BOIES SCHILLER FLEXNER

October 22, 2020

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 orders dated July 28, 29, and 30, and October 20 and 21, 2020 (ECF Nos. 1077, 1079, 1087, 1127, 1130, 1131, and 1136), Plaintiff files additional documents listed in Exhibit A to Plaintiff Virginia Giuffre's Opposition to Defendant Ghislaine Maxwell's Objections to Unsealing Docket Entries 143, 164, 172 199, and 230 (ECF No. 1068-1), as attachments hereto.

Plaintiff will file "the transcript of Doe 1's deposition and materials quoting that transcript or disclosing information from that transcript" on a timeline consistent with that set forth in the Court's October 21, 2020, order. ECF No. 1133.

Sincerely,

/s/ Sigrid McCawley
Sigrid S. McCawley, Esq.

cc: Counsel of Record (via ECF)

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 MOTION TO COMPEL DEFENDANT TO ANSWER DEPOSITION QUESTIONS FILED UNDER SEAL[1]

Plaintiff Virginia Giuffre, by and through her undersigned counsel, hereby files this Motion to Compel Defendant to Answer Deposition Questions. During her recent deposition, Defendant refused to answer numerous questions about allegedly "adult" sexual activity related to Jeffrey Epstein. Because this activity is highly relevant to this case, Defendant should be ordered to answer questions about it.

As the Court is aware, this defamation case involves Ms. Giuffre's assertions that she and other females were recruited by Defendant to be sexually abused by Jeffrey Epstein under the guise of being "massage therapists." *See* Complaint, (DE 1), at ¶ 27 (Giuffre "described Maxwell's role as one of the main women who Epstein used to procure under-aged girls for sexual activities and a primary co-conspirator and participant in his sexual abuse and sex trafficking scheme"). In response to these assertions, Defendant has made the sweeping claim that Ms. Giuffre's assertions are "entirely false" and "entirely untrue." Complaint, DE 1, at ¶ 31.

[1] Defendant has labelled her entire deposition transcript as Confidential at this time. Counsel for the parties conferred at the deposition regarding answering questions.

Yet during her deposition, Defendant refused to answer any questions that she construed as having something to do with "consensual adult sex." Defense counsel supported that position that "frankly, [that's] none of your business and I instruct the witness not to answer." *See* Declaration of Sigrid S. McCawley ("McCawley Decl.") at Exhibit 1, Tr. of Maxwell Depo. (Apr. 22, 2016) at 21. The result was that at a number of points throughout her deposition, Defendant refused to answer questions about subjects integral to this lawsuit, including questions about what the alleged "massage therapists" were doing at Jeffrey Epstein's house and the sexual nature of those massages.

For example, Defendant refused to answer questions about whether she had given Jeffrey Epstein a massage:

> Q. Have you ever given Jeffrey Epstein a massage?
>
> MR. PAGLIUCA: Object to the form, foundation. And I'm going to instruct you not to answer that question. I don't have any problem with you asking questions about what the subject matter of this lawsuit is, which would be, as you've termed it, sexual trafficking of Ms. Roberts.
>
> To the extent you are asking for information relating to any consensual adult interaction between my client and Mr. Epstein, *I'm going to instruct her not to answer* because it's not part of this litigation and it is her private confidential information, not subject to this deposition.
>
> MS. McCAWLEY: You can instruct her not to answer. That is your right. But I will bring her back for another deposition because it is part of the subject matter of this litigation so she should be answering these questions. This is civil litigation, deposition and she should be responsible for answering these questions.
>
> MR. PAGLIUCA: I disagree and you understand the bounds that I put on it.
>
> MS. McCAWLEY: No, I don't. I will continue to ask my questions and you can continue to make your objections.
>
> Q. Did you ever participate from the time period of 1992 to 2009, did you ever participate in a massage with Jeffrey Epstein and another female?
>
> MR. PAGLIUCA: Objection. Do not answer that question. Again, to the extent you are asking for some sort of illegal activity as you've construed in

> connection with this case I don't have any problem with you asking that question. To the extent these questions involve consensual acts between adults, frankly, they're none of your business and *I will instruct the witness not to answer.*
>
> MS. McCAWLEY: This case involves sexual trafficking, sexual abuse, questions about her having interactions with other females is relevant to this case. She needs to answer these questions.
>
> MR. PAGLIUCA: I'm instructing her not to answer.
>
> MS. McCAWLEY: Then we will be back here again.

See McCawley Decl. at Exhibit 2, Tr. of Maxwell Depo. (Apr. 22, 2016) at 19-22 (emphasis added).

Defendant's participation in massages with Epstein is a central part of this case. Ms. Giuffre has explained that during her first sexual encounter with Jeffrey Epstein, it was Defendant who provided instruction on how to do it and how to turn the massage into a sexual event. Obviously, proof that Defendant had previously massaged Epstein – include massages with sexual component – would provide important corroboration for Ms. Giuffre's testimony at trial. And proof that Defendant was involved in massages will further help prove that statements to the press that Virginia's allegations were "obvious lies" was itself an obvious lie.

As another example, Defendant refused to answer questions about her knowledge that [redacted] was hired to work for Epstein and provided massages. In the police report, [redacted] admitted that Maxwell recruited her to work for Epstein. *See* McCawley Decl. at [redacted]

Yet during Defendant's deposition, she refused to answer questions regarding [redacted]

> Q. Do you know what tasks [redacted] was hired to performance?
>
> A. She was tasked to answer telephones.
>
> Q. Did you ever ask her to rub Jeffrey's feet? . . .
>
> A. I believe that I have read that, but I don't have any memory of it.

Q. Did you ever tell [redacted] that she would get extra money if she provided Jeffrey massages?

A. I was always happy to give career advice to people and I think that becoming somebody in the healthcare profession, either exercise instructor or nutritionist or professional massage therapist is an excellent job opportunity. Hourly wages are around 7, 8, $9 and as a professional healthcare provider you can earn somewhere between as we have established 100 to $200 and to be able to travel and have a job that pays that is a wonderful job opportunity. So in the context of advising people for opportunities for work, it is possible that I would have said that she should explore that as an option.

Q. Did you tell her she would get extra money if she massaged Jeffrey?

A. I'm just saying, I cannot recall the exact conversation. I give career advice and I have done that.

Q. Did you ever have [redacted] massage you?

A. I did.

Q. How many times?

A. I don't recall how many times.

Q. Was there sex involved?

A. No. . . .

Q. Did you ever have sexual contact with [redacted]

MR. PAGLIUCA: Object to the form and foundation. You need to give me an opportunity to get in between the questions.
Anything that involves consensual sex on your part, I'm instructing you not to answer.

Q. Did you ever have sexual contact with [redacted]

A. [MR. PAGLIUCA?] Again, she is an adult --

Q. I'm asking you, did you ever have sexual contact with [redacted]?

A. I've just been instructed not to answer.

Q. On what basis?

A. You have to ask my lawyer.

See McCawley Decl. at Exhibit 4, Tr. of Maxwell Depo. (Apr. 22, 2016) at 60-62 (emphasis added).

Here again, this information is critical to the case. Among other things, these questions are designed to show a *modus operani* ("M.O") for Epstein and Maxwell – specifically, how they recruited for a non-sexual massage than converted the massage into sexual activities.

One last illustration comes from Defendant's refusal to answer about her knowledge of Epstein's sexual interests during massages:

> Q. Does Jeffrey like to have his nipples pinched during sexual encounters?
>
> MR. PAGLIUCA: Objection to form and foundation.
>
> A. I'm not referring to any advice on my counsel. I'm not talking about any adult sexual things when I was with him.
>
> Q. When Jeffrey would have a massage, would he request that the masseuse pinch his nipples while he was having a massage?
>
> A. I'm not talking about anything with consensual adult situation.

See McCawley Decl. at Exhibit 5, Tr. of Maxwell Depo. (Apr. 22, 2016) at 82.

While Epstein himself might also provide answers to these questions, it appears likely that he will assert his Fifth Amendment privilege regarding his sexual activities. Accordingly, Ms. Giuffre must pursue questioning of Maxwell to obtain information on this subject. Here again, information about Epstein's sexual idiosyncrasies will provide important corroboration to Ms. Giuffre's testimony that she had sexual interactions of an identical nature with Epstein.

These refusals are not an isolated instance. Instead, similar refusals to answer questions occurred repeatedly throughout the deposition. *See, e.g.*, McCawley Decl. at Composite Exhibit 6. 52-55; 64-65; 82; 92-93; 137-38; 307-09.

The Court should compel Defendant to answer all these questions. In addition to the specific points made above, the "big picture" here reveals how vital such discovery is. At the core of Ms. Giuffre's allegations is the allegation that Defendant lured her into a sexual situation with the offer of a job making money as a massage therapist; that Epstein always habitually tried

to turn massages into sex (that was his modus operandi and plan all along); and that Maxwell recruited other females for an ostensibly proper position, such as therapeutic masseuse, with knowledge that the intent was for that person would be pressured to provide sexual gratification to Epstein. As a result, Epstein's use of massages for sexual purposes is a central part of this case.

And Defendant's role in those massages – and knowledge of the purposes of those massages – is a critical piece of evidence showing her state of mind when she attacked Ms. Giuffre's assertions as "entirely untrue." Ms. Giuffre intends to prove at trial that Defendant knew full well the sexual purpose for which she was recruiting females – including underage females like Ms. Giuffre. Ms. Giuffre is entitled to explore Defendant's knowledge of the sexual activities that took place under the guise of "massages." Otherwise Defendant will be able to portray to the jury an inaccurate picture of that what was happening at Epstein's house what nothing more than run-of-the-mill massage therapy. *See, e.g.*, McCawley Decl. at Exhibit 7, Tr. of Maxwell Depo. (Apr. 22, 2016) at 51 ("Q: Did [the pay for massage therapists] vary on what sexual acts they performed? . . . A: No, it varied depending on how much time, some massage therapists charge more and some charge less.").

Defendant's refusal to answer questions about alleged "adult" consensual sex also blocks Ms. Giuffre from seeking legitimate discovery in this case. By refusing to answer questions about her and Epstein's sexual activities with alleged "adults," Defendant is essentially given the ability to refuse to answer any sexual question she does not wish to answer. Defendant simply has to deem the question as involving "consensual adult sex" and no need be given. The result is to leave Ms. Giuffre with no way of exploring the identity of these alleged adults, the ages of these alleged adults, and indeed whether they were adults at all. This allows Defendant to claim

that she is unaware of any sexual activity involving underage females, because (she claims) the only sexual activity she was aware involved adults.

The Court should compel Ms. Maxwell to answer all questions about her knowledge relating to sexual activities with Epstein and other females while at Epstein's various homes. *See* Fed. R. Crim. P. 37(a)(3)(B)(i); *see, e.g., Kelly v. A1 Tech.*, No. 09 CIV. 962 LAK MHD, 2010 WL 1541585, at *20 (S.D.N.Y. Apr. 12, 2010) ("Under the Federal Rules, when a party refuses to answer a question during a deposition, the questioning party may subsequently move to compel disclosure of the testimony that it sought. The court must determine the propriety of the deponent's objection to answering the questions, and can order the deponent to provide improperly withheld answers during a continued deposition" (internal citations omitted)). Of course, the party objecting to discovery must carry the burden of proving the validity of its objections, particularly in light of "the broad and liberal construction afforded the federal discovery rules . . . ." *John Wiley & Sons, Inc. v. Book Dog Books, LLC*, 298 F.R.D. 184, 186 (S.D.N.Y. 2014). For purposes of a deposition, the information sought "need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence." *Chen-Oster v. Goldman, Sachs & Co.*, 293 F.R.D. 557, 561 (S.D.N.Y. 2013) (*citing* Fed.R.Civ.P. 26(b)(1)).

Defendant cannot carry her burden of showing that the questions asked are not reasonably calculated to lead to the discovery of admissible evidence. This is a case in which sexual activities lie at the heart of the issues in dispute. As a result, it is hardly surprising to find that discovery pertains to alleged "adult" sexual activities – and questions about such subjects are entirely proper. *See, e.g., Condit v. Dunne*, 225 F.R.D. 100, 113 (S.D.N.Y. 2004) (in defamation case, "Plaintiff is hereby ordered to answer questions regarding his sexual relationships in so far

as they are relevant to a defense of substantial truth, mitigation of damages, or impeachment of plaintiff."); *Weber v. Multimedia Entm't, Inc.*, No. 97 CIV. 0682 PKL THK, 1997 WL 729039, at *3 (S.D.N.Y. Nov. 24, 1997) ("While discovery is not unlimited and may not unnecessarily intrude into private matters, in the instant case inquiry into private matters is clearly relevant to the subject matter of the suit. Accordingly, plaintiff Misty Weber shall respond to defendants' interrogatories concerning her sexual partners . . . .").

Generally speaking, instructions from attorneys to their clients not to answer questions at a deposition should be "limited to [issues regarding] privilege." *Morales v. Zondo, Inc.*, 204 F.R.D. 50, 54 (S.D.N.Y. 2001). In this case, defense counsel ranged far beyond the normal parameters of objections and sought to decide for himself what issues were relevant. That was improper and the Court should order a resumption of the Defendant's deposition so that she can answer questions about her knowledge of sexual activity relating to Jeffrey Epstein.

CONCLUSION

Defendant should be ordered to sit for a follow-up deposition and directed to answer questions regarding her knowledge of alleged "adult" sexual activity.

Dated: May 5, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of May, 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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Sigrid S. McCawley

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- x
VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:
15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

- x

CONFIDENTIAL

Videotaped deposition of GHISLAINE MAXWELL, taken pursuant to subpoena, was held at the law offices of BOIES SCHILLER & FLEXNER, 575 Lexington Avenue, New York, New York, commencing April 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.

- - -

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LAURA A. MENNINGER, ESQUIRE

Also Present:
James Christe, videographer

G Maxwell - Confidential

understand the bounds that I put on it.

MS. McCAWLEY: No, I don't. I will continue to ask my questions and you can continue to make your objections.

Q. Did you ever participate from the time period of 1992 to 2009, did you ever participate in a massage with Jeffrey Epstein and another female?

MR. PAGLIUCA: Objection. Do not answer that question. Again, to the extent you are asking for some sort of illegal activity as you've construed in connection with this case I don't have any problem with you asking that question. To the extent these questions involve consensual acts between adults, frankly, they're none of your business and I will instruct the witness not to answer.

MS. McCAWLEY: This case involves sexual trafficking, sexual abuse, questions about her having interactions with other females is relevant to this case. She needs to answer these

EXHIBIT 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- x
VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:
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GHISLAINE MAXWELL,

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Also Present:
James Christe, videographer

absolutely everything that took place in that first meeting. She has lied repeatedly, often and is just an awful fantasist. So very difficult for anything to take place that she repeated because I was with her mother the entire time.

Q. So did you have -- did you give a massage with Virginia Roberts and Mr. Epstein during the first time Virginia Roberts was at the West Palm Beach house?

MR. PAGLIUCA: Object to the form and foundation.

Q. Yes or no?

A. No.

Q. Have you ever given a massage with Virginia Roberts in the room and Jeffrey Epstein?

MR. PAGLIUCA: Object to the form and foundation.

A. No.

Q. Have you ever given Jeffrey Epstein a massage?

MR. PAGLIUCA: Object to the form, foundation. And I'm going to instruct

you not to answer that question. I don't have any problem with you asking questions about what the subject matter of this lawsuit is, which would be, as you've termed it, sexual trafficking of Ms. Roberts.

To the extent you are asking for information relating to any consensual adult interaction between my client and Mr. Epstein, I'm going to instruct her not to answer because it's not part of this litigation and it is her private confidential information, not subject to this deposition.

MS. McCAWLEY: You can instruct her not to answer. That is your right. But I will bring her back for another deposition because it is part of the subject matter of this litigation so she should be answering these questions. This is civil litigation, deposition and she should be responsible for answering these questions.

MR. PAGLIUCA: I disagree and you

G Maxwell - Confidential

understand the bounds that I put on it.

MS. McCAWLEY: No, I don't. I will continue to ask my questions and you can continue to make your objections.

Q. Did you ever participate from the time period of 1992 to 2009, did you ever participate in a massage with Jeffrey Epstein and another female?

MR. PAGLIUCA: Objection. Do not answer that question. Again, to the extent you are asking for some sort of illegal activity as you've construed in connection with this case I don't have any problem with you asking that question. To the extent these questions involve consensual acts between adults, frankly, they're none of your business and I will instruct the witness not to answer.

MS. McCAWLEY: This case involves sexual trafficking, sexual abuse, questions about her having interactions with other females is relevant to this case. She needs to answer these

questions.

MR. PAGLIUCA: I'm instructing her not to answer.

MS. McCAWLEY: Then we will be back here again.

Q. Have you ever given a massage to Mr. Epstein with a female that was under the age of 18?

A. Can you repeat the question?

Q. Yes. Have you ever given a massage to Mr. Epstein with a female that was under the age of 18?

A. No.

Q. Have you ever observed Mr. Epstein having a massage given by an individual, a female, who was under the age of 18?

A. No.

Q. Have you ever observed females under the age of 18 in the presence of Jeffrey Epstein at his home?

MR. PAGLIUCA: Object to the form and foundation.

A. Again, I have friends that have children --

EXHIBIT 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- x

VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:
15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

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Also Present:
James Christe, videographer

A. She was tasked to answer telephones.

Q. Did you ever ask her to rub Jeffrey's feet?

MR. PAGLIUCA: Objection to the form and foundation.

A. I believe that I have read that, but I don't have any memory of it.

Q. Did you ever tell [redacted] that she would get extra money if she provided Jeffrey massages?

A. I was always happy to give career advice to people and I think that becoming somebody in the healthcare profession, either exercise instructor or nutritionist or professional massage therapist is an excellent job opportunity. Hourly wages are around 7, 8, $9 and as a professional healthcare provider you can earn somewhere between as we have established 100 to $200 and to be able to travel and have a job that pays that is a wonderful job opportunity. So in the context of advising people for opportunities for work, it is possible that I

would have said that she should explore that as an option.

Q. Did you tell her she would get extra money if she massaged Jeffrey?

A. I'm just saying, I cannot recall the exact conversation. I give career advice and I have done that.

Q. Did you ever have [redacted] massage you?

A. I did.

Q. How many times?

A. I don't recall how many times.

Q. Was there sex involved?

A. No.

Q. Did you ever instruct [redacted] to massage [redacted]

A. I don't believe -- I have no recollection of it.

Q. Did you ever have sexual contact with [redacted]

MR. PAGLIUCA: Object to the form and foundation. You need to give me an opportunity to get in between the questions.

G Maxwell - Confidential

Anything that involves consensual sex on your part, I'm instructing you not to answer.

Q. Did you ever have sexual contact with [redacted]

A. Again, she is an adult --

Q. I'm asking you, did you ever have sexual contact with [redacted]

A. I've just been instructed not to answer.

Q. On what basis?

A. You have to ask my lawyer.

Q. Did you ever have sexual contact with [redacted] that was not consensual on [redacted] part?

MR. PAGLIUCA: You can answer nonconsensual.

A. I've never had nonconsensual sex with anybody.

Q. Not [redacted]

MR. PAGLIUCA: Objection.

A. I just testified I never had nonconsensual sex with anybody ever, at any time, at anyplace, at any time, with anybody.

EXHIBIT 5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- x
VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:
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GHISLAINE MAXWELL,

Defendants.

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Also Present:
James Christe, videographer

Q. Did you train Virginia on how to recruit other girls to perform sexual massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. No. And it's absurd and her entire story is one giant tissue of lies and furthermore, she herself has -- if she says that, you have to ask her about what she did.

Q. Does Jeffrey like to have his nipples pinched during sexual encounters?

MR. PAGLIUCA: Objection to form and foundation.

A. I'm not referring to any advice on my counsel. I'm not talking about any adult sexual things when I was with him.

Q. When Jeffrey would have a massage, would he request that the masseuse pinch his nipples while he was having a massage?

A. I'm not talking about anything with consensual adult situation.

Q. What about with underage --

A. I am not aware of anything.

Q. You are not aware of Jeffrey

EXHIBIT 6

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- x
VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:
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GHISLAINE MAXWELL,

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Also Present:
James Christe, videographer

for sexual acts.

Q. I'm asking if they performed sexual acts?

MR. PAGLIUCA: Object to the form and foundation.

Q. Did any of the massage therapists who were at the home perform sexual acts for Jeffrey Epstein?

A. I don't know what you mean by sexual acts.

Q. Did any of the massage therapists who were working at the home perform sexual acts, including touching the breasts, touching the vaginal area, being touched while Jeffrey is masturbating, having intercourse, any of those things?

MR. PAGLIUCA: Objection. Form and foundation.

To the extent any of this is asking for to your knowledge any consensual sex act that may or may not have involved you, I'm instructing you not to answer the question.

Q. I'm not asking about consensual sex

acts. I'm asking whether any of the massage therapists performed sexual acts for Mr. Epstein, as I have just described?

A. I have never seen anybody have sexual intercourse with with Jeffrey, ever.

Q. I'm not asking about sexual intercourse. I'm asking about any sexual act, touching of the breast -- did you ever see -- can you read back the question?

(Record read.)

A. I'm not addressing any questions about consensual adult sex. If you want to talk about what the subject matter, which is defamation and lying, Virginia Roberts, that you and Virginia Roberts are participating in perpetrating her lies, I'm happy to address those. I never saw any inappropriate underage activities with Jeffrey ever.

Q. I'm not asking about underage. I'm asking about whether any of the masseuses that were at the home perform sexual acts for Jeffrey Epstein?

A. I have just answered the question.

Q. No, you haven't.

A. I have.

Q. No, you haven't.

A. Yes, I have.

Q. You are refusing to answer the question.

A. Let's move on.

Q. I'm in charge of the deposition. I say when we move on and when we don't.

You are here to respond to my questions. If you are refusing to answer the court will bring you back for another deposition to answer these questions.

Do you understand that?

MR. PAGLIUCA: You don't need to threaten the witness.

MS. McCAWLEY: I'm not threatening her. I'm making sure the record is clear.

MR. PAGLIUCA: Certainly can you apply to have someone come back and the court may or may not have her come back again.

Again, she is not answering questions that relate to adult consent

sex acts. Period. And that's the instruction and we can take it up with the court.

Q. Ms. Maxwell, are you aware of any sexual acts with masseuses and Jeffrey Epstein that were nonconsensual?

A. No.

Q. How do you know that?

A. All the time that I have been in the house I have never seen, heard, nor witnessed, nor have reported to me that any activities took place, that people were in distress, either reported to me by the staff or anyone else. I base my answer based on that.

Q. Are you familiar with a person by the name of [redacted]

A. I am.

Q. Has [redacted] given a statement to police about you performing sexual acts on her?

A. I have not heard that.

Q. Has [redacted] given a statement to police about Jeffrey Epstein performing

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Q. Did you have sex with her?

MR. PAGLIUCA: This is the same instruction about consensual or nonconsensual.

Q. Was [redacted] under the age of 18 when you hired her?

A. No. I didn't hire her, as I said, Jeffrey did.

Q. Did [redacted] ever have sex with Jeffrey?

MR. PAGLIUCA: Objection to the form and foundation.

A. How would I know what somebody else did.

Q. You weren't involved in the sex between Jeffrey, [redacted] and yourself?

A. We already --

Q. Were you involved with sex between Jeffrey, [redacted] and yourself?

MR. PAGLIUCA: Everyone is talking over each other. You heard the question.

Again, you you know what the instruction is. If there is any

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consensual issue involved, I instruct you not to answer.

A. Moving on.

Q. So you are refusing to answer that question?

A. I've been instructed by my lawyer.

Q. Did you ever have sex with Jeffrey, [redacted] Virginia and yourself when Virginia was underage?

A. Absolutely not.

MR. PAGLIUCA: We've been going for about an hour. I would like to take a five-minute break, please.

MS. McCAWLEY: I'm almost done.

MR. PAGLIUCA: You are not going to allow a break.

MS. McCAWLEY: As soon as I get through my line of questioning, which is perfectly appropriate.

Q. Did [redacted] travel with you and Jeffrey to Europe?

A. I'm sure she did.

Q. What is she doing today?

A. I have no idea.

Q. Did you train Virginia on how to recruit other girls to perform sexual massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. No. And it's absurd and her entire story is one giant tissue of lies and furthermore, she herself has -- if she says that, you have to ask her about what she did.

Q. Does Jeffrey like to have his nipples pinched during sexual encounters?

MR. PAGLIUCA: Objection to form and foundation.

A. I'm not referring to any advice on my counsel. I'm not talking about any adult sexual things when I was with him.

Q. When Jeffrey would have a massage, would he request that the masseuse pinch his nipples while he was having a massage?

A. I'm not talking about anything with consensual adult situation.

Q. What about with underage --

A. I am not aware of anything.

Q. You are not aware of Jeffrey

Q. In your responsibilities in working for Jeffrey, would you book massages for him on any given day so that he would have a massage scheduled? Would you take a call for example and book a massage for him?

MR. PAGLIUCA: Objection to the form and foundation.

Q. You can answer.

A. Typically, that was not my responsibility. He would either book the massage himself or one of his other assistants would do that.

Q. From time to time you had to do that?

MR. PAGLIUCA: Objection to the form and foundation.

A. Like I said, typically it was somebody else's responsibility.

Q. If you were unable to book a girl for a massage on a given day, would that mean that you were responsible for giving him a sexual massage?

MR. PAGLIUCA: Objection to the form and foundation and I instruct you

not to answer any questions about any of your consensual adult sexual activity.

Q. So you are not going to answer that question?

A. You just heard my counsel.

Q. Have you ever said to anybody that recruiting other girls to perform sexual massages for Jeffrey Epstein takes the pressure off you?

MR. PAGLIUCA: Object to the form and foundation.

A. Repeat the question and break it out.

Q. Have you ever said to anybody that you recruit girls --

A. Stop right there. I never recruited girls, let's stop there. Now breakdown the question.

Q. Have you ever said to anybody --

A. By girls, we are talking about underage people -- you said girls, are you talking about underage -- we are not talking about consensual acts -- this is a defamation suit.

the flights?

A. I can't recollect having a meal with them, but just so we are clear, the allegations that [redacted] had a meal on Jeffrey's island is 100 percent false.

Q. But he may have had a meal on Jeffrey's plane?

A. I'm sure he had a meal on Jeffrey's plane.

Q. You do know how many times he flew on Jeffrey's plane?

A. I don't.

Q. Do you know who [redacted] is?

A. I do.

Q. How do you know him?

A. He used to work or still works for [redacted]

Q. Did you ever have a relationship with him?

A. We are talking about adult consensual relationships, it's off the record.

Q. I'm not asking what you did with him, I'm asking if you ever had a

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relationship with him?

MR. PAGLIUCA: If you understand the term relationship, certainly you can answer that.

A. Define relationship.

Q. Somebody that you would have spent time together, either seeing them in a romantic relationship or --

A. You need to be, what do you mean by romantic. I was friends with [redacted] but you are suggesting something more so I want to be clear what you are actually asking me.

Q. You defined it. You said you were friends with him. If that's what you were that's all I need to know.

While you were on the trip with [redacted] do you recall where you stayed at these locations, in other words, would you leave the jet and stay overnight at a hotel, do you have a recollection of this trip?

A. I recollect the trip but if you're asking me where we stayed, you can see it's a very fast paced trip. It was very tiring and

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form and foundation.

A. I don't know why the name is -- I'm sorry -- I can't -- I have no idea. I recognize the name but that's it.

Q. Was [redacted] a masseuse?

MR. PAGLIUCA: Objection to the form and foundation.

A. What are you asking me, I'm sorry?

Q. When [redacted] worked for Jeffrey Epstein, did she perform massages?

A. I've testified that when [redacted] came originally, she came to answer telephones. I believe at some point she became a masseuse. I don't recollect when and I personally had massages from [redacted]

Q. What did [redacted] do for Jeffrey Epstein, did she perform massages, anything else?

MR. PAGLIUCA: Objection to the form and foundation.

A. When she came she answered phones and at some point, I believe, I don't have any firm recollection, but I believe she went to school and became a masseuse and I had

massages from her.

Q. Did you ever have any sexual interaction with her?

MR. PAGLIUCA: Object to the form and foundation and I'm going to instruct you if we're talking about any consensual adult contact, you are not allowed to answer the question.

Q. Did you have any sexual contact with her in the presence of Jeffrey Epstein?

MR. PAGLIUCA: Same instruction.

Q. Did you have any sexual contact with her in the presence of anybody other than Jeffrey Epstein?

MR. PAGLIUCA: Same instruction.

Q. How many massages did you receive from [redacted]

A. I really don't recall but a fair amount.

Q. Did the massages involve sex?

MR. PAGLIUCA: I'm going to instruct you not to answer.

Q. Have you ever engaged in sex with any female?

MR. PAGLIUCA: I'm going to instruct you not to answer.

MS. McCAWLEY: I want the record to reflect that Ms. Maxwell's attorney is directing her not to answer this series of questions.

MR. PAGLIUCA: It definitely does.

Q. Were you responsible for introducing [redacted] to Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. I already testified that I don't really recall [redacted]

Q. Were you responsible for introducing [redacted] to Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I don't like the characterization of introduction. [redacted] came to answer telephones.

Q. When did you -- were you the person who brought or introduced or met [redacted] for purposes of bringing her to Jeffrey Epstein's home?

EXHIBIT 7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- x

VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:
15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

- x

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Videotaped deposition of GHISLAINE MAXWELL, taken pursuant to subpoena, was held at the law offices of BOIES SCHILLER & FLEXNER, 575 Lexington Avenue, New York, New York, commencing April 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.

- - -

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BY: JEFFREY S. PAGLIUCA, ESQUIRE
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Also Present:
James Christe, videographer

therapists paid?

MR. PAGLIUCA: Object to the form and foundation.

A. They get paid between 100 and $200.

Q. Did it vary based on what sexual acts they performed?

MR. PAGLIUCA: Object to the form and foundation.

