2005).

<sup>6</sup> *Vanity Fair Reminds Us When Jeffrey Epstein Wasn't a Creep*, by Ray Gustini, in *The Wire* (June 21, 2011).

<sup>7</sup> While Dershowitz swore under oath that he never saw any naked photos at Epstein's Palm Beach mansion, the recently released video taken by the Palm Beach Police department during its investigation, reveals naked photos in a number of the common areas of Epstein's Palm Beach home. McCawley Dec. at Exhibit 5.



abused numerous underage girls in his Florida mansion, his New York mansion, and several other places that Dershowitz apparently admits he visited on multiple occasions.

In 2009, one of Epstein’s household employees, Juan Alessi, testified about the parade of young “massage therapists” entering Epstein’s Palm Beach mansion, and that Ms. Giuffre was one of the girls who came to Epstein’s mansion.<sup>8</sup> Alessi also saw many celebrities came to the Florida mansion, including “*a very famous lawyer that I’m sure you know, Alan Dershowitz.*” *Id.* at 70:9-25. Alessi testified that Dershowitz came to the mansion “*pretty often . . . at least four or five times a year*” and would stay overnight “*two [or] three days.*” *Id.* at 73:22-25. Ms. Giuffre came to the house when Dershowitz was there. *Id.* at 73:18-20. And, importantly, Dershowitz got massages while he was visiting Epstein’s home. *Id.* at 74:1-4.<sup>9</sup> The private, upstairs room where Dershowitz got his “massages” was the room where Defendant Maxwell had “a laundry basket . . . full of those toys.” *Id.* at 76:11-15.

In 2009, Epstein’s butler, Alfredo Rodriguez, testified that Dershowitz was at Epstein’s mansion when underage girls were there to give massages.<sup>10</sup> Rodriguez also testified that Dershowitz was present alone at the home of Jeffery Epstein, without his family, in the presence of young girls.<sup>11</sup> It also appears that Rodriguez would later circle Dershowitz’s name in Epstein’s address book as among the people with important information for the FBI to collect regarding sex trafficking. In addition, Sarah Kellen, Nadia Marcinkova, and Adrianna Mucinska all

<sup>8</sup> Juan Alessi Depo. at 46:21- 47:4, 48:18-25, *Jane Doe No. 2 v. Epstein*, No. 9:08-cv-80119-cv-KAM (S.D. Fla. Sept. 8, 2009), McCawley Dec at Exhibit 6.

<sup>9</sup> While Dershowitz loudly proclaimed to the media that he had “never” received a massage at Jeffrey Epstein’s home, he later retracted that knowingly false statement and admitted to having a massage. McCawley Dec at Exhibit 7.

<sup>10</sup> Alfredo Rodriguez Depo. at 278:13-25, 279:9-280:2, *Jane Doe No. 2 v. Epstein* (excerpts attached as Exhibit 8).

<sup>11</sup> *Id.* at 199:12-13, 279:9-12, 426:16-25, 427:1.

implicated Dershowitz by invoking their Fifth Amendment right against self-incrimination<sup>12</sup> when asked questions about Dershowitz's connection to Epstein's abuse, including a specific question about whether Dershowitz had been involved with massages by young girls. McCawley Dec., Composite Ex. 9.<sup>13</sup>

Finally, in Dershowitz's vociferous attacks on Ms. Giuffre here, the Court will see an eerie parallel to the Jeffrey Epstein criminal investigation. Back in 2005, when the Palm Beach Police Department was first investigating Epstein's sexual abuse, the Department accumulated overwhelming evidence placing underage girls at Epstein's residence who gave statements that they were being sexually abused, the accounts bearing chillingly similar details. As he did to Ms. Giuffre, Dershowitz called those girls liars and defamed them as prostitutes,<sup>14</sup> in an effort to convince the State Attorney that these girls could not even believably establish that they had ever even gone to Epstein's mansion. Later, Dershowitz would remarkably write to tell the Justice Department that "Epstein never targeted minors."

## **B. The Litigation Involving Dershowitz - The Florida Defamation Case<sup>15</sup>**

<sup>12</sup> In a civil proceeding such as this one, Ms. Giuffre is entitled to an inference in her favor when a witness takes the Fifth Amendment rather than answer a relevant question where that witness is associated with the other side of the case or otherwise in an adverse position to the victims. *LiButti v. United States*, 107 F.3d 110, 124 (2d Cir. 1997).

<sup>13</sup> Dershowitz also refers to an "investigation" he paid for by former FBI Director Louis Freeh in an effort to proclaim his innocence. DE 364 at 5. Interestingly, while Dershowitz has provided a one-paragraph summary of the investigation to the press, he has not chosen to make the specifics of the investigation public, including what Freeh learned about Defendant Maxwell's involvement in Jeffrey Epstein's sex trafficking organization.

<sup>14</sup> "How Alan Dershowitz Bullied Rape Victims to Protect a Serial Child Molester," by Rania Khalek, January 10, 2015, <https://electronicintifada.net/blogs/rania-khalek/how-alan-dershowitz-bullied-rape-victims-protect-serial-child-molester>; see also McCawley Dec. at Exhibit 10, Recarey Dep. Tr. at 109:13-110:3 ("Q. What -- what types of persuasions did Alan DERSHOWITZ use in an attempt to dissuade the prosecution of Alan DERSHOWITZ [sic] or his associates? THE WITNESS: Let's see. He not only had -- when they went out and badgered the victims, they went through all social media, found photographs of these victims either holding an alcoholic beverage and calling them -- you see they're not saints. You know, they're consuming alcohol under the age of 21. Basically trying to dirty the victim as much as possible.")

<sup>15</sup> Dershowitz says that he "loudly" proclaimed his innocence, but he also attacked Professor Cassell and Ms. Edwards. Dershowitz also repeatedly and publicly attacked Ms. Giuffre, as discussed at greater length below. At no point did Cassell and Edwards ever agree that their client, Ms. Giuffre, was mistaken in her allegations against Dershowitz. See generally, Cassell Dec.

Dershowitz also misleadingly describes the Florida defamation action<sup>16</sup> between himself and Cassell and Edwards. Remarkably, Dershowitz fails to note that same documents he seeks here (to use in the next installment of his media campaign) are the *exact type of documents* that Judge Lynch quashed from Dershowitz's subpoena he served on Ms. Giuffre in the Florida Action. In short, a judge has already ruled that Dershowitz should be denied access to these documents. This baseless motion is nothing more than an attempt to make an end-run around Judge Lynch's Order, by coming to *this* Court, and asking for what he was denied by another court.

Indeed, Dershowitz fails to reveal three significant facts to this Court. First, Dershowitz fails to reveal to this Court is that he has already been sharply rebuked by a Florida judge for his efforts to take confidential materials to the media. Second, Dershowitz fails to tell this Court that the *only* ongoing component to his Florida Action concerns sanctions *against him* for violating that Court's Order by his continuing to reveal confidential materials.<sup>17</sup> Third, Dershowitz fails to tell this Court that the judge in the Florida Action already denied his request to access these materials.<sup>18</sup> The parties to the Florida Action have settled all claims. Accordingly, there is no "compelling need" to reveal these documents to the media as they are wholly immaterial to whether Dershowitz should be sanctioned for violating Judge Lynch's order, as it pertained to non-party Ms. Giuffre. In other words, the content of these confidential documents has no bearing on the disposition of the Florida Appeal, and Dershowitz cannot claim otherwise.

Ms. Giuffre was not a party to the litigation between the attorneys in the Florida Action. During the course of the litigation, however, Dershowitz subpoenaed discovery from Ms.

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<sup>16</sup> *Edwards and Cassell v. Dershowitz*, Case No. CACE 15-000072, in the Circuit Court of the 17th Judicial circuit in and for Broward County, Florida (the "Florida Action"), presided over by Judge Lynch.

<sup>17</sup> McCawley Dec. at Exhibit 11, June 2, 2016 Notice of Appeal.

<sup>18</sup> McCawley Dec. at Exhibit 12, November 12, 2015 Order on Motion to Quash.

Giuffre. In particular, Dershowitz sought to obtain from Ms. Giuffre (a non-party to the action) all of her emails with the media. The Court granted in part Ms. Giuffre’s Motion to Quash and, among other things, denied Dershowitz’s discovery request relating to communications with media and denied Dershowitz’s request for “manuscripts or writings.”<sup>19</sup> Dershowitz produced many documents in the course of discovery in that case – ironically, documents that he quickly placed under a protective order in Florida. *Id.*

Dershowitz claims that the Churcher email somehow exonerates him, but the brief mention does no such thing. Indeed, while asserting that there is no “proof” that Dershowitz is a pedophile, Ms. Churcher also stated that “[w]e all suspect Alan is a pedo[phile].”<sup>20 21</sup> Similarly, Dershowitz believes that an excerpt from Ms. Giuffre’s manuscript she was somehow suggests his innocence, even though the passage in question recounts Dershowitz intruding on Epstein while he was sexually abusing Ms. Giuffre. DE 364 at 9. Apparently Dershowitz believes that because he is not described more often and prominently in the manuscript, that is proof of her

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<sup>19</sup> Judge Lynch Quashed discovery from non-party Virginia Giuffre on the Following: (1) Request 9 – “All documents concerning any communications by Jane Doe #3 or on Jane Doe #3’s behalf with any media outlet concerning Dershowitz or the Federal Action whether or not such communications were “on the record” or “off the record;” (2) Request 17 “All documents concerning any actual or potential book, television or movie contracts or deals concerning Jane Doe #3’s allegations about being a sex slave;” (3) Request 18 “All documents concerning any monetary payments or other consideration received by Jane Doe #3 from any media outlet in exchange for her statements whether ‘on the record’ or ‘off the record’ regarding Epstein, Dershowitz, Prince Andrew, Duke of York, and/or being a sex slave;” (4) Request 20 “All documents showing any payments or remuneration of any kind made by Epstein or any of his agents or associates to you from January 1, 1999 through December 31, 2002;” and (4) Request 23: “All manuscripts and/or other writings whether published or unpublished, created in whole or in part by Jane Doe #3 concerning Epstein and any of his agents or associates.”

<sup>20</sup> Dershowitz asserts that before this May 11, 2011, email was sent by Ms. Churcher, that Ms. Giuffre “did not in any way accuse Professor Dershowitz of sexual abuse . . . .” DE 364 at 9-10. But the support for this assertion appears to be a statement from Asst. U.S. Attorney Jeff Sloman that Dershowitz’s name had not come up in 2006 to 2008 when Dershowitz was helping to negotiate Jeffrey Epstein’s plea deal. Dershowitz Dec., ¶ 5 (referring to unnamed Asst. U.S. Attorney). However, because of Dershowitz’s penchant for twisting words, Mr. Sloman has sent a corrective note that he left the U.S. Attorney’s Office in 2008 and does not know what the investigation of Epstein revealed after that time. Also, Dershowitz does not recount in his statement of facts that in March 2011, two months before Ms. Churcher sent the email in question to Ms. Giuffre, Ms. Giuffre had told attorney Jack Scarola in a recorded interview that Dershowitz has relevant information about Epstein’s sexual abuse.

<sup>21</sup> Dershowitz wrongly suggests to this Court that Ms. Giuffre answered questions incorrectly in her deposition. Ms. Giuffre answered questions to the best of her recollection. Ms. Giuffre had never sent an email to Ms. Churcher with Dershowitz’s name in it – instead, as Dershowitz recounts, Ms. Churcher turns out to have sent one email to Ms. Giuffre with Dershowitz’s name in it.

innocence. But this inference is inconsistent with Ms. Giuffre's description of the manuscript, in which she explained "[n]ot everything in it is – not everything is in there . . ." McCawley Dec. at 13, Giuffre Dep. Tr. at 41.

## II. DERSHOWITZ RELEASES CONFIDENTIAL INFORMATION IN VIOLATION OF A FLORIDA COURT ORDER

The pending sanction motion in the Florida Court is an illustrative example of how Dershowitz willingly violates Court orders. On December 11, 2015, in a transparent attempt to play his case to the media rather than try it before the court, Dershowitz filed a false affidavit with the Florida court purporting to describe confidential settlement communications with Giuffre's counsel and attempting to discredit Giuffre. He filed his affidavit in the public court file, despite knowing Ms. Giuffre's standing objections. He then alerted the media (specifically the *New York Times*) to these statements. After Giuffre filed an emergency motion to seal the affidavit, the court found in favor of Ms. Giuffre that the communications in the affidavit were in fact confidential settlement negotiations that should not have been disclosed and granted Giuffre's motion. McCawley Dec., Ex. 15. During the hearing, the Florida court admonished Dershowitz not to reveal any other confidential settlement negotiations:

MS. MCCAWLEY: Your Honor, if the intent here is to continue to spew the confidential settlement negotiations and have Dershowitz go to New York or other locations to say these things again, I would object to that. I think this Court needs to be very stern in its response that these are not appropriate to be disclosed.

*THE COURT: Well, I think he is aware of that.*

MR. SAFRA [Dershowitz's attorney]: I'm aware, and I will convey to my client. . .<sup>22</sup>

Ms. Giuffre had a pending motion for sanctions against Dershowitz for his conduct in wrongfully revealing and flatly mischaracterizing these settlement disclosures. McCawley Dec.

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<sup>22</sup> McCawley Dec. at Exhibit 14, December 18, 2015, Emergency Motion to Seal Hr. Tr. at 25:23-26:9 (emphasis added).

Sealed Ex. 16, Motion for Sanctions. Before that motion was heard, Dershowitz willfully violated the court's order and again disclosed the confidential settlement communications, for which Giuffre again sought sanctions. McCawley Dec. Sealed Ex. 17, Supplement to Motion for Sanctions. However, before the sanction motions were heard, Dershowitz settled the underlying litigation. Dershowitz has insisted upon keeping confidential the monetary settlement that resolved the claims against him.<sup>23</sup> The trial court declined to retain jurisdiction to hear Ms. Giuffre's sanctions claims after the settlement. Ms. Giuffre's attorneys have appealed the ruling to the Florida Court of Appeals and filed an opening brief on August 25, 2016.

### III. THE PROTECTIVE ORDER IN THIS CASE

This is a case concerning sex abuse of minors, brought by a woman who was herself a minor victim of sex abuse. Accordingly, this Court has recognized from the outset the paramount importance of a protective order in this case, announcing at one of the first hearings in the case that that "of course there should be a protective order in this case."<sup>24</sup> Thereafter, on March 18, 2016, "[u]pon a showing of good cause," the Protective Order was entered (DE 62 at p.1). The following month, this Court sought even greater strictures regarding the Protective Order.<sup>25</sup>

Furthermore, as this Court will remember, it twice allowed the parties to submit suggested redactions to the public versions of its Orders (DE 135; June 20, 2016, Order<sup>26</sup>). While

<sup>23</sup> "Did Dershowitz Shell Out Big Bucks to Get Settlement in Sex Case?" by Vivia Chen, April 12, 2016 at <http://thecareerist.typepad.com/thecareerist/2016/04/did-dershowitz-shell-out-money-for-settlement-in-case-sex.html>

<sup>24</sup> March 17, 2016, Hearing Transcript at 4:25-5:1. McCawley Dec. at Exhibit 18.

<sup>25</sup> "However, I'm also going to ask the parties to agree upon an order that would *expand* the confidentiality agreement to this extent to this extent, to require the plaintiff to indicate to me and to the defense if there is anyone else who is going to be active in this litigation. I'll tell you why I feel this way. I want to be sure that we can enforce the confidential aspect of that agreement, and *I think that could be critical down the line*. That's the reason for those requests." April 21, 2016, Hearing Transcript at 6:24-7:6. McCawley Dec. at Exhibit 19.

<sup>26</sup> "This matter being subject to a Protective Order, the parties are directed to meet and confer regarding redactions to this Opinion consistent with that Order. The parties are further directed to jointly file a proposed redacted version of this Opinion or Notify the Court that none are necessary within two weeks of the date of receipt of this Opinion." June 20, 2016, Sealed Order at p. 19.

the redactions were agreed to by the parties, they were solely at Defendant's request.<sup>27</sup> Indeed, this Court temporarily placed the entire docket under seal. June 23, 2016, Order. DE 251. Under these rulings, both parties designated hundreds of pages of materials confidential under the Court's Order.