A. No. It varied depending how much time, some massage therapists charge more and some charge less.

Q. Did the massage therapists that were hired to come to the home perform sexual acts for Jeffrey Epstein?

MR. PAGLIUCA: Object to the form and foundation.

A. What are you asking me?

Q. I'm asking if the massage therapists --

A. Are you asking me about underage girls?

Q. I'm asking in general, did any of the massage therapists in the home --

A. Are you asking if they were paid

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 Combined Response to Plaintiff's Motion to Compel Defendant to Answer Deposition Questions Filed Under Seal and Motion to Terminate or Limit Pursuant to F.R.Civ.P. 30(d)(3)

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INTRODUCTION

Defendant, Ghislaine Maxwell, through her attorneys, responds to Plaintiff's Motion to Compel Defendant to Answer Deposition Questions Filed Under Seal (Doc. # 143) ("Motion"). Ms. Maxwell, pursuant to Rule 30(d)(3) of the Federal Rules of Civil Procedure, moves to prohibit Plaintiff from asking her questions about any adult, consensual sex. In support of her requests, Ms. Maxwell states:

Plaintiff initiated this action purportedly in reaction to statements attributed to Ghislaine Maxwell on January 3, and 4, 2015. The first of the two statements, according to Plaintiff's complaint, was issued by Ross Gow in the United Kingdom. The second was made by Ms. Maxwell in New York when she was accosted by reporters on the street. Both statements were brief, contained no factual content, and can best be described as general denials of allegations made by Plaintiff against Ms. Maxwell, to wit, that Ms. Maxwell "assisted" and participated in sexual abuse of the Plaintiff between 1999 and 2002.

Plaintiff does not claim that any sexual abuse occurred after 2002 or that she had any contact with Ms. Maxwell after 2002. Indeed, according to Plaintiff, in 2002 she relocated, first to Thailand and then to Australia, where she married and started a family. Given that she has been thousands of miles away from the United States for more than a decade it is unlikely that Plaintiff has any personal knowledge about events involving Jeffrey Epstein after she left the country and broke off all contact with both Mr. Epstein and Ms. Maxwell.

This lawsuit presents one relatively simple question: is Plaintiff's claim that she was sexually abused by Jeffrey Epstein between 1999 and 2002 "with the assistance and participation of" Ms. Maxwell substantially true? In light of this one simple question, Plaintiff's attempts to question Ms. Maxwell about her consensual adult sex life should be denied.

Plaintiff deposed Ms. Maxwell for a full seven hours. Ms. Maxwell did not assert any privilege against self -incrimination and was questioned extensively about, among other things: her relationship with Jeffrey Epstein, her knowledge of "sexual trafficking", sex with minors, non-consensual sex, sex involving the Plaintiff and others, sex involving Plaintiff and Mr. Epstein, sex involving the Plaintiff and Ms. Maxwell and sex involving the Plaintiff, Ms. Maxwell and Mr. Epstein. She was asked questions about whether she recruited girls for Mr. Epstein to have sex with and her knowledge of Mr. Epstein's sex with a number of people. She was asked questions about "sex toys", pornographic images, child pornography, and nudity at Mr. Epstein's house. Ms. Maxwell answered these questions, and many others, to the best of her ability. *See* Declaration of Jeffrey S. Pagliuca, Composite Exhibit A. .

In sum, Ms. Maxwell testified:

- She never had a sexual encounter with the Plaintiff, ever;
- She never saw the Plaintiff massage Mr. Epstein;
- She did not have a set of outfits for the Plaintiff to wear;
- She had no knowledge of any non-consensual sex acts involving Mr. Epstein;
- She had no knowledge of Mr. Epstein having sex acts with any underage girl;
- She never engaged in any sex acts with any underage girl;
- She never had non-consensual sex with anyone;
- She did not train the Plaintiff to recruit other girls for massages;
- She never trained a female under the age of 18 at Mr. Epstein's home; and
- She never arranged for or asked Plaintiff to have sex with anyone.

Any question about the actual subject matter of this defamation lawsuit was fair game. The line was drawn, however, at questions concerning Ms. Maxwell's consensual sex with any

adult other than the Plaintiff. This is a very reasonable line given the subject matter of this defamation action, *i.e.,* did Ms. Maxwell assist Mr. Epstein in the sexual trafficking of the Plaintiff from 1999 to 2002. The questions at issue were not limited to the time frame in which the Plaintiff claims she was sexually trafficked and was expanded to the time frame of 1992 to 2009--- seven years before the Plaintiff claims to have met Mr. Epstein and five years after she left the country.

ARGUMENT

Federal Rule of Civil Procedure 26(b)(1) provides, in relevant part, that "[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party …."

Although the scope of discovery is deliberately broad, a Court is not "required to permit plaintiff to engage in a `fishing expedition' in the hope of supporting [her] his claim.'" *McGee v. Hayes, 43 Fed.Appx.* 214, 217 (10th Cir. 2002) (unpublished opinion). *See Tottenham v. Trans World Gaming Corp.*, 2002 WL 1967023, at *2 (S.D.N.Y. 2002) ("Discovery, however, is not intended to be a fishing expedition, but rather is meant to allow the parties to flesh out allegations for which they initially have at least a modicum of objective support") (quotations omitted); *Hardrick v. Legal Services Corp*., 96 F.R.D. 617, 618 (D.D.C. 1983) (courts should remain concerned about "fishing expeditions, discovery abuse and inordinate expense involved in overbroad and far-ranging discovery requests") (quotation omitted). "[B]road discovery is not without limits and the trial court is given wide discretion in balancing the needs and rights of both plaintiff and defendant." *Gomez v. Martin Marietta Corp*., 50 F.3d 1511, 1520 (10th Cir. 1995) (quotation omitted).

Although relevance in discovery is broader than that required for admissibility at trial, "the object of inquiry must have some evidentiary value before an order to compel disclosure of otherwise inadmissible material will issue." *Zenith Electronics Corp. v. Exzec, Inc*., No. 93 C 041, 1998 WL 9181, at *2 (N.D.I11.1998) (quoting *Piacenti v. Gen. Motors Corp.,* 173 F.R.D. 221, 223 (N.D.I11.1997)). Courts have also recognized that "[t]he legal tenet that relevancy in the discovery context is broader than in the context of admissibility should not be misapplied so as to allow fishing expeditions in discovery." *Id*. (quotation omitted).

Under Rule 26(c) of the Federal Rules of Civil Procedure any party may move the court, for good cause shown, for a protective order regarding pretrial discovery "which justice requires to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense." Fed. R.Civ.P. 26(c). "Although the Rule contains no specific reference to privacy or to other rights or interests that may be implicated, such matters are implicit in the broad purpose and language of the Rule." *Seattle Times Company v. Rhinehart*, 467 U.S. 20, 35 (U.S. 1984).

It is important to consider that Ms. Maxwell is the ***defendant*** in this action. She has not put her private affairs at issue. She simply denied that she assisted Jeffrey Epstein in the sexual trafficking of the Plaintiff. She stated that claims made by Plaintiff about her are "untrue" and contain "obvious lies". Plaintiff's allegations concerning Mr. Epstein's adult consensual massages with persons other than herself are not the subject of Ms. Maxwell's denial and therefore not relevant to this defamation claim. Furthermore, Ms. Maxwell's private adult sexual relationships, which do not involve Plaintiff, any underage persons, or any adult who claims to have been sexually trafficked also do not relate in any way to Plaintiff's allegations, and by extension, to Ms. Maxwell's denial of the same.

It is also important to recognize that Ms. Maxwell is not Mr. Epstein and Mr. Epstein's alleged conduct after Plaintiff left the country is not an issue in this defamation case. The

Plaintiff has no personal knowledge of any of Mr. Epstein's activities after 2002. Accordingly, any statements by Plaintiff about Mr. Epstein's activities occurring after 2002 are her opinions, not facts that are subject to any defamation claim.

In an attempt to avoid the obvious problems with the non-relevant, highly intrusive, overbroad, and in most instances technically objectionable questions, Plaintiff has created a new theory: according to the Plaintiff, the questions are not really about Ms. Maxwell's private, consensual sex life, they are about "Defendant's participation in massages with Epstein", which she now says, "is a central part of this case." This case is not about massages. It is about whether the Plaintiff's claim that Ghislaine Maxwell assisted in sexually trafficking the Plaintiff to people like [redacted], and other famous people are substantially true. Whether Ms. Maxwell gave Mr. Epstein a massage in 1992 has nothing to do with this case.

In *Conduit v. Dunn*, 225 F.R.D. 100 (S.D.N.Y. 2004), the court considered the reverse of the issue presented here. Mr. Conduit, a former United States Congressman brought a defamation action against a media commentator based on statements made regarding the disappearance and death of a Washington intern. The defendant filed a motion to compel the plaintiff to provide deposition testimony regarding his sexual relationships which was opposed by the plaintiff who requested a protective order. Although the court allowed for a limited inquiry into the Plaintiff's sexual relationships it did so in large part because the Courts in the District of New York have:

> adamantly refused to allow a litigant to invoke privilege to protect discovery of information **relating to the matter the litigant put directly at issue**. *Sanofi–Synthelabo v. Apotex*, Inc., 299 F.Supp.2d 303, 308–09 (S.D.N.Y.2004) (finding it unfair for complainant to assert contentions to the court and then to rely on privilege to block disclosure of materials that might disprove or undermine those contentions). This holds true in defamation cases. *Cf. Weber v. Multimedia Entm't*, No. 97 Civ. 0682, 1997 WL 729039 (S.D.N.Y. Nov. 24, 1997) (allowing discovery of sexual history of plaintiff as to damages in defamation case, though plaintiff claimed irrelevancy). *Id.* at 108 (emphasis added).

The court recognized that:

> New York, of course, recognizes a right to privacy arising from its own constitution and the United States Constitution. *See People v. Onofre*, 72 A.D.2d 268, 424 N.Y.S.2d 566, 568 (App.Div.1980), aff'd, 51 N.Y.2d 476, 434 N.Y.S.2d 947, 415 N.E.2d 936 (1980) ("Personal sexual conduct is a fundamental right, protected by the right to privacy."); *see, e.g., Doe v. Bolton*, 410 U.S. 179, 93 S.Ct. 739, 35 L.Ed.2d 201 (1973); *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.2d 147 (1973); *Loving v. Virginia*, 388 U.S. 1, 87 S.Ct. 1817, 18 L.Ed.2d 1010 (1967); *Griswold v. Connecticut*, 381 U.S. 479, 85 S.Ct. 1678, 14 L.Ed.2d 510 (1965).

A defendant who has not put her private life at issue, and whose private life is otherwise irrelevant to the action, should not be forced to testify regarding her private adult relationships that do not involve Plaintiff or anything improper.

In analogous circumstances courts have refused to allow questions about a deponent's sexual history. For example, in *Silva v. Pioneer Janitorial Services*, 2011 WL 4729783 (D. Mass 2011), the court restricted deposition questions about a plaintiff's sexual history. The court took guidance from F.R.E. 412, and held that in an alleged sexual harassment case questions about a plaintiff's prior sexual history would not be allowed. *See also, A.W. v. I.B. Corp*., 224 F.R.D. 20, 23 (D.Me. 2004); *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").

In *Barta v. City & County of Honolulu*, 169 F.R.D. 132, 136 (D.Haw. 1996), the court held that defendants were not entitled to inquire into plaintiff's sexual conduct while she was off-duty, outside the workplace, and which did not involve conduct with the defendants. The court stated that plaintiff's "sexual conduct in that defined area, remote in time and/or kind from her claims, has no relevance to her claims or applicable defenses."

Similarly, the theory that any consensual adult sexual encounter that Ms. Maxwell may have had in an approximate 17 year period is irrelevant to any issue in this case, is propounded simply to harass and embarrass Ms. Maxwell and should not be permitted by this Court.

CONCLUSION

Ms. Maxwell has not put her sex life at issue in this case and under the circumstances here she should not be required to answer open-ended highly intrusive questions about activity unrelated to the Plaintiff or her claim that she was sexually trafficked. Like the Court in *Conduit v. Dunn*, this court should preclude non-relevant salacious fishing expeditions. *Id*., at 111. All of the questions posed by Plaintiff are just that. Accordingly, Ms. Maxwell requests that the Motion to Compel be denied and that her Motion to Terminate or Limit pursuant to F.R.Civ. P.30(d)(3) be granted.

Dated: May 10, 2016.

Respectfully submitted,

/s/ Jeffrey S. Pagliuca

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CERTIFICATE OF SERVICE

I certify that on May 10, 2016, I electronically served this *Defendant's Combined Response to Plaintiff's Motion to Compel Defendant to Answer Deposition Questions Filed Under Seal and Motion to Terminate or Limit Pursuant to F.R.Civ.P. 30(d)(3)* via ECF on the following:

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/s/ Nicole Simmons
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COMPOSITE EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- x
VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:
15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

- x

CONFIDENTIAL

Videotaped deposition of GHISLAINE MAXWELL, taken pursuant to subpoena, was held at the law offices of BOIES SCHILLER & FLEXNER, 575 Lexington Avenue, New York, New York, commencing April 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.

- - -

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Also Present:
James Christe, videographer

Questions About People Under the Age of 18 at Epstein's Home

Q. You can answer.

A. I have not any idea exactly of the youngest adult employee that I hired for Jeffrey.

Q. When you say adult employee, did you ever hire someone that was under the age of 18?

A. Never.

Q. Did you ever bring someone who was under -- invite someone under the age of 18 to Jeffrey's home, any of his homes?

MR. PAGLIUCA: Object to the form foundation.

A. Can you repeat the question?

Q. Did you ever invite anybody who was under the age of 18 to Jeffrey's homes?

MR. PAGLIUCA: Same objections.

A. I have a number of friends that have children and friends of mine that have kids and in the invitation of my friends and their kids, I'm sure I may have invited some of my friend's kids to come.

Q. Anybody that is not a friend of yours.

Questions About Meeting the Plaintiff and Massages with Plaintiff

A. Ms. Roberts held herself out --

Q. I'm not asking how she held herself out. I'm asking how she arrived at the home. Did you meet her and invite her to come to the home or how did she arrive there?

MR. PAGLIUCA: Object to the form and foundation.

A. Ms. Roberts held her to be a masseuse and her mother drove her to the house.

Q. When did you first meet Virginia Roberts?

A. I don't have a recollection of the first meeting.

Q. Do you recall meeting her at Mar-a-Lago?

A. Like I said, I don't have a recollection of meeting Ms. Roberts.

Q. So you recall Ms. Roberts being brought to the home by her mother, is that your testimony?

A. That is my testimony.

Q. And that is the first time you met her?

A. Like I said, I don't recall meeting her the first time. I do remember her mother bringing her to the house.

Q. Are you a member at Mar-a-Lago?

A. No.

Q. Have you visited Mar-a-Lago?

A. Yes.

Q. Did you visit Mar-a-Lago in the year 2000?

A. I'm pretty sure I did.

Q. When Ms. Roberts arrived at the home with her mother, what happened?

A. I spoke to her mother outside of the house and she -- what I don't recall is exactly what happened because I was talking to her mother the entire she was in the house.

Q. Did you introduce Ms. Roberts to Jeffrey Epstein?

A. I don't recall how she actually met Mr. Epstein. As I said, I spoke to her mother the entire time outside the house.

Q. Did you walk Ms. Roberts up to the upstairs location at the Palm Beach house to

absolutely everything that took place in that first meeting. She has lied repeatedly, often and is just an awful fantasist. So very difficult for anything to take place that she repeated because I was with her mother the entire time.

Q. So did you have -- did you give a massage with Virginia Roberts and Mr. Epstein during the first time Virginia Roberts was at the West Palm Beach house?

MR. PAGLIUCA: Object to the form and foundation.

Q. Yes or no?

A. No.

Q. Have you ever given a massage with Virginia Roberts in the room and Jeffrey Epstein?

MR. PAGLIUCA: Object to the form and foundation.

A. No.

Q. Have you ever given Jeffrey Epstein a massage?

MR. PAGLIUCA: Object to the form, foundation. And I'm going to instruct

Questions About Massages with Minors

questions.

MR. PAGLIUCA: I'm instructing her not to answer.

MS. McCAWLEY: Then we will be back here again.

Q. Have you ever given a massage to Mr. Epstein with a female that was under the age of 18?

A. Can you repeat the question?

Q. Yes. Have you ever given a massage to Mr. Epstein with a female that was under the age of 18?

A. No.

Q. Have you ever observed Mr. Epstein having a massage given by an individual, a female, who was under the age of 18?

A. No.

Q. Have you ever observed females under the age of 18 in the presence of Jeffrey Epstein at his home?

MR. PAGLIUCA: Object to the form and foundation.

A. Again, I have friends that have children --

Questions About Hiring Massage Therapists

-- just another one of Virginia's many fictitious lies and stories to make this a salacious event to get interest and press. It's absolute rubbish.

Q. Were you in charge of hiring individuals to provide massages for Jeffrey Epstein?

A. My job included hiring many people. There were six homes. As I sit here, I hired assistants, I hired architects, I hired decorators, I hired cooks, I hired cleaners, I hired gardeners, I hired pool people, I hired pilots, I hired all sorts of people.

In the course and a very small part of my job was from from time to time to find adult professional massage therapists for Jeffrey.

Q. When you say adult professional massage therapists, where did you find these massage therapists?

A. From time to time I would visit professional spas, I would receive a massage and if the massage was good I would ask that man or woman if they did home visits.

Questions About [redacted]

here today I do not.

Q. Ms. Maxwell, when did you first meet [redacted]

MR. PAGLIUCA: Object to the form and foundation.

A. I have no idea when I met her.

Q. Do you know how old she was when you met her?

A. I have no idea how old she was when I met her.

Q. Is it possible she was 13 years old when you first met her?

MR. PAGLIUCA: Object to the form and foundation.

A. [redacted] may have been in the house when Jeffrey was in the house. I have no idea how old she was.

Q. I understand she was with [redacted]

I'm asking if [redacted] was 13 years old when you first met her?

A. I have no idea.

Q. Was she under 18 when you first met her?

A. I have no idea how old she was when I first met her.

Q. Did she look like a child when you first met her?

A. I don't remember what she looked like at the time she was in the house.

Q. How many years have you known her?

A. I can only recall the last time I saw her.

Q. When was the first time you met her?

A. Again, I just told you, I don't recall the first time I met her.

Q. Did [redacted] travel with you on Jeffrey's planes?

A. I wouldn't remember if [redacted] was on the plane or not.

Q. Did you ever have sex with [redacted]

A. No.

Q. Did you ever observe Jeffrey having sex with [redacted]

A. No.

Q. Were you aware that Jeffrey was having sexual contact with [redacted] when she was 13 years old?

MR. PAGLIUCA: Object to the form and foundation.

A. I would be very shocked and surprised if that were true.

Q. Were you in the house when [redacted] was in the house in a private area with Jeffrey Epstein?

MR. PAGLIUCA: Object to the form and foundation.

A. Can you repeat the question.

Q. Were you ever in the Palm Beach house when Jeffrey Epstein was in the house with [redacted]?

MR. PAGLIUCA: Object to the form and foundation.

A. I've already testified that I have met her and that she was there [redacted] I don't understand what your question is asking.

Q. So you have never seen [redacted]

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[redacted]

MR. PAGLIUCA: Object to the form and foundation.

Q. Is that your testimony?

A. I already said I don't recall all the times I've seen her and I have no memory of that.

Q. Have you ever seen [redacted] in the house with Jeffrey Epstein [redacted]

MR. PAGLIUCA: Object to the form and foundation.

A. I just told you I don't recall seeing [redacted]

Q. Were you ever involved in an orgy with [redacted]

A. No, absolutely not.

Q. Can you tell me, do you know an individual by the name of [redacted]

A. I do.

Q. How did you meet [redacted]

A. At some point she was a friend of Jeffrey's and I recall meeting her at some point.

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Q. Did Jeffrey arrange for a visa for [redacted]?

A. I don't know what Jeffrey did. I cannot testify what Jeffrey did.

Q. Was [redacted] involved in sex with Jeffrey and other girls?

MR. PAGLIUCA: Object to the form and foundation.

Q. Girls under the age of 18?

MR. PAGLIUCA: Same objection.

A. I have no idea.

Q. Was [redacted] involved with sex with Jeffrey and girls over the age of 18?

MR. PAGLIUCA: Same objection.

A. I have no idea.

Q. Did [redacted] recruit other girls for sex with Jeffrey?

MR. PAGLIUCA: Object to the form and foundation.

A. I have no idea.

Q. Do you still talk to [redacted]

A. No.

Q. [redacted]

A. I have no idea.

Questions About Mr. Epstein and Sex

acts. I'm asking whether any of the massage therapists performed sexual acts for Mr. Epstein, as I have just described?

A. I have never seen anybody have sexual intercourse with with Jeffrey, ever.

Q. I'm not asking about sexual intercourse. I'm asking about any sexual act, touching of the breast -- did you ever see -- can you read back the question?

(Record read.)

A. I'm not addressing any questions about consensual adult sex. If you want to talk about what the subject matter, which is defamation and lying, Virginia Roberts, that you and Virginia Roberts are participating in perpetrating her lies, I'm happy to address those. I never saw any inappropriate underage activities with Jeffrey ever.

Q. I'm not asking about underage. I'm asking about whether any of the masseuses that were at the home perform sexual acts for Jeffrey Epstein?

A. I have just answered the question.

Q. No, you haven't.

Questions About [redacted], Plaintiff, [redacted] [redacted] and Sex

A. I have.
Q. No, you haven't.
A. Yes, I have.
Q. You are refusing to answer the question.
A. Let's move on.
Q. I'm in charge of the deposition. I say when we move on and when we don't.
You are here to respond to my questions. If you are refusing to answer the court will bring you back for another deposition to answer these questions.
Do you understand that?
MR. PAGLIUCA: You don't need to threaten the witness.
MS. McCAWLEY: I'm not threatening her. I'm making sure the record is clear.
MR. PAGLIUCA: Certainly can you apply to have someone come back and the court may or may not have her come back again.
Again, she is not answering questions that relate to adult consent

sex acts. Period. And that's the instruction and we can take it up with the court.

Q. Ms. Maxwell, are you aware of any sexual acts with masseuses and Jeffrey Epstein that were nonconsensual?

A. No.

Q. How do you know that?

A. All the time that I have been in the house I have never seen, heard, nor witnessed, nor have reported to me that any activities took place, that people were in distress, either reported to me by the staff or anyone else. I base my answer based on that.

Q. Are you familiar with a person by the name of [redacted]

A. I am.

Q. Has [redacted] given a statement to police about you performing sexual acts on her?

A. I have not heard that.

Q. Has [redacted] given a statement to police about Jeffrey Epstein performing

asked and answered already.

Q. You can answer the question.

A. I have no idea what [redacted] did.

Q. You never observed [redacted] with girls under the age of 18 at Jeffrey's home?

MR. PAGLIUCA: Object to the form and foundation.

A. The answer is no, I have no idea.

Q. Do you know [redacted]

A. I do.

Q. What is your relationship with [redacted]

MR. PAGLIUCA: Object to the form.

A. What do you mean what is my relationship.

Q. Are you friendly with him, how do you know him?

A. He is the husband of [redacted]

Q. Is [redacted] one of your friends?

A. Yes.

Q. Did you ever send Virginia to [redacted] to give him a

massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. No.

Q. Did you ever instruct Virginia Roberts to have sex with [redacted]

MR. PAGLIUCA: Objection to the form and foundation.

A. I have never instructed Virginia to have sex with anybody ever.

Q. How old was [redacted] when she met Jeffrey?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea.

Q. What's she under the age of 18?

MR. PAGLIUCA: Objection to the form and foundation.

A. I just testified I have idea how old she was.

Q. You testified she was your friend. You don't know how old she was when she met Jeffrey?

A. That happened sometime in the '70s,

how would I know, or '80s. I have no idea. Can you testify to what your friends did 30 years ago?

Q. You don't ask the questions here, Ms. Maxwell.

What about [redacted], when did you first meet [redacted]

A. I don't recall the exact date.

Q. Did you hire [redacted]

A. I don't hire people, she came to work at the house to answer phones.

Q. Where did you meet her?

A. I just testified, I don't recall exactly when I met her.

Q. Was one of your job responsibilities to interview people that would be then hired by Jeffrey?

A. That was one of my responsibilities.

Q. Do you recall interviewing [redacted]

A. I don't recall the exact interview, no.

Q. Do you know what tasks [redacted] was hired to performance?

A. She was tasked to answer telephones.

Q. Did you ever ask her to rub Jeffrey's feet?

MR. PAGLIUCA: Objection to the form and foundation.

A. I believe that I have read that, but I don't have any memory of it.

Q. Did you ever tell [redacted] that she would get extra money if she provided Jeffrey massages?

A. I was always happy to give career advice to people and I think that becoming somebody in the healthcare profession, either exercise instructor or nutritionist or professional massage therapist is an excellent job opportunity. Hourly wages are around 7, 8, $9 and as a professional healthcare provider you can earn somewhere between as we have established 100 to $200 and to be able to travel and have a job that pays that is a wonderful job opportunity. So in the context of advising people for opportunities for work, it is possible that I

would have said that she should explore that as an option.

Q. Did you tell her she would get extra money if she massaged Jeffrey?

A. I'm just saying, I cannot recall the exact conversation. I give career advice and I have done that.

Q. Did you ever have [redacted] massage you?

A. I did.

Q. How many times?

A. I don't recall how many times.

Q. Was there sex involved?

A. No.

Q. Did you ever instruct [redacted] to massage [redacted]

A. I don't believe -- I have no recollection of it.

Q. Did you ever have sexual contact with [redacted]

MR. PAGLIUCA: Object to the form and foundation. You need to give me an opportunity to get in between the questions.

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Anything that involves consensual sex on your part, I'm instructing you not to answer.

Q. Did you ever have sexual contact with [redacted]

A. Again, she is an adult --

Q. I'm asking you, did you ever have sexual contact with [redacted]

A. I've just been instructed not to answer.

Q. On what basis?

A. You have to ask my lawyer.

Q. Did you ever have sexual contact with [redacted] that was not consensual on [redacted] part?

MR. PAGLIUCA: You can answer nonconsensual.

A. I've never had nonconsensual sex with anybody.

Q. Not [redacted]

MR. PAGLIUCA: Objection.

A. I just testified I never had nonconsensual sex with anybody ever, at any time, at anyplace, at any time, with anybody.

Q. So if [redacted] were to testify that she did not consent to a sexual act that you participated in --

A. I just told you I have never ever under any circumstances with anybody, at any time, in anyplace, in any form had nonconsensual relations with anybody.

Q. Did you introduce [redacted]

MR. PAGLIUCA: Objection to the form and foundation.

A. I've, again, read that [redacted] claimed that she met or that she said she met [redacted] I don't know if I was the one who made the introduction or not.

Q. Do you know a female by the name of [redacted]

A. I do.

Q. How do you know her?

A. [redacted]

Q. So she worked for you?

A. Yes.

Q. Did you hire her?

A. Again, Jeffrey hired people.

Questions About [redacted] Virginia, and Ms. Maxwell Regarding Sex

consensual issue involved, I instruct you not to answer.

A. Moving on.

Q. So you are refusing to answer that question?

A. I've been instructed by my lawyer.

Q. Did you ever have sex with Jeffrey, [redacted] Virginia and yourself when Virginia was underage?

A. Absolutely not.

MR. PAGLIUCA: We've been going for about an hour. I would like to take a five-minute break, please.

MS. McCAWLEY: I'm almost done.

MR. PAGLIUCA: You are not going to allow a break.

MS. McCAWLEY: As soon as I get through my line of questioning, which is perfectly appropriate.

Q. Did [redacted] travel with you and Jeffrey to Europe?

A. I'm sure she did.

Q. What is she doing today?

A. I have no idea.

Questions About Outfits and Sex Toys

about.

Q. So you didn't provide her with that?

A. As I just testified, I have no idea what you are talking about.

Q. I was trying to interpret whether you didn't understand what a school girl outfit was or you are saying that didn't happen?

A. I clearly know what a school girl outfit is. I have no recollection of providing anybody with a school girl outfit.

Q. Did you have a set of outfits used by the massage therapists that would include things like a school girl outfit or a black patent leather outfit or anything of that nature?

MR. PAGLIUCA: Object to the form and foundation.

A. That would be just another one of Virginia's lies.

Q. You didn't have anything like that?

A. I did not.

Q. Did you have a basket of sex toys

that you kept in the Palm Beach house?

MR. PAGLIUCA: Objection to the form and foundation.

A. First of all what do you mean.

Q. A laundry basket that contained sex toys in it?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you ask the question again?

Q. Did you have a laundry basket that contained sex toys in it, in the Palm Beach House?

MR. PAGLIUCA: Objection to the form and foundation.

Q. Did you have a laundry basket of sex toys in the Palm Beach house?

MR. PAGLIUCA: Same objection.

Q. You can answer.

A. I don't recollect anything about a laundry basket of sex toys.

Q. Do you recollect having sex toys at the Palm Beach house?

A. You have to define what are you talking about.

Questions About Plaintiff and Epstein and Sex

Q. Do you recall having a basket full of sex toys?

A. I already told you I did not.

Q. We were talking a moment ago about Ms. Roberts and her position as a masseuse, do you know what she was paid for working as a masseuse for Jeffrey Epstein?

A. I do not.

Q. Did you ever pay her?

A. I don't ever recall paying her.

Q. Do you know what happened during the massage appointments with Jeffrey Epstein and Virginia Roberts?

MR. PAGLIUCA: Objection to the form and foundation.

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.

Q. Did you help her obtain an apartment in Palm Beach to live in?

MR. PAGLIUCA: Objection to the form and foundation.

Q. Was that part of your responsibilities for Jeffrey?

A. First of all, I didn't know she had an apartment in Palm Beach. I only learned that from the many times you guys have gone to the press to sell stories, so no.

Q. Did you help her get a cell phone, was that one of your responsibilities for Jeffrey, to get her is a cell phone as part of her masseuse obligations?

Questions About Training Plaintiff to Recruit Girls for Massages

form and foundation.