#### IV. ARGUMENT

##### A. Legal Standard

The Court may deny Dershowitz's motion without even reaching the merits of whether the contested documents are judicial documents, which they absolutely are not. Fed. R. Civ. P. 24(b)(3); *Liz Claiborne, Inc. v. Mademoiselle Knitwear, Inc.*, 1996 WL 346352, at \*4 (S.D.N.Y. June 26, 1996) (Sweet, J.) (denying leave to intervene); *Levin v. U.S.*, 633 Fed. Appx. 69, 70 (2d Cir. 2016) (affirming district court's denial of motion to intervene, explaining "[b]ecause of the fact-intensive nature of an intervention decision, we review for 'abuse of discretion' a district court's order denying intervention . . . by permission."). Accordingly, this Court can deny Dershowitz's motion on the grounds that taking these documents to the media would prejudice Ms. Giuffre and because, having sat on the documents for months, the motion is untimely.<sup>28</sup>

Dershowitz's motion mentions, then proceeds to ignore, the policy rationale that underlies both the First Amendment and common law right of access to judicial documents. Both

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<sup>27</sup> Without a good faith basis, Defendant proposed redacting this Court's reference to Jeffrey Epstein's name (44 times) and the Court's reference to Alan Dershowitz's name (10 times) from this Court's Order. DE 135 Ms. Giuffre made no objection to Defendant's self-serving maneuver to avoid being closely associated with Epstein and Dershowitz in the public eye.

<sup>28</sup> The Court should not even reach the substance of Dershowitz's motion, as he has failed to meet the requirements for permissive intervention, which, as Dershowitz admits, include timeliness. *MasterCard Intern. Inc. v. Visa Intern. Service Ass'n, Inc.*, 471 F.3d 377, 390 (2d Cir. 2006). In *MasterCard* the Second Circuit affirmed the district court's denial of a motion for permissive intervention on timeliness grounds. That decision is highly persuasive here. First, Dershowitz has known of his potential "interest" in this case long before it was filed in September of 2015, as evidenced by the email communications between Dershowitz and Defendant the Court reviewed in its *in camera* review before ordering Defendant to produce them. Yet Dershowitz waited until after discovery closed and until after he was safe from receiving a notice of deposition in this matter, before he filed his intervention motion. Unsurprisingly, his motion is devoid of any claim that his motion is timely, because such an argument could never succeed given Dershowitz's long-held knowledge of Ms. Giuffre and her allegations, the disposition of this case, and the fact that he sat on these documents for months before seeking relief.

legal principles exist so that courts may have accountability to the public; they do not exist to enable individuals on a personal vendetta to advance a public smear campaign against a victim of childhood sexual abuse. *U.S. v. Amodeo*, 71 F.3d 1044, 1048 (2d Cir. 1995) (“*Amodeo II*”) (“The presumption of access is based on the need for federal courts, although independent—indeed, particularly because they are independent—to have a measure of accountability and for the public to have confidence in the administration of justice.”). Indeed, the motion to intervene is devoid of any citations to precedent that allows an individual to exploit these bedrock legal principles solely for his personal benefit, rather than the public at large. Furthermore, the Court should not overlook the fact that that Dershowitz *already possesses* these documents because they were sent to him by Maxwell’s counsel who has named him as a witness, and, as demonstrated below, the Second Circuit does not provide a right of access to protected material when an individual seeks to use it solely for harm.

**B. These Are Not Judicial Documents and Therefore Should Not be Disclosed**

The Court can end its legal analysis of this motion quickly, as, contrary to Dershowitz’s suggestion, the documents in question are not judicial documents. This fact is fatal to the motion, as neither the First Amendment nor the common law right of access applies in a scenario where the materials in question are not judicial documents. *U.S. v. Amodeo*, 44 F.3d 141, 145 (2d Cir. 1995) (“*Amodeo I*”) (noting material must be a “judicial document” to be “accessible to the public”).

Dershowitz only became aware of the documents he now seeks because Ms. Giuffre produced them in discovery. It is established law in the Second Circuit that documents simply exchanged in the civil discovery context do not come within the purview of the First Amendment or the common law right of access. “Documents that play no role in the performance of Article III functions, such as those passed between the parties in discovery, lie entirely beyond the



presumption's reach..." *Amodeo II*, 71 F.3d at 1050. Dershowitz suggests that because a subpoenaed third party filed one of the documents as an attachment to a motion to quash, and because Defendant filed the others as an exhibit to an opposition to extend discovery, that converts them into judicial documents and triggers the presumption of access. This argument is unavailing. The Second Circuit has held that the "mere filing of a paper or document with the court is insufficient to render that paper a judicial document subject to the right of public access. We think that the item filed must be relevant to the performance of the judicial function and useful in the judicial process in order for it to be designated a judicial document." *Amodeo I*, 44 F.3d at 145.

A review of the case law reveals that *every circuit* to have directly addressed this point has found that documents filed as exhibits to non-dispositive discovery motions *do not qualify* as judicial documents. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) ("We have, however, carved out an exception to the presumption of access to judicial records for a sealed discovery document [attached] to a non-dispositive motion, such that the usual presumption of the public's right of access is rebutted") (internal citation and quotations omitted); *Bond v. Utreras*, 585 F.3d 1061, 1075 n. 8 (7th Cir.2009); *Chi. Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1312–13 (11th Cir.2001) (holding that "material filed with discovery motions is not subject to the common-law right of access, whereas discovery material filed in connection with pretrial motions that require judicial resolution of the merits is subject to the common-law right"); *Anderson v. Cryovac, Inc.*, 805 F.2d 1, 10 (1st Cir.1986) ("Although we agree that the public has a right of access to some parts of the judicial process, we conclude that this right does not extend to documents submitted to a court in connection with discovery proceedings."); *Leucadia, Inc. v. Applied Extrusion Technologies, Inc.*, 998 F.2d 157,

164 (3d Cir. 1993) (“holding that discovery motions and supporting materials are subject to a presumptive right of access would make raw discovery, ordinarily inaccessible to the public, accessible merely because it had to be included in motions precipitated by inadequate discovery responses or overly aggressive discovery demands. This would be a holding based more on expediency than principle.”).

Therefore, five federal appellate courts have already rejected the argument that Dershowitz advances here. Dershowitz acknowledges that the Second Circuit has not yet reached this specific issue, but the holdings in *Amodeo I* and *Amodeo II* demonstrate that when the Second Circuit reaches this issue, it will reach exactly the same result. In *Amodeo II* the Second Circuit held that documents “passed between the parties in discovery, lie entirely beyond the presumption’s reach...” *Amodeo II*, 71 F.3d at 1050. In *Amodeo I* the Second Circuit noted the “mere filing of a paper or document with the court is insufficient to render that paper a judicial document subject to the right of public access.” *Amodeo I*, 44 F.3d at 145. Additionally, in the case cited by Dershowitz, *S.E.C. v. TheStreet.Com*, 273 F.3d 222, 233 (2d Cir. 2001), the Second Circuit rejected an argument that would “transform every document that a court reviews into a ‘judicial document’ presumptively open to the public, despite well-settled law to the contrary.”

The Second Circuit has held (1) discovery materials are not judicial documents; (2) the mere filing of a document with the court does not render it a judicial document; and (3) a court simply reviewing a piece of discovery material does not make the document a “judicial document.” Therefore, there is no question that the Second Circuit would resolve the issue at hand in exactly the same way that every other circuit to address the issue has. This Court should follow every other circuit, and the guidance from the Second Circuit, and find that the mere

filing of a piece of discovery material as part of a non-dispositive discovery motion does not convert the material into a judicial document.

Finally, the Churcher emails cannot qualify as “judicial documents” on the separate and independent basis that the Court has not considered them, as the motion to which they are attached is still pending.<sup>29</sup> Here again, Dershowitz’s motion misses the point of the First Amendment and common law rights of access. It is not the filing of a piece of discovery that makes it a judicial document, it is the Court’s *review and consideration* of that document that converts the document’s status. *Gosmile, Inc. v. Dr. Jonathan Levine, D.M.D. P.C.*, 2012 WL 1382557, at \*1 (S.D.N.Y. 2012) (“Court did not weigh these documents [attached as exhibits] in its review of the parties’ motions, considers them immaterial to the motions, and therefore does not consider them to be judicial documents.”). As Ms. Giuffre has shown, these principles exist for the accountability of the courts to the public, not for the personal benefit of an individual.

In the face of this uniform precedent from the courts of appeal, Dershowitz cites only to a handful of district court opinions, many of which do not support the relief he seeks. For example, in Dershowitz’s first-cited case, *Alexander Interactive, Inc. v. Adorama, Inc.*, No. 12 Civ. 6608, 2014 WL 4346174, at \*2 (S.D.N.Y. Sept. 2, 2014), the Court proceeded to deny access and instead sealed the materials at issue. In *Dandong v. Pinnacle Performance Ltd.*, No. 10 Civ. 8086, 2012 WL 6217646, at \*2 (S.D.N.Y. Dec. 3, 2012) the court noted the materials at issue were nothing more than legal argument, and it gave the parties time to show “good cause” for keeping the documents sealed. The Court can reject these outlier opinions out of hand, as they do not comport with the holdings of the First, Third, Seventh, Ninth and Eleventh Circuits, nor are they in-line with the Second Circuit’s case law in *Amodeo I*, *Amodeo II* and *TheStreet.Com*.

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<sup>29</sup> It may well be the case that the Court never considered Ms. Giuffre’s draft manuscript in ruling on the motion for extension of time in relation to the opposition motion to which it was attached. The Order makes no mention of it. DE June 20, 2016, Order. If the Court did not consider those exhibits, they do not qualify as judicial documents.

There simply is no legal basis for this Court to find that the documents Dershowitz seeks qualify as “judicial documents.” First, it is not clear that this Court has even reviewed or considered them, and if it has not, that fact alone is dispositive. Second, the law throughout the country is clear that routine, raw discovery materials submitted as exhibits to non-dispositive discovery motions do not convert into “judicial documents” and trigger a right of public access. The Court should find that these documents are not “judicial documents” and summarily deny Dershowitz’s motion.

**C. Even Were the Court to Deem the Documents to be Judicial Documents, the Presumption of Access is Weak**

Even if the Court found these documents to be judicial documents - which they categorically are not - Dershowitz’s motion still fails because the common law presumption of access is extremely weak and easily overcome here by countervailing factors. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (noting that if a court finds documents to be judicial, it must then assess the weight of the presumed access and determine if countervailing factors override the presumption).

Once again, Dershowitz’s own cited cases are his undoing. In *Alexander Interactive*, the Court found that because the documents were submitted merely as exhibits to a motion to compel, “the presumption in favor of public access is weak.” 2014 WL 4346174 at \*2. It then proceeded to seal the documents in question, despite acknowledging the public right of access. *See also Stern v. Cosby*, 529 F.Supp.2d 417, 422 (S.D.N.Y. 2007) (“the presumption of public access - if any - that attaches to the transcript and videotape is low, at best. No such presumption attaches at all to the videotape, and even if the transcript is filed for purposes of a motion to compel, the presumption that would attach to the transcript would be low. On any such motion, I

would not be making any decision on the merits, but I would simply be reviewing excerpts of the transcripts to resolve a discovery dispute.”).

This ruling is in-line with the Second Circuit’s directive regarding how to assess the weight of the presumption of access. “[T]he presumption of access must be governed by the role of the material at issue in the exercise of Article III judicial power and the resultant value of such information to those monitoring the federal courts. Generally, the information will fall somewhere on a continuum from matters that directly affect an adjudication to matters that come within a court's purview solely to insure their irrelevance.” *Amodeo II*, 71 F.3d at 1049. This is not a situation where the documents were relied upon as part of a dispositive summary judgment motion (where the presumption is highest). If the Court relied on the documents at all, which is not clear, it was for the limited purpose of determining entitlement to discovery. In this context, as the courts in *Alexander Interactive*, *Stern* and *Amodeo II* noted, the presumption is weakest. *Amodeo II*, 71 F.3d at 1050 (“Where testimony or documents play only a negligible role in the performance of Article III duties, the weight of the presumption is low and amounts to little more than a prediction of public access absent a countervailing reason.”). *Joy v. North*, 692 F.2d 880, 893 (2d Cir.1982) (“Discovery involves the use of compulsory process to facilitate orderly preparation for trial, not to educate or titillate the public.”); *In re Zyprexa Injunction*, 474 F.Supp.2d 385, 423 (E.D.N.Y. 2007) (“Nonparties who are prohibited from accessing confidential documents . . . cannot claim an infringement on their freedom of speech: The right to speak and publish does not carry with it the unrestrained right to gather information. . . . Discovery involves the use of compulsory process to facilitate orderly preparation for trial, not to educate or titillate the public.”) (internal citations and quotations omitted); *Dorsett v. County of Nassau*, 762 F.Supp.2d 500, 519 (E.D.N.Y. 2011) (“Assuming for the sake of argument that the

IAU Report did satisfy the judicial document inquiry, since the Report was passed between the parties in discovery, it lies entirely beyond the presumption's reach.”).

Given that the presumption of access here is weak, if it exists at all, Ms. Giuffre easily overcomes it with her countervailing evidence. With regard to her draft manuscript, it is protected under trade secret and copyright law, and Dershowitz has no legal right to disseminate it to a public audience.<sup>30</sup> Courts routinely seal materials in support of filings when they contain proprietary or similarly protected content.<sup>31</sup> *Louis Vuitton Malletier, S.A. v. My Other Bag, Inc.*, 156 F.Supp.3d 425, 445 N7 (S.D.N.Y. 2016) (“As for competing considerations that counsel in favor of allowing the parties to file their briefs under seal, the privacy interests of the parties in preventing the public disclosure of private business figures and communications are not insignificant. The Court therefore concludes that the balance of interests is in favor of allowing the parties' briefs to be filed under seal.”). This decision is particularly instructive here, as it involved summary judgment filings, where the access presumption is highest, as opposed to the discovery brief exhibits at issue here, where the presumption is lowest.

Finally, the privacy and sensitivity of the information here is particularly compelling in light of what Dershowitz intends to do if the Court allows him to disseminate these documents. His prior conduct reveals, without a shred of doubt, that he has a personal vendetta against Ms. Giuffre, and he will take these documents and attempt to publicly disparage Ms. Giuffre, as he has done in the recent past. The Second Circuit does not allow a court to unseal private and

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<sup>30</sup> Ms. Giuffre has testified at her deposition in this case that her draft manuscript does not contain everything that happened to her. McCawley Dec. at Exhibit 13, Giuffre Dep. Tr. at 41. Tellingly, Dershowitz does not seek to lift the confidentiality of the testimony of all the witnesses in this case which reveals a significant sex trafficking ring. Instead, Dershowitz seeks to reveal evidence which he can spin in an attempt to legitimize his public relations campaign against her, while keeping secret the evidence that would directly refute his spin.

<sup>31</sup> Similarly, with regard to the Churcher emails, those are the same “private business communications” that the court in *Louis Vuitton* found adequate to justify sealing the filings at issue. Indeed, the Second Circuit expressly recognizes such privacy rights as a legitimate basis to overcome the presumption of access. *Amodeo II*, 71 F.3d at 1051 (“Such interests, while not always fitting comfortably under the rubric ‘privacy,’ are a venerable common law exception to the presumption of access.”).

otherwise protected material to enable a non-party to conduct a public smear campaign. *Amodeo II*, 71 F.3d at 1051 (“The nature and degree of injury must also be weighed. This will entail consideration not only of the sensitivity of the information and the subject but also of how the person seeking access intends to use the information...*personal vendettas...need not be aided.*”) (Emphasis added).

In sum, the documents Dershowitz seeks involve no presumption of access whatsoever, as they are not judicial documents, but were the Court to find otherwise, the applicable presumption of access would be the lowest that exists under Second Circuit law. Ms. Giuffre requests that, in accord with the governing law, the Court hold that her proprietary interests outweigh any weak presumption of access.

**D. No Right of Access Exists Under the First Amendment**

Dershowitz should not have advanced a First Amendment right of access argument because it is wholly without merit. First and foremost, the documents at issue must be “judicial documents” to trigger a First Amendment right of access, and, as stated above, the materials at issue here are not. *Newsday LLC v. County of Nassau*, 730 F.3d 156, 166 (2d Cir. 2013) (“We must conduct an independent review of the Report to determine (a) *whether it is a judicial document* to which the First Amendment right applies”) (emphasis added).