A. Like I told you, I don't recall her being at the house at all.

Q. How many homes does Jeffrey have?

MR. PAGLIUCA: Objection to the form and foundation.

A. When I was working for him, I think he had six maybe.

Q. Would Virginia stay with him in those homes?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can only testify for when I was present with him and I cannot say what she did when I wasn't present with him.

Q. When you were present, would Virginia stay in the homes with him?

A. I don't recall her staying in the houses.

Q. Did you train Virginia on how to recruit other girls for massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. No.

Q. Did you train Virginia on how to recruit other girls to perform sexual massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. No. And it's absurd and her entire story is one giant tissue of lies and furthermore, she herself has -- if she says that, you have to ask her about what she did.

Q. Does Jeffrey like to have his nipples pinched during sexual encounters?

MR. PAGLIUCA: Objection to form and foundation.

A. I'm not referring to any advice on my counsel. I'm not talking about any adult sexual things when I was with him.

Q. When Jeffrey would have a massage, would he request that the masseuse pinch his nipples while he was having a massage?

A. I'm not talking about anything with consensual adult situation.

Q. What about with underage --

A. I am not aware of anything.

Q. You are not aware of Jeffrey

Questions About Ms. Maxwell's Relationship with Mr. Epstein

has perpetrated, cannot tell you what is true or factual or not.

Q. You said you were in the home a very limited time, so average in the year for example, 2004, how many times would you have been in his Palm Beach home?

A. Very hard for me to state but very little.

Q. How about his New York home?

A. Same.

Q. Were you his girlfriend in that year, in 2004?

A. Define what you mean by girlfriend.

Q. Were you in a relationship with him where you would consider yourself his girlfriend?

A. No.

Q. Did you ever consider yourself his girlfriend?

A. That's a tricky question. There were times when I would have liked to think of myself as his girlfriend.

Q. When would that have been?

A. Probably in the early '90s.

Questions About Recruiting Girls, an Underage Girl in London, and Foreign Girls

A. First of all I resent and despise the world recruit. Would you like to define what you mean by recruit and by girls, you mean underage people. I never had to do anything with underage people. So why don't you reask the question in a way that I am able to answer it.

Q. I'm asking if you ever said that to anybody. So if you don't understand the word recruit and you never used that word then the answer to that question would be no.

A. I have no memory as I sit here today having used that word.

Q. Did you ever meet an underage girl in London to introduce her to Jeffrey to provide him with a massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. Run that past me one more time.

Q. Did you ever meet an underage girl in London to introduce her to Jeffrey to perform a massage?

MR. PAGLIUCA: Same objection.

A. Are you asking me if I met anybody

that was underage in London specifically to provide a massage to Jeffrey, is that your question?

Q. Yes.

A. No.

Q. Do you know who [redacted] is?

A. I don't recall her right now.

Q. Do you know if -- strike that.

During the time that you were working for Jeffrey, did you ever observe any foreign females, so in other words, not from the United States, that were brought to Jeffrey's home to perform massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. Females, what age are we talking?

Q. Any age.

A. Can you repeat the question?

Q. During the time you were working for Jeffrey, did you ever observe any foreign females of any age that were at Jeffrey's home to perform a massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. Are you asking me if any foreigner, not an American person, gave Jeffrey a massage?

Q. Yes.

A. Well, as I sit here today, I can't think of anyone who is foreign. Certainly -- I just can't think of anybody right this second.

Q. How about any foreign girls who were under the age of 18?

A. I already testified to not knowing anything about underage girls.

Q. Were there foreign girls who were brought to Jeffrey's home by [redacted] for the purposes of providing massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. I am not aware of [redacted] bringing girls. I have not no idea what you are talking about.

Q. You have never been around foreign girls who are under the age of 18 at Jeffrey's homes?

MR. PAGLIUCA: Objection to the

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form and foundation.

A. I already testified about not knowing about underage girls.

Q. Did you provide any assistance with obtaining visas for foreign girls that were under the age of 18?

A. I've never participated in helping people of any age to get visas.

Q. Did Jeffrey, was it Jeffrey's preference to start a massage with sex?

MR. PAGLIUCA: Objection to the form and foundation.

A. I think you should ask that question of Jeffrey.

Q. Do you know?

A. I don't believe that was his preference. I think -- you have to understand, a massage -- perhaps you are not really familiar with what massage is.

Q. I am, I don't need a lecture on massage.

A. I think you do.

MR. PAGLIUCA: No question pending. She will ask you another question now.

Questions About Underage Girls, Sex with [redacted], and Outfits

Q. Were you present on the island when [redacted] visited?

A. Yes.

Q. How many times?

A. I can only remember once.

Q. Were there any girls under the age of 18 on the island during that one visit that you remember that were not family or friends of or daughters of your friends?

MR. PAGLIUCA: Objection to the form and foundation.

A. There were no girls on the island at all. No girls, no women, other than the staff who work at the house. Girls meaning, I assume you are asking underage, but there was nobody female outside of the cooks and the cleaners.

Q. Did you, as part of your duties in working for Jeffrey, ever arrange for Virginia to have sex with [redacted]

MR. PAGLIUCA: Objection to the form and foundation.

A. Just for the record, I have never at any time, at anyplace, in any moment ever

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asked Virginia Roberts or whatever she is called now to have sex with anybody.

Q. Did you ever provide Virginia Roberts with an outfit, an outfit of a sexual nature to wear for [redacted]

MR. PAGLIUCA: Objection to the form and foundation.

A. I think we addressed the outfit issue.

Q. I am asking you if you ever provided her with an outfit of a sexual nature to wear for [redacted]

A. Categorically no. You did get that, I said categorically no

Q. Don't worry I'm paying attention.

A. You seemed very distracted in that moment.

(Maxwell Exhibit 6, flight logs, marked for identification.)

A. Do you mind if I take a break for the bathroom.

Q. It's 11:08 and we are going to go off the record now.

THE VIDEOGRAPHER: It's now 11:09.

Questions About Pictures of Naked Girls

people could use -- just like you would use if you needed to go online to get something, that people could use.

Q. Was that on a desk that you would use in your work capacity when you were at the house?

A. It was a desk, it was a room I was, I didn't really use that computer.

Q. Were there images of naked girls whether they be under the age of 18 or over the age of 18 on that computer?

A. I have no recollection of any naked people on that computer when I was there in 2003, we are talking.

Q. What about from say '99 to 2003?

A. No, I can't recollect any naked pictures.

Q. Why were the computers removed from the house before the search warrant was executed?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no knowledge of anything like that.

Questions About Topless Females

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form and foundation.

A. I mean I've been to his -- in the mid '90s, I would have communicated with people who worked for him.

Q. Have you communicated with [redacted] [redacted] about this case?

A. No.

Q. Have you ever seen a topless female at any one of Jeffrey Epstein's properties?

MR. PAGLIUCA: Objection to the form and foundation. You've asked this question, by the way, earlier on today.

A. Again, I testified that there are people who from time to time in the privacy of a swimming pool have maybe taken a bikini top off or something but it's not common and certainly when I was at the house I don't really recollect seeing that kind of activity.

Q. Have you ever smoked cigarettes?

A. Yes.

Q. Have you ever smoked cigarettes with Virginia Roberts?

A. I don't recall smoking cigarettes

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 UNREDACTED REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANT TO ANSWER DEPOSITION QUESTIONS

Plaintiff Virginia Giuffre, by and through her undersigned counsel, hereby files this Reply in Support of her Motion to Compel Defendant to Answer Deposition Questions. Instead of allowing Ms. Giuffre to take a full and complete deposition, Defendant flatly refused to answer questions critical to the key issues in this case. Contrary to Defendant's assertions, Ms. Giuffre is not engaged in a "fishing expedition" but rather seeks to ask highly-focused questions specifically relevant to this case. In particular, Ms. Giuffre seeks to ask the Defendant questions regarding her participation in or knowledge of sexual activities connected with Jeffrey Epstein's sexual abuse of females. Such questions are entirely appropriate in the discovery phase of this case, particularly where any answers will be maintained as confidential under the Protective Order entered in this case.

As the Court is aware from previous pleadings, at the heart of this case lies the issue of Defendant's knowledge that Ms. Giuffre was sexually abused by Jeffrey Epstein. Indeed, as the Defendant boldly acknowledges in her response (at p. 2), she intends to argue at trial that (among other things) she "never arranged for or asked [Ms. Giuffre] to have sex with anyone." At trial,

Ms. Giuffre intends to strongly disprove Defendant's false assertions and to demonstrate that Defendant recruited Ms. Giuffre to be involved in massages of a sexual nature with Epstein.

To develop evidence to support her position, Ms. Giuffre recently deposed Defendant about the central subjects in her case. Defendant flatly refused to answer a number of questions, and for the majority of the others, gave varying versions of "I don't recall." For example, when faced with the police report which contains statements from approximately thirty (30) different victims during a time frame which the Defendant acknowledges she was actively working for Epstein at his various homes, Defendant challenged the veracity of the victims' reports:

> "Q. Are you saying these 30 girls are lying when they gave these reports to police officers?
>
> A. I'm not testifying to their lies. I'm testifying to Virginia's lies."

See Declaration of Sigrid McCawley ("McCawley Decl.") at Exhibit 1, April 22, 2016 Deposition of Defendant at p. 89-90; 83-84. While Defendant was working with Epstein during the time period when these underage girls were visiting Jeffrey's home, Defendant claimed to be at the house maybe once in 2005. *Id.* at p. 84. Yet, according to flight manifests, in that same general time period, Defendant was listed as a passenger at least eleven times either landing in or departing from West Palm Beach, Florida on Jeffrey Epstein's private plane. *See* McCawley Decl. at Exhibit 1, April 22, 2016 Depo Tr. at p. 84; *see also* McCawley Decl. at Composite Exhibit 2, Flight Logs from Jeffrey Epstein's private planes.

Moreover, again according to flight logs, Defendant was on Epstein's planes over 300 times – including 23 times with Ms. Giuffre when Ms. Giuffre was underage. Yet, quite remarkably, Defendant claimed she "couldn't recall" even one of those flights. *See* McCawley Decl. at Exhibit 1, April 22, 2016 Deposition of Defendant at p. 120-122.

Defendant even testified that she did not recall having Ms. Giuffre at her London townhome with [redacted]. Defendant stuck to this incredible story despite flight logs establishing her traveling to London with Ms. Giuffre and despite a photograph the three – Ms. Giuffre, [redacted] and Defendant – all standing together in Defendant's home. *See* McCawley Decl. at Exhibit 1, April 22, 2016 Deposition of Defendant at p. 108-111. Defendant's deposition consisted almost entirely of "I don't recalls" or "I refuse to answer that question"[1] and also included a physical outburst that knocked the court reporter's computer off the conference room table. *See* McCawley Decl. at Exhibit 1, April 22, 2016 Deposition of Defendant at 207-208.

Among the many questions that Defendant refused to answer at her deposition were a number of questions designed to show that Defendant was well aware that, for Epstein, a "massage" was actually a code word sexual activity – i.e., not a therapeutic massage but rather activity that involved sexual gratification for Epstein. Defendant refused to answer all such questions, asserting that they involved "private adult sexual relationships" which did not "relate in any way" to Ms. Giuffre's claims. *Id.* at p. 4. But Defendant's involvement in such "relationships" with Epstein would show that she knew full well the fate that was in store for Ms. Giuffre when she accepted Defendant's invitation to come and provide "massages" to Epstein. Defendant admitted that she worked for Epstein from 1992 to 2009. *See* McCawley Decl. at

[1] For example, when asked:

"Q. Have you ever said to anybody that you recruit girls to take the pressure off you, so you won't have to have sex with Jeffrey, have you said that?

A. ***You don't ask me questions like that.*** First of all, you are trying to trap me, I will not be trapped. You are asking me if I recruit. I told you no. Girls meaning underage, I already said I don't do that with underage people and as to ask me about a specific conversation I had with language, we talking about almost 17 years ago when this took place. ***I cannot testify to an actual conversation or language that I used with anybody at any time."***

See McCawley Decl. at Exhibit 1, April 22, 2016 Depo Tr. at p. 94-95.

Exhibit 1, April 22, 2016 Deposition of Defendant at p. 10-11, 410. As the Court knows, the Palm Beach Police Report demonstrates multiple incidents of "massages" being given by untrained minor children that involved sexual acts. *See* McCawley Decl. at Exhibit 3, Palm Beach Police Report. Defendant is also identified in that Palm Beach Police Report. *See* McCawley Decl. at Exhibit 3, Palm Beach Police Report at p. 75-76. And the details of Epstein's sexual activities with Defendant (for example) are highly relevant to this case, because they will help corroborate Ms. Giuffre's testimony that, while she was underage, she also engaged in sexual activity of an identical nature with Epstein.

To allow Defendant to avoid answering these questions would preclude Ms. Giuffre from getting critical evidence in this case. Consider, for example, Defendant recruiting an eighteen year-old girl to be an "assistant," bringing that girl to Epstein's home, telling her she could make more money if she would give Epstein a massage, and then instructing her to give a massage that involved sexual acts. Under Defendant's theory of discovery, Ms. Giuffre would be precluded from deposing her on that topic because the actions would culminate in "consensual adult sex." Yet, that scenario would fully validate the pattern of events that occurred with Ms. Giuffre when she was under the age of eighteen. It would obviously show a "modus operandi" by Jeffrey Epstein and Defendant, which is clearly admissible under Fed. R. Evid. 404(b).

Moreover, such inquiries are crucial to impeaching the Defendant at trial. During her deposition, Defendant attempted to characterize her work for Epstein as nothing more than a normal job handling hiring for the various mansions. *See* McCawley Decl. at Exhibit 1, April 22, 2016 Deposition Tr. of Defendant at p. 9-12. Ms. Giuffre should be able to contest that assertion by having Defendant fully answer questions about whether that alleged "job" involved

sexual activities, including orchestrating the hiring of females and converting massages into sexual encounters.

Defendant attempts to paint the picture that Ms. Giuffre somehow is interested in all sexual relationships that the Defendant may have been involved with. That is not true. Ms. Giuffre has no intention of asking unbridled questions. To be clear, Ms. Giuffre intends to ask Defendant only questions that involve the following very narrow and crucial subject areas: (1) Defendant's sexual relationship with Epstein from 1992 to 2009 – the time period in which she worked for Jeffrey Epstein and which Epstein (with the assistance of Defendant) was engaging in sexual acts with females under the cover of "massage"; (2) Defendant's sexual interactions with any person in Epstein's presence during that time period; (3) Defendant's sexual activities at Epstein's residences, including his private island "Little St. Jeff's," or his aircraft during that time period; (4) Defendant's sexual activities with identified participants in Epstein's sexual abuse during that time period; and (5) Defendant's sexual interactions that occurred during or through what began as a "massage"; and (6) Defendant's interactions with females to introduce to Jeffrey Epstein for the purpose of performing work, including sexual massages.

Defendant claims that such questions are a mere "fishing expedition" without acknowledging the fact that these questions go to critical issues in this case. Other witnesses have testified regarding Defendant's involvement in recruiting females for sex under the cover of a "massage." During the investigation of Jeffrey Epstein, certain household staff was deposed.

[redacted]

[redacted]

[redacted]

In sum, at the core of this case are statements made by Ms. Giuffre that she was recruited, by Defendant, to be paid as a masseuse, yet was enticed or coerced into engaging in sexual acts with Epstein and Defendant for money. She has further explained that the recruitment of females through the offer of some legitimate position was the typical way in which Defendant and Epstein lured unsuspecting females to the house before converting the relationship into a sexual

one. Ms. Giuffre has described the frequency of these "massages", the sexual tendencies of the participants, the manner in which the massages became sexual in nature, and Defendant's role at each stage.

In response, Defendant has called Ms. Giuffre's entire account "untrue" and "obvious lies." Defendant has instead tried to portray her role as nothing more than an Epstein employee performing typical household management duties. Any personal knowledge Defendant has of Epstein's sexual tendencies, habits, and use of massage for sex is entirely relevant to either corroborate Ms. Giuffre's account. Likewise, Defendant's participation in any sexual acts with Epstein, in his presence, on his properties, using his mode of converting massages into sex, or with females will directly corroborate Ms. Giuffre's account. On the other hand, without access to the answers to these inquiries, Ms. Giuffre will be unable to expose the bias of Defendant, unable to thoroughly cross-examine Defendant's position that she was just a lowly employee, and most importantly unable to demonstrate through the Defendant's own admissions that Ms. Giuffre's statements about Epstein and Defendant were absolutely true – and not "obvious lies."

Finally, Defendant fails to recognize that, for the discovery purposes at issue here, relevance "is an extremely broad concept." *Am. Fed'n of Musicians of the United States & Canada v. Sony Music Entm't, Inc.*, No. 15CV05249GBDBCM, 2016 WL 2609307, at *3 (S.D.N.Y. Apr. 29, 2016). And once relevance is shown, "the party resisting discovery bears the burden of demonstrating that, despite the broad and liberal construction afforded the federal discovery rules, the requests are irrelevant, or are overly broad, burdensome, or oppressive." *Id.* Here, the requests are not "overly broad" as Ms. Giuffre's specific explanations of the targets of her questions make clear. Moreover, answering the questions is not "oppressive," particularly given the fact that Defendant has placed *all* substantive aspects of the Deposition under seal. Of

course, once Defendant answers the question – and her answers are placed under seal – the parties can file any further motions that may be required to determine whether the answers may be introduced at trial.

CONCLUSION

Defendant should be ordered to answer questions regarding sexual activity connected with Epstein's sexual abuse and sexual trafficking organization as specifically identified above

Dated: May 11, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of May, 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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EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- x
VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:
15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

- x

CONFIDENTIAL

Videotaped deposition of GHISLAINE MAXWELL, taken pursuant to subpoena, was held at the law offices of BOIES SCHILLER & FLEXNER, 575 Lexington Avenue, New York, New York, commencing April 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

form and foundation of the question.

Q. You can answer the question.

A. First of all, can you please clarify the question. I don't understand what you mean by female, I don't understand what you mean by recruit. Please be more clear and specific about what you are suggesting.

Q. Are you a female, is that the sex that you are?

A. I am a female.

Q. That's what I'm referring to a female and I'm asking you when you first, the very first time you recruited a female to work for Mr. Epstein?

A. Again, I don't understand what female -- I am a 54 year old women.

Q. I'm not making it age, any age of a female that you recruited to work for Mr. Epstein?

A. Again, I was somebody who hired a number of people to work for Mr. Epstein and hiring is one of my functions.

Q. And when is the first time you

hired someone to work for Mr. Epstein, a female?

A. As best as I can recollect, a woman the age probably of about 40 or 50 was in sometime in 1992.

Q. How long did you work for Mr. Epstein?

A. I started working for him at some point in 1992 and the nature of my work relationship with him changed over time so from around 2002, 2003, the work lessened considerably.

Q. When did you --

MR. PAGLIUCA: Can I interject for a moment. If we are talking about background --

MS. McCAWLEY: I'm in the middle of a question. Let me finish it and then can you interject.

Q. When you say 2002 to 2003 that the work lessened, when did you complete working for Mr. Epstein; when was the last time you were employed by him, the last date?

A. I believe I still was doing --

helping him in a very nominal way, maybe an hour or two a year at sometime 2008 and 2009.

MR. PAGLIUCA: So if you are going to be talking about general background, I don't need to designate that as confidential. So if you want to have them come back in, that's fine.

I assumed by your first question you were going into more sensitive areas. I will leave it up to you, but if this is general background it will not be designated as confidential.

MS. McCAWLEY: I appreciate that. I will jump back into my other questions.

MR. PAGLIUCA: So we will keep it as confidential.

Q. When you were first employed by him in 1992, what were you hired to do?

A. First, I was consulting and what I did was I helped with decorating houses and in hiring staff to help run those houses.

Q. Did your duties change over the course of 1992 to 2009?

MR. PAGLIUCA: Object to the form and foundation.

A. My job entailed running the homes that he had but much more importantly, most of the houses had construction and so whilst in 1992 there was no construction project, there was construction projects that began after that time and I was in charge not only of hiring architects, I was also in charge of all the filings or overseeing that, like a general contractor would.

I also helped with hiring the architects, hiring the builders, reviewing the contracts for the builders, coordinating the building projects, coordinating how the projects would layout, the timing of the projects and all the various materials that they would require to run a very substantial building project. That's the nature of the job I was dealing with.

Q. How old was the youngest female you ever hired to work for Jeffrey?

MR. PAGLIUCA: Object to the form and foundation.

30 girls --

A. I did not count the number of girls and I did read the police report. I can only testify to what I read.

Q. So you are aware that the police report contains reports from 30 underage girls?

A. I can't testify to what the girls said. I can only testify to the fact that I read a police report that stated that.

Q. Were you working for Jeffrey -- you said you worked for him off an on until 2009, is that correct?

A. I helped out from time to time.

Q. So you were working with him during the time period when these underage girls were visiting Jeffrey's home?

MR. PAGLIUCA: Objection to the form and foundation.

A. I was not -- what year, I need years.

Q. How about let's say 2005?

A. I'm not sure I was at the house at all in 2005, maybe one day, maybe.

G Maxwell - Confidential

knowledge there are 30 people --

MS. McCAWLEY: Just like can you if you read through -- I will not argue with you counsel.. she can answer yes or no.

Q. Are you aware there were over 30 individuals who were minors who gave reports to police just like the one we just read that they were sexually assaulted by Jeffrey Epstein in the Palm Beach home during the years that you were working with him?

MR. PAGLIUCA: Objection to the form and foundation. You can answer if you have knowledge.

A. I already testified I was limited in the house, a couple of days, there is no way I knew. I have read these reports. I cannot testify to 30. Given the experience I've had with Virginia's lies, it's very hard for me to testify about what I see. I can tell from you my personal knowledge I did not know what you are referring to.

Q. You did not know there were underage girls in the home that were being

assaulted by Jeffrey Epstein during the time you were working there?

A. Based on the lies that I have already been told, I cannot comment on any --

Q. Are you saying these 30 girls are lying when they gave these reports to police officers?

A. I'm not testifying to their lies. I'm testifying to Virginia's lies.

Q. I am not asking about Virginia's lies.

A. I can only testify to Virginia's lies. I can testify to having read these reports. I cannot testify to anything else about them.

Q. So your testimony is that during the time you were working there, you did not know that these minor children were being abused in the home while you were there?

A. What I have already told you and I will repeat, I was in the house very limited times, very few times. I do not know what you are referring to. I've read these reports but based on the lies that Virginia

has perpetrated, cannot tell you what is true or factual or not.

Q. You said you were in the home a very limited time, so average in the year for example, 2004, how many times would you have been in his Palm Beach home?

A. Very hard for me to state but very little.

Q. How about his New York home?

A. Same.

Q. Were you his girlfriend in that year, in 2004?

A. Define what you mean by girlfriend.

Q. Were you in a relationship with him where you would consider yourself his girlfriend?

A. No.

Q. Did you ever consider yourself his girlfriend?

A. That's a tricky question. There were times when I would have liked to think of myself as his girlfriend.

Q. When would that have been?

A. Probably in the early '90s.

Q. I'm asking the questions. I know what this case is about. I'm trying to -- I will ask you questions if you don't understand the question I can break it down for you. I'm happy to do that.

A. Break it down a lot please.

Q. I will do that.

The question is, have you ever said to anybody that you recruit other girls --

A. Why don't you stop there.

Q. Let me finish my question.

Have you ever said to anybody that you recruit girls to take the pressure off you, so you won't have to have sex with Jeffrey, have you said that?

That's the question?

A. You don't ask me questions like that. First of all, you are trying to trap me, I will not be trapped. You are asking me if I recruit, I told you no. Girls meaning underage, I already said I don't do that with underage people and as to ask me about a specific conversation I had with language, we talking about almost 17 years ago when this

took place. I cannot testify to an actual conversation or language that I used with anybody at any time.

Q. Have you ever said to anybody that you recruit other females over the age of 18 to take the pressure off you to having to have sex with Jeffrey?

A. I totally resent and find it disgusting that you use the word recruit. I already told you I don't know what you are saying about that and your implication is repulsive.

Q. Answer my question.

A. I just did.

Q. Have you ever said to anybody that you recruit females --

A. I don't recruit anybody.

Q. That's an answer. So you never said that?

A. I'm testifying that I cannot testify to an actual language --

Q. It's a yes or no.

A. I will not testify to an actual statement made 17 years ago, so I cannot

that he may have met socially through me.

Q. Did you ever introduce [redacted] to Virginia in London?

A. I understand her story about London but again, her tissue of lies is extremely hard to pick apart what is true and what isn't. Actually I wouldn't recollect her at all but for her tissue stories about this situation.

Q. So did you ever introduce [redacted] to Virginia in London?

A. I have no recollection.

Q. Did Virginia ever stay at your home in London, your town home?

A. I know she claims she did but if you are asking me here today to remember specifically, I cannot.

Q. Do you remember taking a trip with Virginia to travel over to Europe, including London?

A. So I have seen her reports and I have seen the plane reports. I see she says she was on that but again, I really have no recollection of her.

Q. Did you know that she was 17 at the time of that trip?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have --

Q. Did you know she was 17 at the time of that trip?

MR. PAGLIUCA: Objection to the form and foundation.

A. I didn't even know she was on the trip.

Q. Did you hold her passport for her when she was traveling?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no recollection whatsoever of her even being on the trip nor holding her passport.

(Maxwell Exhibit 4, picture, marked for identification.)

Q. I'm showing you what we marked as Maxwell Exhibit 4.

Can you take a look at that picture for me?

G Maxwell - Confidential

A. I've looked at it.

Q. Are you in that picture?

A. I am.

Q. [redacted]

A. It is.

MR. PAGLIUCA: I don't believe this has been produced to us in discovery by you.

MS. McCAWLEY: The picture?

MR. PAGLIUCA: Yes.

MS. McCAWLEY: It has.

MS. MENNINGER: Is it the same exact photograph.

MS. McCAWLEY: I believe so. We will find one. The picture has been produced a number of times.

MR. PAGLIUCA: I've seen different iterations of this, I don't believe I have ever seen this.

MS. McCAWLEY: We had them blow it up on a page so she could see it. We could use an article.

While you are looking for that, I

will skip ahead. Hold that until we can find one that has the Bates range on it.

Q. Do you recall Virginia being at your London town home?

A. I do not.

Q. Do you recall going to dinner with [redacted] Jeffrey Epstein and Virginia Roberts in London, at any time?

A. I do not.

Q. Do you recall going to a place called [redacted], Jeffrey Epstein and yourself and Virginia Roberts?

A. I would just like to state for the record [redacted] I do not have any recollection of it and I doubt it actually happened.

Q. You don't recall that.

Do you recall taking Virginia shopping when you were in London to buy an outfit to meet [redacted]

Q. So I'm directing your attention to the bottom, two lines up from the bottom, there is a flight --

MR. PAGLIUCA: Are you on [redacted]

MS. McCAWLEY: [redacted]

Q. So this flight is from, the one I'm looking at, I think it's highlighted on your copy. On the far corner on the date, it says [redacted] at the top and this would be the [redacted] and then the [redacted] are the two I'm going to direct your attention to.

Q. On that first one on the [redacted] you will see the column reading PBI in the from column to TEB in the to column and you will see some initials, you will see JE for Jeffrey Epstein, GM for Ghislaine Maxwell, [redacted] for [redacted] and then Virginia?

A. I have to object.

MR. PAGLIUCA: You don't get to object.

Q. She is turning into a lawyer already?

A. I would like to.

Q. Let me ask the question and if you

have an issue -- so with respect to this flight, do you recall being on a flight in the -- [redacted] going from Palm Beach to Teterboro?

A. No, I don't recall any specific flight.

Q. Do you recall flying with Virginia on a flight with [redacted] and Jeffrey Epstein at any time?

A. I don't.

Q. How often did you fly on a plane with a 17 year old?

MR. PAGLIUCA: Objection to form and foundation.

A. I have no idea what you are talking about, other than friends of mine that had kids.

Q. Did you regularly fly on Jeffrey's plane with individuals who were under the age of 18?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you repeat the question?

Q. Did you regularly fly on Jeffrey

Epstein's planes with individuals who were under the age of 18?

A. I regularly flew on Jeffrey Epstein's airplane but I cannot testify as to flying with people under the age. I don't believe that I did.

Q. Why wouldn't you remember flying with a 17 year old?

MR. PAGLIUCA: Objection to the form and foundation.

A. How would I know, one, that she is 17, how would you know that, how do you know I'm on the plane.

Q. Are you saying you are not on this flight, so this is a Palm Beach to Teterboro. This says the JE, GM [redacted] and Virginia. The GM you are saying is not you?

MR. PAGLIUCA: I object to the form. You can answer the question if you know.

A. How do you know the GM is me.

Q. Is it your testimony that on the flight logs when it represents GM that it is not you flying on the plane?

G Maxwell - Confidential

obvious lie that you approached Virginia while she was under age at Mar-a-Lago?

MR. PAGLIUCA: Objection to the form and foundation.

A. First of all, we can all agree here, all of you sitting here that the lies that you perpetrated in the press that she was 15 and we should all agree now that that is fake, a lie that was perpetrated between all of you to make the story more exciting, can we agree on that?

Q. That is not my question.

A. Can we agree she was not the age she said and you put that in the press, that is obviously, manifestly, absolutely, totally a lie.

MS. McCAWLEY: I am going to put on the record, Ms. Maxwell very inappropriately and very harshly pounded our law firm table in an inappropriate manner. I ask she take a deep breath, and calm down. I know this is a difficult position but physical assault or threats is not appropriate, so no

pounding, no stomping, no, that's not appropriate,.

A. Can we be clear, I didn't threaten anybody.

MR. PAGLIUCA: Stop, you made your record, there is no dent in the table. I don't see any chips. Can we take a break now.

MS. McCAWLEY: I think it's appropriate to take a break.

THE VIDEOGRAPHER: It's 1:56 and we are off the record.

(Recess.)