Should the Court find otherwise, there remains no right of access under the First Amendment. As the Second Circuit has said, “[e]ven when it applies, moreover, the First Amendment right creates only a *presumptive* right of access.” *Id.* at 164 (Emphasis original). The right does not attach here because Dershowitz’s motion fails the Second Circuit’s “experience and logic” test for triggering a First Amendment right of access. That test “asks both whether the documents have historically been open to the press and general public and whether public access plays a significant positive role in the functioning of the particular process in question.” *Id.*

Dershowitz's motion fails both parts of the test. "Protective orders prohibiting dissemination of materials discovered before trial are not the kind of classic prior restraint that require[ ] exacting First Amendment scrutiny." *In re Zyprexa Injunction*, 474 F.Supp.2d at 417 (Internal quotations omitted).

He argues that materials filed as part of discovery motions are routinely filed and available for public view. That argument is meritless, as it ignores the existence of the Protective Order in this case. Moreover, there is no "historical openness" to the press of a party's raw discovery materials, quite the opposite. As Ms. Giuffre established above, the Second Circuit has found that there is no public right of access to material exchanged in discovery. *Amodeo II*, 71 F.3d at 1050 (documents "passed between the parties in discovery, lie entirely beyond the presumption's reach..."). And again, the Court should not lose sight of the policy rationale behind the First Amendment right of access: the accountability of the courts to the public. Dershowitz does not want to monitor this Court in any way whatsoever; instead, he wants to use this Court as a vehicle to conduct a public relations campaign against Ms. Giuffre.

The Court will recall that Dershowitz has a joint-defense agreement with Defendant and is fully aligned with her interests in this case. Far from assisting the public in reviewing this Court's work, Dershowitz seeks to spread misinformation, engage in hateful personal attacks, and taint the jury pool that will hear Ms. Giuffre's case. The Court should not allow such callous abuse of a First Amendment right, particularly as there is no merit to Dershowitz's claim (Br. at 21) that "public monitoring has an important role to play here." This claim is a smokescreen to cover his improper motives. Dershowitz suggests there has been "significant public interest" in Ms. Giuffre's allegations against him, but that is irrelevant here for two reasons. First, Ms. Giuffre is not lodging accusations against Dershowitz in this case. Those allegations appeared in



the CVRA case Dershowitz references, and the Court will note that the CVRA court denied as moot Dershowitz's intervention attempt there. Second, public interest in a case would only matter if the material was sought to allow the public to monitor the Court's actions (which is why the courts in this district often recognize a *news agency's* standing to challenge protective orders<sup>32</sup>), not to feed any purported interest in Dershowitz personally. Again, the First Amendment right protects *the public's* right to oversee the function of the Court; it does not exist to assist Dershowitz in pursuing his personal vendetta against Ms. Giuffre. *Newsday*, 730 F.3d at 164 ("the need for public access to court proceedings is grounded in the need for federal courts ... to have a measure of accountability and *for the public to have confidence in the administration of justice.*") (emphasis added). The Court must reject Dershowitz's misguided attempt to manipulate a public right for his personal benefit.

**E. The Second Circuit Has a Presumption Against Modifying Protective Orders Upon Which Parties Reasonably Relied**

The Second Circuit has expressly acknowledged that its protective order modification test has, as a general matter, a "strong presumption against the modification of a protective order, and orders should not be modified absent a showing of improvidence in the grant of the order or some extraordinary circumstance or compelling need." *In re Teligent, Inc.*, 640 F.3d 53, 59 (2d Cir. 2011) (affirming denial of motion to lift confidentiality provisions of the protective order).<sup>33</sup>

**1. The Record in this Case Shows That the Protective Order Was Not Improvidently Granted**

<sup>32</sup> Not only is Dershowitz not a news agency, and therefore, should not be allowed to challenge the Protective Order, but his interests are fully represented by Defendant, as evidenced by Defendant's privilege log (showing communications between Dershowitz's counsel and Defendant's counsel); Defendant's sharing confidential documents with Dershowitz; and the 2015 email, sent over 9 months prior to this action, between Dershowitz and Defendant (that this Court ordered Defendant to produce to Ms. Giuffre after its *in camera* review) discussing Ms. Giuffre. Defendant cannot credibly claim that his and Defendant's interests are not aligned.

<sup>33</sup> 8A Richard L. Marcus, *Federal Practice and Procedure* § 2044.1 (3d ed. Westlaw 2012) (asserting that the Second Circuit has "embraced a very restrictive attitude toward modification of protective orders," "emphasiz[ing] the need to foster use of protective orders as a means of facilitating discovery as a reason for resisting modification that would tend to make the orders appear unreliable").

Despite Dershowitz’s argument, the Protective Order, entered “[u]pon a showing of good cause,” was not improvidently granted. (DE 62 at p.1). Indeed, even after the entry of the Protective Order, this Court has articulated its concern for preserving the protections of the Protective Order: “I want to be sure that we can enforce the confidential aspect of that agreement, and I think that could be critical down the line.”<sup>34</sup> Indeed, “*once a discovery protective order is in place, the applicable standard requires plaintiff seeking to modify the order to show improvidence in the grant of the protective order* or some extraordinary circumstance or compelling need.” *In re September 11 Litigation*, 262 F.R.D. 274 (S.D. N.Y. 2009). Dershowitz’s attempts to claim improvidence, carelessness, or shortsightedness of this Court in granting the Protective Order are unavailing. To the contrary, this Court has, twice, found the case warrants a stringent Protective Order, and has specifically expressed concern for its ongoing efficacy.<sup>35</sup> Dershowitz cannot point to a single reason why the Protective Order was improvidently granted other than the fact that it hinders the ability of him, a third party, to select certain documents to use in a pre-trial smear campaign against one of the parties. Ms. Giuffre submits that one of the merits of the Protective Order is that it forecloses a pre-trial any media circus (created by either side) which would taint the jury pool.

## 2. The Parties and Deponents in This Case Have Reasonably Relied Upon the Protective Order

The Second Circuit has been hesitant to permit modifications that might “unfairly disturb the legitimate expectations of the parties or deponents.” *Dorsett v. County of Nassau*, 289 F.R.D. 54, 64 (E.D.N.Y. 2012). Indeed, “[i]t is presumptively unfair for courts to modify protective orders which assure confidentiality and upon which the parties have reasonably relied.” *Id.*, 289 F.R.D. at 64 (E.D.N.Y. 2012) (internal citations and quotations omitted) (denying motion to lift

<sup>34</sup> April 21, 2016, Hearing Transcript at 6:24-7:6. (McCawley Dec. at Exhibit 19).

<sup>35</sup> March 17, 2016, Hearing Transcript at 4:25-5:1, *supra*; April 21, 2016, Hearing Transcript at 6:24-7:6, *supra*

confidentiality of report of policing failures surrounding the murder of a young mother).

“Consequently, in a major decision in this field, *Martindell v. International Telephone & Telegraph Corp.*, 594 F.2d 291 (2d Cir.1979), the Second Circuit determined that ‘absent a showing of improvidence in the grant of a Rule 26(c) protective order or some extraordinary circumstance or compelling need ... a witness should be entitled to rely upon the enforceability of a protective order against any third parties.’” *Id.*, quoting *Martindell v. International Telephone & Telegraph Corp.*, 594 F.2d at 296 (denying governmental access for criminal investigative purposes civil deposition transcripts taken under a protective order).

In this case, Ms. Giuffre - and multiple other deponents - reasonably relied on this Court’s Protective Order in giving testimony and producing documents. Indeed, Ms. Giuffre has given testimony about being sexually assaulted in reasonable reliance upon the privacy of the Protective Order; furnished personal medical records under in reasonable reliance upon the Protective Order; and produced personal emails with close family members in reasonable reliance upon of the Protective Order. *Medical Diagnostic Imaging, PLLC v. Carecore Nat., LLC*, 2009 WL 2135294, at \*4 (S.D.N.Y. 2009) (denying motion to modify protective order because parties and third parties have reasonably relied upon the terms of the protective order). Under *Martindell*, this Court cannot take away those protections after the fact.<sup>36</sup>

**3. Dershowitz Seeks These Materials For an Illegitimate Purpose Which Disqualifies Him from Relief**

“A litigant's purpose in seeking modification of an existing protective order is also relevant for determining whether to grant a modification. Requests to modify protective orders so that the public may access discovery materials is arguably subject to a more stringent

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<sup>36</sup> “The Second Circuit has explicitly rejected the notion that the *Martindell* standard should be limited to cases where the government seeks to modify a protective order. Rather, *Martindell* has been applied even when the third party seeking access to discovery is a private litigant. *Dorsett v. County of Nassau*, 289 F.R.D. at 66, citing *Iridium India Telecom Ltd. v. Motorola, Inc.*, 165 Fed.Appx. 878, 880 (2d Cir.2005).

presumption against modification because there is no public right of access to discovery materials.” *Dorsett*, 289 F.R.D. at 65 (Internal citations and quotations omitted). Dershowitz’s own words admit the true purpose behind the instant motion, and wholly contradict the flimflam he has presented to this Court: “*My goal is to bring charges against the client and require her to speak in court.*”<sup>37</sup>

Indeed, in over 50 statements to the press, he has explained to the world (if not this Court) his reasons for maintaining his attacks on Ms. Giuffre in the media, in which he has publicly called her a “prostitute” and a “bad mother” to her three minor children. McCawley Dec. at Exhibit 20, Local 10 News, January 22, 2015. For example, Dershowitz has made the following statements:

- “The end result of this case should be she [Jane Doe No. 3] should go to jail, the lawyers should be disbarred and everybody should understand that I am completely and totally innocent.” McCawley Dec. at Exhibit 21, CNN International, New Day, January 6, 2015.
- Dershowitz also stated, in an interview in Newsmax, that he is “considering” bringing a lawsuit against Jane Doe No. 3. “And we’re considering suing her for defamation as well, but right now she was trying to hide in Colorado and avoid service, but we found her and we served her and now she’ll be subjected to a deposition.”<sup>38</sup>

By his own words, Dershowitz wants to intimidate and harass Ms. Giuffre with the specter of his sending her “to jail.”<sup>39</sup>

Even Dershowitz’s own cited cases militate against the Court feeding his proposed public relations campaign: *Nixon v. Warner Communications, Inc.*, 98 S.Ct. 1306, 1312, 435 U.S. 589, 598 (1978) (“It is uncontested that the right to . . . copy judicial records is not absolute . . . access has been denied where court files might have become a vehicle for improper purposes”). In

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<sup>37</sup> McCawley Dec. at Exhibit 22, Australian Broadcasting System (ABC), January 6, 2015.

<sup>38</sup> McCawley Dec. at Exhibit 23, Newsmax, April 8, 2015

<sup>39</sup> Dershowitz has previously written: “There’s an old saying: ‘If you have the law on your side, bang on the law. If you have the facts on your side, bang on the facts. If you have neither, bang on the table.’ I have never believed that, but I do believe in a variation on that theme: If you don’t have the law or legal facts on your side, argue your case in the court of public opinion.” ALAN DERSHOWITZ, TAKING THE STAND: MY LIFE IN THE LAW (2013).

*Nixon*, the Supreme Court warned that lower courts should “exercise an informed discretion as to the release” of materials, because, “[o]therwise, there would exhibit a danger that the court could become a partner in the use of the subpoenaed material to gratify private spite or promote public scandal, with no corresponding assurance of public benefit.” *Nixon v. Warner Communications, Inc.*, 98 S.Ct. at 1315, 435 U.S. at 603 (internal citations and quotations omitted). Under *Nixon*, this Court should not allow itself to be Dershowitz’s partner in gratifying his private spite and promoting public scandal that would necessarily prejudice Ms. Giuffre.<sup>40</sup>

**4. Under This Court’s Order, Non-Parties Cannot Challenge Confidentiality Designations and Dershowitz has Already Agreed to be Bound by the Parties’ Confidentiality Designations in Exchange for Receipt of Documents**

The Protective Order (DE 62) does not allow non-parties, like Dershowitz, to make a challenge to the confidentiality designations or the efficacy of the Order. To the contrary, the Protective Order only states that parties can object to the confidentiality designations: “A party may object to the designation of particular CONFIDENTIAL INFORMATION by giving written notice to the party designating the disputed information . . . it shall be the obligation the party designating the information as CONFIDENTIAL to file an appropriate motion requesting that the Court determine whether the disputed information should be subject to the terms of this Protective Order.” (DE 62 at ¶ 11, p. 4). This Court’s Protective Order does not allow for non-parties to challenge these designations. Accordingly, Dershowitz cannot challenge the designations under this Order.

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<sup>40</sup> Similarly, under applications to intervene under Rule 24(a), numerous courts have declined to allow a mere “reputational” interest to justify intervention. *Calloway v. Westinghouse Elec. Corp.*, 115 F.R.D. 73, 74 (M.D. Ga. 1987) (“interest in his reputation alone . . . does not constitute the required interest relating to the property or transaction which is the subject of the present action necessary to allow intervention”); *Flynn v. Hubbard*, 82 F.2d 1084, 1093 (1st Cir. 1986) (“the church “merely claim[ed] a generalized injury to reputation [that] identifies no legal detriment arising from a default judgment against Hubbard.”); *Edmondson v. State of Neb. ex. rel. Meyer*, 383 F.2d 123 (8th Cir. 1967) (“The mere fact that Edmondson’s reputation is thereby injured is not enough [to support intervention.]”); *Forsyth County v. U.S. Army Corps of Engineers*, 2009 WL 1312511, at \*2 (N.D. Ga. May 8, 2009) (interest in protecting its reputation . . . is not direct, substantive, or derived from a legal right”).

Importantly, Dershowitz admits that he has agreed to be bound by the provisions of the Protective Order in exchange for receiving the documents. Accordingly, he has agreed to the confidentiality restrictions placed on the documents, no matter what the documents contained. As Dershowitz explicitly admits that he agreed to be bound by the Protective Order so that he could be privy to all of the discovery in this case, he also agreed to be bound by its confidentiality provisions, as well as the provisions that only allow parties to bring challenges to the Protective Order.

**V. CONCLUSION**

Based on the foregoing, the Court should deny Dershowitz's motion in its entirety.