THE VIDEOGRAPHER: It's now 2:13, we're starting disk No. 5 and we are back on the record.

Q. Ms. Maxwell, how old was Virginia Roberts when you met her in Mar-a-Lago?

MR. PAGLIUCA: Objection to the form and foundation.

A. I know today that she was 17 years old.

Q. Are you saying that it's an obvious lie that Virginia traveled on Jeffrey

Q. Were there other flights that you recall flying on with Jeffrey Epstein that were on flights that -- where [redacted] was not the pilot?

A. [redacted] was not always the pilot.

Q. How many planes did Jeffrey Epstein have during the time you were with him?

MR. PAGLIUCA: Objection to the form and foundation.

A. So you need to give me a date range.

Q. During the time period of 1992 through when you left your employment which I think you said was in 2009?

A. So in the '90s he had one plane and at some point in the 2000s he had two planes but I can't testify to anything past 2002, 2003, what happened to his planes after that.

Q. Do you know what travel agency, if any, Jeffrey would use when he would send someone, for example, you or one of his other employees on a flight somewhere? Did he use a particular travel agency to make those

ACKNOWLEDGMENT OF DEPONENT

I, , do hereby certify that I have read the foregoing pages, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

GHISLAINE MAXWELL DATE

Subscribed and sworn to before me this day of , 2016.

My commission expires:

Notary Public

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 NON-REDACTED MOTION TO EXCEED PRESUMPTIVE TEN DEPOSITION LIMIT IN FEDERAL RULE CIVIL PROCEDURE 30(A)(2)(a)(ii)

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Plaintiff Virginia Giuffre, by and through her undersigned counsel, hereby files this motion to take approximately seven additional depositions in this case beyond the presumptive ten deposition limit. Ms. Giuffre's requests is still within the total number of hours allowed by the ten deposition limit because the parties have agreed that they will split the time for all third party witnesses such that Ms. Giuffre will only be expending at most 3 ½ hours at those additional depositions. In an abundance of caution, even though Ms. Giuffre will not likely be exceeding the total number of hours allowed for depositions, she seeks leave from this Court to confirm that she may proceed with the additional depositions for the reasons stated below.

Ms. Giuffre has alleged that Defendant recruited females for Mr. Epstein, including underage females like herself, under the guise of working in a legitimate position - such as an assistant or as a massage therapist - only to almost immediately be coerced or enticed into engaging in sex for money. Defendant has challenged the veracity of Ms. Giuffre, and appears to intend to argue that Ms. Giuffre cannot support the allegation that Ms. Maxwell recruited females for Mr. Epstein or that the females were coerced or enticed into sex. The sexual abuse that lies at the heart of this case took place behind closed doors – doors of Jeffrey Epstein's various private mansions. Unsurprisingly, Ms. Giuffre must find supporting circumstantial evidence to support her claims. Moreover, because Mr. Epstein and Defendant were travelling between Mr. Epstein's numerous homes and thus many of the events relevant to this case took place more than 100 miles from the courthouse, Ms. Giuffre cannot compel most of the witnesses to appear via a trial subpoena. Accordingly, Ms. Giuffre seeks leave to take more than the standard ten depositions in this case. At this time, she seeks leave to take seven additional depositions, as articulated below.[2]

[2] Ms. Giuffre's counsel met and conferred with Defendant's counsel both in person and by phone in an effort to obtain agreement to proceed with these depositions but was unable to obtain an agreement. *See*

I. FACTUAL BACKGROUND

The Court is aware of the scope of this case from earlier pleadings and numerous hearings. Initially, Ms. Giuffre anticipated the scope of discovery on this case would be narrow, because many of the events (such as flying to London on one of Epstein's planes with Maxwell) were supported by seemingly indisputable evidence, such as flight logs, and because the Defendant's counsel initially suggested that she may invoke her Fifth Amendment rights. Instead, during her recent deposition, Defendant simply failed to recall many of the most significant events in this case or refused to respond directly to many important questions. As a result, Ms. Giuffre is now in a position where she has to call multiple witnesses to establish fundamental facts in the case. For example, Defendant would not even admit that the initials "GM" which are on the private plane flight logs over 300 times, represent her initials for

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McCawley Decl. at Exhibit 1, May 17, 2016 Email Correspondence from Sigrid McCawley to Laura Menninger and Jeff Pagliuca with proposed deposition calendar. Ms. Giuffre's ability to determine exactly which depositions would need to be taken was hamstrung by the Defendant's refusal to sit for her deposition. As the Court will recall, Ms. Giuffre made efforts to set Defendant's deposition starting in February 2016, yet Defendant did not sit for her deposition until after being ordered by the Court on April 22, 2016. During that deposition, Defendant refused to answer a number of questions and refused to acknowledge basic facts in this case, thereby causing Ms. Giuffre to have to depose a number of unanticipated witnesses. Ms. Giuffre's counsel started conferring with Defendant's counsel in February 2016 and has actively engaged in discussion about these depositions that Ms. Giuffre knew she needed to take. On May 9, 2016, the parties conferred regarding deposition scheduling and Ms. Giuffre noticed depositions in accordance with the dates and locations that Defendant's counsel said were available, and, on May 17, 2016, provided her with a calendar outlining those dates. *See* McCawley Decl. at Exhibit 1, May 17, 2016 Email Correspondence from Sigrid McCawley. Ms. Maxwell waited until one day before the first deposition scheduled to take place on May 31, 2016 to inform Ms. Giuffre's counsel that she refuses to attend the deposition of this subpoenaed witness unless Ms. Giuffre drops her request to seek additional depositions by way of this motion. "If you intend to seek more than 10 depositions or to continue the discovery cut-off post July 1, then we will not be appearing at the depositions next week…" *See* McCawley Decl. at Exhibit 2, May 27, 2016 e-mail Correspondence from Laura Menninger to Bradley Edwards. This obstruction of discovery by refusing to attend subpoenaed depositions that were noticed to her about one month ago on May 4, 2016 should not be condoned. *See* McCawley Decl. at Exhibit 3, May 4, 2016 Notice of Service and Subpoena to Juan Alessi. Defendant's counsel is also apparently refusing to appear at the other two depositions set for next week, of Maria Alessi set for Wednesday, June 1, 2016 and originally noticed on May 4, 2016 and Dave Rodgers set for Friday, June 3, 2016 and originally noticed on May 4, 2016. While Ms. Giuffre had originally hoped to be able to conclude discovery on July 1, 2016, Defendant's refusal to attend depositions and agree to scheduling is putting Ms. Giuffre in a position where she will need additional time to complete discovery. *See* McCawley Decl. at Exhibit 4, May 26, 2016 Letter from Sigrid McCawley.

Ghislaine Maxwell. Therefore, Ms. Giuffre is now required to take the deposition of pilot Dave Rodgers to authenticate his pilot logs and the identity of the individuals on various flights.

In addition, as the Court knows, this case involves allegations that Ms. Giuffre was a victim of sexual abuse when she was under the age of 18 after being recruited by Ghislaine Maxwell and Jeffrey Epstein. Ms. Giuffre has alleged that Defendant recruited her and other young females, unexperienced in massage, for sex with Jeffrey Epstein by lying to them and telling them that the job was to be her personal assistant or a massage therapist. That was a ruse. Instead, Defendant recruited these females for sex with Jeffrey Epstein and, often, with herself, and "massage" was a euphemism for sex in Defendant's household. Defendant has stated that these claims are obvious lies.

Aside from the deposition of the Defendant, Ms. Giuffre has taken the deposition of one other witness, [redacted].

Accordingly, in this manner, Ms. Giuffre needs to depose other witnesses to show the veracity of her claim that Defendant recruited young females, unexperienced in massage, for sex with Jeffrey Epstein, proving that Defendant was lying when she called Ms. Giuffre a liar, and knew

at the time she made the defamatory statement that it was untrue. [redacted]

[redacted]

Additionally, to prove Ms. Giuffre's allegations, that span multiple years, on multiple continents, and multiple locations, Ms. Giuffre has arranged a series of depositions of persons with direct knowledge of the relevant issues. To prove her case, Ms. Giuffre believes that a minimum of seventeen depositions will be required. In reviewing this list of depositions, it is important to understand that only one of them – the Defendant's – will consume a full seven hours of questioning by Ms. Giuffre's counsel, as permitted under the rules. *See* Fed. R. Civ. P. 30(d)(1). Apart from the Defendant's deposition, all of the other depositions set by Ms. Giuffre have been pursuant to an agreement with Defendant's counsel that Ms. Giuffre will be given half of the seven hours to ask questions. In the descriptions below, the time Ms. Giuffre will have to ask questions (or thus far has asked questions) is indicated:

A. Depositions Taken Thus Far By Ms. Giuffre

1. **Ghislaine Maxwell (7 hours)**. The defendant, of course, has relevant information in this case. But when Defendant was deposed, she refused to answer numerous questions about alleged adult consensual sex. Those refusals are currently before the Court in a pending motion to compel. DE 155. And, more broadly, Defendant's deposition makes it clear that she intends to contest many of the points that earlier had appeared to be potentially uncontested. For example, in pleadings before her deposition, Defendant had suggested that she might invoke her Fifth Amendment right to remain silent during questioning. Indeed, just a week before her deposition, Defendant filed a motion seeking the alternative relief of staying further proceedings so that she could get more information about whether to take the Fifth. *See* DE 101 at 2-4.

During her deposition, however, Defendant did not take the Fifth. Instead, she testified that she suffered from a series of memory lapses and could not recall many of the key issues in dispute in this case. As a result of Defendant's inability to remember events, a variety of issues are now in dispute. For example, at her deposition, Defendant indicated that she lacked recollection of or was otherwise unable to specifically answer the following questions:

- Whether Defendant observed a female under the age of 18 at Jeffrey Epstein's home in Palm Beach. *See* McCawley Decl. at Exhibit 6, Maxwell Depo. at 29.
- Whether Defendant had meet Ms. Giuffre and introduced her to Epstein. *Id.* at 33.
- Whether Defendant, in 2011, could recall having met Ms. Giuffre at the Mar-a-Lago in Palm Beach and then writing that fact in an email. *Id.* at 35.
- Whether, when Defendant first met [redacted].
- Whether Defendant could recall being on a plane with [redacted] and Ms. Giuffre. [redacted].
- Whether the Defendant knew what [redacted] was doing at Epstein's mansion. [redacted].
- Whether Defendant knew the nature of the relationship between Epstein and [redacted].
- Whether Defendant knew that [redacted] recruited girls under the age of 18 to come to Epstein's mansions. [redacted]
- Whether massage therapists at Epstein's mansions performed sexual acts. *Id.* at 52-54.
- Whether Defendant knew the age of [redacted] when she ([redacted] met Epstein. [redacted]
- Whether Defendant advised [redacted] that she ([redacted] could obtain extra money if she massaged Epstein. [redacted]
- Whether Defendant introduced [redacted].
- Whether Defendant could recall [redacted] brought masseuses to Epstein's mansion. [redacted]

- Whether Defendant knew what Ms. Giuffre was required to wear while providing massages to Epstein. *Id.* at 68-69.
- [redacted]
- Whether Defendant could recall paying Ms. Giuffre. *Id.* at 75.
- Whether Defendant was ever present to view Ms. Giuffre massaging Epstein. *Id.* at 75.
- Whether Defendant could recall telling Ms. Giuffre that she needed a cell phone so that she could be on call regularly. *Id.* at 77.
- Whether Defendant was required to be on call to come to Epstein's mansion when he wanted her to come. *Id.* at 79.
- Whether Defendant could recall Ms. Giuffre being at Epstein's New York mansion when [redacted]
- Whether Defendant could recall Ms. Giuffre staying at any of Epstein's six homes. *Id.* at 81.
- Whether Defendant was aware that there were over 30 individuals who were minors who gave reports to the Palm Beach Police Department who said they were sexually assaulted by Epstein during the years that Defendant was working with him. *Id.* at 89-91.
- Whether Defendant introduced Ms. Giuffre to [redacted]
- Whether Ms. Giuffre ever stayed at Defendant's home in London. *Id.* at 108.
- Whether Defendant remembered taking a trip with Ms. Giuffre to travel over to Europe, including London. *Id.* at 108.
- [redacted]
- Whether a picture depicting [redacted], Ms. Giuffre and Defendant was taken at Defendant's London town home. *Id.* at 113-14.
- Whether Defendant ever flew on one of Epstein's planes with a 17 year old. *Id.* at 121-22.
- Whether the notation "GM" on flight logs for passengers on Epstein's planes represented the Defendant (i.e., Ghislaine Maxwell). *Id.* at 122-23.

- Whether Defendant knew that the flight logs produced by [redacted] (one of Epstein's pilots) were accurate. *Id.* at 128-29.
- Whether Defendant could recall ever being on a flight on one of Epstein's planes with Ms. Giuffre. *Id.* at 132-33.
- Whether Defendant could recall Epstein and [redacted] being friendly towards each other. [redacted]
- Whether Defendant could recall the purpose of a trip to Thailand with Epstein and [redacted] 0.
- Whether Defendant could recall Ms. Giuffre taking pictures on trips. *Id.* at 144.
- Whether Defendant could recollect writing down messages on memo pads from various individuals at Epstein's Palm Beach mansion. *Id.* at 150-57; 159-60.
- Whether Defendant could recall receiving a message on a memo pad concerning [redacted]
- Whether Defendant could explain why a minor would be calling Epstein to say they had a female for him. *Id.* at 164.
- Whether Defendant could recall a sixteen-year-old Russian girl who came to Epstein's mansion? *Id.* at 167.
- Whether Defendant believed that Epstein sexually abused minors. *Id.* at 171-80.
- Whether Defendant was present at Epstein's Florida mansion when police executed a search warrant. *Id.* at 186.
- Whether Defendant took a picture at one of Epstein's properties of a person in either a naked or semi-naked state. *Id.* at 193.
- Whether Defendant could recall what Epstein told her about the criminal investigation of him. *Id.* at 194-95.
- Whether Epstein told Defendant that he never had sex with Ms. Giuffre. *Id.* at 197.
- Whether it was an "obvious lie" that Epstein engaged in sexual conduct with Ms. Giuffre while she was under the age of 18. *Id.* at 202-06.
- Whether Defendant knew whether Epstein had sex with a minor. *Id.* at 239.

- Whether it was a lie for Ms. Giuffre to say that Defendant approached females to bring them to Epstein. *Id.* at 244-46.

- Whether Defendant knew Epstein had a sexual preference for minors. *Id.* at 251-53.

- Whether Defendant knew that [redacted] asked girls to come over to see Epstein for purposes of sexual massage. [redacted]

- Whether Defendant could recall seeing [redacted] and Epstein together. [redacted]

- Whether Defendant was aware of any interstate or international transportation of women, aged 18 to 28, for purposes of having sex with Epstein where they would receive compensation. *Id.* at 278-79.

- [redacted]

- Whether Defendant could remember entering any telephone numbers into a contact book maintained by Epstein. *Id.* at 320-22.

- Whether a document with Epstein's contacts (including "massage" contacts) was located on Defendant's computer. *Id.* at 331-34.

- Whether, if [redacted] said that Defendant had knowledge that underage girls were coming over to Epstein's Florida mansion for purposes of sex, that would be a true statement. [redacted]

- Whether Defendant could recall any representative of hers informing the press that Ms. Giuffre committed grand theft. *Id.* at 344-45.

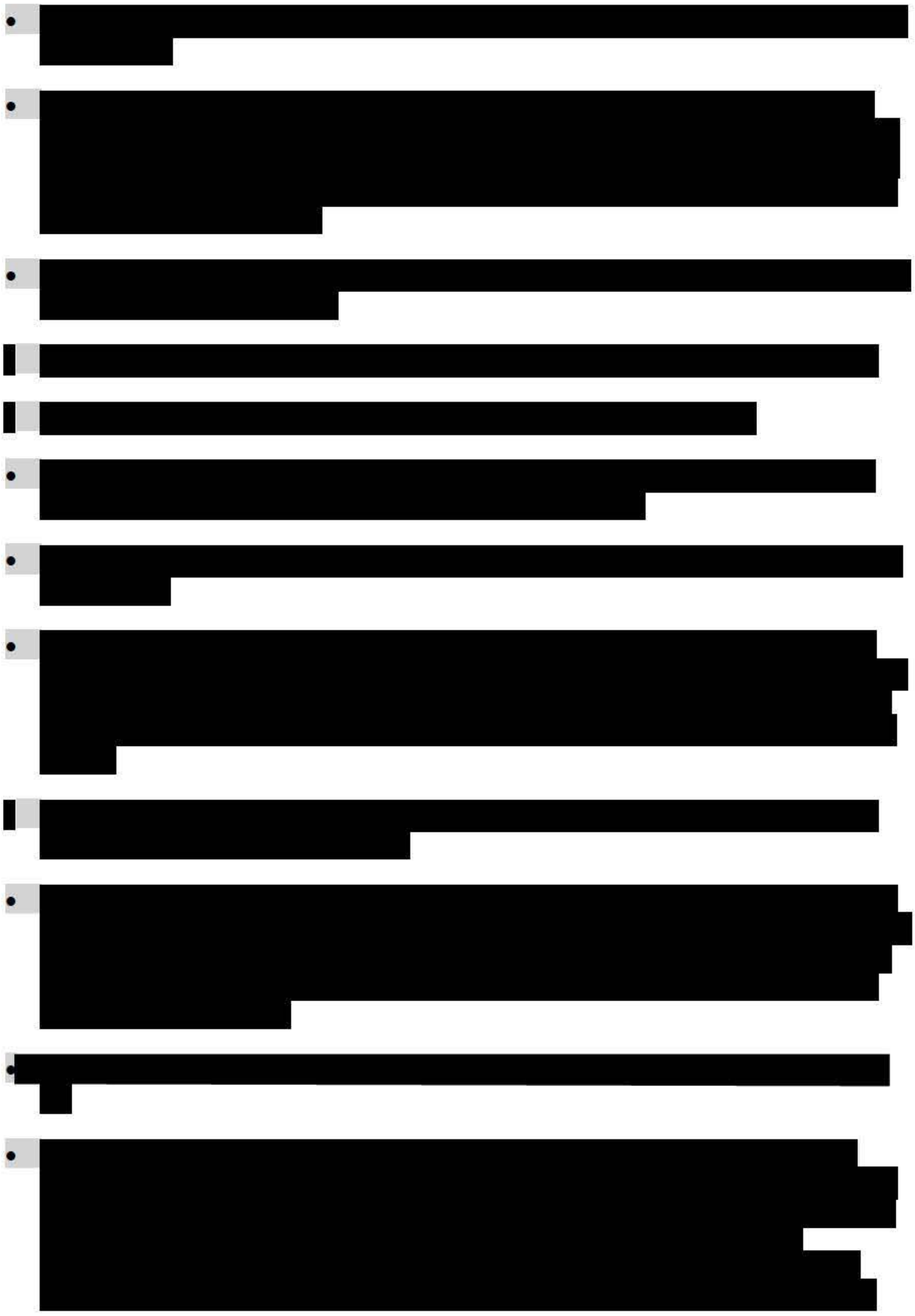
- [redacted]

- Whether Defendant could recall interacting with anyone, other than Ms. Giuffre, under the age of 18 on any of Epstein's properties. *Id.* at 384.

- Whether Defendant had discussed with [redacted] any of the details of Ms. Giuffre's allegations against him. [redacted]

Because Defendant refused to answer those questions, Ms. Giuffre needs to depose other witnesses who have the requisite knowledge to testify concerning those issues.

[redacted]



[redacted]

B. Future Depositions Sought by Ms. Giuffre

Ms. Giuffre has also scheduled the following depositions.

3. **Juan Alessi (3 ½ hours)**. Mr. Alessi's deposition is scheduled for May 31, 2016, in Florida[3]. Mr. Alessi was one of the employees in Epstein's mansion. Mr. Alessi provided witness statements to police during the criminal investigation in Palm Beach, and was previously deposed in civil cases previously brought against Mr. Epstein. Specifically, Juan Alessi informed the Palm Beach Police Detective as follows: "Alessi stated that towards the end of his employment, the masseuses were younger and younger. When asked how young, Mr. Alessi stated they appeared to be sixteen or seventeen years of age *at most*." (emphasis added.) *See* McCawley Decl. at Composite Exhibit 7, Palm Beach Police Incident Report at p. 57.

On November 21, 2005, the Palm Beach Police Department took a sworn statement from house employee Juan Alessi in which he revealed that girls would come over to give "massages" and he observed Ms. Maxwell going upstairs in the direction of the bedroom quarters. *See* McCawley Decl. at Exhibit 8, November 21, 2005 Sworn Statement at 10. He also testified that after the massages, he would clean up sex toys that were kept in "Ms. Maxwell's closet." *Id.* at 12-13. He added that he and his wife were concerned with what was going on at the house (*Id.* at 14) and that he observed girls at the house, including one named "Virginia." *Id.* at 21. It is anticipated that he will testify consistently with that previous testimony.

[3] As explained above, as of today, Defendant's counsel sent an email refusing to attend this deposition set for Tuesday, May 31, 2016 (Monday is Memorial Day). *See* McCawley Decl. at Exhibit 2.

4. **Maria Alessi (3 ½ hours).** Ms. Alessi's deposition is scheduled for June 1, 2016, in Florida. She was, with her husband, household staff for Epstein in the Palm Beach home he shared with Defendant, and, it is anticipated, will corroborate many of the observations of her husband about minor girls and massages inside of Epstein's Florida mansion. Mr. Alessi referenced during his prior deposition the things that Ms. Alessi observed with respect to the sexual massages and involvement of minor girls. Mrs. Alessi is also anticipated to testify regarding Ms. Maxwell's close association with Mr. Epstein and knowledge the visitors.

5. **Dave Rodgers (3 ½ hours).** Mr. Rodgers's deposition is scheduled for June 3, 2016, in Florida. Rodgers was one of the pilots for Epstein's private jets and will, it is anticipated, authenticate his flight logs showing Defendant and Ms. Giuffre together on the same flights. Defendant refused to admit that her name is reflected in the flight logs despite her initials "GM" appearing over 300 times. Therefore, such authentication is necessary because Defendant testified at her deposition she could not remember even the most basic things about flights in the flight logs. For example, when asked if "GM" represented her initials on the flight log, Defendant responded**:** "How do you know GM is me," (*See* McCawley Decl. at Exhibit 5, Maxwell Depo. at 29 at. 122) and "GM can stand for any level, it could be Georgina, George." (*Id*. at 123). Ms. Giuffre is also seeking additional flight logs in Mr. Rodgers possession that will further corroborate Defendant's involvement with Jeffrey Epstein.

6. **Rinaldo Rizzo (3 ½ hours).** Mr. Rizzo is scheduled for June 10, 2016 and will be able to testify regarding his observations of Defendant and Epstein with underage girls (girls less than 18 years of age). Mr. Rizzo was originally set for deposition on May 13, 2016 which was noticed on April 11, 2016, and Defendant requested that Ms. Giuffre reschedule that deposition just days before the scheduled date.

7. **Jean Luc Brunel (3 ½ hours).** Mr. Brunel's deposition is set for June 7, 2016, in New York. He has relevant information because he has known Maxwell and Epstein for many years and was present with Epstein and Defendant on many occasions at Epstein's homes in New York, Palm Beach and the USVI, and he has personal knowledge of the disputed issues in this case

8. **Ross Gow (3 ½ hours).** Mr. Gow is Defendant's press agent who issued the press statement at issue in this case on Defendant's behalf. He will be able to testify regarding the defamatory statement, its distribution, any other defamatory statements that were distributed, and any information he had regarding the basis for the statement. Ms. Giuffre has requested that Defendant agree to produce Mr. Gow rather than requiring the time and expense of having to serve a subpoena on Mr. Gow, located in London, under the Hague convention, but counsel for Defendant has not agreed to produce Ross Gow for deposition.

9. **Dana Burns (3 ½ hours).** Ms. Burns' deposition is set for June 8, 2016, in New York City. [redacted]

10. **Jo Jo Fontanella (3 ½ hours).** Jo Jo Fontanella is a critical witness because he has been working as Jeffrey Epstein's butler in his New York mansion for a number of years

including during the time that Ms. Giuffre was staying the night at the mansion when she was a minor child. Virginia interacted with Mr. Fontanella frequently during the time she was with Mr. Epstein and the Defendant. Mr. Fontanella will be able to testify to what he observed at the New York mansion including his observation regarding the age and number of females who visited the house each day. Mr. Fontanella will be able to testify regarding Defendant's presence at the home at various times and what he observed Defendant doing while she was at the New York mansion.

11. **Detective Joe Recarey (3 ½ hours).** During Defendant's deposition, Defendant questioned the veracity of the Palm Beach Police report containing the accounts of the numerous minor children who were also sexually abused by Jeffrey Epstein. Defendant referred to at least one of those children as a prostitute, which is false. *See* McCawley Decl. at Exhibit 5, Maxwell Deposition at 173:8-12; 359:11-18. The Palm Beach police report also includes statements about the Defendant. Detective Recarey is expected to testify regarding his investigation, what he observed, the evidence he collected from Mr. Epstein's Palm Beach mansion, the modus operandi of the Epstein organization, and the interviews he conducted with a number of females who were subject to abuse at the Palm Beach mansion. He will also testify regarding Jeffrey Epstein's, who is in a joint defense with Defendant, and his campaign to attack the credibility of the numerous minor children who reported sex offenses against him. Attacking the credibility of their victims, including Ms. Giuffre, is a part of Epstein and Defendant's modus operandi.

12. **Former Palm Beach Police Chief Michael Reiter (3 ½ hours).** Chief Reiter is scheduled for deposition on June 20, 2016. He was the Police Chief who was responsible for overseeing the Palm Beach Epstein investigation. He has made public statements about the 40

victims of Jeffrey Epstein's abuse. He has made public statements about the fact that after he started the investigation into the crimes that took place at the Palm Beach mansion, he was followed by strange men and "investigated". He also has made public statements that he sent to victims regarding the failure of the government to properly handle the matter. Reiter is relevant to many issues, among others, Defendant's claimed innocence by the fact that she was never formally charged.

13. **Emmy Taylor (3 ½ hours)**. [redacted] Ms. Taylor is on flight logs to Europe with Ms. Giuffre and other locations in the United States. [redacted]. Emmy Taylor will be able to testify as to what she observed and experienced during the years she was with Defendant and Epstein. Ms. Giuffre is still attempting to locate Ms. Taylor, but she is believed to reside in London.

14. [redacted]

[redacted]

15. **Nadia Marcinkova (3 ½ hours).** Ms. Marcinkova's deposition is set for June 16, 2016, in New York.[4] Ms. Marcinkova was specifically identified by the U.S. Attorney's Office for the Southern District of Florida as a "potential co-conspirator of Epstein" in the non-prosecution agreement it executed with Mr. Epstein as part of his guilty plea. She has relevant information because she observed the recruitment of underage girls for sex and, in fact, participated in sex acts with minors. She was also on numerous flights with Defendant (in contradiction to Defendant's testimony), and she can provide valuable testimony about Maxwell's role in the recruitment of females.

16. **Sarah Kellen (a/k/a Sarah Kensignton or Sarah Vickers) (3 ½ hours).** Ms. Kellen's deposition is set for June 22, 2016, in New York. Ms. Kellen specifically identified by the U.S. Attorney's Office for the Southern District of Florida as a "potential co-conspirator of Epstein" in the non-prosecution agreement it executed with Mr. Epstein as part of his guilty plea. She has relevant information because she was present during the time when Virginia was with Epstein and the Defendant, and she travelled with all of them during this critical time period. [redacted]

[4] Marcinkova, Kellen and Epstein have not been personally served and are all subject to Ms. Giuffre's Motion for Alternative Service [D.E. 160].

17. **Jeffrey Epstein (3 ½ hours).** Ms. Giuffre's counsel have been in touch with Epstein's counsel and is continuing to work to schedule his deposition. Epstein lies at the center of this case, and he can testify that Defendant recruited females for sex with him, including Mrs. Giuffre, under the offer of being a massage therapist, and ultimately paid these females for sex. He can testify that Defendant lured dozens if not hundreds of young females, including many underage females, to his residences for sexual purposes.

II. DISCUSSION

Ms. Giuffre has attempted to conduct discrete, focused discovery in this case to limit any burdens on the Defendant and on the Court. Nonetheless, this case presents numerous challenges that require that she take more than ten depositions – not the least of which is Defendant's extraordinary lack of memory about many events that would appear to have indisputably taken place. Ms. Giuffre, however, is not seeking to exceed the allotted *hours* for depositions under Rule 45 -- only the *number* of depositions. Ms. Giuffre seeks leave of Court to 7 additional depositions, for a total of seventeen depositions.

Under the rules, each party is entitled to take ten depositions which total seven hours each. Fed. R. Civ. P. 29(d)(1). Thus, the presumptive *time* limit for depositions is a total of seventy hours (10 depositions x 7 hours per deposition). For the convenience of opposing counsel, Ms. Giuffre has stipulated that they may have half of the seven hour deposition time for each third party witness. Thus, if the Court grants Ms. Giuffre's motion, she will end up taking less than seventy hours of deposition testimony. Specifically, she will only take one deposition of seven hours (Defendant's) and sixteen depositions of three-and-a-half hours – a total of 66 and ½ hours of depositions.

In light of the accommodation she had extended to opposing counsel, Ms. Giuffre requested that opposing counsel agree that both sides could schedule additional depositions beyond the presumptive limit of ten. Defendant refused to agree and is also in disagreement about the proposed schedule for depositions, despite the fact that Ms. Giuffre scheduled depositions based on the dates Defendant's counsel represented were available for depositions in this case. At Defendant's counsel's request Ms. Giuffre scheduled depositions of witnesses who lived in the same geographical location on consecutive days to limit the travel time and expense. *See* McCawley Decl. at Exhibit 1.

Sadly, it appears that Defendant's counsel may be attempting to delay Ms. Giuffre's ability to obtain depositions because certain witnesses are avoiding service and others were difficult to locate, and the time period for the close of discovery is swiftly approaching. The Court will recall that the Defendant managed to delay her deposition until April 22, 2016, through unnecessary motion practice. And now that the need to depose other witnesses has been established, Defendant's counsel are employing other delay tactics. The Court currently has before it, for example, Ms. Giuffre's motion for leave to serve three deposition subpoenas by means other than personal service. DE 160. As recounted at greater length in that motion, three of the critical witnesses in this case – Jeffrey Epstein, Sarah Kellan, and Nadia Marcinkova – have all thus far managed to evade service of process, despite repeated, diligent, and expensive efforts at personal service. Of course, all three of these witnesses are persons who have worked very closely with Defendant in the past. Epstein is also in a joint defense agreement with Defendant.

In other situations, Ms. Giuffre has been forced to delay taking depositions because of Defense Counsel. For example, Ms. Giuffre served a subpoena on Mr. Rizzo and opposing

counsel on April 11, 2016 for a deposition a month later on May 13, 2016. Just days before the deposition, Defendant's counsel said they didn't realize the deposition was scheduled and that they could not proceed forward on that date. *See* McCawley Decl. at Exhibit 9, May 5, 2016 E-mail Correspondence Regarding Scheduled Depositions. This forced Ms. Giuffre's counsel to have to reset the witness for June 10, 2016. Of course, with each delay, Ms. Giuffre is hamstrung in identifying which further witnesses need to be deposed.

Under Rule 30(a) of the Federal Rules of Civil Procedure, any party who wishes to conduct more than ten depositions without stipulation by the opposing party must seek leave of the court. Fed.R.Civ.P. 30(a)(2)(A)(i). Once such a motion is made, "[t]he 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 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) (*citing* Fed.R.Civ.P. 26(b)(2)(C); *Raniola v. Bratton,* 243 F.3d 610, 628 (2d Cir.2001)). Given the liberal discovery allowed by the rules, the burden on the party seeking additional depositions is not great. Rule 30(a)(2)'s ten-deposition limit is "a useful and appropriate 'Stop' sign, not as a 'Road Closed' sign. Once any party has taken ten depositions, it makes perfect sense to require that party to demonstrate the need for more. But that showing need not be onerous. If the need exists, discovery should not be prevented." *Scott v. City of Sioux City, Iowa*, 298 F.R.D. 400, 402-03 (N.D. Iowa 2014).

As the Court can readily determine from the summary of anticipated testimony above, none of the anticipated testimony is unreasonably cumulative or duplicative. Rather, all of the anticipated testimony goes to central and now-disputed issues in the case. The Court should be

aware that, at every turn, Defendant appears ready to brand Ms. Giuffre as a "liar" who cannot be believed. Thus, obtaining witnesses, like [redacted], who can corroborate that she is telling the truth is more important in this case than it would be in many others. It is equally important that Ms. Giuffre be able to depose the witnesses who can refute Defendant's testimony.

The Court can also readily determine that Ms. Giuffre has not had any prior opportunity to obtain discovery of the witnesses she seeks to depose. The case is only now in the fact discovery phase, and she has had no opportunity to previously depose these third-party witnesses.

Finally, there is no substantial burden involved with deposing seven additional witnesses. Any assessment of burden must take into account the scope of the underlying case. Ms. Giuffre is seeking both compensatory and punitive damages that would total millions of dollars. Against that backdrop, a handful of additional depositions cannot be seen as unduly burdensome. Moreover, this is not a situation where Defendant lacks means to pay for counsel to attend the depositions. Defendant's vast wealth does not appear to be in doubt.[5]

During the meet-and-confer on this issue, the Defendant's substantive reason for not stipulating to these additional depositions is that, with regard to three of the witnesses (Epstein, Kellan, and Marcinkova), it appears likely that they will invoke their Fifth Amendment right to refuse to answer some questions about Defendant's involvement in in the sexual abuse of Ms. Giuffre. But until those witnesses actually take the Fifth, the conclusion that they will actually

[5]Defendant has thus far refused produce documents regarding the extent of her assets, arguing that until the punitive damages phase of this proceeding is reached the discovery is not relevant. Nonetheless, public information suggests significant assets – and the possibility that she is transferring assets outside the reach of the Court's jurisdiction. *See, e.g., Alleged Epstein Madam Sells $16M Manhattan Townhouse*, New York Post, Apr. 28, 2016 (available at http://nypost.com/2016/04/28/alleged-epstein-madam-sells-16m-manhattan-townhouse/).

take the Fifth is, at a minimum, premature.[6] The witness may, for example, answer some questions and not others. And, in any event, even if they take the Fifth when asked about Defendant's sexual abuse of minors, those invocations will quite likely be admissible against the Defendant at trial.

The Second Circuit has squarely held that a witness' invocation of Fifth Amendment rights can in proper circumstances be used against a party. The Second Circuit's seminal decision is *LiButti v. United States*, 107 F.3d 110, 121 (2d Cir. 1997), which upheld the drawing of adverse inferences based on a non-party's invocation of a Fifth Amendment right to remain silent. The Second Circuit instructed that, the circumstances of given case, rather than status of particular nonparty witness, determines whether nonparty witness' invocation of privilege against self-incrimination is admissible in course of civil litigation. *Id.* at122-23. The Circuit also held that, in determining whether nonparty witness' invocation of privilege against self-incrimination in course of civil litigation and drawing of adverse inferences is admissible, court may consider the following nonexclusive factors:

> (1) nature of witness' relationship with and loyalty to party;
>
> (2) degree of control which party has vested in witness in regard to key facts and subject matter of litigation;
>
> (3) whether witness is pragmatically noncaptioned party in interest and whether assertion of privilege advances interests of witness and party in outcome of litigation; and
>
> (4) whether witness was key figure in litigation and played controlling role in respect to its underlying aspects.

Id. at 124-25.

Clearly, many of these factors are going to weigh heavily in favor of drawing an adverse inference against Defendant. For example, Jeffrey Epstein is a "pragmatically noncaptioned

[6] The Court should be aware that these are also the three witnesses who have been attempted to evade service of process.

party in interest" regarding issues of whether he and Defendant together sexually abused Ms. Giuffre. And Defendant is in a joint defense agreement with Epstein. Also, some of the most important events in this case took place in private bedroom where just three people were present – Ms. Giuffre, Defendant, and Epstein. With Defendant denying these events, the fact that Epstein may take the Fifth could provide decisive information to the jury.

But the Court need not make any determinations now as to precisely how these factors will play out. Instead, it is enough to note that very important and unique evidence may be secured from the deposition of each of these three individuals and therefore Ms. Giuffre should be permitted to take their deposition.

CONCLUSION

Ms. Giuffre respectfully requests that she be allowed to take a total seventeen depositions in this case.

Dated: May 27, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of May, 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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EXHIBIT 6

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- x
VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:
15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

- x

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Videotaped deposition of GHISLAINE MAXWELL, taken pursuant to subpoena, was held at the law offices of BOIES SCHILLER & FLEXNER, 575 Lexington Avenue, New York, New York, commencing April 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.

- - -

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Also Present:
James Christe, videographer

THE VIDEOGRAPHER: We are now on the record and recording. This begins disk No. 1 in the deposition of Ghislaine Maxwell in the matter of Virginia Giuffre versus Ghislaine Maxwell in the U.S. District Court for the Southern District of New York.

Today is April 22, 2016 the time is 9:04 a.m.. This deposition is being taken at 575 Lexington Avenue in New York at the request of Sigrid McCawley of Boies Schiller & Flexner.

The videographer is James Christe and the court reporter is Leslie Fagin. Will counsel state their appearance and whom they represent and then court reporter swear in Ms. Maxwell.

MS. McCAWLEY: My name is Sigrid McCawley with my colleague Meredith Schultz. We are with Boies Schiller & Flexner. We represent Ms. Giuffre.

MR. EDWARDS: Brad Edwards. I also represent Ms. Giuffre.

MR. CASSELL: Paul Cassell, I also

represent Ms. Giuffre.

MR. PAGLIUCA: Jeff Pagliuca and Laura Menninger on behalf of Ms. Maxwell.

G H I S L A I N E M A X W E L L, called as a witness, having been duly sworn by a Notary Public, was examined and testified as follows:

EXAMINATION BY

MS. McCAWLEY:

Q. Good morning. I'm going to explain some of the rules that will happen with respect to depositions.

Have you ever been deposed before?

A. I have not.

Q. What is going to happen here, we have a court reporter and a videographer. What they do is take down the words that we say so when I ask you a question they will record what you say in response to that. So we have to be mindful that in order for them to do their job we can't talk over each other.

Another issue you have to be weary

of is that in a response, you can't give a nonverbal response, in other words, nodding a yes or no, they need to hear verbal response so they can record it on their transcript. So that's important for you to remember as we go through the day. If you forget, I will be sure to remind you.

Is there anything that would prevent you from giving truthful testimony today?

A. There is not.

Q. You are not on any medications or anything that would inhibit your ability to remember or give truthful testimony?

A. I am not.

MR. PAGLIUCA: Could you identify the assistant in the room.

MS. McCAWLEY: This is Emma Rosen from our New York office. She is a paralegal.

Q. Ms. Maxwell, can you please state your address for the record?

A. Currently [redacted]

Q. What is your date of birth?

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A. [redacted]

Q. When did you first recruit a female to work for Mr. Epstein?

MR. PAGLIUCA: I object to the form and foundation of the question. I believe this is confidential information. I ask anyone who is not admitted in this case be excused from the room, please.

MS. McCAWLEY: So the response to that question would --

MR. PAGLIUCA: The subject matter of this question is confidential and I'm designating it as confidential.

MS. McCAWLEY: I just want to make that clear for the record.

MR. EDWARDS: So we don't delay the deposition I will step out of the room but I think it's important to lay the record that --

MR. PAGLIUCA: I'm sorry, you are not admitted in this proceeding so you are not entitled to make any record. If Ms. McCawley wants to make a record she

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can.

MR. EDWARDS: I can make a record right now.

MR. PAGLIUCA: Maybe we should get the judge on the phone and talk about it.

MR. EDWARDS: The record will be short. This is the precise reason why Ms. Giuffre wants me in this case and I'm unable to effectively represent her at this time because I am unable to have access to the confidential information which includes apparently the entire deposition of Ms. Maxwell. But for the sake of not further delaying this, I will be outside the room.

MS. McCAWLEY: Thank you.

A. I would like to just -- wait for him to leave.

Q. That's fine.

A. I would just like to clarify the address. I'm in the process of selling the house so while while I still receive mail there, it's not my actual physical address.

It's in the process of being sold. It still requires some final paperwork to be done, so just for the purposes of clarity.

Q. Do you have a new address where you will be living?

A. I do not.

Q. For the purpose of the record, if there is something I ask you that you later remember something else or need to correct your testimony in some way, you can do that, just let me know what it is and we will go back to that question and can you clarify.

A. Of course. I just wanted to be clear, there is still some paperwork pending for final release, but it's in the process of sale. But I don't have another address currently, so whilst that should still be of record that the mail could be forwarded there, so for purposes of clarity I wanted to be clear.

Q. I appreciate that.

So Ms. Maxwell, when did you first recruit a female to work for Mr. Epstein?

MR. PAGLIUCA: Again. I object to

form and foundation of the question.

Q. You can answer the question.

A. First of all, can you please clarify the question. I don't understand what you mean by female, I don't understand what you mean by recruit. Please be more clear and specific about what you are suggesting.

Q. Are you a female, is that the sex that you are?

A. I am a female.

Q. That's what I'm referring to a female and I'm asking you when you first, the very first time you recruited a female to work for Mr. Epstein?

A. Again, I don't understand what female -- I am a 54 year old women.

Q. I'm not making it age, any age of a female that you recruited to work for Mr. Epstein?

A. Again, I was somebody who hired a number of people to work for Mr. Epstein and hiring is one of my functions.

Q. And when is the first time you

hired someone to work for Mr. Epstein, a female?

A. As best as I can recollect, a woman the age probably of about 40 or 50 was in sometime in 1992.

Q. How long did you work for Mr. Epstein?

A. I started working for him at some point in 1992 and the nature of my work relationship with him changed over time so from around 2002, 2003, the work lessened considerably.

Q. When did you --

MR. PAGLIUCA: Can I interject for a moment. If we are talking about background --

MS. McCAWLEY: I'm in the middle of a question. Let me finish it and then can you interject.

Q. When you say 2002 to 2003 that the work lessened, when did you complete working for Mr. Epstein; when was the last time you were employed by him, the last date?

A. I believe I still was doing --

helping him in a very nominal way, maybe an hour or two a year at sometime 2008 and 2009.

MR. PAGLIUCA: So if you are going to be talking about general background, I don't need to designate that as confidential. So if you want to have them come back in, that's fine.

I assumed by your first question you were going into more sensitive areas. I will leave it up to you, but if this is general background it will not be designated as confidential.

MS. McCAWLEY: I appreciate that. I will jump back into my other questions.

MR. PAGLIUCA: So we will keep it as confidential.

Q. When you were first employed by him in 1992, what were you hired to do?

A. First, I was consulting and what I did was I helped with decorating houses and in hiring staff to help run those houses.

Q. Did your duties change over the course of 1992 to 2009?

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MR. PAGLIUCA: Object to the form and foundation.

A. My job entailed running the homes that he had but much more importantly, most of the houses had construction and so whilst in 1992 there was no construction project, there was construction projects that began after that time and I was in charge not only of hiring architects, I was also in charge of all the filings or overseeing that, like a general contractor would.

I also helped with hiring the architects, hiring the builders, reviewing the contracts for the builders, coordinating the building projects, coordinating how the projects would layout, the timing of the projects and all the various materials that they would require to run a very substantial building project. That's the nature of the job I was dealing with.

Q. How old was the youngest female you ever hired to work for Jeffrey?

MR. PAGLIUCA: Object to the form and foundation.

Q. You can answer.

A. I have not any idea exactly of the youngest adult employee that I hired for Jeffrey.

Q. When you say adult employee, did you ever hire someone that was under the age of 18?

A. Never.

Q. Did you ever bring someone who was under -- invite someone under the age of 18 to Jeffrey's home, any of his homes?

MR. PAGLIUCA: Object to the form foundation.

A. Can you repeat the question?

Q. Did you ever invite anybody who was under the age of 18 to Jeffrey's homes?

MR. PAGLIUCA: Same objections.

A. I have a number of friends that have children and friends of mine that have kids and in the invitation of my friends and their kids, I'm sure I may have invited some of my friend's kids to come.

Q. Anybody that is not a friend of yours.

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Any female under the age of 18, did you invite them to come to Jeffrey's home?

MR. PAGLIUCA: Object to the form and foundation.

A. Again, as I said, I am not aware of inviting anybody other than friends of mine who have children to the house.

Q. Did you invite Virginia Giuffre to come to Jeffrey Epstein's home when she was under the age of 18?

MR. PAGLIUCA: Object to the form and foundation.

A. Virginia Roberts held herself out as a masseuse and invited herself to come and give a massage.

Q. My question is, did you invite Virginia Roberts when she was under the age of 18 to come to Jeffrey Epstein's home?

MR. PAGLIUCA: Object to the form and foundation.

A. Again, Virginia Roberts was a masseuse --

Q. I'm asking not asking if she was a masseuse. I'm asking if you invited her to

come to Jeffrey Epstein's home?

A. Again, there would be no course to have a conversation with Virginia unless she held herself out to be a masseuse.

Q. I'm not asking that question. I'm asking if you invited her to come to Jeffrey Epstein's home when she was under the age of 18?

A. Again, I repeat, she was a masseuse and in the form and as my job, I was to have people who he wanted for various things including massage. She came as a masseuse.

Q. So you invited her to his home to come to give a massage, is that correct?

MR. PAGLIUCA: Object to the form and foundation. Misstates the witness' testimony.

A. Again, I did not invite Virginia Roberts. She came as a masseuse.

Q. She who invited her to come as a masseuse, she just showed up at the front door?

MR. PAGLIUCA: Object to the form and foundation.

A. Ms. Roberts held herself out --

Q. I'm not asking how she held herself out. I'm asking how she arrived at the home. Did you meet her and invite her to come to the home or how did she arrive there?

MR. PAGLIUCA: Object to the form and foundation.

A. Ms. Roberts held her to be a masseuse and her mother drove her to the house.

Q. When did you first meet Virginia Roberts?

A. I don't have a recollection of the first meeting.

Q. Do you recall meeting her at Mar-a-Lago?

A. Like I said, I don't have a recollection of meeting Ms. Roberts.

Q. So you recall Ms. Roberts being brought to the home by her mother, is that your testimony?

A. That is my testimony.

Q. And that is the first time you met her?

A. Like I said, I don't recall meeting her the first time. I do remember her mother bringing her to the house.

Q. Are you a member at Mar-a-Lago?

A. No.

Q. Have you visited Mar-a-Lago?

A. Yes.

Q. Did you visit Mar-a-Lago in the year 2000?

A. I'm pretty sure I did.

Q. When Ms. Roberts arrived at the home with her mother, what happened?

A. I spoke to her mother outside of the house and she -- what I don't recall is exactly what happened because I was talking to her mother the entire she was in the house.

Q. Did you introduce Ms. Roberts to Jeffrey Epstein?

A. I don't recall how she actually met Mr. Epstein. As I said, I spoke to her mother the entire time outside the house.

Q. Did you walk Ms. Roberts up to the upstairs location at the Palm Beach house to

meet Mr. Epstein?

MR. PAGLIUCA: Object to the form and foundation.

Q. You can answer.

A. I just explained.

A. I spent the entire time talking to Virginia's mother outside the house so the answer to the question is no.

Q. No, did you not walk her up and introduce her to Mr. Epstein?

A. I just said no.

Q. Did you participate in a massage this first time when she first came to the home and you were speaking with her mother, she was in the home, is that correct, you brought her into the home?

MR. PAGLIUCA: Object to the form and foundation.

A. I will repeat again, I was standing outside with her mother so very difficult for me to do anything else at that time so no, I did not take her upstairs.

Q. Did you participate --

A. Virginia lied 100 percent about

absolutely everything that took place in that first meeting. She has lied repeatedly, often and is just an awful fantasist. So very difficult for anything to take place that she repeated because I was with her mother the entire time.

Q. So did you have -- did you give a massage with Virginia Roberts and Mr. Epstein during the first time Virginia Roberts was at the West Palm Beach house?

MR. PAGLIUCA: Object to the form and foundation.

Q. Yes or no?

A. No.

Q. Have you ever given a massage with Virginia Roberts in the room and Jeffrey Epstein?

MR. PAGLIUCA: Object to the form and foundation.

A. No.

Q. Have you ever given Jeffrey Epstein a massage?

MR. PAGLIUCA: Object to the form, foundation. And I'm going to instruct

you not to answer that question. I don't have any problem with you asking questions about what the subject matter of this lawsuit is, which would be, as you've termed it, sexual trafficking of Ms. Roberts.

To the extent you are asking for information relating to any consensual adult interaction between my client and Mr. Epstein, I'm going to instruct her not to answer because it's not part of this litigation and it is her private confidential information, not subject to this deposition.

MS. McCAWLEY: You can instruct her not to answer. That is your right. But I will bring her back for another deposition because it is part of the subject matter of this litigation so she should be answering these questions. This is civil litigation, deposition and she should be responsible for answering these questions.

MR. PAGLIUCA: I disagree and you

understand the bounds that I put on it.

MS. McCAWLEY: No, I don't. I will continue to ask my questions and you can continue to make your objections.

Q. Did you ever participate from the time period of 1992 to 2009, did you ever participate in a massage with Jeffrey Epstein and another female?

MR. PAGLIUCA: Objection. Do not answer that question. Again, to the extent you are asking for some sort of illegal activity as you've construed in connection with this case I don't have any problem with you asking that question. To the extent these questions involve consensual acts between adults, frankly, they're none of your business and I will instruct the witness not to answer.

MS. McCAWLEY: This case involves sexual trafficking, sexual abuse, questions about her having interactions with other females is relevant to this case. She needs to answer these

questions.

MR. PAGLIUCA: I'm instructing her not to answer.

MS. McCAWLEY: Then we will be back here again.

Q. Have you ever given a massage to Mr. Epstein with a female that was under the age of 18?

A. Can you repeat the question?

Q. Yes. Have you ever given a massage to Mr. Epstein with a female that was under the age of 18?

A. No.

Q. Have you ever observed Mr. Epstein having a massage given by an individual, a female, who was under the age of 18?

A. No.

Q. Have you ever observed females under the age of 18 in the presence of Jeffrey Epstein at his home?

MR. PAGLIUCA: Object to the form and foundation.

A. Again, I have friends that have children --

Q. I'm not talking about friends. I'm talking about individuals --

MR. PAGLIUCA: I'm going to object to you interrupting the witness who was answering your question. The question was, have you ever seen anyone, female under the age of 18 at the house and that's the question she was answering. If you want to strike that question and ask another question, feel free, but let the witness respond, please.

MS. McCAWLEY: I will do that.

Q. Have you ever observed a female under the age of 18 at Jeffrey Epstein's home that was not a friend, a child -- one of your friend's children?

A. Again, I can't testify to that because I have no idea what you are talking about.

Q. You have no idea what I'm talking about in the sense you never observed a female under the age of 18 at Jeffrey Epstein's home that was not one of your friend's children, is that correct?

MR. PAGLIUCA: Object to the form and foundation.

A. How would I possibly know how someone is when they are at his house. You are asking me to do that. I cannot possibly testify to that. As far as I'm concerned, everyone who came to his house was an adult professional person.

Q. Are you familiar with the police report that was issued in respect to the investigation in this matter?

MR. PAGLIUCA: Object to the form and foundation.

Q. Are you familiar with the police report that was used in this matter, the investigation of Jeffrey Epstein, has been produced as a document in this matter?

A. I have seen a police report.

(Maxwell Exhibit 1, police report, marked for identification.)

Q. The police report that you have in front of you, can you turn to page 28 of that report, the numbers are on the top right-hand corner.

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You will see some redactions in this report, Ms. Maxwell, the redacted information is redacted because it reveals the name of a minor, someone who is under the age of 18.

On page 28, in the third paragraph, about halfway down, it says, [redacted] stated she performed the massage naked. At the conclusion of this massage, Epstein paid [redacted] $200 for the massage. He explained, I know you are not comfortable put I will pay you if you bring some girls. He told her the younger the better. [redacted] stated once tried to bring a 23 year old to Epstein and he stated the female was too old.

Have you heard Mr. Epstein use the phrase the younger the better?

A. I have no recollection of hearing that.

Q. Have you used the phrase in talking to [redacted] and asking her to recruit females for Mr. Epstein, the younger the better?

MR. PAGLIUCA: Object to the form

and foundation of the question.

A. First of all, can you break the question apart.

Q. Have you used the phrase the younger the better in speaking to [redacted] and asking her to recruit females for Jeffrey Epstein?

MR. PAGLIUCA: Object to the form and foundation.

Q. You can answer. It's yes or no.

A. No, that's absolutely not true, on the second part of your question, I have not asked Virginia to recruit females and the first part of your question, if you can repeat that again, the question you asked.

Q. Will you read back the question.

(Record read.)

A. I believe I answered the later part of the question. The first part of the question, it's impossible for me to recall events that took place 16 years ago but it doesn't sound like something I would say.

Q. On page 28, that same paragraph, [redacted] was asked how many girls in total she

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brought to Epstein. [redacted] stated that she can remember, [redacted] stated that she brought and, it's redacted there, and the victim in this case.

Let me ask my question, I have a question pending right now.

Are you testifying that you are unaware of any underage, under the age of 18, females coming to Jeffrey Epstein's home to perform massages?

MR. PAGLIUCA: Object to the form foundation.

A. You need to straddle that question in a different time period. When I was there, at the time I was present, the people that gave Jeffrey, men and women who gave Jeffrey massages were adults over the age of 18.

Q. Never in your time at any of Jeffrey Epstein's homes were you present when a female under the age of 18 was there to give Jeffrey Epstein a massage?

MR. PAGLIUCA: Object to the form and foundation.

A. First of all, as I said when I was present --

Q. It is a yes or no.

A. No, it is not.

Q. You can answer the question in full but please provide yes or no as an initial matter.

A. I cannot answer yes or no, it's not bounded by time. It's entirely possible I could have been in a room or even in the vicinity of Palm beach when somebody came and I would not know. How would I know when somebody was in the house. There is no way I can know.

Q. Did you stay at Jeffrey Epstein's home when you were in Palm Beach?

A. Most of the time.

Q. So how is it that you wouldn't know if there was a female in the home under the age of 18 if you were staying there?

A. Well, first of all, when I was staying there, the house is actually quite large and I have a very busy job and I had an office with a door so the door would be shut

and I would be working. I'm not responsible for what Jeffrey does and I don't always pay attention to what happens in the house. I'm very busy.

Q. So you're testifying that you never observed a female under the age of 18 at Jeffrey Epstein's West Palm Beach home?

MR. PAGLIUCA: Object to the form and foundation.

A. I already answered that question, I believe.

Q. You didn't answer my question.

A. I did.

Q. Did you observe a female under the age of 18 at Jeffrey Epstein's home in Palm Beach?

A. Like I said, I work, I don't sit there and watch people coming in and out of the house. I cannot possibly tell you if I'm in the home that somebody was there that I did not see, I cannot comment on it, I have no idea.

Q. Did you observe females at Jeffrey Epstein's home that were laying out topless

in the back of the home, in other words without a shirt on?

A. So that's just another of Virginia's lies. So let's be clear, at the time when I was there and present, frequently at the house, it was unusual to see people without their clothes on.

Q. When you say unusual, did you observe people without their clothes at Jeffrey Espstein's home?

A. Can I answer. Sometimes people in the privacy of a house and swimming pool, I have seen people from time to time take their top off. I have seen people from time to time do that. Very unusual. Naked people around the people at any frequent period of time, I have never seen.

Q. Were they under the age of 18?

A. As I was saying, people when I was in the house, were of adult age, if they were children, friends of my family or friends that were there, they may well have been because I have nieces and nephews under the age of 18, I cannot testify to anybody else

-- just another one of Virginia's many fictitious lies and stories to make this a salacious event to get interest and press. It's absolute rubbish.

Q. Were you in charge of hiring individuals to provide massages for Jeffrey Epstein?

A. My job included hiring many people. There were six homes. As I sit here, I hired assistants, I hired architects, I hired decorators, I hired cooks, I hired cleaners, I hired gardeners, I hired pool people, I hired pilots, I hired all sorts of people.

In the course and a very small part of my job was from from time to time to find adult professional massage therapists for Jeffrey.

Q. When you say adult professional massage therapists, where did you find these massage therapists?

A. From time to time I would visit professional spas, I would receive a massage and if the massage was good I would ask that man or woman if they did home visits.

Q. Did you ever hire a masseuse that was under the age of 18?

MR. PAGLIUCA: Object to the form and foundation.

Q. Did you?

A. Again, I don't hire massage therapists, so that was not my job.

Q. You just said you did, you just said you hired massage therapists for Jeffrey Epstein, I'm asking if you hired a massage therapist who was under the age of 18?

A. Let me correct myself. When I meant hire, I didn't mean hire in the way you are doing it. What I say is that I went to spas and I met people and if they did home visits, Jeffrey would then, in fact, hire them. I'm not responsible for hiring someone. And they were not full-time, so it's not a correct characterization.

Q. Did you ever, your term is meet, did you ever meet a person that was under the age of 18 that you -- that Jeffrey then hired as a masseuse?

MR. PAGLIUCA: Object to the form

and foundation.

A. First of all, Virginia Roberts who you are referring to was a masseuse aged 17, we all now know, so your story that you keep pushing out to the press that she was a 15 year old -- you and I both know was a lie, correct.

Q. You are not sentencing my question.

A. You and I both know that was a lie, correct.

Q. You are not answering my question. I'm asking you whether you ever met a female under the age of 18 that Jeffrey then hired as a masseuse?

MR. PAGLIUCA: Object to the form and foundation.

A. The only person I can talk about who clearly was a massage age 17, a masseuse, was Virginia.

Q. Did you meet her and then introduce her to Jeffrey?

A. I don't know. I already testified I don't recall meeting her.

(Maxwell Exhibit 2, email, marked

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for identification.)

Q. So I'm showing you a document that we have marked as Maxwell Exhibit 2. It's a document you produced in this matter labeled confidential GM 00109. It's dated Sunday June 12, 2011. It's from Jeffrey Epstein to you. If you can turn to page 4 -- sorry, can you turn to the first page, the cover page initially which is 00109. If you look under the time stamp it says, June 12, 2011 at 4:12 p.m., it says [redacted]

Is that your email address?

A. It is.

Q. Under that it says, Thank you. I have it now and I'm working on a letter, a little, I will send the final version tomorrow and what ever it is will be factually accurate.

Do you see that on page 1?

A. I do.

Q. Then I would like you to turn to page 4 please. The second paragraph down on page 4, it states, After some thought, I recall that I first met Ms. Roberts when she

was working at a premier resort claiming to be 18 years old and a professional masseuse?

MR. PAGLIUCA: What line are you on, counsel.

MS. McCAWLEY: Second paragraph down.

MR. PAGLIUCA: I got it.

Q. Is that a statement that you wrote?

A. It appears to be.

Q. So does that correct your testimony that you did meet Ms. Roberts at Mar-a-Lago?

A. Again, this was written in, when were you saying?

Q. 2011.

A. So by 2011, Ms. Roberts had already perpetrated so many lies and stories it's hard for me to accurately tell you today what I remember back then. As I sit here today, the testimony I give you today, I do not recollect it.

Q. Do you have a reason to say that this document that you wrote is incorrect?

A. It's in 2011, I can't possibly tell you what I remember in 2011.

Q. Are you questioning that this document is incorrect, this document -- this email that you wrote?

A. I wrote an email. I was trying to be accurate, so who knows, with all the rubbish that you guys have put out in the press that I read, maybe in the moment I wrote it a memory came to me that I don't know, but as I sit here today and the testimony I gave you today is I don't recollect it.