August 29, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 29, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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# EXHIBIT 6

(Filed Under Seal)



| Page 1           | <p>UNITED STATES DISTRICT COURT<br/>SOUTHERN DISTRICT OF FLORIDA<br/>CASE No.08-CV-80119-CIV-MARRA/JOHNSON</p> <p>JANE DOE NO. 2,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="text-align: center;">-vs-</p> <p>JEFFREY EPSTEIN,</p> <p style="padding-left: 40px;">Defendant.</p> <hr/> <p>Related cases:<br/>08-80232, 08-80380, 98-80381, 08-80994,<br/>08-80993, 08-80811, 08-80893, 09-80469,<br/>09-80591, 09-80656, 09-80802, 09-81092</p> <hr/> <p style="text-align: center;">VIDEOTAPED DEPOSITION OF JUAN ALESSI<br/>VOLUME I</p> <p style="text-align: center;">Tuesday, September 8, 2009<br/>10:12 a.m. - 3:45 p.m.</p> <p style="text-align: center;">2139 Palm Beach Lakes Boulevard<br/>West Palm Beach, Florida 33401</p> <p>Reported By:<br/>Sandra W. Townsend, FPR<br/>Notary Public, State of Florida<br/>PROSE COURT REPORTING AGENCY<br/>West Palm Beach Office</p>                                                                                                                                                                                                                          | Page 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |        |             |      |                  |             |    |                  |            |     |                  |                 |     |                  |                      |     |                  |                      |     |        |
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| Page 2           | <p>1 APPEARANCES:<br/>2 On behalf of the Plaintiffs:<br/>3 RICHARD WILLITS, ESQUIRE<br/>4 RICHARD H. WILLITS, P.A.<br/>5 2290 10th Avenue North, Suite 404<br/>6 Lake Worth, Florida 33461<br/>7 Phone: 561.582.7600<br/>8 reelrhw@hotmail.com</p> <p>9<br/>10 STUART MERMELSTEIN, ESQUIRE<br/>11 MERMELSTEIN &amp; HOROWITZ, P.A.<br/>12 18205 Biscayne Boulevard, Suite 2218<br/>13 Miami, Florida 33160<br/>14 Phone: 305.931.2200<br/>15 ssm@sexabuseattorney.com<br/>16 ahorowitz@sexabuseattorney.com<br/>17 WILLIAM J. BERGER, ESQUIRE<br/>18 ROTHSTEIN ROSENFELDT ADLER<br/>19 401 East Las Olas Boulevard, Suite 1650<br/>20 Fort Lauderdale, Florida 33301<br/>21 Phone: 954.522.3456<br/>22 bedwards@rra-law.com</p> <p>23<br/>24 KATHERINE W. EZELL, ESQUIRE<br/>25 PODHURST ORSECK, P.A.<br/>25 25 West Flagler Street, Suite 800<br/>Miami, Florida 33130<br/>Phone: 305.358.2800<br/>rjosefsberg@podhurst.com<br/>kezell@podhurst.com<br/>ADAM J. LANGINO, ESQUIRE<br/>LEOPOLD KUVIN<br/>2925 PGA Boulevard, Suite 200<br/>Palm Beach Gardens, Florida 33410<br/>Phone: 561.515.1400<br/>skuvin@leopoldkuvin.com</p> | <p style="text-align: center;">- - -<br/>E X H I B I T S<br/>- - -</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">NUMBER</th> <th style="text-align: left;">DESCRIPTION</th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td>Exhibit number 1</td> <td>Photographs</td> <td style="text-align: right;">45</td> </tr> <tr> <td>Exhibit number 2</td> <td>Transcript</td> <td style="text-align: right;">130</td> </tr> <tr> <td>Exhibit number 3</td> <td>Incident Report</td> <td style="text-align: right;">137</td> </tr> <tr> <td>Exhibit number 4</td> <td>Incorporation Papers</td> <td style="text-align: right;">149</td> </tr> <tr> <td>Exhibit number 5</td> <td>Incorporation Papers</td> <td style="text-align: right;">150</td> </tr> </tbody> </table> | NUMBER | DESCRIPTION | PAGE | Exhibit number 1 | Photographs | 45 | Exhibit number 2 | Transcript | 130 | Exhibit number 3 | Incident Report | 137 | Exhibit number 4 | Incorporation Papers | 149 | Exhibit number 5 | Incorporation Papers | 150 | Page 4 |
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1 (Pages 1 to 4)

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1 MS. EZELL: I'm going to ask -- I don't know  
 2 whether you've still been serially designating  
 3 Exhibits or whether we're doing them separately for  
 4 deposition.  
 5 MR. CRITTON: I think we cannot trust that  
 6 people will do them serially. I'd do them with  
 7 each one.  
 8 MS. EZELL: Then would you mark this, please,  
 9 as Exhibit 1 to this deposition.  
 10 And I'm just going to state on the record that  
 11 I will keep that original. We will not attach it  
 12 to the deposition.  
 13 (Exhibit number 1 was marked for  
 14 identification purposes and retained by Counsel for the  
 15 Plaintiffs.)  
 16 THE WITNESS: Yes, that's --  
 17 BY MS. EZELL:  
 18 Q. Can you identify that -- the young woman in  
 19 those pictures?  
 20 A. Yes.  
 21 Q. Who is it?  
 22 A. That's V. -- V. Now that you says R., that  
 23 is V.R. definite, a hundred percent.  
 24 MR. CRITTON: Let me just note my objection,  
 25 as I did in A. Rod's deposition or Mr. Rodriguez's

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1 deposition, that I know you're going to confiscate  
 2 Exhibit number 1. I think it's inappropriate. I  
 3 think I should be allowed to have a copy of  
 4 Exhibits that are being used in deposition. But  
 5 I'll file a motion with the Court so we don't get  
 6 into a pulling match over your Exhibits.  
 7 MR. BERGER: I would ask that the court  
 8 reporter initial that.  
 9 MS. EZELL: Sure.  
 10 Oh, you did?  
 11 MR. WILLITS: She marked it.  
 12 MR. BERGER: Did she put her initials or did  
 13 she just put a number or a letter?  
 14 MR. CRITTON: She's nodding that she did  
 15 everything that she usually does, which means,  
 16 initials, date and number.  
 17 MR. MERMELSTEIN: You can talk.  
 18 MR. WILLITS: But when you talk, use your  
 19 initials.  
 20 BY MS. EZELL:  
 21 Q. How old did you think V.R. was at the time she  
 22 began coming to Mr. Epstein's home?  
 23 A. She could have been 17, 18, 19.  
 24 Q. Could she have also been 15?  
 25 MR. CRITTON: Form.

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1 THE WITNESS: Could have been. But, you know  
 2 I am not -- I don't think I am a very good judge of  
 3 ages. If you ask me how old you are, I really  
 4 couldn't tell you.  
 5 MR. CRITTON: Kathy thinks she's 25.  
 6 MS. EZELL: In my dreams.  
 7 THE WITNESS: Now, again, I must tell you, I  
 8 was never told to check any i.d.s on any of the  
 9 people who work at the house.  
 10 BY MS. EZELL:  
 11 Q. I understand that. And, so, I think I'm just  
 12 trying to establish that you didn't consider it part of  
 13 your job description to worry about or consider the  
 14 ages --  
 15 A. No.  
 16 Q. -- of the young women that came there?  
 17 A. Absolutely not. Absolutely not.  
 18 Q. And, so, you never really focused on that or  
 19 particularly thought about it if they seemed young?  
 20 MR. CRITTON: Form.  
 21 THE WITNESS: I don't -- I didn't see that  
 22 many young girls, you know, young, underage girls  
 23 at the house. I never saw except the two girls  
 24 that I mentioned that I think it was underage was  
 25 N. for sure because she was still in high school.

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1 And she -- she had dinner with her mother, a couple  
 2 times with her mother. And she become an actress.  
 3 She's an actress and she has done movies. And he  
 4 help her in her career.  
 5 That's the only girl that I knew she was young  
 6 because she was going to high school and I pick her  
 7 up from high school sometimes. But she was not a  
 8 massage therapist. She will go for dinner. And  
 9 they will go for the movies and she sang sometimes  
 10 because she was a singer. So she sung at the  
 11 house. Beautiful girl. Very talented.  
 12 That's the only girl that I know that it  
 13 was -- I would says, underage.  
 14 BY MS. EZELL:  
 15 Q. Okay. Did -- who told you that V.R. was a  
 16 massage therapist?  
 17 A. Nobody.  
 18 Q. Did you assume that she was a massage  
 19 therapist because you were told she was coming to give a  
 20 massage?  
 21 A. No. I assumed she was a massage therapy  
 22 because I was -- I drove Ms. Maxwell to Mar-a-lago,  
 23 Donald Trump's residence. And I wait in the car while  
 24 Ms. Maxwell got a -- I think it was a facial or massage.  
 25 I don't know. But that day I remember this girl, V.,

12 (Pages 45 to 48)

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1 MR. CRITTON: Form.  
 2 THE WITNESS: No, not that I can remember.  
 3 BY MS. EZELL:  
 4 Q. Do you know if he and Mr. Epstein were  
 5 involved in any businesses together?  
 6 A. Mr. Epstein, I never knew what businesses he  
 7 was involved. He will -- I was completely shut off of  
 8 all of the business, except for the office, transfer of  
 9 communications or faxes. But I have no idea of the  
 10 relationship with other business partners.  
 11 Q. Did you ever have to deal with his -- the  
 12 office in New York with someone named Lesley in New  
 13 York?  
 14 A. The secretary?  
 15 Q. Yes.  
 16 A. Yeah. I would call -- I would call Lesley  
 17 almost every day or other secretaries, they live in New  
 18 York. Basically it came a point when Mr. Epstein will  
 19 call New York and New York call me to do things for  
 20 Mr. Epstein. But he was on the phone or busy or  
 21 something and he would call the office and the office  
 22 will send me an e-mail or call me or -- it was a  
 23 constant report with the office in New York.  
 24 Q. And did you in turn sometimes call New York to  
 25 get a message to Mr. Epstein?

1 A. Yes.  
 2 Q. Did you ever overhear Mr. Epstein talking to  
 3 any people that you would consider celebrities?  
 4 A. Yes. I knew some -- many celebrities.  
 5 Q. Who -- what celebrities did you understand  
 6 that he spoke with?  
 7 A. He spoke to it?  
 8 Q. Yes.  
 9 A. I don't know who he spoke to because I never  
 10 listen to his conversations. But I saw guests at the  
 11 house that were celebrities.  
 12 Q. Who did you see at house?  
 13 A. Many. It was [REDACTED] It was [REDACTED]  
 14 [REDACTED] It was Prince Andrew. It  
 15 was Princess Sarah.  
 16 Q. Princess?  
 17 A. Sarah, the wife of Andrew.  
 18 Q. Sarah Ferguson?  
 19 A. Ferguson.  
 20 And it was a couple Misses, Misses Yugoslavia,  
 21 Miss Germany that I don't even know the names. But they  
 22 were a lot of queens and other famous people that I  
 23 can't remember. It was a very famous lawyers that I'm  
 24 sure you know, Alan Dershowitz, who spend at the house a  
 25 couple times. And he slept there. He -- Princess

1 Diane's secretary, she stay there for a week with her  
 2 kids and we took care of her.  
 3 Who else? Mr. Trump. That's a celebrity.  
 4 Mr. Robert Kennedy, Junior. Mr. Frederick Fekkai.  
 5 Q. Who is that?  
 6 A. Fekkai, Frederick Fekkai, the famous  
 7 hairstylist. Who else? I don't think I can remember  
 8 anymore.  
 9 Q. David Copperfield, the magician?  
 10 A. No, I never saw him.  
 11 Q. You never saw him.  
 12 Now, would these -- the people that you named  
 13 were all people that you saw visiting in the home?  
 14 A. Yes. Also was a Noble Prize winners, the -- I  
 15 can't remember his name. It was an old gentleman. He  
 16 was a Noble Prize, chemistry, I think, or mathematics.  
 17 There was a couple -- a couple of those, very -- also,  
 18 we had at one time at the house, it was a reunion of  
 19 very Noble Prize winners. But I don't know. They're  
 20 not famous, I guess. I can't remember their names.  
 21 Very important people.  
 22 Q. Was that a dinner or a reception?  
 23 A. I think it was a lunch.  
 24 Q. A lunch.  
 25 President Clinton, did you ever --

1 A. I met President Clinton on Mr. Epstein's plane  
 2 in the last, I think it was the last month or just  
 3 before I left -- I left, I met President Clinton in  
 4 Miami at his plane. We drove him to Miami.  
 5 Q. And do you know, was that a trip -- were they  
 6 going on a trip to Africa?  
 7 A. I hear about it, but it was not when I was  
 8 there.  
 9 Q. So that was not the time that you drove --  
 10 A. No, I was already out.  
 11 Q. And Kevin Spacey, did you ever meet him?  
 12 A. No. I hear about it on the news, but I never  
 13 met him.  
 14 Q. Were Prince Andrew and Princess Sarah friends  
 15 of Ms. Maxwell?  
 16 A. Both of them.  
 17 Q. Both Ms. Maxwell and Mr. Epstein?  
 18 A. Yeah.  
 19 Q. Did -- did they ever have massages when they  
 20 were there?  
 21 A. Prince Andrew did. I think Sarah was there  
 22 only once and for a short time. I don't think she slept  
 23 in there. I cannot remember. I think she was visiting  
 24 Wellington and she came to the house and we met her.  
 25 But Prince Andrew, yes, Prince Andrew spent weeks with

18 (Pages 69 to 72)

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Page 73

1 us.  
 2 Q. Where would he sleep?  
 3 A. In the main room, the main guest bedroom.  
 4 That was the blue room.  
 5 Q. And, so, when he would come and stay, during  
 6 that time would he frequently have massages?  
 7 MR. CRITTON: Form.  
 8 THE WITNESS: I would says, daily massages.  
 9 They have a daily massage.  
 10 BY MS. EZELL:  
 11 Q. Was it sometimes more than one a day?  
 12 A. I can't remember if he had more than one, but  
 13 I think it was just a massage for him. We set up the  
 14 tables and --  
 15 Q. Do you have any recollection of V.R. coming to  
 16 the house when Prince Andrew was there?  
 17 A. It could have been, but I'm not sure.  
 18 Q. Not sure. When Mr. Dershowitz was  
 19 visiting, --  
 20 A. Uh-huh.  
 21 Q. -- how often did he come?  
 22 A. He came pretty -- pretty often. I would says,  
 23 at least four or five times a year.  
 24 Q. And how long would he stay typically?  
 25 A. Two, three days.

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1 Q. Did he have massages sometimes when he was  
 2 there?  
 3 A. Yes. A massage was like a treat for  
 4 everybody. If they want it, we call the massage and  
 5 they have a massage.  
 6 Q. Now, Mr. Trump had a home in Palm Beach,  
 7 correct?  
 8 A. Uh-huh.  
 9 Q. So he didn't come and stay there, did he?  
 10 A. No, never.  
 11 Q. He would come for a meal?  
 12 A. He would come, have dinner. He never sat at  
 13 the table. He eat with me in the kitchen.  
 14 Q. Did he ever have massages while he was there?  
 15 A. No. Because he's got his own spa.  
 16 Q. Sure.  
 17 MS. EZELL: I don't have any other questions  
 18 right now. I'd just like to reserve if something  
 19 comes up to ask. But, otherwise, you may go ahead.  
 20 MR. LANGINO: It is noon, so I don't know what  
 21 everybody else's schedule is. I don't know how  
 22 you're feeling.  
 23 THE WITNESS: I am fine.  
 24 MS. EZELL: I do have another question. May I  
 25 ask it?

Page 75

1 MR. LANGINO: Go ahead. Sure.  
 2 BY MS. EZELL:  
 3 Q. You said that you set up the massage tables.  
 4 And would you also set up the oils and the towels?  
 5 A. Yes, ma'am.  
 6 Q. And I think I read one time you said they used  
 7 40 or 50 towels a day?  
 8 MR. CRITTON: Form.  
 9 THE WITNESS: That's correct. There was a  
 10 tremendous amount of work in the house, especially  
 11 laundry towels, because they were -- we have  
 12 towels, piles of towels. And they use in the pool.  
 13 There was a lot of people in the pool and there  
 14 were a towel that went in the floor, we have to go  
 15 and pick it up, wash it. So it was -- it was a lot  
 16 of towels, yes.  
 17 BY MS. EZELL:  
 18 Q. And did you ever have occasion to go upstairs  
 19 and clean up after the massages?  
 20 A. Yeah, uh-huh.  
 21 Q. Did you ever find any vibrators in that area?  
 22 A. Yes. I told him, yes.  
 23 MS. EZELL: And did you ask that? I'm sorry.  
 24 MR. CRITTON: Yes.  
 25 MS. EZELL: I don't know how I missed that.

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1 BY MS. EZELL:  
 2 Q. Since I did miss it, if you don't mind, let me  
 3 just ask you again.  
 4 Would you describe for me what kinds of  
 5 vibrators you found?  
 6 A. I'm not familiar -- not too familiar with the  
 7 names, but they were big dildos, what they call the big  
 8 rubber things like that (indicating). And I used to go  
 9 and put my gloves on and pick them up, put them in the  
 10 sink, rinse it off and put it in Ms. Maxwell --  
 11 Ms. Maxwell had in her closet, she had, like, a laundry  
 12 basket, one of those laundry basket that you put laundry  
 13 in. She have full of those toys. And that was -- and  
 14 that was me being professional, leaving the room ready  
 15 for bed when he would come back to the room again.  
 16 Q. Okay.  
 17 A. That happened a few times, few times.  
 18 Q. Were there other sex toys that you found in  
 19 the area --  
 20 A. No.  
 21 Q. -- sometimes? You mentioned she kept them in  
 22 a basket in her closet?  
 23 A. She kept them in her basket. She had some  
 24 videos there and she have a costume there. I know that  
 25 she bought it, that she brought it with her.

19 (Pages 73 to 76)

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COMPOSITE  
EXHIBIT 8  
(File Under Seal)

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA

3 JANE DOE NO. 2, Case No: 08-CV-80119  
4 Plaintiff,  
5 Vs  
6 JEFFREY EPSTEIN,  
7 Defendant.

\_\_\_\_\_ /

8 JANE DOE NO. 3, Case NO: 08-CV-80232  
9 Plaintiff,  
10 Vs  
11 JEFFREY EPSTEIN,  
12 Defendant.

\_\_\_\_\_ /

13 JANE DOE NO. 4, Case No: 08-CV-80380  
14 Plaintiff,  
15 Vs.  
16 JEFFREY EPSTEIN,  
17 Defendant.

\_\_\_\_\_ /

18 JANE DOE NO. 5, Case No: 08-CV-80381  
19 Plaintiff,  
20 Vs  
21 JEFFREY EPSTEIN,  
22 Defendant.

\_\_\_\_\_ /

24  
25

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1 that tape it's going to be Assistant Attorney  
 2 Weiss and Detective Recarey asking questions?  
 3 A. Yes.  
 4 Q. It says, during the sworn taped statement  
 5 Mr. Rodriguez stated he was employed by Jeffrey  
 6 Epstein for approximately six months.  
 7 I think we already talked about that.  
 8 I'm skipping ahead a little bit.  
 9 If Rodriguez needed to relay a message to  
 10 Epstein he would have to notify Epstein's  
 11 secretary Lesley in New York who would then notify  
 12 Epstein's personal assistant Sarah who would relay  
 13 the message to Epstein.  
 14 A. Yeah.  
 15 MR. CRITTON: Form.  
 16 BY MR. EDWARDS:  
 17 Q. That's pretty much the process you  
 18 described?  
 19 A. Yes, it was normal procedure.  
 20 Q. Rodriguez stated Epstein did not want to  
 21 see or hear the staff when he was in the  
 22 residence?  
 23 MR. CRITTON: Form.  
 24 THE WITNESS: That's correct.  
 25 BY MR. EDWARDS:

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1 Q. That's something you agree with?  
 2 A. Yes.  
 3 MR. CRITTON: Form.  
 4 BY MR. EDWARDS:  
 5 Q. Rodriguez advised Mr. Epstein had many  
 6 guests.  
 7 In addition to the girls who are roughly  
 8 C. and T. age who had come to the house to have a  
 9 good time, who were some of the other guests that  
 10 you know of, if you know their name?  
 11 MR. CRITTON: Form.  
 12 THE WITNESS: I mentioned Alan  
 13 Dershowitz.  
 14 BY MR. EDWARDS:  
 15 Q. That's a lawyer from Harvard?  
 16 A. Yes. The magician, David Copperfield,  
 17 some other lawyers from New York, you know. There  
 18 were some other guests.  
 19 Q. And how frequently would these other  
 20 guests come over?  
 21 A. Once a month, something like that.  
 22 Q. Okay. So if it's only once a month and  
 23 you were only there six months you're saying you  
 24 only saw six guests come over in addition to --  
 25 A. They have people, you know, they have

Page 200

1 friends, I will say, yeah.  
 2 Q. Then you mentioned that you typed into  
 3 Google, I guess you Googled Prince Andrew and Bill  
 4 Clinton. Why would you pick those names, were  
 5 they associated with Mr. Epstein?  
 6 A. Yes.  
 7 Q. And what is your understanding as to how  
 8 Prince Andrew is associated with Jeffrey Epstein?  
 9 A. Because there were pictures with him  
 10 together.  
 11 Q. In the house?  
 12 A. Yes.  
 13 Q. Many pictures or are we talking about  
 14 one?  
 15 A. Many pictures.  
 16 Q. Were these pictures that looked that  
 17 appeared to be at social events, at Mr. Epstein's  
 18 house or where?  
 19 A. Mrs. Maxwell took him to England to  
 20 introduce him to the royalty.  
 21 Q. Is it your understanding that Ghislaine  
 22 Maxwell knew Prince Andrew and introduced --  
 23 A. Yes.  
 24 Q. Is it also your understanding that at  
 25 some point in time Ghislaine dated or had a

Page 201

1 romantic relationship with Prince Andrew?  
 2 MR. CRITTON: Form.  
 3 THE WITNESS: I don't know that.  
 4 BY MR. EDWARDS:  
 5 Q. Do you know around what time period it  
 6 was that Mr. Epstein was introduced to Prince  
 7 Andrew?  
 8 A. 2003, I believe.  
 9 Q. How do you know that?  
 10 A. I've heard dates.  
 11 Q. From people in the Epstein group?  
 12 A. Yes.  
 13 Q. Okay.  
 14 MR. CRITTON: Let me note my objection,  
 15 move to strike, it's based on -- his  
 16 testimony is based on hearsay.  
 17 BY MR. EDWARDS:  
 18 Q. During the six month period of time when  
 19 you worked directly for Mr. Epstein, how often did  
 20 Mr. Epstein get together with or hangout with  
 21 Prince Andrew; if you know?  
 22 A. I didn't see him once.  
 23 Q. You never saw Prince Andrew at the house?  
 24 A. No, no, he called.  
 25 Q. I'm sorry, how often would he call?





Page 275

1 APPEARANCES:

2

3 RICHARD WILLITS, ESQ.  
2290 10th Avenue North  
4 Suite 404  
Lake Worth, Florida 33461  
5 Attorney for C.M.A.  
Appeared via telephone.

6

7 BURMAN, CRITTON, LUTTIER &  
8 COLEMAN, LLP  
BY: ROBERT CRITTON, ESQ.  
9 515 North Flagler Drive  
Suite 400  
10 West Palm Beach, Florida 33401  
Attorney for Jeffrey Epstein.

11

12

13 ALSO PRESENT:

14 JOE LANGSAM, VIDEOGRAPHER

15

16

17

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20

21

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24

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1 Deposition taken before MICHELLE PAYNE, Court  
2 Reporter and Notary Public in and for the State of  
3 Florida at Large, in the above cause.

4

5 THE VIDEOGRAPHER: This is a continuation  
6 of the deposition of Alfredo Rodriguez.  
7 Today is Friday, August the 7th, the year  
8 2009, starting time approximately 1:15 p.m.  
9 Will the court reporter please swear in  
10 the witness?  
11 Thereupon,  
12 ALFREDO RODRIGUEZ,  
13 having been first duly sworn or affirmed, was  
14 examined and testified as follows:  
15 MR. CRITTON: Before we get started just  
16 with regard to Ms. Ezell represents Jane Doe  
17 101 and 102, the alleged time of her  
18 incidents as of least have been plead in the  
19 complaint for 101 is '99 -- I'm sorry, '98  
20 through 2002, with Jane Doe 102 the Spring  
21 of -- Spring/Summer of 2003. Mr. Rodriguez  
22 never even began employment until '04 and  
23 '05. I think her questioning I think -- I  
24 can't say she doesn't have standing based on  
25 the court order, but I would say it's

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1 CONTINUED INDEX OF EXAMINATION

2

| 3 WITNESS           | DIRECT | CROSS | REDIRECT | RECROSS |
|---------------------|--------|-------|----------|---------|
| 4 ALFREDO RODRIGUEZ |        |       |          |         |
| 5 (By Ms. Ezell)    | 278    | 441,  | 467      |         |
| 6 (By Mr. Willits)  | 334    | 453,  | 469      |         |
| 7 (By Mr. Critton)  | 338    | 464   |          |         |
| 8 (By Mr. Edwards)  |        | 419,  | 454, 468 |         |
| 9 (By Mr. Langino)  |        | 452   |          |         |

10

11

12 CONTINUED INDEX OF EXHIBITS

| 13 PLAINTIFF'S                                                 | PAGE |
|----------------------------------------------------------------|------|
| 14 3 Drawing                                                   | 315  |
| 15 4 Photograph                                                | 327  |
| 16 5 Photograph                                                | 331  |
| 17 6 Photograph                                                | 331  |
| 18 7 Photograph                                                | 331  |
| 19 8 Photograph                                                | 331  |
| 20 9 Report                                                    | 446  |
| 21 (Exhibits 4, 5, 6, 7, and 8 were retained by Ms.<br>Ezell.) |      |

22

23

24

25

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1 completely irrelevant and immaterial and has  
2 no probative value with regard to this  
3 particular witness based upon the two  
4 clients at least that are in suit at this  
5 point in time.  
6 MS. EZELL: As Mr. Critton well knows I  
7 represent a number of other clients whose  
8 cases have not been filed and I believe we  
9 do have standing to ask questions, and I do  
10 intend to do that today.  
11 EXAMINATION  
12 BY MS. EZELL:  
13 Q. Mr. Rodriguez, you stated last time that  
14 there were guests at the house, frequent guests,  
15 friends from Harvard.  
16 Do you remember that testimony?  
17 A. Yes, ma'am.  
18 Q. And was there a lawyer from Harvard named  
19 Alan Dershowitz?  
20 A. Yes, ma'am.  
21 Q. And are you familiar with the fact that  
22 he's a famous author and famous lawyer?  
23 A. Yes, ma'am.  
24 Q. How often during the six months or so  
25 that you were there was Mr. Dershowitz there?

3 (Pages 275 to 278)

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 279</p> <p>1 A. Two or three times.</p> <p>2 Q. And did you have any knowledge of why he</p> <p>3 was visiting there?</p> <p>4 A. No, ma'am.</p> <p>5 Q. You don't know whether or not he was a</p> <p>6 lawyer -- acting as a lawyer or whether he was</p> <p>7 there as a friend?</p> <p>8 A. I believe as a friend.</p> <p>9 Q. Were there also young ladies in the house</p> <p>10 at the time he was there?</p> <p>11 MR. CRITTON: Form.</p> <p>12 THE WITNESS: Yes, ma'am.</p> <p>13 BY MS. EZELL:</p> <p>14 Q. And would those have included, for</p> <p>15 instance, Sarah Kellen and Nadia Marcenacova?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Were there other young ladies there when</p> <p>18 Mr. Dershowitz was there?</p> <p>19 MR. CRITTON: Form.</p> <p>20 THE WITNESS: Yes, ma'am.</p> <p>21 BY MS. EZELL:</p> <p>22 Q. Do you have any idea who those young</p> <p>23 women were?</p> <p>24 A. No, ma'am.</p> <p>25 Q. Were any of those the young women that</p>                       | <p style="text-align: right;">Page 281</p> <p>1 Q. Can you tell me where those were?</p> <p>2 A. One in the kitchen, and the one in the</p> <p>3 formal -- the main entrance. And there was one</p> <p>4 more added later on, but there is two when I was</p> <p>5 working there.</p> <p>6 Q. Could you just give me a rough sketch of</p> <p>7 the house of where the main entrance was and where</p> <p>8 the kitchen was?</p> <p>9 A. I'm not an architect but it's something</p> <p>10 like this. This is the kitchen, this is the main</p> <p>11 entrance.</p> <p>12 Q. Will you mark the kitchen with a K,</p> <p>13 please, and the main entrance with ME?</p> <p>14 A. This is the pool.</p> <p>15 Q. The pool?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. And in the upper left?</p> <p>18 A. In the terrace, yeah, there was a balcony</p> <p>19 here.</p> <p>20 Q. And where were the staircases?</p> <p>21 A. This is one, the kitchen, one in the</p> <p>22 foyer, and the pool.</p> <p>23 Q. Okay. And would you just put an F where</p> <p>24 the foyer staircase began? And KS where the</p> <p>25 kitchen staircase began.</p>                              |
| <p style="text-align: right;">Page 280</p> <p>1 you have said came to give massages?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. And do you have any idea whether or not</p> <p>4 Mr. Dershowitz was also receiving massages?</p> <p>5 A. I don't know, Ma'am.</p> <p>6 Q. I want to ask you to take this piece of</p> <p>7 paper, please, and a pencil --</p> <p>8 MR. WILLITS: Can anybody hear me?</p> <p>9 MS. EZELL: Yes. Can you hear me?</p> <p>10 MR. WILLITS: I've heard nothing for</p> <p>11 about a minute or so.</p> <p>12 MR. CRITTON: Can you hear me now?</p> <p>13 MR. WILLITS: Yes.</p> <p>14 MS. EZELL: I'm asking questions, I'm</p> <p>15 sorry.</p> <p>16 MR. CRITTON: Why don't we go off the</p> <p>17 record for a second.</p> <p>18 (Thereupon, a discussion was held off the</p> <p>19 record.)</p> <p>20 THE VIDEOGRAPHER: We're back on the</p> <p>21 record.</p> <p>22 BY MS. EZELL:</p> <p>23 Q. Mr. Rodriguez, you indicated that there</p> <p>24 were several staircases in the house?</p> <p>25 A. Yes, ma'am.</p> | <p style="text-align: right;">Page 282</p> <p>1 And you said that later another staircase</p> <p>2 was added?</p> <p>3 A. Yeah, we rehabilitated this, you know,</p> <p>4 but you asked me how many stairs there were, to</p> <p>5 answer your question there were three.</p> <p>6 Q. Three. So where was the third one?</p> <p>7 A. The pool, this leads to the pool.</p> <p>8 Through the outside master bedroom you could go</p> <p>9 downstairs to the pool.</p> <p>10 Q. Okay. A stairway then from the outside,</p> <p>11 from outside the master bedroom?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Down to the pool?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. One of your duties was to answer the</p> <p>16 door. Is that correct?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Which door would you answer?</p> <p>19 A. Mainly the kitchen.</p> <p>20 Q. And why was that, why would people mainly</p> <p>21 come to the kitchen?</p> <p>22 A. I'll say it was for practicable reasons</p> <p>23 because not to go to the main -- it was shorter</p> <p>24 because the entrance was here, so this was the</p> <p>25 driveway and we used to take into the back door of</p> |

4 (Pages 279 to 282)

Page 423

1 York house?  
 2 A. He will have massages.  
 3 MR. CRITTON: Form.  
 4 BY MR. EDWARDS:  
 5 Q. And are we still talking about a habit of  
 6 two a day?  
 7 MR. CRITTON: Form.  
 8 THE WITNESS: I don't know that.  
 9 BY MR. EDWARDS:  
 10 Q. Okay. So for the time period when you  
 11 have been familiar with Mr. Epstein and known his  
 12 habits, is it fair to say that he would have  
 13 roughly two girls a day in that same age group  
 14 wherever he was?  
 15 A. Yes.  
 16 MR. CRITTON: Form.  
 17 BY MR. EDWARDS:  
 18 Q. All right. And have you talked to  
 19 anybody that has given you similar information  
 20 from his Island home?  
 21 A. No.  
 22 Q. Do you know any of the girls that have  
 23 been over to his Island?  
 24 A. Yes.  
 25 Q. And who are they?

Page 424

1 A. Nadia, the girls who used to stay at the  
 2 home in El Brillo used to go over there to the  
 3 Island.  
 4 Q. When he would have these girls -- I guess  
 5 we've kind of categorized them as the girls who  
 6 would come over with him on an airplane and stay  
 7 at the house.  
 8 A. Yes.  
 9 Q. When they would be staying at the house  
 10 would he also have the local Palm Beach girls  
 11 coming over that you were told to call masseuses?  
 12 A. Yes.  
 13 Q. So these girls that came on the airplane  
 14 with him, were they also -- did they also have  
 15 knowledge that these young girls were coming over  
 16 to give massages?  
 17 MR. CRITTON: Form.  
 18 THE WITNESS: Yes, sir.  
 19 BY MR. EDWARDS:  
 20 Q. Okay. Who are the girls from the  
 21 airplane other than [REDACTED] that you remember?  
 22 A. Sarah. There were so many, sir, I don't  
 23 recall right now. But Sarah is for sure, [REDACTED]  
 24 was one of the main girlfriends, but I don't  
 25 remember that.