Q. Does this refresh your recollection that you recalled meeting Ms. Roberts at Mar-a-Lago?

A. It does not.

Q. So your testimony today is that you don't remember meeting Ms. Roberts at Mar-a-Lago?

A. I do not.

I just want to clarify, when you read so much stuff and so much rubbish that comes out from Virginia Roberts, you don't know what's up and down, at the time I wrote this I believe I had a memory but as I sit

here today I do not.

Q. Ms. Maxwell, when did you first meet [redacted]?

MR. PAGLIUCA: Object to the form and foundation.

A. I have no idea when I met her.

Q. Do you know how old she was when you met her?

A. I have no idea how old she was when I met her.

Q. Is it possible she was 13 years old when you first met her?

MR. PAGLIUCA: Object to the form and foundation.

A. [redacted] may have been in the house when Jeffrey was in the house. I have no idea how old she was.

Q. I understand [redacted]

I'm asking if [redacted] was 13 years old when you first met her?

A. I have no idea.

Q. Was she under 18 when you first met her?

A. I have no idea how old she was when I first met her.

Q. Did she look like a child when you first met her?

A. I don't remember what she looked like at the time she was in the house.

Q. How many years have you known her?

A. I can only recall the last time I saw her.

Q. When was the first time you met her?

A. Again, I just told you, I don't recall the first time I met her.

Q. Did [redacted] travel with you on Jeffrey's planes?

A. I wouldn't remember if [redacted] was on the plane or not.

Q. Did you ever have sex with [redacted]

A. No.

Q. Did you ever observe Jeffrey having sex with [redacted]?

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A. No.

Q. Were you aware that Jeffrey was having sexual contact with [redacted] when she was 13 years old?

MR. PAGLIUCA: Object to the form and foundation.

A. I would be very shocked and surprised if that were true.

Q. Were you in the house when [redacted] was in the house in a private area with Jeffrey Epstein?

MR. PAGLIUCA: Object to the form and foundation.

A. Can you repeat the question.

Q. Were you ever in the Palm Beach house when Jeffrey Epstein was in the house with [redacted]?

MR. PAGLIUCA: Object to the form and foundation.

A. I've already testified that I have met her and that she was there [redacted] I don't understand what your question is asking.

Q. So you have never seen [redacted]

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[redacted]

MR. PAGLIUCA: Object to the form and foundation.

Q. Is that your testimony?

A. I already said I don't recall all the times I've seen her and I have no memory of that.

Q. Have you ever seen [redacted] in the house with Jeffrey Epstein [redacted]

MR. PAGLIUCA: Object to the form and foundation.

A. I just told you I don't recall seeing [redacted]

Q. Were you ever involved in an orgy with [redacted]?

A. No, absolutely not.

Q. Can you tell me, do you know an individual by the name of [redacted]?

A. I do.

Q. How did you meet [redacted]?

A. At some point she was a friend of Jeffrey's and I recall meeting her at some point.

Q. Did you hire her?

A. First of all, I don't hire girls like that, so let's be clear, I already testified to that, and I have no idea what you are referring to.

Q. When you say girls like that, what do you mean?

A. I hire people who are professional at the house. You are asking if I hired somebody to do what, I don't know what you are talking about. I hired people to work in the homes.

Q. What was Nadia Marcinkova doing?

MR. PAGLIUCA: Object to the form and foundation.

A. I have no idea what Nadia Marcinkova was doing. I didn't hire her and I don't know what you are referring to.

Q. You met Nadia Marcinkova?

A. I testified I did.

Q. Did she work for Jeffrey Epstein?

A. I have no idea what she did.

Q. Have you flown on planes with Nadia Marcinkova?

A. I don't recollect. I don't know if I did.

Q. How many times have you flown on Jeffrey Epstein's planes?

A. Too many times.

Q. More than 300?

A. I really couldn't tell you how many.

Q. More than 400?

A. Again, I said I cannot tell you how many, a lot.

Q. How many times with [redacted]

[redacted]

A. I already testified, I have no idea.

Q. How old was [redacted] when she first became involved with Jeffrey?

A. I have no idea.

Q. Was she 14?

MR. PAGLIUCA: Object to the form and foundation.

A. I have no idea.

Q. Did she look like a child the first time you met her?

MR. PAGLIUCA: Object to the form and foundation. Asked and answered.

Q. Did she look like a child the first time you met [redacted]?

A. I don't know what you mean if she looked like a child.

Q. Did she look like she was under the age of 18?

A. No.

Q. Did she look like she was under the age of 16?

A. I just testified -- first of all, I couldn't tell you how old she was, she didn't like like a child, leave it at that.

Q. Did you know that she was a child?

MR. PAGLIUCA: Object to the form and foundation.

A. I just answered I did not know how old she was and she looked like an adult.

Q. In the times that you traveled with her on Jeffrey Epstein's planes, did you ever ask her how old she was?

MR. PAGLIUCA: Object to the form and foundation. Assumes facts not in

evidence. The witness already testified she doesn't remember.

Q. You can answer that question.

Did you ever ask her on the many flights you were with her or the many times you were with her at the house?

A. First of all, I don't know I was on many flights with her, you are making stories up again as usual. And secondly, if I was on a flight with her, there would not be any reason why I would ask her how old she was.

Q. You don't recollect having any conversation with her about her age?

A. I already testified to that.

Q. Do you know what [redacted] was hired to do for Jeffrey?

A. I already testified I didn't know she was hired and I don't know that she did anything. I don't know how to answer that question.

Q. Was [redacted] at the house, the Palm Beach house, when you were present at that house?

MR. PAGLIUCA: Object to the

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foundation.

A. I have no recollection of her being at the house at the same time as me.

Q. When did you first meet [redacted]

[redacted]

A. I already told you I don't recall.

Q. Do you recall anything about [redacted]

[redacted]

A. That she was tall and blond.

Q. Do you recall [redacted] interacting with other females at the house?

A. No, I do not.

Q. Did you arrange to get a visa for [redacted] to come into this country?

MR. PAGLIUCA: Object to the form and foundation.

A. Absolutely not.

Q. Did Jeffrey arrange for a visa for [redacted]?

MR. PAGLIUCA: You need to give me a break so I can interpose an objection.

Object to the form and foundation.

Q. You can answer.

A. What was the question?

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Q. Did Jeffrey arrange for a visa for [redacted]?

A. I don't know what Jeffrey did. I cannot testify what Jeffrey did.

Q. Was [redacted] involved in sex with Jeffrey and other girls?

MR. PAGLIUCA: Object to the form and foundation.

Q. Girls under the age of 18?

MR. PAGLIUCA: Same objection.

A. I have no idea.

Q. Was [redacted] involved with sex with Jeffrey and girls over the age of 18?

MR. PAGLIUCA: Same objection.

A. I have no idea.

Q. Did [redacted] recruit other girls for sex with Jeffrey?

MR. PAGLIUCA: Object to the form and foundation.

A. I have no idea.

Q. Do you still talk to [redacted]

A. No.

Q. [redacted]

A. I have no idea.

[redacted]

A. I have no idea.

Q. Are you a pilot?

A. I am.

Q. Have you flown with [redacted]?

A. I have.

Q. Have you flown with [redacted]

[redacted]

A. What do you mean by flown?

Q. Have you been on planes with her?

A. I already testified I don't recall having her on a plane with me.

Q. Do you know [redacted]?

A. I do.

Q. When did you first meet her?

A. I don't recall exact dates.

Q. Did you meet her with the purpose of hiring her to work for Jeffrey or having Jeffrey hire her?

MR. PAGLIUCA: Object to the form and foundation.

A. No.

Q. What was her relationship with

Jeffrey?

MR. PAGLIUCA: Object to the form and foundation.

A. I don't know exactly the nature of her relationship but she worked for him.

Q. What did she do?

MR. PAGLIUCA: Object to the form and foundation.

A. At the time she when was with him I believe she traveled with him and helped with his travel arrangements.

Q. Did she bring girls to the house to give massages to Jeffrey?

MR. PAGLIUCA: Object to the form and foundation.

A. I don't know what [redacted] did.

Q. So you never observed [redacted] bringing girls to the home to give massages to Jeffrey?

MR. PAGLIUCA: Object to the form and foundation.

A. I don't understand the question, what did you mean bring?

Q. Did you ever observe [redacted]

inviting, bringing, walking anyone into the home to give a massage for Jeffrey?

MR. PAGLIUCA: Object to the form and foundation.

A. I don't recollect anything like that.

Q. Are you aware that [redacted] was a co-conspirator, named as a co-conspirator in the case involving Jeffrey Epstein?

MR. PAGLIUCA: Object to the form and foundation and also calls for a legal conclusion.

MS. McCAWLEY I'm just asking if she is aware of that.

A. I am aware.

Q. Who paid [redacted]?

A. I have no idea.

Q. Did you ever arrange payment for any of the employees at the home?

MR. PAGLIUCA: Object to the form.

A. What do you mean by arrange?

Q. Were you ever in charge or responsible for paying individuals at the home, that worked there?

A. People had salaries and they were paid by the office.

Q. Did you ever pay any individual, did you ever hand an individual cash for work they performed?

MR. PAGLIUCA: Object to the form.

A. Can you be more specific about what you are asking me.

Q. Did you ever hand any individual who was working at the home cash as payment for something that they performed at the home?

MR. PAGLIUCA: Object to the form.

A. To the best of my recollection there were very few times where I would leave some cash for people for work performed.

Q. And what type of work was being performed where you would be doing that?

A. If I left cash for the pool guy, I would have left potentially some cash for the gardener, potentially for exercise instructors and sometimes for massage therapy.

Q. How much were the massage

therapists paid?

MR. PAGLIUCA: Object to the form and foundation.

A. They get paid between 100 and $200.

Q. Did it vary based on what sexual acts they performed?

MR. PAGLIUCA: Object to the form and foundation.

A. No. It varied depending how much time, some massage therapists charge more and some charge less.

Q. Did the massage therapists that were hired to come to the home perform sexual acts for Jeffrey Epstein?

MR. PAGLIUCA: Object to the form and foundation.

A. What are you asking me?

Q. I'm asking if the massage therapists --

A. Are you asking me about underage girls?

Q. I'm asking in general, did any of the massage therapists in the home --

A. Are you asking if they were paid

for sexual acts.

Q. I'm asking if they performed sexual acts?

MR. PAGLIUCA: Object to the form and foundation.

Q. Did any of the massage therapists who were at the home perform sexual acts for Jeffrey Epstein?

A. I don't know what you mean by sexual acts.

Q. Did any of the massage therapists who were working at the home perform sexual acts, including touching the breasts, touching the vaginal area, being touched while Jeffrey is masturbating, having intercourse, any of those things?

MR. PAGLIUCA: Objection. Form and foundation.

To the extent any of this is asking for to your knowledge any consensual sex act that may or may not have involved you, I'm instructing you not to answer the question.

Q. I'm not asking about consensual sex

acts. I'm asking whether any of the massage therapists performed sexual acts for Mr. Epstein, as I have just described?

A. I have never seen anybody have sexual intercourse with with Jeffrey, ever.

Q. I'm not asking about sexual intercourse. I'm asking about any sexual act, touching of the breast -- did you ever see -- can you read back the question?

(Record read.)

A. I'm not addressing any questions about consensual adult sex. If you want to talk about what the subject matter, which is defamation and lying, Virginia Roberts, that you and Virginia Roberts are participating in perpetrating her lies, I'm happy to address those. I never saw any inappropriate underage activities with Jeffrey ever.

Q. I'm not asking about underage. I'm asking about whether any of the masseuses that were at the home perform sexual acts for Jeffrey Epstein?

A. I have just answered the question.

Q. No, you haven't.

A. I have.

Q. No, you haven't.

A. Yes, I have.

Q. You are refusing to answer the question.

A. Let's move on.

Q. I'm in charge of the deposition. I say when we move on and when we don't.

You are here to respond to my questions. If you are refusing to answer the court will bring you back for another deposition to answer these questions.

Do you understand that?

MR. PAGLIUCA: You don't need to threaten the witness.

MS. McCAWLEY: I'm not threatening her. I'm making sure the record is clear.

MR. PAGLIUCA: Certainly can you apply to have someone come back and the court may or may not have her come back again.

Again, she is not answering questions that relate to adult consent

sex acts. Period. And that's the instruction and we can take it up with the court.

Q. Ms. Maxwell, are you aware of any sexual acts with masseuses and Jeffrey Epstein that were nonconsensual?

A. No.

Q. How do you know that?

A. All the time that I have been in the house I have never seen, heard, nor witnessed, nor have reported to me that any activities took place, that people were in distress, either reported to me by the staff or anyone else. I base my answer based on that.

Q. Are you familiar with a person by the name of [redacted]?

A. I am.

Q. Has [redacted] given a statement to police about you performing sexual acts on her?

A. I have not heard that.

Q. Has [redacted] given a statement to police about Jeffrey Epstein performing

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sexual acts on her?

MR. PAGLIUCA: Object to the form and foundation.

A. I have not heard that.

Q. How do you know [redacted]?

A. [redacted]

Q. Was [redacted] under the age of 18?

MR. PAGLIUCA: Object to the form and foundation.

A. I don't recall how old [redacted] was.

Q. Did she tell police that Jeffrey Epstein assaulted her sexually?

MR. PAGLIUCA: Object to the form and foundation.

A. I never heard that.

Q. Did [redacted] recruit or bring girls to the home that were under the age of 18?

MR. PAGLIUCA: Object to the form and foundation and I think this has been

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asked and answered already.

Q. You can answer the question.

A. I have no idea what [redacted] did.

Q. You never observed [redacted] with girls under the age of 18 at Jeffrey's home?

MR. PAGLIUCA: Object to the form and foundation.

A. The answer is no, I have no idea.

Q. Do you know [redacted]?

A. I do.

Q. What is your relationship with [redacted]

MR. PAGLIUCA: Object to the form.

A. What do you mean what is my relationship.

Q. Are you friendly with him, how do you know him?

A. He is the husband of [redacted].

Q. Is [redacted] one of your friends?

A. Yes.

Q. Did you ever send Virginia to [redacted] to give him a

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massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. No.

Q. Did you ever instruct Virginia Roberts to have sex with [redacted]

MR. PAGLIUCA: Objection to the form and foundation.

A. I have never instructed Virginia to have sex with anybody ever.

Q. How old was [redacted] when she met Jeffrey?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea.

Q. What's she under the age of 18?

MR. PAGLIUCA: Objection to the form and foundation.

A. I just testified I have idea how old she was.

Q. You testified she was your friend. You don't know how old she was when she met Jeffrey?

A. That happened sometime in the '70s,

how would I know, or '80s. I have no idea. Can you testify to what your friends did 30 years ago?

Q. You don't ask the questions here, Ms. Maxwell.

What about [redacted], when did you first meet [redacted]

A. I don't recall the exact date.

Q. Did you hire [redacted]

A. I don't hire people, she came to work at the house to answer phones.

Q. Where did you meet her?

A. I just testified, I don't recall exactly when I met her.

Q. Was one of your job responsibilities to interview people that would be then hired by Jeffrey?

A. That was one of my responsibilities.

Q. Do you recall interviewing [redacted]

A. I don't recall the exact interview, no.

Q. Do you know what tasks [redacted] was hired to performance?

A. She was tasked to answer telephones.

Q. Did you ever ask her to rub Jeffrey's feet?

MR. PAGLIUCA: Objection to the form and foundation.

A. I believe that I have read that, but I don't have any memory of it.

Q. Did you ever tell [redacted] that she would get extra money if she provided Jeffrey massages?

A. I was always happy to give career advice to people and I think that becoming somebody in the healthcare profession, either exercise instructor or nutritionist or professional massage therapist is an excellent job opportunity. Hourly wages are around 7, 8, $9 and as a professional healthcare provider you can earn somewhere between as we have established 100 to $200 and to be able to travel and have a job that pays that is a wonderful job opportunity. So in the context of advising people for opportunities for work, it is possible that I

would have said that she should explore that as an option.

Q. Did you tell her she would get extra money if she massaged Jeffrey?

A. I'm just saying, I cannot recall the exact conversation. I give career advice and I have done that.

Q. Did you ever have [redacted] massage you?

A. I did.

Q. How many times?

A. I don't recall how many times.

Q. Was there sex involved?

A. No.

Q. Did you ever instruct [redacted] to massage [redacted]?

A. I don't believe -- I have no recollection of it.

Q. Did you ever have sexual contact with [redacted]

MR. PAGLIUCA: Object to the form and foundation. You need to give me an opportunity to get in between the questions.

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Anything that involves consensual sex on your part, I'm instructing you not to answer.

Q. Did you ever have sexual contact with [redacted]

A. Again, she is an adult --

Q. I'm asking you, did you ever have sexual contact with [redacted]

A. I've just been instructed not to answer.

Q. On what basis?

A. You have to ask my lawyer.

Q. Did you ever have sexual contact with [redacted] that was not consensual on [redacted] part?

MR. PAGLIUCA: You can answer nonconsensual.

A. I've never had nonconsensual sex with anybody.

Q. Not [redacted]?

MR. PAGLIUCA: Objection.

A. I just testified I never had nonconsensual sex with anybody ever, at any time, at anyplace, at any time, with anybody.

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Q. So if [redacted] were to testify that she did not consent to a sexual act that you participated in --

A. I just told you I have never ever under any circumstances with anybody, at any time, in anyplace, in any form had nonconsensual relations with anybody.

Q. Did you introduce [redacted]

MR. PAGLIUCA: Objection to the form and foundation.

A. I've, again, read that [redacted] claimed that she met or that she said she met [redacted]. I don't know if I was the one who made the introduction or not.

Q. Do you know a female by the name of [redacted]

A. I do.

Q. How do you know her?

A. [redacted]

Q. So she worked for you?

A. Yes.

Q. Did you hire her?

A. Again, Jeffrey hired people.

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Q. Did you have sex with her?

MR. PAGLIUCA: This is the same instruction about consensual or nonconsensual.

Q. Was [redacted] under the age of 18 when you hired her?

A. No. I didn't hire her, as I said, Jeffrey did.

Q. Did [redacted] ever have sex with Jeffrey?

MR. PAGLIUCA: Objection to the form and foundation.

A. How would I know what somebody else did.

Q. You weren't involved in the sex between Jeffrey, [redacted] and yourself?

A. We already --

Q. Were you involved with sex between Jeffrey, [redacted] and yourself?

MR. PAGLIUCA: Everyone is talking over each other. You heard the question.

Again, you you know what the instruction is. If there is any

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consensual issue involved, I instruct you not to answer.

A. Moving on.

Q. So you are refusing to answer that question?

A. I've been instructed by my lawyer.

Q. Did you ever have sex with Jeffrey, [redacted] Virginia and yourself when Virginia was underage?

A. Absolutely not.

MR. PAGLIUCA: We've been going for about an hour. I would like to take a five-minute break, please.

MS. McCAWLEY: I'm almost done.

MR. PAGLIUCA: You are not going to allow a break.

MS. McCAWLEY: As soon as I get through my line of questioning, which is perfectly appropriate.

Q. Did [redacted] travel with you and Jeffrey to Europe?

A. I'm sure she did.

Q. What is she doing today?

A. I have no idea.

Q. Do you speak to her regularly now, do you speak to her?

A. No.

Q. Do you know where she lives?

A. No.

Q. Do you know what country she lives in?

A. No.

Q. Where is the last place you knew that she lived?

A. Last place I knew for sure was in Los Angeles.

Q. When did she stop working for you?

A. 2001, 2002.

Q. What tasks did she performance for you?

A. She helped me with moving in and out of houses, construction, she was a general help, she helped with buying things that needed to be purchased, if I needed her to stand in for me during meetings, it was a very wide ranging job.

Q. Did she ever bring females to perform massages for Jeffrey?

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MR. PAGLIUCA: Objection to the form and foundation.

A. What are you asking me?

Q. Did [redacted] was it ever [redacted] responsibility to bring females to the house for the purposes of massaging Jeffrey?

A. [redacted] job was to help me with the houses and work in homes. It was not her job to whatever you just said, bring masseuses.

Q. Did she do that?

A. I have no recollection. I have no idea.

Q. Did you pay [redacted] or did Jeffrey pay her?

A. Jeffrey.

Q. Do you recall how much she was paid?

A. I do not.

MS. McCAWLEY: I think we can take a break now.

THE VIDEOGRAPHER: It's 10:02 and we are off the record.

(Recess.)

THE VIDEOGRAPHER: It's now 10:18.

We are back on the record and starting disk No. 2.

Q. Ms. Maxwell, I asked you about Virginia Roberts earlier.

Can you describe what Virginia Roberts' duties were when she was with Mr. Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. I believe that Virginia was a masseuse.

Q. Was Virginia required to dress up in any way for massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea.

Q. Did you provide Virginia with outfits to wear for certain massages?

A. I have no idea what you are talking about.

Q. For example, did you ever provide Virginia with a school girl outfit to wear for a massage?

A. I have no idea what you are talking

about.

Q. So you didn't provide her with that?

A. As I just testified, I have no idea what you are talking about.

Q. I was trying to interpret whether you didn't understand what a school girl outfit was or you are saying that didn't happen?

A. I clearly know what a school girl outfit is. I have no recollection of providing anybody with a school girl outfit.

Q. Did you have a set of outfits used by the massage therapists that would include things like a school girl outfit or a black patent leather outfit or anything of that nature?

MR. PAGLIUCA: Object to the form and foundation.

A. That would be just another one of Virginia's lies.

Q. You didn't have anything like that?

A. I did not.

Q. Did you have a basket of sex toys

that you kept in the Palm Beach house?

MR. PAGLIUCA: Objection to the form and foundation.

A. First of all what do you mean.

Q. A laundry basket that contained sex toys in it?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you ask the question again?

Q. Did you have a laundry basket that contained sex toys in it, in the Palm Beach House?

MR. PAGLIUCA: Objection to the form and foundation.

Q. Did you have a laundry basket of sex toys in the Palm Beach house?

MR. PAGLIUCA: Same objection.

Q. You can answer.

A. I don't recollect anything about a laundry basket of sex toys.

Q. Do you recollect having sex toys at the Palm Beach house?

A. You have to define what are you talking about.

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Q. A sex toy meaning a vibrator of some kind, sometimes they are called dildos, of that nature, anything like that?

A. I don't recollect anything that would formally be a dildo, anything like that.

Q. How would you describe sex toys?

A. I wouldn't describe sex toys.

Q. Did you have anything that was of an electronic nature that would be used during sex?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea what you are referring to.

(Maxwell Exhibit 3, transcript, marked for identification.)

[redacted]

[redacted]

[redacted]

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[redacted]

MR. PAGLIUCA: Objection to the form and foundation.

A. First I have to read this.

Q. Sure.

MS. McCAWLEY: I will stop the clock while the witness is reading.

MR. PAGLIUCA: No.

MS. McCAWLEY: Yes, if she is going to read the whole document, I will stop the clock.

MR. PAGLIUCA: If you give her documents to refresh her recollection, we are on the clock here.

MS. McCAWLEY: Then we will take it up with the judge.

MR. PAGLIUCA: Read whatever you need to answer the question.

MS. McCAWLEY: I'm going to set the document aside and I'm just go to ask you a question, independent of the document.

Q. Do you recall having a basket full of sex toys?

A. I already told you I did not.

Q. We were talking a moment ago about Ms. Roberts and her position as a masseuse, do you know what she was paid for working as a masseuse for Jeffrey Epstein?

A. I do not.

Q. Did you ever pay her?

A. I don't ever recall paying her.

Q. Do you know what happened during the massage appointments with Jeffrey Epstein and Virginia Roberts?

MR. PAGLIUCA: Objection to the form and foundation.

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.

Q. Did you help her obtain an apartment in Palm Beach to live in?

MR. PAGLIUCA: Objection to the form and foundation.

Q. Was that part of your responsibilities for Jeffrey?

A. First of all, I didn't know she had an apartment in Palm Beach. I only learned that from the many times you guys have gone to the press to sell stories, so no.

Q. Did you help her get a cell phone, was that one of your responsibilities for Jeffrey, to get her is a cell phone as part of her masseuse obligations?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know what that means, masseuse obligation, I don't know what you are referring to. Would you like to ask the question properly?

Q. I think it was proper. I will ask it again.

Did you ever assist in getting Virginia Roberts a cell phone to use during the time that she worked for Jeffrey Epstein?

A. I have no recollection of doing anything of that nature.

Q. Did you ever tell Virginia that you wanted her to have a cell phone so that she could be on call regularly?

A. I have no recollection of that conversation.

Q. How often would Virginia come over to the house in Palm Beach to give massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. Ask the question again, please.

Q. How often did Virginia Roberts come

over to the house in Palm Beach to give massages?

A. It's important to understand that I wasn't with Jeffrey all the time. In fact, I was only in the house less than half the time, so I cannot testify to when I wasn't in the house how often she came when I wasn't there.

What I can say is that I barely would remember her, if not for all of this rubbish, I probably wouldn't remember her at all, except she did come from time to time but I don't recollect her coming as often as she portrayed herself.

Q. How many times a day on an average day would Jeffrey Epstein get a massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. When I was at the house and when I was there with him, he received a massage, on average, about once a day.

Q. Just once?

A. Yes.

Q. Were there days when he received

four or five?

MR. PAGLIUCA: Objection to the form and foundation.

A. When I was present at the house, I never saw something like that.

Q. Do you know if Virginia was required to be on call at all times to come to the house if Jeffrey wanted her there?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea of the arrangements that Virginia made with Jeffrey.

Q. When Virginia was in New York, would Virginia sleep at Jeffrey's mansion in New York?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't recollect her being in New York and I have no idea where she slept.

Q. You don't ever remember seeing Virginia Roberts in New York?

MR. PAGLIUCA: Objection to the form and foundation.

A. I would barely recollect her at

all, except for this story.

Q. Do you recall Virginia Roberts calling you because she was having a medical crisis and you and Jeffrey taking her to the hospital?

A. I have heard this absurd story and if any part of it were true I would remember that. I do not.

Q. You don't remember taking her to the hospital?

A. It's not that I don't remember it, it didn't happen.

Q. How do you know it didn't happen?

A. That's the sort of memory you would recall.

Q. Do you recall, you said you don't remember her being at the New York mansion. When you were in New York would you stay at the New York mansion with Jeffrey?

A. I stayed from time to time.

Q. Do you recall Virginia being at the New York mansion when [redacted] came to visit?

MR. PAGLIUCA: Objection to the

form and foundation.

A. Like I told you, I don't recall her being at the house at all.

Q. How many homes does Jeffrey have?

MR. PAGLIUCA: Objection to the form and foundation.

A. When I was working for him, I think he had six maybe.

Q. Would Virginia stay with him in those homes?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can only testify for when I was present with him and I cannot say what she did when I wasn't present with him.

Q. When you were present, would Virginia stay in the homes with him?

A. I don't recall her staying in the houses.

Q. Did you train Virginia on how to recruit other girls for massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. No.

Q. Did you train Virginia on how to recruit other girls to perform sexual massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. No. And it's absurd and her entire story is one giant tissue of lies and furthermore, she herself has -- if she says that, you have to ask her about what she did.

Q. Does Jeffrey like to have his nipples pinched during sexual encounters?

MR. PAGLIUCA: Objection to form and foundation.

A. I'm not referring to any advice on my counsel. I'm not talking about any adult sexual things when I was with him.

Q. When Jeffrey would have a massage, would he request that the masseuse pinch his nipples while he was having a massage?

A. I'm not talking about anything with consensual adult situation.

Q. What about with underage --

A. I am not aware of anything.

Q. You are not aware of Jeffrey

Epstein ever having sex with an underage minor and asking them to pinch his nipples?

A. I am not.

Q. So I'm going to direct you to, I believe it's Maxwell Exhibit 1, the police report.

Are you aware that over 30 under age minors gave testimony to police that they were engaged in sexual acts during, quote-unquote, massages.

MR. PAGLIUCA: The witness needs to find Exhibit 1. Exhibit 1 -- if you can hand me that please.

Q. So now with respect to the police report, are you aware that over 30 underage girls, meaning under the age of 18 gave reports to police that they were assaulted sexually by Jeffrey Epstein during massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. I read the police report. That's all I can testify to.

Q. Are you aware of what is in the police report? Are you aware that there were

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30 girls --

A. I did not count the number of girls and I did read the police report. I can only testify to what I read.

Q. So you are aware that the police report contains reports from 30 underage girls?

A. I can't testify to what the girls said. I can only testify to the fact that I read a police report that stated that.

Q. Were you working for Jeffrey -- you said you worked for him off an on until 2009, is that correct?

A. I helped out from time to time.

Q. So you were working with him during the time period when these underage girls were visiting Jeffrey's home?

MR. PAGLIUCA: Objection to the form and foundation.

A. I was not -- what year, I need years.

Q. How about let's say 2005?

A. I'm not sure I was at the house at all in 2005, maybe one day, maybe.

Q. How about 2004?

A. I was present for his mother's -- his mother died in 2004 so I was there for his mother's death and the funeral and I was at the house maybe a handful of days, again.

Q. I would like to direct you to, you have it pulled together now, it's page 39, Bates stamped Giuffre 00040?

A. Can you repeat that, please.

Q. Sure. 00040.

A. Yes.

Q. At the top of that document, about three lines down, you see the redacted portions where there is black so it blacks out the name.

A. I see black redacted portions.

Q. That's a black redaction of the name of the minor and there is -- I will represent for the record that's what it is. You can contest that but I'm not asking about the name of the minor.

Five lines down, it says, She was just 16 years of age.

Do you see that?

A. I have to read that, if you want me to testify to some things.

Q. I'm asking if you see where it says, She was just 16 years old.

A. No, I have to read it.

Q. It's five line downs on the first paragraph.

A. I do see that.

Q. Then the next paragraph down, it says, this is the next full paragraph, it says, Epstein entered the room, introduced himself, Epstein lay on the table and told her to get comfortable, blank could not remember if he was naked or if he entered the room with a towel. Blank stated she provided the massage wearing her panties. She continued rubbing his thighs and feet. Blank advised he turned over on his back and continued to rub his legs with oil. Epstein touched her breast and began to masturbate. I asked if she knew what circumcised and uncircumcised meant. She stated circumcised is when the penis had no foreskin.