Page 425

1 Q. And is your understanding that Mr.  
 2 Epstein was intimate with any of those girls?  
 3 MR. CRITTON: Form.  
 4 THE WITNESS: Yes.  
 5 BY MR. EDWARDS:  
 6 Q. With all of them?  
 7 MR. CRITTON: Form.  
 8 THE WITNESS: Yes.  
 9 BY MR. EDWARDS:  
 10 Q. With Sarah as well?  
 11 A. Yes.  
 12 MR. CRITTON: Form.  
 13 BY MR. EDWARDS:  
 14 Q. With [REDACTED]?  
 15 A. Yes.  
 16 MR. CRITTON: Form.  
 17 BY MR. EDWARDS:  
 18 Q. And the girls who would come over on the  
 19 airplane?  
 20 MR. CRITTON: Form.  
 21 THE WITNESS: Yes.  
 22 BY MR. EDWARDS:  
 23 Q. Did you ever have occasion to go into the  
 24 bedroom and find the vibrators or back massagers  
 25 out after Mr. Epstein was in the room with any of

Page 426

1 the girls that came over on the plane?  
 2 MR. CRITTON: Form.  
 3 THE WITNESS: Yes.  
 4 BY MR. EDWARDS:  
 5 Q. So that's something that would be out  
 6 after the girls that came over on the plane or the  
 7 girls that came over for the massages?  
 8 A. Yes.  
 9 MR. CRITTON: Form.  
 10 BY MR. EDWARDS:  
 11 Q. And at the time when you were house  
 12 manager you had a 15-year old daughter?  
 13 A. Yes.  
 14 Q. Did she live down here?  
 15 A. In New Jersey.  
 16 Q. Okay. When Alan Dershowitz was at the  
 17 house I understood you to say that these local  
 18 Palm Beach girls would come over to the house  
 19 while he was there but you're not sure if he had a  
 20 massage from any of those girls.  
 21 A. Exactly.  
 22 Q. And what would he do while those girls  
 23 were at the house?  
 24 MR. CRITTON: Form.  
 25 THE WITNESS: He will read a book with a

40 (Pages 423 to 426)

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Page 427

1 glass of wine by the pool, stay inside.  
 2 BY MR. EDWARDS:  
 3 Q. Did he ever talk to any of the girls?  
 4 A. I don't know, sir.  
 5 Q. Certainly he knew that they were there?  
 6 MR. CRITTON: Form.  
 7 THE WITNESS: I don't know, sir.  
 8 BY MR. EDWARDS:  
 9 Q. Do you know how Sarah Kellen knows Mr.  
 10 Epstein?  
 11 A. No, sir.  
 12 Q. Or how long she's known him?  
 13 MR. CRITTON: Form.  
 14 THE WITNESS: She was on board two years  
 15 or a year and a half before I came on board.  
 16 BY MR. EDWARDS:  
 17 Q. Okay.  
 18 A. So it's probably 2003 or 2.  
 19 Q. All right. You mentioned this Citrix  
 20 system.  
 21 A. Yes.  
 22 Q. Is that a system that was used to operate  
 23 the phones and the computers?  
 24 A. The computers mainly.  
 25 Q. All right. But you then also described

Page 429

1 usually it's Yahoo dot com or at Bellsouth dot  
 2 net.  
 3 A. It was very uncommon. I don't remember,  
 4 sir.  
 5 Q. Did everybody in the -- I think you  
 6 called it the organization, did everybody have  
 7 e-mails?  
 8 A. Yes.  
 9 Q. Okay. Would that include Nadia?  
 10 A. Yes.  
 11 Q. All right. And did Mr. Epstein have an  
 12 e-mail?  
 13 A. Yes.  
 14 Q. Did you ever correspond with Mr. Epstein  
 15 by e-mail?  
 16 A. Yes.  
 17 MR. EDWARDS: You can go ahead.  
 18 THE WITNESS: That's the only one that I  
 19 remember.  
 20 THE VIDEOGRAPHER: Okay, we're off the  
 21 record.  
 22 (Thereupon, a recess was had.)  
 23 THE VIDEOGRAPHER: We're back on the  
 24 record with tape number four.  
 25 BY MR. EDWARDS:

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1 some system where someone would call on the  
 2 telephone and that would be automatically  
 3 downloaded to the computer?  
 4 A. Yeah, you can retrieve who called in a  
 5 transcript written who called, what's the message,  
 6 the time so you have it on a piece of paper, you  
 7 can print it out.  
 8 Q. Is it your understanding that is also  
 9 part of the Citrix system?  
 10 A. Yes.  
 11 Q. All right. Did you have an e-mail?  
 12 A. Right now, yes.  
 13 Q. No, when you were working at --  
 14 A. Yes, I did.  
 15 Q. -- Mr. Epstein?  
 16 And did Sarah Kellen have an e-mail?  
 17 A. Yes.  
 18 Q. And did all of the e-mails end the same  
 19 way such as Epstein's house dot com or something?  
 20 A. Yes.  
 21 Q. Okay. What was Sarah Kellen's e-mail?  
 22 A. I don't remember.  
 23 Q. What was your e-mail?  
 24 A. Staff house -- I don't remember, sir.  
 25 Q. Do you recall how it ended? I mean

Page 430

1 Q. Mr. Rodriguez, what was Mr. Epstein's  
 2 e-mail?  
 3 A. Jeep project at something -- Jeep  
 4 project -- I can't remember it right now.  
 5 Q. Okay. In the course of this next 10 or  
 6 15 minutes --  
 7 A. I can recall.  
 8 Q. -- if it comes to you just tell me. So  
 9 it was Jeep project --  
 10 A. Like Jeep, the brand name Jeep, Jeep  
 11 project at -- I can't remember.  
 12 Q. Okay. Was that his only e-mail to your  
 13 knowledge?  
 14 A. No.  
 15 Q. He had other e-mail addresses?  
 16 A. Yes.  
 17 Q. Do you know what any of his other e-mail  
 18 addresses were?  
 19 A. No, I don't remember.  
 20 Q. Do you know who the carriers were for the  
 21 other e-mail addresses owned by Jeffrey Epstein?  
 22 A. No, sir.  
 23 Q. Whether it was Yahoo or hot mail or --  
 24 A. No, none of those.  
 25 Q. Okay. Was this Jeep project e-mail run

**McCawley Declaration**

**COMPOSITE**

**EXHIBIT 9**

(Filed Under Seal)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CV-80893-CIV-MARRA/JOHNSON

JANE DOE,

Plaintiff,

vs.

JEFFREY EPSTEIN, et al.,

Defendants.

---

Related Cases:

08-80119, 08-80232, 08-80380, 08-80381,  
08-80994, 08-80811, 08-80893, 09-80469,  
09-8-591, 09-80656, 09-80802, 09-81092

VIDEOTAPED DEPOSITION OF NADIA MARCINKOVA  
TAKEN ON BEHALF OF THE PLAINTIFF

DATE: April 13, 2010

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">54</p> <p>1 A Fifth.</p> <p>2 Q Do you know Bill Clinton?</p> <p>3 A Fifth.</p> <p>4 Q You have been on Jeffrey Epstein's</p> <p>5 airplane with Bill Clinton?</p> <p>6 MR. YAREMA: Object to the form.</p> <p>7 A Fifth.</p> <p>8 Q Isn't take true you have been on Jeffrey</p> <p>9 Epstein's airplane with Doug Band, Bill Clinton's</p> <p>10 righthand man?</p> <p>11 MR. YAREMA: Object to the form.</p> <p>12 A Fifth.</p> <p>13 Q Have you witnessed improper sexual</p> <p>14 activity between Jeffrey Epstein and minors,</p> <p>15 while he was in the presence of Bill Clinton?</p> <p>16 MR. YAREMA: Object to the form.</p> <p>17 A Fifth.</p> <p>18 Q How many times have you ridden on the</p> <p>19 airplane with Jean Luc Brunel?</p> <p>20 MR. YAREMA: Object to the form.</p> <p>21 A Fifth.</p> <p>22 Q Each time that Jean Luc Brunel visits</p> <p>23 Jeffrey Epstein's house, does he bring underage</p> <p>24 minors to Jeffrey Epstein's house to engage in</p> <p>25 sex with?</p>                              | <p style="text-align: right;">56</p> <p>1 Jeffrey Epstein specifically flew to Palm Beach</p> <p>2 for the purposes of engaging in sex acts with</p> <p>3 Jane Doe?</p> <p>4 MR. YAREMA: Object to the form.</p> <p>5 A Fifth.</p> <p>6 Q Generally, isn't it true Jeffrey Epstein</p> <p>7 would fly from place to place for the purpose of</p> <p>8 engaging in sexual activity with minors at his</p> <p>9 destination?</p> <p>10 MR. YAREMA: Object to the form.</p> <p>11 A Fifth.</p> <p>12 Q Isn't it true that he employed numerous</p> <p>13 people for the sole purpose of scheduling</p> <p>14 appointments with underage minor females at each</p> <p>15 destination he landed?</p> <p>16 MR. YAREMA: Object to the form.</p> <p>17 A Fifth.</p> <p>18 Q What is Jeffrey Epstein's relationship</p> <p>19 with Sandy Berger?</p> <p>20 MR. YAREMA: Object to the form.</p> <p>21 A Fifth.</p> <p>22 Q Do you know what Jeffrey Epstein's</p> <p>23 relationship is with Alan Dershowitz?</p> <p>24 MR. YAREMA: Object to the form.</p> <p>25 A Fifth.</p>                        |
| <p style="text-align: right;">55</p> <p>1 MR. YAREMA: Object to the form.</p> <p>2 A Fifth.</p> <p>3 Q Do you know Glenn Dubin?</p> <p>4 A Fifth.</p> <p>5 Q Do you know Aline Weber?</p> <p>6 A Fifth.</p> <p>7 Q Is that somebody that was a sexual abuse</p> <p>8 victim at one point in time of Jeffrey Epstein</p> <p>9 and Jean Luc Brunel?</p> <p>10 MR. YAREMA: Object to the form.</p> <p>11 A Fifth.</p> <p>12 Q Between 2002 and 2005 when E.W. was</p> <p>13 abused by Jeffrey Epstein sexually, isn't it true</p> <p>14 that Jeffrey Epstein took flights to Palm Beach</p> <p>15 for the purposes of sexually abusing E.W.?</p> <p>16 MR. YAREMA: Object to the form.</p> <p>17 A Fifth.</p> <p>18 Q And between those same years of 2002 and</p> <p>19 2005, isn't it true that Jeffrey Epstein took</p> <p>20 airplane flights to Palm Beach from places</p> <p>21 outside of the State, to engage in sexual acts</p> <p>22 with L.M.?</p> <p>23 MR. YAREMA: Object to the form.</p> <p>24 A Fifth.</p> <p>25 Q From 2003 through 2005, isn't it true</p> | <p style="text-align: right;">57</p> <p>1 Q That's somebody who you know to have</p> <p>2 stayed at Jeffrey Epstein's house on many</p> <p>3 occasions, correct?</p> <p>4 MR. YAREMA: Object to the form.</p> <p>5 A Fifth.</p> <p>6 Q And also somebody who you know to have</p> <p>7 been at the house when E.W. was in Jeffrey</p> <p>8 Epstein's bedroom getting sexually abused,</p> <p>9 correct?</p> <p>10 MR. YAREMA: Object to the form.</p> <p>11 A Fifth.</p> <p>12 Q Alan Dershowitz is also somebody that</p> <p>13 you also know to have been at the house when L.M.</p> <p>14 was being sexually abused in Jeffrey Epstein's</p> <p>15 bedroom, correct?</p> <p>16 MR. YAREMA: Object to the form.</p> <p>17 A Fifth.</p> <p>18 Q Generally, Alan Dershowitz is familiar</p> <p>19 with Jeffrey Epstein's habit of engaging in</p> <p>20 sexual acts with minors on a daily basis,</p> <p>21 correct?</p> <p>22 MR. YAREMA: Object to the form.</p> <p>23 A Fifth.</p> <p>24 Q When Alan Dershowitz was in town,</p> <p>25 Jeffrey Epstein did not break his schedule for</p> |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 58 | <p>1 Alan Dershowitz, meaning he continued to sexually</p> <p>2 abuse minors despite Alan Dershowitz being a</p> <p>3 guest in the house?</p> <p>4 MR. YAREMA: Object to the form.</p> <p>5 A Fifth.</p> <p>6 Q Alan Dershowitz never engaged in any</p> <p>7 sexual activity with these underage minors; isn't</p> <p>8 that true?</p> <p>9 MR. YAREMA: Object to the form.</p> <p>10 A Fifth.</p> <p>11 Q Have you been made to have sex with</p> <p>12 Ghislaine Maxwell?</p> <p>13 MR. YAREMA: Object to the form.</p> <p>14 A Fifth.</p> <p>15 Q Do you know Emmy Taylor?</p> <p>16 A Fifth.</p> <p>17 Q Similar to you being Jeffrey Epstein's</p> <p>18 sex slave, is Emmy Taylor, or was Emmy Taylor</p> <p>19 Ghislaine Maxwell's sex slave?</p> <p>20 MR. YAREMA: Object to the form.</p> <p>21 A Fifth.</p> <p>22 Q Ghislaine Maxwell is somebody who you</p> <p>23 know to be bi-sexual, true?</p> <p>24 MR. YAREMA: Object to the form.</p> <p>25 A Fifth.</p>                                                                                      | 60 | <p>1 Q What was the purpose of that flight?</p> <p>2 MR. YAREMA: Object to the form.</p> <p>3 A Fifth.</p> <p>4 Q Did you sign a confidentiality agreement</p> <p>5 with Jeffrey Epstein?</p> <p>6 MR. YAREMA: Object to the form.</p> <p>7 A Fifth.</p> <p>8 Q When is the last time that you observed</p> <p>9 Jeffrey Epstein have sex with a minor?</p> <p>10 MR. YAREMA: Object to the form.</p> <p>11 A Fifth.</p> <p>12 Q Since being on probation, has Jeffrey</p> <p>13 Epstein been able to, or has he flown to his</p> <p>14 island?</p> <p>15 MR. YAREMA: Object to the form.</p> <p>16 A Fifth.</p> <p>17 Q To your knowledge, has Jeffrey Epstein</p> <p>18 flown to New York while on probation or community</p> <p>19 control?</p> <p>20 MR. YAREMA: Object to the form.</p> <p>21 A Fifth.</p> <p>22 Q Isn't it true that he has flown both to</p> <p>23 New York and to his island, and you have</p> <p>24 accompanied him on those trips, since he was on</p> <p>25 community control?</p>                                                                              |
| 59 | <p>1 Q You know that Ghislaine Maxwell engaged</p> <p>2 in sexual acts with underage minor females, true?</p> <p>3 MR. YAREMA: Object to the form.</p> <p>4 A Fifth.</p> <p>5 Q This is yet another friend of Jeffrey</p> <p>6 Epstein's that is into the act of molesting</p> <p>7 underage minor females, right?</p> <p>8 MR. YAREMA: Object to the form.</p> <p>9 A Fifth.</p> <p>10 Q Now, you are the next participant in</p> <p>11 that activity, meaning you have been groomed to</p> <p>12 enjoy and appreciate the acts of sex with</p> <p>13 underage minors, true?</p> <p>14 MR. YAREMA: Object to the form.</p> <p>15 A Fifth.</p> <p>16 Q Has Jeffrey Epstein instructed you to</p> <p>17 lie to his Probation Officer in any way?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A Fifth.</p> <p>20 Q Mr. Visoski testified that you took a</p> <p>21 helicopter flight within the last year with</p> <p>22 Jeffrey Epstein to Miami. Do you remember that</p> <p>23 flight?</p> <p>24 MR. YAREMA: Object to the form.</p> <p>25 A Fifth.</p> | 61 | <p>1 MR. YAREMA: Object to the form.</p> <p>2 A Fifth.</p> <p>3 Q Isn't it also true that Jeffrey Epstein</p> <p>4 has indicated to you that he will always engage</p> <p>5 in sex acts with underage minor females?</p> <p>6 MR. YAREMA: Object to the form.</p> <p>7 A Fifth.</p> <p>8 Q In fact, that's something that he has</p> <p>9 told you, that he believes he is entitled to do;</p> <p>10 isn't that right?</p> <p>11 MR. YAREMA: Object to the form.</p> <p>12 A Fifth.</p> <p>13 Q Isn't it true that Jeffrey Epstein</p> <p>14 believes and has told you that if he doesn't</p> <p>15 physically force the underage minor female into</p> <p>16 any act, then he is entitled to engage in sex</p> <p>17 with any underage minor female despite the age?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A Fifth.</p> <p>20 Q What is the youngest female you have</p> <p>21 witnessed or observed Jeffrey Epstein to engage</p> <p>22 in sex with?</p> <p>23 MR. YAREMA: Object to the form.</p> <p>24 A Fifth.</p> <p>25 Q Do you have a bank account at Chase Bank</p> |



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,  
Plaintiff,

-vs- VOLUME II OF III  
JEFFREY EPSTEIN,  
Defendant.

Related cases:

08-80232, 08-08380, 08-80381, 08-80994  
08-80993, 08-80811, 08-80893, 09-80469  
09-80591, 09-80656, 09-80802, 09-81092

VIDEOTAPED DEPOSITION OF  
SARAH KELLEN

Wednesday, March 24, 2010  
10:37 - 6:51 p.m.

250 Australian Avenue South  
Suite 1500  
West Palm Beach, Florida 33401

Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting  
Job No.: 1484

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CASE NO. 502008CA028051XXXXMB AB

L.M.,

Plaintiff,

-vs- VOLUME II OF III

JEFFREY EPSTEIN,

Defendant.

VIDEOTAPED DEPOSITION OF SARAH KELLEN

Wednesday, March 24, 2010  
10:37 - 6:51 p.m.