Then jumping down to the next

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paragraph, it says, Blank became upset, crying hysterically and stated she was paid and also instructed to have sex with Epstein and [redacted] by Epstein.

Do you see that there?

A. I do.

Q. Are you aware that there were underage minors in the Palm Beach house that were required to give sexual massages to Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation. This has been asked and answered already. Now you are just reading a document.

MS. McCAWLEY: I am allowed to take this deposition.

A. I already testified --

Q. Are you aware there were underage girls, 30 of them, in this police report that were assaulted by Jeffrey Epstein in the Palm Beach house during the time you are working there?

A. I am aware that Virginia has lied repeatedly --

Q. I'm not asking about Virginia. I'm asking if you are aware that there were over 30 underage girls who gave reports to police officers during the time you worked for Jeffrey Epstein. Are you aware of that?

MR. PAGLIUCA: Counsel, what is your factual basis for asserting there are 30 underaged people who gave reports?

MS. McCAWLEY: I don't have to answer that.

MR. PAGLIUCA: Are you representing as an officer of the court that you have personal knowledge that there are 30 people referenced in these police reports?

MS. McCAWLEY: That's my understanding, that there are 30 girls.

MR. PAGLIUCA: How is that your understanding if these are redacted reports?

MS. McCAWLEY: By reading through the reports.

MR. PAGLIUCA: So you have personal

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knowledge there are 30 people --

MS. McCAWLEY: Just like can you if you read through -- I will not argue with you counsel.. she can answer yes or no.

Q. Are you aware there were over 30 individuals who were minors who gave reports to police just like the one we just read that they were sexually assaulted by Jeffrey Epstein in the Palm Beach home during the years that you were working with him?

MR. PAGLIUCA: Objection to the form and foundation. You can answer if you have knowledge.

A. I already testified I was limited in the house, a couple of days, there is no way I knew. I have read these reports. I cannot testify to 30. Given the experience I've had with Virginia's lies, it's very hard for me to testify about what I see. I can tell from you my personal knowledge I did not know what you are referring to.

Q. You did not know there were underage girls in the home that were being

assaulted by Jeffrey Epstein during the time you were working there?

A. Based on the lies that I have already been told, I cannot comment on any --

Q. Are you saying these 30 girls are lying when they gave these reports to police officers?

A. I'm not testifying to their lies. I'm testifying to Virginia's lies.

Q. I am not asking about Virginia's lies.

A. I can only testify to Virginia's lies. I can testify to having read these reports. I cannot testify to anything else about them.

Q. So your testimony is that during the time you were working there, you did not know that these minor children were being abused in the home while you were there?

A. What I have already told you and I will repeat, I was in the house very limited times, very few times. I do not know what you are referring to. I've read these reports but based on the lies that Virginia

has perpetrated, cannot tell you what is true or factual or not.

Q. You said you were in the home a very limited time, so average in the year for example, 2004, how many times would you have been in his Palm Beach home?

A. Very hard for me to state but very little.

Q. How about his New York home?

A. Same.

Q. Were you his girlfriend in that year, in 2004?

A. Define what you mean by girlfriend.

Q. Were you in a relationship with him where you would consider yourself his girlfriend?

A. No.

Q. Did you ever consider yourself his girlfriend?

A. That's a tricky question. There were times when I would have liked to think of myself as his girlfriend.

Q. When would that have been?

A. Probably in the early '90s.

Q. In your responsibilities in working for Jeffrey, would you book massages for him on any given day so that he would have a massage scheduled? Would you take a call for example and book a massage for him?

MR. PAGLIUCA: Objection to the form and foundation.

Q. You can answer.

A. Typically, that was not my responsibility. He would either book the massage himself or one of his other assistants would do that.

Q. From time to time you had to do that?

MR. PAGLIUCA: Objection to the form and foundation.

A. Like I said, typically it was somebody else's responsibility.

Q. If you were unable to book a girl for a massage on a given day, would that mean that you were responsible for giving him a sexual massage?

MR. PAGLIUCA: Objection to the form and foundation and I instruct you

not to answer any questions about any of your consensual adult sexual activity.

Q. So you are not going to answer that question?

A. You just heard my counsel.

Q. Have you ever said to anybody that recruiting other girls to perform sexual massages for Jeffrey Epstein takes the pressure off you?

MR. PAGLIUCA: Object to the form and foundation.

A. Repeat the question and break it out.

Q. Have you ever said to anybody that you recruit girls --

A. Stop right there. I never recruited girls, let's stop there. Now breakdown the question.

Q. Have you ever said to anybody --

A. By girls, we are talking about underage people -- you said girls, are you talking about underage -- we are not talking about consensual acts -- this is a defamation suit.

Q. I'm asking the questions. I know what this case is about. I'm trying to -- I will ask you questions if you don't understand the question I can break it down for you. I'm happy to do that.

A. Break it down a lot please.

Q. I will do that.

The question is, have you ever said to anybody that you recruit other girls --

A. Why don't you stop there.

Q. Let me finish my question.

Have you ever said to anybody that you recruit girls to take the pressure off you, so you won't have to have sex with Jeffrey, have you said that?

That's the question?

A. You don't ask me questions like that. First of all, you are trying to trap me, I will not be trapped. You are asking me if I recruit, I told you no. Girls meaning underage, I already said I don't do that with underage people and as to ask me about a specific conversation I had with language, we talking about almost 17 years ago when this

took place. I cannot testify to an actual conversation or language that I used with anybody at any time.

Q. Have you ever said to anybody that you recruit other females over the age of 18 to take the pressure off you to having to have sex with Jeffrey?

A. I totally resent and find it disgusting that you use the word recruit. I already told you I don't know what you are saying about that and your implication is repulsive.

Q. Answer my question.

A. I just did.

Q. Have you ever said to anybody that you recruit females --

A. I don't recruit anybody.

Q. That's an answer. So you never said that?

A. I'm testifying that I cannot testify to an actual language --

Q. It's a yes or no.

A. I will not testify to an actual statement made 17 years ago, so I cannot

testify to actual language.

Q. So you won't testify to anything I'm asking you 17 years ago about a statement you made. How do you know it's 17 years ago?

A. We are talking about a time in 2000, right?

Q. Have you ever said that to anybody?

A. I'm 54 years old so you are asking me in my entire life, what words are you asking me in my entire life?

Q. Your entire life is limited by the time you were with Jeffrey, this is the question.

A. Let's time limit the question you are asking me.

Q. So from, let's say, I think you said you started with him in 1992, is that correct, and finished with him in 2009.

So from 1992 to 2009 have you ever said to anybody that you recruit other and we will start with girls to take the pressure off you to have sex with Jeffrey?

MR. PAGLIUCA: Objection to the form and foundation.

A. First of all I resent and despise the world recruit. Would you like to define what you mean by recruit and by girls, you mean underage people. I never had to do anything with underage people. So why don't you reask the question in a way that I am able to answer it.

Q. I'm asking if you ever said that to anybody. So if you don't understand the word recruit and you never used that word then the answer to that question would be no.

A. I have no memory as I sit here today having used that word.

Q. Did you ever meet an underage girl in London to introduce her to Jeffrey to provide him with a massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. Run that past me one more time.

Q. Did you ever meet an underage girl in London to introduce her to Jeffrey to perform a massage?

MR. PAGLIUCA: Same objection.

A. Are you asking me if I met anybody

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that was underage in London specifically to provide a massage to Jeffrey, is that your question?

Q. Yes.

A. No.

Q. Do you know who [redacted] is?

A. I don't recall her right now.

Q. Do you know if -- strike that.

During the time that you were working for Jeffrey, did you ever observe any foreign females, so in other words, not from the United States, that were brought to Jeffrey's home to perform massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. Females, what age are we talking?

Q. Any age.

A. Can you repeat the question?

Q. During the time you were working for Jeffrey, did you ever observe any foreign females of any age that were at Jeffrey's home to perform a massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. Are you asking me if any foreigner, not an American person, gave Jeffrey a massage?

Q. Yes.

A. Well, as I sit here today, I can't think of anyone who is foreign. Certainly -- I just can't think of anybody right this second.

Q. How about any foreign girls who were under the age of 18?

A. I already testified to not knowing anything about underage girls.

Q. Were there foreign girls who were brought to Jeffrey's home by [redacted] for the purposes of providing massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. I am not aware of [redacted] bringing girls. I have not no idea what you are talking about.

Q. You have never been around foreign girls who are under the age of 18 at Jeffrey's homes?

MR. PAGLIUCA: Objection to the

form and foundation.

A. I already testified about not knowing about underage girls.

Q. Did you provide any assistance with obtaining visas for foreign girls that were under the age of 18?

A. I've never participated in helping people of any age to get visas.

Q. Did Jeffrey, was it Jeffrey's preference to start a massage with sex?

MR. PAGLIUCA: Objection to the form and foundation.

A. I think you should ask that question of Jeffrey.

Q. Do you know?

A. I don't believe that was his preference. I think -- you have to understand, a massage -- perhaps you are not really familiar with what massage is.

Q. I am, I don't need a lecture on massage.

A. I think you do.

MR. PAGLIUCA: No question pending. She will ask you another question now.

A. Massage is for health benefits.
Q. When did you first meet Jeffrey?
A. Some point in 1991.
Q. And did Jeffrey know your father?
A. No.
Q. How were you introduced to Jeffrey?
A. Some friend introduced us.
Q. Can you describe your relationship back in 1991, was it friendship or was it girlfriend relationship or was it a work relationship, what was your relationship in 1991?
A. It was just friendly.
Q. Then I believe you testified you began working for him in 1992, is that correct?
A. Yes.
Q. In 1992 I know you gave me the description of the work that you were performing for him, how much was he paying you, do you remember?
A. I don't recall.
Q. Do you know for example in 2001 how much he was paying you?

A. I don't recall.

Q. Did it change over the years or did the payment remain the same?

A. I believe over the course of time it increased a little bit.

Q. Was that the -- was that payment the payment that -- was the payment made with respect to the jobs, the work you were performing for Jeffrey, was that your sole income at that time?

MR. PAGLIUCA: I object to the form. I'm also going to instruct you not to answer about sources of -- your personal sources of income outside of Mr. Epstein at all.

MS. McCAWLEY: What's the basis for that?

MR. PAGLIUCA: It's confidential, it's not part of this lawsuit.

MS. McCAWLEY: We have a protective order and it is part of this lawsuit with respect to our damage claims.

MR. PAGLIUCA: It's not and, in fact, you are not entitled to ask

financial information of a defendant in this kind of case, in a defamation case unless and until there is a finding that you are entitled to punitive damages. That is clear in New York case law, both state and Federal.

MS. McCAWLEY: We disagree on that point and we will come back to that.

Q. From the source of payment from the source of Jeffrey, from your work, can you give me a range on that, do you know was it over $100,000?

A. I just testified I don't recall.

Q. You don't don't know if it was $500,000?

A. It was less than that.

Q. Somewhere between 100 and 500, would that be fair to say?

A. I believe it was between 100 and $200,000.

Q. Did Jeffrey during the time that you were working for him purchase a town home for you?

A. The subject of the townhouse is, I

worked for it and I had a loan, we did loans.

Q. So a loan through Jeffrey?

A. I don't recall the exact transaction.

Q. Did he purchase for you a helicopter during the time you were working for him?

A. It was his helicopter.

Q. When did you obtain your pilot license?

A. I believe it was '98 or '99.

Q. Was that for both airplanes and helicopters or just helicopters?

A. Just helicopters.

Q. Have you ever flown [redacted] on your helicopter?

A. That is another one of Virginia's lies.

Q. The question is have you ever done that?

A. I have never flown [redacted] at any time ever, in any helicopter, in any place, any time, in any state, in any country, at any time anywhere.

Q. Have you ever had dinner with [redacted] at Jeffrey's home, at any of Jeffrey's homes?

A. No, I don't believe so.

Q. Have you traveled on Jeffrey's planes with [redacted]?

A. Yes, I have.

Q. Would that have been in 2002?

A. It's very hard for me to recollect exact dates but that sounds about right.

Q. Was that during the time that Virginia was working for Jeffrey?

A. I don't know that Virginia ever did work for Jeffrey. I don't exactly know if she testified to her so-called duties, we know she is a serial liar so I can't testify to what she did or didn't do. So I object to that characterization of her. So repeat the question, please.

Q. Can you read the question back?

(Record read.)

Q. You can answer the question.

A. What was the question again?

Q. When you were traveling on the

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plane with [redacted], was that during the time, it was 2002, that you were on a flight with [redacted] was that during the time Virginia was working for Jeffrey?

MR. PAGLIUCA: Object to the form. Misstates the witness' answer and if you can answer the question, you can answer it.

A. Well, like I said, I don't recall exactly when I flew with him. I don't recall when Virginia, we know what Virginia claims when she left, so I can't answer the question. I have no idea.

Q. Do you know [redacted]?

A. I do.

Q. How long have you known him?

A. A very long time.

Q. Since you were a child?

A. I really -- it's so long, it's really a long time ago. I just don't recall.

Q. Do you remember how you first met him?

A. No, I do not.

Q. Did you introduce him to Jeffrey?

A. That would be another of Virginia's lies and the lies you perpetrate. I never introduced [redacted] to Jeffrey Epstein at any time ever, so just add that the to long list of lies.

Q. Did Jeffrey know [redacted]?

A. Clearly he knew him. I think we have that answer but how -- yeah.

Q. Do you know how Jeffery met [redacted]

A. I do not know Jeffrey met [redacted] What I do know is that I did not introduce them. That is one of the many lies. Are we tallying all the lies?

Q. Do you know when Jeffrey met [redacted]

A. I do not know when Jeffrey met [redacted].

Q. Did you ever introduce [redacted] to any girls under the age of 18 who were not friends of yours children?

A. I have not introduced [redacted] to anyone that I am aware of other than friends of mine who have kids under that age

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that he may have met socially through me.

Q. Did you ever introduce [redacted] to Virginia in London?

A. I understand her story about [redacted] but again, her tissue of lies is extremely hard to pick apart what is true and what isn't. Actually I wouldn't recollect her at all but for her tissue stories about this situation.

Q. So did you ever introduce [redacted] to Virginia in London?

A. I have no recollection.

Q. Did Virginia ever stay at your home in London, your town home?

A. I know she claims she did but if you are asking me here today to remember specifically, I cannot.

Q. Do you remember taking a trip with Virginia to travel over to Europe, including London?

A. So I have seen her reports and I have seen the plane reports. I see she says she was on that but again, I really have no recollection of her.

Q. Did you know that she was 17 at the time of that trip?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have --

Q. Did you know she was 17 at the time of that trip?

MR. PAGLIUCA: Objection to the form and foundation.

A. I didn't even know she was on the trip.

Q. Did you hold her passport for her when she was traveling?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no recollection whatsoever of her even being on the trip nor holding her passport.

(Maxwell Exhibit 4, picture, marked for identification.)

Q. I'm showing you what we marked as Maxwell Exhibit 4.

Can you take a look at that picture for me?

A. I've looked at it.

Q. Are you in that picture?

A. I am.

Q. [redacted]

[redacted]

A. It is.

MR. PAGLIUCA: I don't believe this has been produced to us in discovery by you.

MS. McCAWLEY: The picture?

MR. PAGLIUCA: Yes.

MS. McCAWLEY: It has.

MS. MENNINGER: Is it the same exact photograph.

MS. McCAWLEY: I believe so. We will find one. The picture has been produced a number of times.

MR. PAGLIUCA: I've seen different iterations of this, I don't believe I have ever seen this.

MS. McCAWLEY: We had them blow it up on a page so she could see it. We could use an article.

While you are looking for that, I

will skip ahead. Hold that until we can find one that has the Bates range on it.

Q. Do you recall Virginia being at your London town home?

A. I do not.

Q. Do you recall going to dinner with [redacted], Jeffrey Epstein and Virginia Roberts in London, at any time?

A. I do not.

Q. Do you recall going to a place called [redacted], Jeffrey Epstein and yourself and Virginia Roberts?

A. I would just like to state for the record [redacted] I do not have any recollection of it and I doubt it actually happened.

Q. You don't recall that.

Do you recall taking Virginia shopping when you were in London to buy an outfit to meet [redacted]

A. No, I don't.

Q. Where in your town home -- we will come back to that.

Do you have guest bedrooms in your town home in London?

A. I do.

Q. How many?

A. Two.

Q. Did [redacted] ever visit Jeffrey and you in New York?

A. Yes.

Q. Do you remember him visiting you and Jeffrey in New York in the spring of 2001?

A. Again, I can't testify to any specific dates.

Q. So you don't have a recollection of that?

A. I have a recollection -- you've asked me if I have a recollection of being in New York but if you are asking for a date, I cannot confirm that date.

Q. Do you remember [redacted] being present in New York for a party where [redacted]

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[redacted] was also present?

A. I don't recollect.

Q. Do you recall ever giving [redacted] a gift of a puppet that was in the same -- that looked like him?

A. I never gave him a gift of a puppet.

Q. Did Jeffrey ever give him a gift of a puppet?

A. No, not that I am aware of.

Q. Have you ever given him any gifts?

MR. PAGLIUCA: Objection, foundation.

A. I know [redacted] --

Q. Have you ever given him any gifts that you remember when he came to Jeffrey's home in New York?

A. I don't recall giving him any gifts in New York.

(Maxwell Exhibit 5, picture, marked for identification.)

Q. I think I directed you to page 0034.

Is that a picture that was taken at

your London town home?

A. I have no idea what this picture was taken. I know what she purports it to be but I'm not going to say that I do.

Q. Do the surroundings look like your London town home?

A. They are familiar.

Q. Do you know who took this picture?

A. I do not.

Q. Did Jeffrey Epstein take the picture?

A. I just testified I don't know who took the picture.

Q. So you don't know if Jeffery Epstein took the picture?

A. When I tell you I don't know who took the picture, it doesn't mean him -- I don't know who took the picture. You can come up with 50 names, I still do not know who took the picture.

Q. Did you observe [redacted] go into a room with Virginia alone in your town home?

A. I cannot recall. As I have said,

no.

Q. Did [redacted] ever tell you that he had sex with Virginia Roberts?

A. He did not.

Q. Did Jeffrey Epstein ever tell you that [redacted] had sex with Virginia Roberts?

A. He did not.

Q. Did [redacted] ever visit -- let me back up for a moment. We talked about Jeffrey's homes, did Jeffrey have a home in the U.S. Virgin islands called Little St. James?

A. Yes.

Q. Did [redacted] ever visit that island -- are you aware of [redacted] ever visiting Jeffrey's island?

A. I am aware of that, yes.

Q. Do you know how many times he visited?

A. I do not.

Q. Do you know if he visited when Virginia was on the island?

A. I do not.

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Q. Were you present on the island when [redacted] visited?

A. Yes.

Q. How many times?

A. I can only remember once.

Q. Were there any girls under the age of 18 on the island during that one visit that you remember that were not family or friends of or daughters of your friends?

MR. PAGLIUCA: Objection to the form and foundation.

A. There were no girls on the island at all. No girls, no women, other than the staff who work at the house. Girls meaning, I assume you are asking underage, but there was nobody female outside of the cooks and the cleaners.

Q. Did you, as part of your duties in working for Jeffrey, ever arrange for Virginia to have sex with [redacted]?

MR. PAGLIUCA: Objection to the form and foundation.

A. Just for the record, I have never at any time, at anyplace, in any moment ever

asked Virginia Roberts or whatever she is called now to have sex with anybody.

Q. Did you ever provide Virginia Roberts with an outfit, an outfit of a sexual nature to wear for [redacted]?

MR. PAGLIUCA: Objection to the form and foundation.

A. I think we addressed the outfit issue.

Q. I am asking you if you ever provided her with an outfit of a sexual nature to wear for [redacted]?

A. Categorically no. You did get that, I said categorically no

Q. Don't worry I'm paying attention.

A. You seemed very distracted in that moment.

(Maxwell Exhibit 6, flight logs, marked for identification.)

A. Do you mind if I take a break for the bathroom.

Q. It's 11:08 and we are going to go off the record now.

THE VIDEOGRAPHER: It's now 11:09.

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We are off the record.

(Recess.)

THE VIDEOGRAPHER: It's now 11:26, we are back on the record and starting disk No. 3.

Q. Ms. Maxwell, I think I handed you right before the break, did I hand you the flight logs, they look like this. Did I mark those yet, I thought I did.

A. I don't believe I have it.

Q. These admittedly are a little difficult to read so what I'm going to provide you with to assist is I have a chart that has the airport codes, because it will have, for example, just for the record reflects that the first page of document [redacted], it will have a code in the from line that says PBI, for example, to TEB so I a chart that matches up, just in case you don't understand what those letters mean, PBI meaning Palm Beach, TEB meaning Teterboro, which is New Jersey, but others are more difficult but just for you to be able to understand the logs, I will provide you with

that.

MR. PAGLIUCA: So we are clear, if the witness has personal knowledge of what these are that's fine but I don't know what these are and I don't expect the witness to accept the representation that they are what they are.

MS. McCAWLEY: If she can testify to what city it is, she can state that on the record.

MR. PAGLIUCA: If she knows what it is, she knows what it is, we are not putting any affirmatively on the record until you ask your questions.

Q. So I'm going to ask you and I think we flagged a few of the pages which may direct us a little bit easier but I will do it by Bates number which is at the bottom of the document kind of at the side.

The first I will direct your attention to is [redacted]

A. Does it have a tab?

Q. It should. Let me make sure.

A. Yes it does.

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Q. So I'm directing your attention to the bottom, two lines up from the bottom, there is a flight --

MR. PAGLIUCA: Are you on [redacted]

MS. McCAWLEY: [redacted]

Q. So this flight is from, the one I'm looking at, I think it's highlighted on your copy. On the far corner on the date, it says [redacted] at the top and this would be the [redacted] and then the [redacted] are the two I'm going to direct your attention to.

Q. On that first one on the [redacted] you will see the column reading PBI in the from column to TEB in the to column and you will see some initials, you will see JE for Jeffrey Epstein, GM for Ghislaine Maxwell, [redacted] for [redacted] and then Virginia?

A. I have to object.

MR. PAGLIUCA: You don't get to object.

Q. She is turning into a lawyer already?

A. I would like to.

Q. Let me ask the question and if you

have an issue -- so with respect to this flight, do you recall being on a flight in the -- [redacted] [redacted] going from Palm Beach to Teterboro?

A. No, I don't recall any specific flight.

Q. Do you recall flying with Virginia on a flight with [redacted] and Jeffrey Epstein at any time?

A. I don't.

Q. How often did you fly on a plane with a 17 year old?

MR. PAGLIUCA: Objection to form and foundation.

A. I have no idea what you are talking about, other than friends of mine that had kids.

Q. Did you regularly fly on Jeffrey's plane with individuals who were under the age of 18?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you repeat the question?

Q. Did you regularly fly on Jeffrey

Epstein's planes with individuals who were under the age of 18?

A. I regularly flew on Jeffrey Epstein's airplane but I cannot testify as to flying with people under the age. I don't believe that I did.

Q. Why wouldn't you remember flying with a 17 year old?

MR. PAGLIUCA: Objection to the form and foundation.

A. How would I know, one, that she is 17, how would you know that, how do you know I'm on the plane.

Q. Are you saying you are not on this flight, so this is a Palm Beach to Teterboro. This says the JE, GM [redacted] and Virginia. The GM you are saying is not you?

MR. PAGLIUCA: I object to the form. You can answer the question if you know.

A. How do you know the GM is me.

Q. Is it your testimony that on the flight logs when it represents GM that it is not you flying on the plane?

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MR. PAGLIUCA: Objection to the form and foundation.

A. GM can stand for any level, it could be Georgina, George.

Q. Are there any people that flew with Jeffrey Epstein that had the initials GM?

A. I don't know.

Q. Do you recall flying with Jeffrey Epstein on his plane over 300 times during the period of 1999 to 2005?

A. I cannot testify to how many times I was on his plane because that would just be impossible.

Q. You were on his plane regularly, would you say?

A. I already testified I was on his plane regularly.

Q. Is it your testimony and I'm referring now to the line that we were just talking about that you were not on the flight from Palm Beach to Teterboro that lists JE, GM, [redacted] and Virginia?

A. I am not testifying to that. I am just saying that you cannot be sure that is

me.

Q. So as you sit here today, you don't believe you flew on that plane?

A. I'm not saying that. I'm just saying you cannot be sure that's me.

Q. Do you have reason to doubt that when it says GM on these flight logs that that represents you?

A. I cannot testify to that. I'm just saying it may not be me.

Q. In looking at the flight logs and look up, let's move up a couple of lines. If you start at the top, you are going to see JE, [redacted], then JE, [redacted], JE, [redacted], JE, GM, JE, GM, JE, GM, [redacted], reposition, JE, GM, JE, GM [redacted], JE, GM, [redacted], [redacted] female, [redacted] repositioning. JE, GM, [redacted], JE, GM, [redacted], JE, GM, [redacted] Virginia, JE, GM, [redacted] Virginia, repositioning and then a certification.

So is it your testimony in looking at that that you do not believe that the GM

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represents you?

MR. PAGLIUCA: Objection to the form and foundation.

A. I'm not saying that. I'm just saying that you cannot -- I can't sit here and tell you for sure GM is me and I cannot testify remembering being on a flight at that time.

Q. You don't remember being on any of these flights with the initial GM?

A. I remember being on many flights. I cannot testify that is a flight I am on.

Q. Let's go to the next page which is going to be [redacted] I want you to look at line -- so the date is at the top, so it's [redacted] and if you go down, you will see a line that says the [redacted] and if you scroll over you will see PBI to TIST, if you look at the airport codes, TIST is going to be representative for the U.S. Virgin Islands and then you will see the list on the plane JE, GM, [redacted] and Virginia Roberts.

Do you recall flying from Palm Beach to the U.S. Virgin Islands with

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Jeffrey, yourself, [redacted] and Virginia Roberts?

MR. PAGLIUCA: I object to the form and just so the record is clear, we don't agree with whatever your characterizations are. The document speaks for itself and she can answer based on whatever her personal knowledge is.

MS. McCAWLEY: I understand.

Q. Do you recall flying with those individuals from Palm Beach to the U.S. Virgin Islands?

A. I have no recollection of any individual flight you are pointing out here. You are talking about 2001, how many years ago is that?

Q. I'm asking the questions.

A. I'm not being difficult. I'm just asking, it's like 14, 15 years ago, it's impossible, I'm sorry.

Q. So your testimony is you don't recall flying on that flight with Virginia Roberts?

A. I cannot testify to that flight.

Q. Let's look at the next flight which is on the [redacted] from the Virgin Islands back to Palm Beach, JE, Jeffrey Epstein, Ghislaine Maxwell, [redacted], Virginia Roberts, the same individuals on the above flight.

A. It doesn't say my name, it has some initials.

Q. I understand, the initials GM.

Do you recall flying on a plane, on one of Jeffrey's planes from the Virgin Islands to Palm Beach with Virginia Roberts?

A. I do not.

Q. Was there any other person that flew with Jeffrey Epstein with frequency during that time period in these logs that have the initials GM?

MR. PAGLIUCA: Objection to the form and foundation.

A. I would have to look at all the flight logs, I have no idea, I flew frequently.

Q. Why don't you take a look at the next three pages and see if that refreshes

your recollection.

MR. PAGLIUCA: You are talking about [redacted]

MS. McCAWLEY: She can pick any couple of pages, those have a lot of the individuals on them so that is a good sampling.

MR. PAGLIUCA: So pick any pages you want.

Q. Does that refresh your recollection at all as to whether GM represents you or some other individual?

A. Again, I can't testify whether that represents me or not, I don't see any other GMs but you have to understand that even if my name is on that record doesn't mean I was on the flight.

Q. So are you contesting the accuracy of the flight logs? In other words, you said it doesn't represent you are on the flight so is it your testimony just because a name is listed doesn't mean they were actually on the flight?

MR. PAGLIUCA: Objection to the

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form and foundation.

A. I can't testify to what -- these are records that were produced by [redacted] is on here, so these aren't federally mandated records, so I can't testify to what he produced.

Q. I would like you to turn to page, at the bottom, the Bates number is [redacted]. And the month is [redacted].

A. Okay.

Q. If you go down to the number that is [redacted] that would be [redacted] you're going to see on that line an [redacted] which is a [redacted] and then you will see [redacted] which is going to be, I'm going to pronounce it incorrectly, [redacted] I'm sure I'm not pronouncing that correctly. Then you will see in the list, you will see JE, GM, [redacted], it looks like --

A. I believe it says male.

Q. Yes. Then [redacted] I believe. Is that GM on this page representative of you?

A. Well, this would be a flight that I would potentially remember with [redacted] on it but I don't actually recall going to Russia.

Q. Are those your initials, do you recall being on the flight?

A. Those are my initials with [redacted], I don't recall this flight either, but I would be more likely to if I had a bit more time to study the timing of this.

Q. Your testimony is you don't recall flying with [redacted] from [redacted] to [redacted]

A. I don't recall the [redacted] to [redacted] flight. I have definitely flown with [redacted].

Q. On that same page you will see beneath there, beneath 22 you will see the indication, same as above, same as above, same as above in the column that originally had the initials.

A. Uh-huh.

Q. And the names.

A. Uh-huh.

Q. Do you recall flying with [redacted] from [redacted] to [redacted] [redacted]

A. I do.

Q. So the GM that would be represented in that column would be you?

A. I recall going to [redacted] with [redacted] [redacted] so that is likely to be me.

Q. You were on Jeffrey's plane for that trip?

A. I believe I was.

Q. Do you know who [redacted] is?

A. I do not.

Q. I'm going back towards the front which is going to be [redacted] please. And you're going to see --

A. Hang on I'm not --

Q. Take your time.

A. Okay.

Q. You are going to see in the date column, you will see [redacted] and then about halfway down you will see [redacted]

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then you will see the [redacted] which is the column which is where I want you to start looking at the log and there you're going to see [redacted]

A. Okay.

Q. If you look at the column, if you go back up to the top on the [redacted] if you look at the column you will see JE, GM, [redacted] Virginia Roberts and I believe it says [redacted] sorry I'm not reading that very well.