250 Australian Avenue South  
West Palm Beach, Florida 33401

Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CASE NO. 502008CA028058XXXXMB AD

E.W.,

Plaintiff,

-vs- VOLUME II OF III

JEFFREY EPSTEIN,

Defendant.

DEPOSITION OF SARAH KELLEN

Wednesday, March 24, 2010  
10:37 - 6:51 p.m.

250 Australian Avenue South  
West Palm Beach, Florida 33401

Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA  
CASE No.502008CA037319XXXXMB AB

B.B.

Plaintiff,

-vs- VOLUME II OF III

JEFFREY EPSTEIN  
AND SARAH KELLEN,

Defendants.

VIDEOTAPED DEPOSITION OF  
SARAH KELLEN

Wednesday, March 24, 2010  
10:37 - 6:51 p.m.

250 Australian Avenue South  
Suite 1500  
West Palm Beach, Florida 33401

Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting Services  
Job No.: 1484

1 the shape of a penis and vagina. Once again, not  
 2 necessarily with respect to Mr. Epstein's home, in  
 3 your entire life have you ever seen soap in the  
 4 shape of a penis and vagina?  
 5 A. Not that I recall.  
 6 Q. Do you ever recall being in Ohio?  
 7 MR. RHEINHART: Ever in her life?  
 8 MR. KUVIN: The state, ever in her life.  
 9 BY MR. KUVIN:  
 10 Q. Let's start there, recall being in the  
 11 State of Ohio for any reason?  
 12 A. Maybe for a layover, but not that I  
 13 specifically remember.  
 14 Q. Okay. Do you know an Ivan Robles?  
 15 A. No.  
 16 Q. Have you seen a gentleman by the name of  
 17 Alan Dershowitz at the home of Jeffrey Epstein  
 18 before?  
 19 MR. RHEINHART: Objection to the form.  
 20 Standing objection, presumes knowledge of  
 21 Jeffrey Epstein or his home. Instruct the  
 22 witness not to answer.  
 23 THE WITNESS: On the instruction of my  
 24 lawyer, I must exercise my Fifth Amendment  
 25 right.

1 THE WITNESS: On the instruction of my  
 2 lawyer, I must invoke my Fifth Amendment right.  
 3 BY MR. KUVIN:  
 4 Q. Do you agree that these corporations that  
 5 I just mentioned were utilized by Jeffrey Epstein in  
 6 an attempt to have sexual relationships with  
 7 underage girls?  
 8 MR. RHEINHART: Objection to the form as  
 9 to compound, and also assumes knowledge of  
 10 Mr. Epstein, asks for more than one answer to  
 11 the question. I would instruct her not to  
 12 answer based on her Fifth Amendment privilege  
 13 because the question assumes knowledge of  
 14 Mr. Epstein.  
 15 THE WITNESS: Upon instruction of my  
 16 lawyer I must invoke my Fifth Amendment right.  
 17 MR. KUVIN: I think I am done. Hang on  
 18 one second.  
 19 All right. I appreciate it. That's all  
 20 the questions I have at this time. Reserve the  
 21 right to ask any follow-up questions if other  
 22 attorneys raise new and different issues by  
 23 their questioning.  
 24 MR. RHEINHART: Understood.  
 25 MR. KUVIN: Pass the witness at this time.

1 BY MR. KUVIN:  
 2 Q. Have you ever heard of the El Zorro Ranch  
 3 Corporation?  
 4 MR. RHEINHART: Instruct the witness not  
 5 to answer based on her Fifth Amendment  
 6 privilege.  
 7 THE WITNESS: On the instruction of my  
 8 lawyer I must exercise my Fifth Amendment  
 9 right.  
 10 BY MR. KUVIN:  
 11 Q. Have you ever heard of the New York  
 12 Strategy Group?  
 13 MR. RHEINHART: Same instruction.  
 14 THE WITNESS: On the instruction of my  
 15 lawyer, I must invoke my Fifth Amendment right.  
 16 BY MR. KUVIN:  
 17 Q. Have you ever heard of the Ghislaine  
 18 Corporation?  
 19 MR. RHEINHART: Same instruction.  
 20 THE WITNESS: On the instruction of my  
 21 lawyer, I must invoke my Fifth Amendment right.  
 22 BY MR. KUVIN:  
 23 Q. Have you ever heard of the Financial  
 24 Strategy Group?  
 25 MR. RHEINHART: Same instruction.

1 Who wants to go? Mr. Horowitz, do you have a  
 2 microphone?  
 3 MR. HOROWITZ: I do.  
 4 CROSS (SARAH KELLEN)  
 5 BY MR. HOROWITZ:  
 6 Q. Ms. Kellen, did you use the telephone  
 7 number, the [REDACTED] at any time between 2001  
 8 and 2006?  
 9 A. On the advice of my lawyer, I must exercise my  
 10 Fifth Amendment right.  
 11 Q. Did you use the telephone number  
 12 [REDACTED] between 2001 and 2006 at Jeffrey  
 13 Epstein's expense?  
 14 MR. RHEINHART: Objection to the form in  
 15 that it assumes knowledge of Jeffrey Epstein.  
 16 Standing objection as previously stated with  
 17 Mr. Kuvin. Instruct the witness not to answer,  
 18 based on her Fifth Amendment right.  
 19 THE WITNESS: On the instruction of my  
 20 lawyer, I must exercise my Fifth Amendment  
 21 right.  
 22 BY MR. HOROWITZ:  
 23 Q. Did you use the telephone number  
 24 [REDACTED] at Jeffrey Epstein's direction?  
 25 MR. RHEINHART: Same objection as the

1 So can we focus on the specific questions  
 2 that she can answer or from which you can draw  
 3 an adverse inference if asked properly, and  
 4 let's move it along.  
 5 MS. EZELL: Each young woman's case is an  
 6 individual case, and we have the right to ask,  
 7 ask whatever questions that we need to with  
 8 regard to each one.  
 9 MR. RHEINHART: I--  
 10 MR. GOLDBERGER: Let's just go forward  
 11 until 5:00 and see where we're at.  
 12 BY MR. WEISSING:  
 13 Q. Did you know that Jeffrey Epstein received  
 14 sexual gratification from directing others to  
 15 sexually abuse minor children?  
 16 MR. RHEINHART: Objection to the form.  
 17 THE WITNESS: On the instruction of my  
 18 lawyer, I must invoke the Fifth Amendment  
 19 right.  
 20 BY MR. WEISSING:  
 21 Q. Did you know that Jeffrey Epstein received  
 22 sexual gratification from directing Marcinkova to  
 23 sexually abuse minor children?  
 24 MR. RHEINHART: Objection to the form. It  
 25 assumes knowledge of a person named Marcinkova.

1 THE WITNESS: On the instruction of my  
 2 lawyer, I must invoke my Fifth Amendment  
 3 privilege.  
 4 BY MR. WEISSING:  
 5 Q. Do you know Alan Dershowitz?  
 6 MR. RHEINHART: The question was asked and  
 7 answered about three-and-a-half hours ago.  
 8 THE WITNESS: On the instruction of my  
 9 lawyer, I must invoke my Fifth Amendment  
 10 privilege.  
 11 BY MR. WEISSING:  
 12 Q. Do you know David Copperfield?  
 13 MR. RHEINHART: That question was asked  
 14 about three-and-a-half-hours ago.  
 15 THE WITNESS: On the instruction of my  
 16 lawyer, I must invoke my Fifth Amendment  
 17 privilege.  
 18 BY MR. WEISSING:  
 19 Q. In addition to his place at, in Palm  
 20 Beach, are you aware that Jeffrey Epstein has an  
 21 apartment located at 301 East 66th Street, Apartment  
 22 14G through E in New York?  
 23 MR. RHEINHART: That question was asked  
 24 about four hours ago. It's been asked and  
 25 answered.

1 It is otherwise compound and objectionable.  
 2 THE WITNESS: On the instruction of my  
 3 lawyer, I must invoke my Fifth Amendment right.  
 4 MR. WEISSING: Let's go off the record for  
 5 a moment.  
 6 THE VIDEOGRAPHER: Are we all good with  
 7 going off the record?  
 8 MR. RHEINHART: Yeah, that's fine.  
 9 MR. HOROWITZ: Yes.  
 10 THE VIDEOGRAPHER: We're now off the  
 11 record at 4:22 p.m.  
 12 (A brief recess was held.)  
 13 THE VIDEOGRAPHER: We are now on the  
 14 record. It is 4:24 p.m.  
 15 BY MR. WEISSING:  
 16 Q. Do you know Nadia Marcinkova?  
 17 MR. KUVIN: Marcinkova.  
 18 THE WITNESS: On the instruction of my  
 19 lawyer, I must invoke my Fifth Amendment  
 20 privilege.  
 21 BY MR. WEISSING:  
 22 Q. Do you know -- have you procured minor  
 23 children to have sexual relations with  
 24 Nadia Marcinkova at Jeffrey Epstein's mansion?  
 25 MR. RHEINHART: Objection to the form.

1 THE WITNESS: At the instruction of my  
 2 lawyer, I invoke my Fifth Amendment privilege.  
 3 BY MR. WEISSING:  
 4 Q. While in New York, have you procured  
 5 underage minor children to engage in sexual acts  
 6 with Jeffrey Epstein at that location?  
 7 MR. RHEINHART: Object to the form.  
 8 THE WITNESS: On the instruction of my  
 9 lawyer, I must invoke my Fifth Amendment  
 10 privilege.  
 11 BY MR. WEISSING:  
 12 Q. With regard to the minor children procured  
 13 for him at that location, were they school children  
 14 in the New York area?  
 15 MR. RHEINHART: The previous question,  
 16 objection to the form. The same as all the  
 17 previous questions, it assumes a fact that's  
 18 not been established. It can't fairly be  
 19 answered.  
 20 THE WITNESS: On the instruction of my  
 21 lawyer, I must invoke my Fifth Amendment  
 22 privilege.  
 23 BY MR. WEISSING:  
 24 Q. Did Jeffrey Epstein have sexual encounters  
 25 with underage people while at that apartment?

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,

Plaintiff,

-vs-

VOLUME III OF III

JEFFREY EPSTEIN,

Defendant.

---

Related cases:

08-80232, 08-08380, 08-80381, 08-80994  
08-80993, 08-80811, 08-80893, 09-80469  
09-80591, 09-80656, 09-80802, 09-81092

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VIDEOTAPED DEPOSITION OF  
SARAH KELLEN

Wednesday, March 24, 2010  
10:37 - 6:51 p.m.

250 Australian Avenue South  
Suite 1500  
West Palm Beach, Florida 33401

Reported By:  
Rachel W. Bridge, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting Services  
Job No.: 1484

1 know what the Edge Group was, but whatever, you can  
2 answer the question.

3 THE WITNESS: At the instruction of my lawyer,  
4 I must choose to invoke my Fifth Amendment right.

5 BY MS. EZELL:

6 Q. Do you know Max Brockman?

7 MR. REINHART: I'm sorry, can you repeat?

8 BY MS. EZELL:

9 Q. Do you know a Max Brockman?

10 MR. REINHART: I believe that was asked and  
11 answered already, but --

12 THE WITNESS: At the instruction of my lawyer,  
13 I must invoke my Fifth Amendment right.

14 BY MS. EZELL:

15 Q. Have you ever been photographed with Max  
16 Brockman at an Edge Science dinner?

17 A. At the instruction of my lawyer, I must invoke  
18 my Fifth Amendment right.

19 MR. REINHART: You should let me -- I need to  
20 object to the form of the question first, but go  
21 ahead. I know we all want to get out of here. Go  
22 ahead.

23 THE WITNESS: Say it again.

24 MR. REINHART: No, you are okay. Go ahead,  
25 Ms. Ezell. Thank you.

1 BY MS. EZELL:

2 Q. Do you want to respond? I didn't give you  
3 time.

4 MR. REINHART: I've instructed her not to  
5 answer the question. Let's move on.

6 BY MS. EZELL:

7 Q. Do you recall a dinner at El Brillo Way  
8 attended by David Copperfield where Jane No. 103 was a  
9 guest?

10 MR. REINHART: Objection to the form, lack of  
11 foundation, and a standing objection as to her  
12 knowledge of anything involving El Brillo Way or  
13 Jeffrey Epstein. Instruct her not to answer.

14 THE WITNESS: At the instruction of my lawyer,  
15 I must invoke my Fifth Amendment right.

16 BY MS. EZELL:

17 Q. What is the relationship between Jeffrey  
18 Epstein and David Copperfield?

19 MR. REINHART: Objection to form, lack of  
20 foundation as to her knowledge of either one of  
21 those people. Instruct her not to answer.

22 THE WITNESS: At the instruction of my lawyer,  
23 I must invoke my Fifth Amendment right.

24 BY MS. EZELL:

25 Q. To your knowledge, do they recruit girls for

1 BY MS. EZELL:

2 Q. Do you know whether Jeffrey Epstein attended  
3 the Edge Science dinner in Monterey, California?

4 MR. REINHART: Objection to the form, lack of  
5 foundation. Instruct the witness not to answer.

6 THE WITNESS: At the instruction of my lawyer,  
7 I must invoke my Fifth Amendment right.

8 BY MS. EZELL:

9 Q. You testified a moment ago that you were  
10 photographed nude by your boyfriend or a former  
11 boyfriend and that you hoped there are no photographs  
12 disseminated elsewhere.

13 At what age were those photographs taken?

14 MR. REINHART: I'm going to instruct her not  
15 to answer that. It has nothing to do with  
16 anything. It's not reasonably calculated to lead  
17 to discoverable evidence. We can move on.

18 BY MS. EZELL:

19 Q. Were you in any way damaged by that  
20 experience?

21 MR. REINHART: Same instruction. Let's move  
22 on.

23 BY MS. EZELL:

24 Q. Do you have any regrets?

25 MR. REINHART: Same instruction. Move on.

1 one another?

2 MR. REINHART: Object to the form, compound,  
3 and again, lack of foundation. Instruct her not to  
4 answer.

5 THE WITNESS: At the instruction of my lawyer,  
6 I must invoke my Fifth Amendment right.

7 BY MS. EZELL:

8 Q. To your knowledge, are they involved in any  
9 sexual trafficking of young women?

10 MR. REINHART: Object to the form for the  
11 reasons previously stated. Also calls for a legal  
12 conclusion as to what sexual trafficking is.  
13 Instruct her not to answer.

14 THE WITNESS: At the instruction of my lawyer,  
15 I must invoke my Fifth Amendment right.

16 BY MS. EZELL:

17 Q. I believe you asked about Allen Dershowitz  
18 earlier.

19 MR. REINHART: Twice.

20 BY MS. EZELL:

21 Q. And were instructed not to answer.

22 MR. REINHART: Twice.

23 BY MS. EZELL:

24 Q. All right. I'm going to ask again on behalf  
25 of my client. Are you aware of the friendship between

1 Allen Dershowitz and Jeffrey Epstein?  
 2 MR. REINHART: And for the third time, I'll  
 3 object to the form and instruct her not to answer  
 4 the question.  
 5 THE WITNESS: For the third time, I take the  
 6 advice of my lawyer and invoke my Fifth Amendment  
 7 right.  
 8 BY MS. EZELL:  
 9 Q. When Allen Dershowitz comes to Palm Beach, he  
 10 stays at the El Brillo mansion, doesn't he?  
 11 MR. REINHART: Objection to the form. There  
 12 is no foundation for her having any knowledge of  
 13 anything having to do with a person by the name of  
 14 Allen Dershowitz. I instruct her not to answer.  
 15 THE WITNESS: At the instruction of my lawyer,  
 16 I must invoke my Fifth Amendment right.  
 17 BY MS. EZELL:  
 18 Q. When Allen Dershowitz, or has Allen Dershowitz  
 19 ever been there when young ladies came to give massages?  
 20 MR. REINHART: Same objection stated to the  
 21 previous question. Same instruction.  
 22 THE WITNESS: At the instruction of my lawyer,  
 23 I must invoke my Fifth Amendment right.  
 24 BY MS. EZELL:  
 25 Q. Has Allen Dershowitz ever been the beneficiary

1 BY MS. EZELL:  
 2 Q. Do you know that when David Copperfield is in  
 3 town, he gives Jeffrey Epstein tickets and Jeffrey gives  
 4 some to young women to attend those shows?  
 5 MR. REINHART: Object to the form, multiple,  
 6 compound question, and a complete lack of  
 7 foundation. Instruct the witness not to answer.  
 8 THE WITNESS: At the instruction of my lawyer,  
 9 I must invoke my Fifth Amendment right.  
 10 BY MS. EZELL:  
 11 Q. And do you know that those girls are invited  
 12 back stage after the show?  
 13 MR. REINHART: Same objection, complete lack  
 14 of foundation, and standing objection previously  
 15 stated.  
 16 THE WITNESS: At the instruction of my lawyer,  
 17 I must invoke my Fifth Amendment right.  
 18 BY MS. EZELL:  
 19 Q. Do you remember on or about, in or about March  
 20 of 2005 having conversations with one of the young women  
 21 who came to the house to give massages about her  
 22 conversations with Jane No. 103?  
 23 MR. REINHART: Objection to the form, standing  
 24 objection, lack of foundation. Instruct the  
 25 witness not to answer, because the question implies

1 of those massages?  
 2 MR. REINHART: Same objection and same  
 3 instruction.  
 4 THE WITNESS: At the instruction of my lawyer,  
 5 I must invoke my Fifth Amendment right.  
 6 BY MS. EZELL:  
 7 Q. Do you know John Casablanca?  
 8 A. Never heard that name before.  
 9 Q. Have you ever heard of a world-famous  
 10 illusionist whose stage name is David Copperfield?  
 11 MR. REINHART: That's also been asked at least  
 12 three times. I'll instruct her again not to answer  
 13 the question.  
 14 THE WITNESS: At the instruction of my lawyer,  
 15 I must invoke my Fifth Amendment right.  
 16 BY MS. EZELL:  
 17 Q. Have you ever gone to one of David  
 18 Copperfield's shows?  
 19 MR. REINHART: Objection to form, lack of  
 20 foundation as to knowledge of any person by the  
 21 name of David Copperfield. Instruct her not to  
 22 answer.  
 23 THE WITNESS: At the instruction of my lawyer,  
 24 I must invoke my Fifth Amendment right.  
 25

1 that she has any knowledge at all of El Brillo Way.  
 2 BY MS. EZELL:  
 3 Q. Same question -- sorry.  
 4 A. At the instruction of my lawyer, I must choose  
 5 to invoke my Fifth Amendment privilege.  
 6 Q. Same question as to March of 2006.  
 7 MR. REINHART: Same objection and same  
 8 instruction.  
 9 THE WITNESS: At the instruction of my lawyer,  
 10 I must choose to invoke my Fifth Amendment  
 11 privilege.  
 12 BY MS. EZELL:  
 13 Q. Do you have any recollection of a conversation  
 14 in which one of the young women told Jane No. 103 that  
 15 those girls who, those girls who would help Jeffrey in  
 16 regard to the investigation would be compensated and  
 17 those who would not or who would hurt him in the  
 18 investigation would be dealt with?  
 19 MR. REINHART: Objection to the form, lack of  
 20 foundation, compound question. Instruct the  
 21 witness not to answer, because the question implies  
 22 some knowledge of anything relating to a person by  
 23 the name of Jeffrey Epstein.  
 24 THE WITNESS: At the instruction of my lawyer,  
 25 I must invoke my Fifth Amendment right.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-CV-80893-CIV-MARRA/JOHNSON

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JANE DOE,

Plaintiff,

vs.

JEFFREY EPSTEIN, et al.,

Defendants.

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DEPOSITION OF ADRIANA ROSS  
Volume 1 of 1  
Pages 1 through 138  
Videotaped

Monday, March 15, 2010  
10:13 a.m. - 12:42 p.m.  
U.S. Legal Support  
515 East Las Olas Boulevard, 3rd Floor  
Fort Lauderdale, Florida 33301

Stenographically Reported By:  
Janet L. McKinney, RPR, FPR, CLR  
Registered Professional Reporter  
Florida Professional Reporter  
Certified LiveNote Reporter

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1 A. I refuse to answer.

2 Q. And Jeffrey Epstein and/or Ghislaine Maxwell

3 obtained and purchased passports for 15-year-old Jane

4 Doe 102 to transport her to Palm Beach, New York City,

5 Santa Fe, Los Angeles, San Francisco, St. Louis, as

6 well as Europe, the Caribbean, and Africa; are you

7 aware of that?

8 A. I refuse to answer.

9 MR. PIKE: Form.

10 Q. It's also alleged that Jeffrey Epstein in

11 addition to molesting Jane Doe 102 along with Ghislaine

12 Maxwell forced her to have sex with other models,

13 actresses, and celebrities?

14 A. I refuse to answer.

15 MR. PIKE: Form.

16 Q. It also indicates that Jeffrey Epstein

17 transported other minor girls from Turkey, the Czech

18 Republic, Asia, and other countries. Are you aware of

19 that?

20 MR. PIKE: Form.

21 A. I refuse to answer.

22 Q. Is Jeffrey Epstein involved in the

23 international child sex trade?

24 MR. PIKE: Form.

25 A. I refuse to answer.

35

1 Q. Is Jean Luc Brunel his partner in that

2 international child sex trade?

3 MR. PIKE: Form.

4 A. I refuse to answer.

5 Q. Are you aware that after -- that Jeffrey

6 Epstein forced Jane Doe 102 to have sex with other

7 adult male peers including royalty, politicians,

8 academicians, businessmen and/or other professional and

9 personal acquaintances of Jeffrey Epstein's?

10 MR. PIKE: Form.

11 A. I refuse to answer.

12 Q. Is that something that he did with girls other

13 than Jane Doe 102?

14 MR. PIKE: Form.

15 A. I refuse to answer.

16 Q. Aren't you familiar with Jeffrey Epstein's

17 practice of pimping out underage minor females to other

18 people that have the same sexual obsession with

19 underage minors?

20 MR. PIKE: Form.

21 A. I refuse to answer.

22 Q. And doesn't he benefit financially from that

23 sex trade?

24 MR. PIKE: Form.

25 A. I refuse to answer.

36

1 Q. Jane Doe 102 ultimately escaped from him and

2 left to Australia, is that your understanding?

3 A. I refuse to answer.

4 MR. PIKE: Form.

5 Q. Have you ever spoken with Jane Doe 102?

6 A. I refuse to answer.

7 Q. On one of Epstein's birthdays a friend of

8 Jeffrey Epstein sent to him 12 -- three 12-year-old

9 girls from France who spoke no English for Epstein to

10 sexually exploit and abuse and after doing so he sent

11 them back to France the next day. Are you familiar

12 with that?

13 MR. PIKE: Form.

14 A. I refuse to answer.

15 Q. Isn't that something that is fairly common for

16 Mr. Epstein?

17 A. I refuse to answer.

18 MR. PIKE: Form.

19 Q. Who are the friends that send to Jeffrey

20 Epstein underage minor females for his birthday so that

21 he can abuse?

22 A. I refuse to answer.

23 MR. PIKE: Form.

24 Q. Is one of those friends Jean Luc Brunel?

25 A. I refuse to answer.

37

1 Q. Have you ever met Prince Andrew?

2 A. I refuse to answer.

3 Q. Has Prince Andrew been involved with underage

4 minor females to your knowledge?

5 A. I refuse to answer.

6 Q. Have you ever met Alan Dershowitz?

7 A. I refuse to answer.

8 Q. When Alan Dershowitz stays at Jeffrey

9 Epstein's house isn't it true that he has been at the

10 house when underage minor females have been in the

11 bedroom with Jeffrey Epstein?

12 A. I refuse to answer.

13 Q. Has -- are you familiar with the media

14 publication or online resource RadarOnline?

15 A. I refuse to answer.

16 Q. Is that something that you assisted

17 Mr. Epstein with when he purchased RadarOnline?

18 A. I refuse to answer.

19 Q. And do you know his business partner in that

20 endeavor?

21 A. I refuse to answer.

22 Q. Isn't it also true that he used RadarOnline as

23 another way to gain access to underage minor females

24 for sex?

25 MR. PIKE: Form.



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1 underage minor females staying at those various  
 2 condominiums located at 301 East 66th Street?  
 3 A. I refuse to answer.  
 4 Q. And those females get work visas to say that  
 5 they're models, but actually they are prostituted out  
 6 by Jeffrey Epstein and John Luc Brunel, correct?  
 7 A. I refuse to answer.  
 8 MR. PIKE: Form.  
 9 Q. And various businessmen and politicians around  
 10 New York and Washington, D.C. go to those apartments  
 11 frequently to have sex with underage minors; is that  
 12 true?  
 13 A. I refuse to answer.  
 14 Q. Do you remember a flight on December 3rd, 2004  
 15 that you took with Jeffrey Epstein, Nadia Marcinkova,  
 16 Sarah Kellen, and somebody with initials SH --  
 17 A. I refuse to answer.  
 18 Q. -- from JFK to PBI?  
 19 MR. PIKE: Form.  
 20 Q. Do you remember that?  
 21 A. I refuse to answer.  
 22 Q. Who is SH?  
 23 A. I refuse to answer.  
 24 Q. Is that an underage minor?  
 25 A. I refuse to answer.

79

1 Q. Do you remember a flight that you took  
 2 December 27th with Nadia Marcinkova and Jeffrey  
 3 Epstein?  
 4 A. I refuse to answer.  
 5 Q. What airport is this, TIST?  
 6 A. I refuse to answer.  
 7 Q. Do you know Doug Band?  
 8 A. I refuse to answer.  
 9 Q. Isn't that Bill Clinton's assistant?  
 10 A. I refuse to answer.  
 11 Q. You've been on the airplane with him before?  
 12 A. I refuse to answer.  
 13 Q. Have you been on the airplane with Bill  
 14 Clinton before?  
 15 A. I refuse to answer.  
 16 Q. Who is [REDACTED]?  
 17 A. I refuse to answer.  
 18 Q. That's somebody you've flown with on Jeffrey  
 19 Epstein's plane on numerous occasions, correct?  
 20 MR. PIKE: Form.  
 21 A. I refuse to answer.  
 22 Q. In fact, during the year 2005 you flew on  
 23 Jeffrey Epstein's plane would you say more than 50  
 24 times?  
 25 A. I refuse to answer.

80

1 MR. PIKE: Form.  
 2 Q. And you flew to his island, right?  
 3 A. I refuse to answer.  
 4 MR. PIKE: Form.  
 5 Q. You flew to New Mexico?  
 6 A. I refuse to answer.  
 7 MR. PIKE: Form.  
 8 Q. You flew to New Jersey?  
 9 MR. PIKE: Form.  
 10 A. I refuse to answer.  
 11 Q. Several of the flights are just yourself,  
 12 Jeffrey Epstein, and Sarah Kellen. What did you do on  
 13 those flights?  
 14 MR. PIKE: Form.  
 15 A. I refuse to answer.  
 16 Q. Who's Adam Perrylang?  
 17 A. I refuse to answer.  
 18 Q. Is that somebody that you were made to have  
 19 sex with?  
 20 A. I refuse to answer.  
 21 Q. Did Jeffrey Epstein ever make you have sex  
 22 with any females?  
 23 MR. PIKE: Form.  
 24 A. I refuse to answer.  
 25 Q. Did he ever make you have sex with any of his

81

1 friends?  
 2 MR. PIKE: Form.  
 3 A. I refuse to answer.  
 4 Q. Who is Sandy Berger?  
 5 A. I refuse to answer.  
 6 Q. That's somebody else that was affiliated with  
 7 Bill Clinton at one point in time, correct?  
 8 A. I refuse to answer.  
 9 Q. A close friend of Jeffrey Epstein's?  
 10 MR. PIKE: Form.  
 11 A. I refuse to answer.  
 12 Q. He called the house within three weeks of the  
 13 search warrant being executed. Did he tip off Jeffrey  
 14 Epstein?  
 15 MR. PIKE: Form.  
 16 A. I refuse to answer.  
 17 Q. Is he somebody that's involved with underage  
 18 minors?  
 19 A. I refuse to answer.  
 20 Q. Do you know Igor Zinoviev?  
 21 A. I refuse to answer.  
 22 Q. Andrea Metravich?  
 23 A. I refuse to answer.  
 24 Q. Have you flown on the airplane with Alan  
 25 Dershowitz before?

82

1 MR. PIKE: Form.  
 2 A. I refuse to answer.  
 3 Q. And Jean Luc Brunel is somebody who you have  
 4 been on the airplane with several times, correct?  
 5 A. I refuse to answer.  
 6 MR. PIKE: Form.  
 7 Q. And when Jean Luc Brunel is on this airplane  
 8 there are underage minor -- minor females on the  
 9 airplane with you, correct?  
 10 MR. PIKE: Form.  
 11 A. I refuse to answer.  
 12 Q. Is there a back room to this airplane? Is  
 13 there any sort of separation or is it all one big room?  
 14 MR. PIKE: Form.  
 15 A. I refuse to answer.  
 16 Q. So if Jeffrey Epstein and Jean Luc Brunel are  
 17 engaged in sex acts with underage minors did you --  
 18 A. I refuse --  
 19 Q. Sorry -- did you observe any of those acts?  
 20 A. I refuse to answer.  
 21 MR. PIKE: Form.  
 22 Q. And on numerous of the flights the flight logs  
 23 indicate someone's name then oftentimes initials, but  
 24 sometimes it would just say "three females". Do you  
 25 know why?

83

1 A. I refuse to answer.  
 2 MR. PIKE: Form.  
 3 Q. Who's Claire Hazel?  
 4 A. I refuse to answer.  
 5 Q. Do you know Jo-Jo and Lynn Fontanella?  
 6 A. I refuse to answer.  
 7 Q. They're the house managers up at the mansion  
 8 up in Manhattan, correct?  
 9 MR. PIKE: Form.  
 10 A. I refuse to answer.  
 11 Q. And they assist Mr. Epstein in engaging in  
 12 underage sex with minors in New York, correct?  
 13 MR. PIKE: Form.  
 14 A. I refuse to answer.  
 15 Q. They also maintain a pretty close relationship  
 16 with the police?  
 17 A. I refuse to answer.  
 18 Q. And that's a big component also, right, that  
 19 Jeffrey Epstein has -- is friendly with the law  
 20 enforcement, correct?  
 21 MR. PIKE: Form.  
 22 A. I refuse to answer.  
 23 Q. Like law enforcement would do favors for not  
 24 only Jeffrey Epstein but his various assistants. If  
 25 you were speeding around the neighborhood they wouldn't

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1 give you a ticket, correct?  
 2 MR. PIKE: Form.  
 3 A. I refuse to answer.  
 4 Q. Was it ever your job to call the police  
 5 department and ask if any police reports were on file  
 6 or anybody complained about the activities at Jeffrey  
 7 Epstein's house?  
 8 MR. PIKE: Form.  
 9 A. I refuse to answer.  
 10 Q. Have you ever gone physically to the police  
 11 department?  
 12 A. I refuse to answer.  
 13 Q. Was there a flight where you flew alone with  
 14 Jean Luc Brunel?  
 15 A. I refuse to answer.  
 16 Q. Have you ever flown on the plane with Prince  
 17 Andrew?  
 18 MR. PIKE: Form.  
 19 A. I refuse to answer.  
 20 Q. Do you know Zinta Braukis?  
 21 A. I refuse to answer.  
 22 Q. That's another model that Jeffrey Epstein  
 23 knows, correct?  
 24 A. I refuse to answer.  
 25 MR. PIKE: Form.

85

1 Q. Somebody that he had engaged in sex with when  
 2 she was underage?  
 3 A. I refuse to answer.  
 4 Q. She actually got a modeling contract out of  
 5 it?  
 6 MR. PIKE: Form.  
 7 A. I refuse to answer.  
 8 Q. Why does Jean Luc Brunel and Jeffrey Epstein  
 9 fly together so often?  
 10 MR. PIKE: Form.  
 11 A. I refuse to answer.  
 12 Q. And why does Ghislaine Maxwell also fly so  
 13 often with Jeffrey Epstein and Jean Luc Brunel?  
 14 A. I refuse to answer.  
 15 MR. PIKE: Form.  
 16 Q. Isn't it true that all three of them are  
 17 obsessed and addicted to sex with underage minors?  
 18 MR. PIKE: Form.  
 19 A. I refuse to answer.  
 20 MR. PIKE: Brad, how much longer do you have?  
 21 MR. EDWARDS: How long? You want to take a  
 22 break?  
 23 MR. PIKE: Yeah.  
 24 MR. EDWARDS: Sure. It's going a lot faster  
 25 than I thought it would.