Do you recall flying from, if you see the dates, the [redacted] Do you recall a trip that went from the United States to [redacted] and to the places I just mentioned where Virginia Roberts was on the plane with you?

MR. PAGLIUCA: Objection to the form and foundation.

A. I already testified that I don't recall Virginia on any of these flights.

Q. I would like to mark, as Maxwell 7, I will put it at the top?

(Maxwell Exhibit 7, photo, marked for identification.)

MR. PAGLIUCA: Has this document been produced in discovery?

MS. McCAWLEY: Yes.

MR. PAGLIUCA: Do you have a Bates number?

MS. McCAWLEY: This one doesn't.

Q. I'm going to ask you --

MR. PAGLIUCA: I don't recall seeing this document so I would like to see a Bates number document before we ask questions about it.

MS. McCAWLEY: Can you go look for it and I will continue. We will set that aside until we get a Bates number. You may want to leave that log up and set it to the side and we will bounce back to that.

Q. Do you recall -- I think earlier

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you said you visited Jeffrey's island, I think they called it St. Jeffrey or St. James, the U.S. Virgin Island home.

A. St. James.

Q. Do you recall whether [redacted] was ever on that island?

A. Categorically, definitively, absolutely, without a shadow of a doubt, when I was present or any other time that I am aware of, was [redacted] ever on that island, I do not believe he went to that island ever ever, that is an absolute fabrication and an absolute flat out lie.

Q. Was [redacted] ever at any of Jeffrey Epstein's homes when you present, other than the island I know you said that did not happen, the home in either New York or Palm Beach or New Mexico?

A. I do not believe at any time [redacted] was at any of Jeffrey's homes, I have absolutely no knowledge or otherwise that he was ever there.

Q. You don't recall having dinner with

him at any of those homes?

A. Again, Virginia is absolutely totally lying. This is a subject of defamation about Virginia and the lies she has told and one of lies she told was that President Clinton was on the island where I was present. Absolutely 1000 percent that is a flat out total fabrication and lie.

Q. You did fly on planes, Jeffrey Epstein's planes with President Clinton, is that correct?

A. I have flown, yes.

Q. Would it be fair to say that President Clinton and Jeffrey are friends?

A. I wouldn't be able to characterize it like that, no.

Q. Are they acquaintances?

A. I wouldn't categorize it.

Q. He just allowed him to use his plane?

A. I couldn't categorize Jeffrey's relationship.

Q. When you were on the plane with Jeffrey and President Clinton, did you

observe Jeffrey and [redacted]
talking?
A. I'm sure they did.
Q. Did they seem friendly?
A. I don't recollect.
Q. Was Epstein one of the original
people that conceived the [redacted]
[redacted]
MR. PAGLIUCA: Objection to the
form and foundation.
Q. Do you know?
A. I don't have -- I don't know what
you are talking about.
Q. You don't know what I'm talking
about.
Did you ever, not at one of houses,
but did you ever eat dinner with [redacted]
[redacted] and Jeffrey Epstein?
A. Are you just talking in general
anywhere.
Q. In general?
A. I believe on a plane of this nature
we would have had a meal.
Q. But not outside of the travel on

the flights?

A. I can't recollect having a meal with them, but just so we are clear, the allegations that [redacted] had a meal on Jeffrey's island is 100 percent false.

Q. But he may have had a meal on Jeffrey's plane?

A. I'm sure he had a meal on Jeffrey's plane.

Q. You do know how many times he flew on Jeffrey's plane?

A. I don't.

Q. Do you know who [redacted] is?

A. I do.

Q. How do you know him?

A. He used to work or still works for [redacted]

Q. Did you ever have a relationship with him?

A. We are talking about adult consensual relationships, it's off the record.

Q. I'm not asking what you did with him, I'm asking if you ever had a

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relationship with him?

MR. PAGLIUCA: If you understand the term relationship, certainly you can answer that.

A. Define relationship.

Q. Somebody that you would have spent time together, either seeing them in a romantic relationship or --

A. You need to be, what do you mean by romantic. I was friends with [redacted] but you are suggesting something more so I want to be clear what you are actually asking me.

Q. You defined it. You said you were friends with him. If that's what you were that's all I need to know.

While you were on the trip with [redacted], do you recall where you stayed at these locations, in other words, would you leave the jet and stay overnight at a hotel, do you have a recollection of this trip?

A. I recollect the trip but if you're asking me where we stayed, you can see it's a very fast paced trip. It was very tiring and

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I don't recollect where we stayed.

Q. Do you recollect if you stayed at the same place [redacted] stayed? In other words, if you left the plane to go a hotel did you all go together is your recollection?

A. I honestly don't recollect, no.

Q. Part of this trip we were just talking about, there is a flight that goes to Thailand, do you remember being in Thailand?

MR. PAGLIUCA: Objection to the form and foundation.

A. Are you asking me --

Q. On the [redacted] trip.

A. Are you referencing something?

Q. The part that, let me make sure I've got it here. The entry that would be the Thailand, would be the one -- let me make sure I'm correct. I have you on the wrong page, it's actually the page before. It's going to be [redacted] And it's going to be the entry on [redacted] starting on [redacted] and then it goes down to where it has the same as above, to [redacted] -- I'm saying

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[redacted]

MR. PAGLIUCA: That's what the document says.

Q. I'm not representing the date but there it is. So the last leg of that where it says same as above has, the second to last, I'm sorry on the [redacted]

[redacted]

Do you remember being in Thailand with [redacted]?

A. I do.

Q. Do you remember what the purpose of that trip was?

A. I don't.

Q. Do you know whether -- do you recall, did you stay the night in Thailand?

A. I don't recall.

Q. Do you recall why you went to Thailand?

A. I don't recall.

Q. Who is [redacted]?

A. She I believe was a stewardess on this flight.

Q. Did she perform any massages on the

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flight?

A. I don't recollect any massages on the flight.

Q. Do you know who [redacted] is?

A. It doesn't -- no I don't know who that is, I can't recall.

Q. This is not in color, it's a black and white but it has the Bates label on it. Should I take the sticker off the one that has -- I don't know if you want to swap it.

MR. PAGLIUCA: Let the record reflect I am replacing this on the black and white copy of this exhibit with [redacted].

Q. So, we were talking earlier, we were looking at the flight logs and we were talking about a trip and let me just get you back to the page. [redacted]

[redacted]

Q. Can I direct your attention to the picture, please.

A. Of course.

Q. Can you tell me who is in this picture, who is pictured here, and for the court reporter's benefit, can you go from the left of the picture to the right of the picture, to the extent you can identify the individuals?

A. Sure. I cannot identify the person on the left, I cannot identify the person next left. I can identify Jeffrey Epstein. I cannot identify the next person to his right and the next person in the picture is myself.

Q. Is the individual all the way to the left at the beginning of the picture, does that resemble [redacted]. You might want to look at the color version if that helps you at all, I know it's not the marked one. I don't if that's easier to see, they are both dark.

A. That does not look like [redacted] at all.

Q. Do you recall --

MR. PAGLIUCA: Let's mark this then as deposition Exhibit 8 since we are referring to it and then you can give us copies as well.

MS. MENNINGER: It's different because it has other people in this color photo.

(Maxwell Exhibit 8, photo, marked for identification.)

Q. Do you recall who took this photograph?

A. I do not.

Q. Do you recall this photograph being taken by Virginia?

A. First of all, I don't know where we are.

Q. So you don't recognize the building?

A. I don't recognize the building and I don't recognize -- the only two people I recognize in the picture are Jeffrey and myself.

Q. Does this like look a picture of a

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building that you would have seen when you were on the trip in Europe?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't possibly answer that.

Q. Do you recall Virginia ever taking pictures?

A. I barely recall Virginia, period.

Q. Do you recall her ever taking pictures?

A. No, I don't.

Q. I'm going to direct your attention, still within the flight logs to -- starting on the next page from where you just were which is going to be [redacted] And the date at the top says [redacted] you will see [redacted] and I'm directing your attention down towards the middle to the bottom where you will see the numbers [redacted]

A. Uh-huh.

Q. And we've got actually I'm going to direct your attention to the one that starts with [redacted]

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and in the line, the remarks line you will see JE, GM, [redacted]?

MR. PAGLIUCA: Are you reading the 29th, is that what you're reading?

MS. McCAWLEY: I'm reading the 29th, yes.

Q. Below that you will see JE, GM, [redacted]

Do you see that?

A. I do.

Q. Do you recall a trip from Teterboro to Santa Fe and Santa Fe back to Palm Beach with these individuals?

A. I don't.

Q. Do you recall being on a plane with [redacted] and Virginia Roberts?

A. I don't.

Q. Do you recall ever witnessing any sexual interaction on one of Jeffrey's planes with any of these individuals?

A. I do not, absolutely not.

Q. Did Jeffrey have a fold out bed on

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one of his planes?

A. There was a bed on one of his planes that folded out, yes.

Q. Do you recall whether with respect to this being in Santa Fe, do you recall whether you were there for some form of a party?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't recall the trip at all and this looks like a total work trip, not a party trip.

Q. What would be the difference between a work trip and a party trip?

A. Just that I would be on trips for work and I believe that this looks like, [redacted] looks like it's one of the -- probably one of the designers and the time would meet with a trip to decorate the house, just the timing of it.

Q. So would Virginia be brought on trips that were for the purpose of work and decorating the house?

A. Like I said, I never worked with

her but you would have to ask Jeffrey what he brought her on the trip for.

Q. But she would travel with him when there was a work trip like this?

A. I can't -- I'm seeing that she is on this flight but I have no idea what she is doing, he invited her, it would not be my job.

Q. What about Nadia Bjorlin, would she regularly travel with Jeffrey on flights?

A. I have no idea, you would have to look through the flight logs. I have no idea.

Q. Your recollection is -- what is your recollection, do you recollect Nadia traveling often on flights with Jeffrey?

A. Absolutely not. No, not at all. I don't recollect her actually on the flight at all.

Q. I think you can set that aside for the moment.

(Maxwell Exhibit 9, message pad pages, marked for identification.)

Q. We will mark as Exhibit 9 these

excerpts from -- we will identify what they are but from the message pads.

Did you want to correct anything?

A. I want to make an addendum.

Would you mind rereading the last question back to me?

(Record read.)

A. I also just want to say that at this point I cannot recollect flying to parties. Jeffrey went for work so -- was this in Santa Fe, this flight as well.

Q. The flight we were looking at, yes but it was to Santa Fe --

A. I don't recall going to any parties in Santa Fe at any time but certainly flying to Santa Fe for a party seems highly improbable.

Q. So I'm going to direct your attention to the document that I set before you which is Bates number [redacted] and it has different Bates numbers because it's a smaller version of the larger production. These are the pages I will be asking about.

In the time that you were working

with Jeffrey in Palm Beach, do you recall a process for taking, anybody at the house taking messages when incoming phone calls came in?

A. You are supposed to take a message and receive the message and write the message down. Who was the message was for, what time it was taken and who took it and what the message was, obviously.

Q. Does what's in front of you look familiar with respect to the message pads that you would have used at the house?

A. It is familiar.

Q. I'm going to direct your attention to the second page of it?

MR. PAGLIUCA: These all have SAO numbers on them or Bates ranges and I don't see any of your Bates ranges on these. I know you have produced message pads but those have your Bates range numbers on them and I'm wondering if these are different documents.

MS. McCAWLEY: It's the same, just ours have the Bates underneath them.

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These were produced as part of the rule 26 discovery. We can get the additional Bates if you want.

Q. The one I'm asking about first is the [redacted]. You can look at that and then I will identify the Bates number referenced in this case.

I want to direct your attention to the top right-hand corner just so I have an understanding of how these messages were taken. So I see that it says at the top it says in the for line it says Ms. Maxwell and the date of [redacted] and then I see under the M line it looks like [redacted] or something like that, a phone number and a message saying returning your call and on the bottom it looks like [redacted]

Explain to me, is this -- does this represent [redacted] taking down a message for you from [redacted] is that how these work?

MR. PAGLIUCA: Objection to the form and foundation. Go ahead.

Q. My question is, I'm trying to understand how the messages were taken.

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Looking at this message pad, where it says signed [redacted] can you tell me who [redacted] was?

A. I cannot.

Q. You do not know.

Typically when these messages were taken in your practice when you were there, would the individual who took the message write their name on the message?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't recollect, you can ask who wrote it so you can find out who it was.

Q. Do you know who [redacted] is?

A. I don't.

Q. I'm going to direct your attention -- do we have a Bates number for that?

MR. EDWARDS: [redacted]

Q. Giuffre [redacted] for that one.

I will direct your attention to the first page which has the [redacted] on it.

A. Okay.

Q. Now at the top of that document, on the right-hand side, the message that reads

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for JE, date [redacted], message [redacted] and then it's signed GM.

Is that your signature?

A. That's not my handwriting.

Q. Would other people take a message, how did this process work, is there someone else in the house with the initials GM?

MR. PAGLIUCA: Objection to the form and foundation.

A. I cannot answer that. It's not my handwriting.

Q. I'm trying to understand how this gets there. If you took a message and didn't write it down, would someone else record that message for you?

MR. PAGLIUCA: Objection to the form and foundation.

A. All I can tell you, this is not my handwriting so I cannot -- I have no idea what that is.

Q. Was the practice that, what was the practice when someone answered the phone with these message pads, what were they supposed to do?

A. They were supposed to take a message and the time and date and give the message.

Q. Were they supposed to indicate who took the message?

A. They were but it wasn't -- I don't really recall the actual process. I can see from here it looks like you were supposed to but that's not my handwriting so I can't say what that was.

Q. Do you know who [redacted] is?

A. No, I don't.

Q. Do you know whether [redacted] was under the age of 18?

A. I just testified I couldn't remember who she was so it would be difficult to know how old she was.

Q. Do you know if she was coming to the house to provide massages?

A. I don't remember who she is at all, so no.

Q. And then I would like to direct your attention to the message right underneath it. Which says JE, [redacted], [redacted]

and has a phone number and the message says, wants to know if she should bring her friend [redacted] tonight.

What is that message referring to?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't possibly know.

Q. Did individuals at the house take messages for underage girls to come over and bring friends for the purpose of providing massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. How would I possibly know what you are talking about.

Q. Did you record messages at the house?

A. It's not my job.

Q. You did from time to time record messages?

A. Hardly ever.

Q. But you did from time to time do it?

A. I'm just saying I hardly ever took

messages, very, very, very, very infrequently.

Q. Do you know if [redacted] brought her friend [redacted] over on that night?

MR. PAGLIUCA: Objection to the form and foundation.

A. One, I don't know what this message is, I don't know if I was in Palm Beach, I don't know who [redacted] is, I don't know who [redacted] is and I don't know what this message is referring to.

Q. So on January 2nd of 2003, were you in Palm Beach?

A. I don't know.

Q. Where would you have been other than Palm Beach at the time?

A. I could have been anywhere.

Q. Where did you typically live?

A. What are you asking me?

Q. So for example, in 2003, where was your primary residence, was it wherever Jeffrey was living and staying or was it independent of that?

A. What was the date again.

Q. In 2003?

A. The end of 2003?

Q. January, the beginning.

A. I don't know, I could have been anywhere, Jeffrey and I were leading almost separate lives by then.

Q. If you were at the house that day, did you recall seeing anybody by the name of [redacted]

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know if I was at the house, so I can't testify to that.

Q. Let's flip back to the next page, the one we were on before the [redacted] the message towards the bottom that says, for Jeffrey, message of Ghislaine. And it says, Would it be helpful to have and then redacted come to Palm Beach today to stay here and help train new staff with Ghislaine. Who were you referring to in that message; do you remember?

MR. PAGLIUCA: Objection to the form and foundation.

Q. The question is, do you recall this message?

A. I do not recall this message.

Q. Do you recall training a female under the age of 18 at Jeffrey's home?

MR. PAGLIUCA: Objection to the form and foundation.

A. I never trained a female under the age of 18 at Jeffrey's home.

Q. Did you ever say it would be helpful to have a female under the age of 18 come to Palm Beach today to stay here and help train new staff with Ghislaine?

A. I never asked anyone under the age of 18 come to help train new staff.

Q. I'm going to flip to the next page which is [redacted].

A. By the way, that is not my handwriting and it's not dated and I couldn't possibly tell you who that is.

Did you hear that?

Q. You got your testimony on the record.

[redacted]

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A. Yes.

MR. EDWARDS: Giuffre [redacted]

Q. I'm going to direct your attention to the top right-hand corner, for Mr. Epstein, [redacted], message [redacted] a phone number and called.

Do you know who [redacted] is?

A. I don't.

Q. Do you know that [redacted] was 15 at the time she left this message?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know who [redacted] is.

Q. And then I'm going to direct your attention to the bottom left which is a message JE message of [redacted] and the message says, He just did a good one, 18 years, she spoke to me and said I love Jeffrey.

Was [redacted] referring to sex with an 18 year old in that message?

MR. PAGLIUCA: Objection to the form and foundation.

A. How could I know what [redacted] is

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referring to.

Q. Do you know if [redacted] had sex with an 18 year old that he referenced to Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. How could I possibly know.

Q. Did Jeffrey Epstein or [redacted] ever tell you that [redacted] had sex with an 18 year old?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea what you are talking about.

Q. Did they ever tell you that?

A. I have no recollection of ever hearing such a ridiculous thing.

Q. I will turn to the next page which is SAO 2841?

MS. MENNINGER: Do you have the Bates number?

Q. The bottom right-hand corner, Mr. Epstein, the date [redacted], Ms. Maxwell, it says, [redacted] it says, quote, [redacted] is

available on Tuesday, no one for tomorrow.

Is this a message you took?

A. It's not my handwriting and I don't know who R is.

Q. So when it says Ms. Maxwell in the line there, is that you calling for Mr. Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. I didn't write it, I don't know when this message was taken. I don't even know what it's referring to and I don't know what my name is doing on that message pad.

Q. I know you said you only took them a few times. Do you have a recollection of taking messages of females who would call the house to indicate whether or not they were coming over?

MR. PAGLIUCA: Objection to the form and foundation.

A. Give me a date range.

Q. On 7/9/04.

A. How would I know if I'm in Palm Beach, most likely not.

Q. I'm asking if you have a recollection of taking messages for girls who would call the house --

A. Girls.

Q. Females, who would call the house --

A. Over the age of 18.

Q. [redacted] is 15.

A. I don't know who [redacted] is, so I can't testify anything to [redacted]

Q. Your name is on the message.

A. I didn't put it there and I don't know what it's doing there.

Q. So your testimony is you didn't take this message?

A. I obviously didn't take the message, it's signed by somebody R, it's not my handwriting. We don't know if I'm in Palm Beach.

Q. Did you arrange for [redacted] to have his friend [redacted] come over on Tuesday of this week?

A. I don't know who [redacted] is so it would be hard for me to arrange anything with

someone I don't know.

Q. Why is your name reflected on this message pad?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea. You would have to ask whoever took the message.

Q. Did you, in the course of your work, regularly take messages for Jeffrey Epstein?

A. I already testified I hardly ever did.

Q. Would you, in the course of your work, regularly set up appointments for females to come over and give massages for Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you specify, females, you mean adults over the age of 18.

Q. Did you regularly set up for Jeffery adults over the age of 18 to come for massages?

A. I didn't regularly do that, no.

Q. Would you take messages with respect to females over the age of 18 to come over for a massage?

A. I already testified I hardly ever did take messages.

Q. But would you?

A. I already testified, I hardly ever --

Q. I know hardly ever, but did you?

A. Over the course of time it is possible I may have taken a couple, I have no recollection. I hardly ever did and I did so irregularly that it would hard for me to pinpoint.

Q. Did you ever take a message for a female under the age of 18 to come over for a massage or for any other reason to be with Jeffrey Epstein?

MR. PAGLIUCA: Object to the form and foundation.

A. I hardly ever took a message. I have absolutely no way of knowing, maybe one of my friends' daughters called to say they were coming to visit me. I have never taken

messages, I don't know about how I would possibly know if somebody I spoke to, one or two times I took a message is, how old they would be but I have never taken a message where I was aware of anything being under the age of 18 and I probably took it so infrequently, it would be impossible.

Q. Can you turn to [redacted], it should be the next page.

A. Uh-huh.

Q. Do you see at the top, it says, for Mr. J. 11/8/04 and then the name is redacted. It says, I have a female for him.

Why would a minor be calling Jeffrey to say they have a female for him?

Do you know?

MR. PAGLIUCA: Objection to the form and foundation.

A. First of all, I don't know that's a minor, I don't know who took the message.

Q. I will represent to you these are police reports and minor's names have to be redacted for privacy purposes?

MR. PAGLIUCA: Objection to the

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form and foundation.

Q. Do you know why a minor child would be calling Jeffrey and leaving a message to say, quote, I have a female for him?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't testify anything about this message, I don't know anything about it.

Q. I'm going to direct your attention to the next page [redacted]. If you look at the bottom left, you are going to see a message for Jeffrey, from [redacted], it says she doesn't have a number and left a message that she called.

Do you know who [redacted] is?

A. I do not.

Q. Do you know that [redacted] was 13 at the time she placed this call to Jeffrey?

A. I don't know who [redacted] is.

Q. Would Jeffrey regularly have 13 year olds call and leave messages?

MR. PAGLIUCA: Objection to the form and foundation.

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A. How would I possibly, these were messages taken when I was not at the house and I have no idea who they are nor how old they are nor anything.

Q. How do you know you weren't at the house on this day?

A. I was hardly at the house in 2005.

Q. So you could have been there, you just don't know?

A. In the five days I might have been there in 2005, I suppose it's possible but it's unlikely.

MR. PAGLIUCA: Do you know why this isn't redacted if you are representing all the names of people who are underage have been redacted from these records.

MS. McCAWLEY: I think it was -- my assumption is it was a miss by the police department.

Q. I will direct your attention to [redacted] so you will skip a page and go back, it's the final page in the message pads and you will see on the top left for Jeffrey, on 6/1/2005 from [redacted] with a phone

number. It says, quote, He has a teacher for you to teach you how to speak Russian. She is two times eight years old. Not blond. Lessons are free and you can have your first today if you call.

Do you know whether [redacted] sent a Russian girl that was 16 years old over to Jeffrey Epstein's home?

MR. PAGLIUCA: Objection to the form and foundation.

A. I do not know.

Q. Did you ever observe a Russian girl that was 16 years old come to Jeffrey Epstein's home?

A. I am not aware of any 16 year old Russian girl that I can recall in Jeffrey Epstein's home.

Q. Do you know whether Jeffrey Epstein had sex with a 16 year old Russian girl?

MR. PAGLIUCA: Objection to the form and foundation.

A. I do not know.

THE VIDEOGRAPHER: It's 12:25. This will be the end of disk 3, we are

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off the record.

(Recess.)

A F T E R N O O N S E S S I O N

(Time noted: 1:21 p.m.)

G H I S L A I N E M A X W E L L,

resumed and testified as follows:

EXAMINATION BY (Cont'd.)

MS. McCAWLEY:

THE VIDEOGRAPHER: It's now 1:21, we're starting disk No. 4. We are back on the record.

Q. Ms. Maxwell, before the break, we were talking about and I think it's one of the exhibits that's marked in front of you, I'm not sure of the number, but the police report that I showed you earlier today.

Now that you have knowledge of the police report and the criminal investigation with respect to Jeffrey Epstein, do you believe that Jeffrey Epstein abused any minor children?

MR. PAGLIUCA: Objection to the form and foundation.

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?

MR. PAGLIUCA: Objection to the form and foundation.

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?

MR. PAGLIUCA: Objection to the form and foundation.

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

Q. So you have the police report.

A. I do.

Q. And you are aware of the criminal investigation?

A. I am.

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

MR. PAGLIUCA: Objection to the form and foundation.

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?

MR. PAGLIUCA: Same objection.

A. I know what you put in front of me and I know what I read.

Q. I'm asking what you believe, do you believe Jeffrey Epstein sexually abused minors?

A. I can only tell you what I read and what you showed me.

Q. I'm asking what you believe, from your own belief, do you believe that Jeffrey Epstein abused minors?

A. I can only go from what I know personally and what I know personally about what Virginia's lies talked about. She is the only person I know that actually claimed that. And I can say with certitude that everything Virginia said was a lie.

Q. You are aware Jeffrey Epstein was

sentenced for sexual abuse, are you aware of that?

MR. PAGLIUCA: Objection to the form and foundation.

Q. Are you aware that Jeffrey Epstein served time for sexual abuse of a minor?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't believe that's what he was sentenced for, actually.

Q. So you don't know that Jeffrey Epstein served time for sexually abusing a minor?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't believe that's what he was sentenced for.

Q. Do you know that Jeffrey Epstein was convicted for procuring a minor for prostitution?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know exactly what he was convicted of. I don't know that he was

convicted. I know he spent time in jail.

Q. Do you know that he spent time in jail related to an issue with a minor child?

MR. PAGLIUCA: Objection to the form and foundation.

A. I did not know that.

Q. What did you think he was spending time in jail for?

A. I only know he went to jail for -- it was alleged that he hired -- had an underage prostitute.

Q. So knowing that, do you believe that Jeffrey Epstein sexually abused minors?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can only tell you what he went to jail for.

Q. I'm asking what you believe. I'm not asking what he went to jail for. I'm asking for your belief.

A. I cannot testify to what I believe. I can only say what I have seen in the reports and I know he went to jail.

Q. You can testify to what you

believe. Do you believe --

A. I can only testify --

Q. Let me finish the question so the record is clear.

Do you believe Jeffrey Epstein sexually abused minors?

MR. PAGLIUCA: Objection to the form and foundation.

Q. You can answer.

A. I can only testify to what I know. I know that Virginia is a liar and I know what she testified is a lie. So I can only testify to what I know to be a falsehood and half those falsehoods are enormous and so I can only categorically deny everything she has said and that is the only thing I can talk about because I have no knowledge of anything else.

Q. I'm not asking about Virginia. I'm asking whether you believe that Jeffrey Epstein sexually abused minors?

A. Again, I repeat, I can only go on what I know and what I know is a falsehood based on what Virginia said.

Q. Do you believe Jeffrey Epstein sexually abused minors?

A. Again, I repeat, Virginia is a liar and based on Virginia's stories, that is what -- she lied and I can only then talk about what you've showed me in the police reports and I know he went to jail.

Q. Do you believe that Jeffrey Epstein sexually abused minors? I'm asking about your belief.

A. Again, I just repeat, I can only go -- my belief is Virginia is a liar.

Q. What is that belief?

A. She is an absolute liar and everything she said is a lie and therefore, everything that stems from that is a lie.

Q. So do you believe that Jeffrey Epstein sexually abused minors?

A. Again -- can we move on from here?

Q. No. You are going to answer the question.

A. I have already.

Q. No, you haven't.

A. I have.

Q. Do you believe Jeffrey Epstein sexually abused minors?

A. Again, I repeat, the only person I know who has talked about these things that I have personal -- was personally present, was Virginia and I can only talk to Virginia and she is a liar.

Q. Setting aside Virginia. Take her out of the picture. It's my question.

A. We are here today because of Virginia and her lies because this is a defamation suit.

Q. Setting aside Virginia, do you believe Jeffrey Epstein sexually abused minors?

A. I cannot set aside Virginia because that's why we are here and this is the only reason I am sitting here in this room and I will not set her aside and I cannot comment about anything else except her because she is the only person I actually know about.

Q. Are you refusing to answer that question?

A. I am not refusing the question. I

can only testify about Virginia who is an absolute total liar and you all know she is. She lied about her age, you know she lied about absolutely everything. So I can only go on what I know as a liar and she is a liar, an exaggerator, a fantasist and absolutely true terrible person.

Q. I want you to listen very carefully. I am asking you to set aside Virginia.

A. I can't set aside Virginia.

Q. I am asking you to do that for purposes of this question.

MR. PAGLIUCA: She doesn't have to.

MS. McCAWLEY: She can refuse to answer the question.

A. I'm not refusing to answer the question.

Q. You are refusing.

My question has nothing to do with Virginia. Let me make the record here. My question has nothing to do with Virginia. I want it to be clear for the court. My question has nothing to do with Virginia.

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What I'm asking you is whether you believe Jeffrey Epstein abused minors?

MR. PAGLIUCA: I object to the form and you made your record, she answered the question. A fair reading of her answer is she doesn't have a belief because she doesn't have any personal knowledge.

MS. McCAWLEY: Now you are testifying for the witness. Let her answer the question.

MR. PAGLIUCA: It's a fair answer to the question.

A. Again, I testified my only personal knowledge concerns Virginia and everything Virginia has said is an absolute lie, which is why we are here in this room. If you are asking me to testify about things I have no knowledge of other than the police report that you showed me, I am not in a position to make a statement based on that because you are asking me to speculate and I cannot speculate.

Q. I'm asking you about your belief.

I'm not asking you to speculate at all. I'm asking what you believe.

A. You are asking me to speculate and I won't speculate.

Q. I'm not asking you to speculate. I'm asking what you believe.

MR. PAGLIUCA: She answered the question and we can move on.

MS. McCAWLEY: She hasn't answered the question.

MR. PAGLIUCA: We are not going to engage in this debate. She answered the question. If you want to mark it and move to compel an answer to the question, have at it. Okay.

Q. Ms. Maxwell, is it your belief that Jeffrey Epstein interacted sexually with minors?

A. Again, you are asking me the same type of question exactly but with different language. Again, my only knowledge of somebody who claims these things that I have personal knowledge of is Virginia. Virginia is an absolute liar and everything she has

said is a lie. Therefore, based on those lies I cannot speculate on what anybody else did or didn't do because if Virginia is the example of what that story is and everything she said is false, so everything that leads from that is false.

Q. So the 30 other minor children in the police report are also telling lies about being sexually abused during massages with Mr. Epstein?

MR. PAGLIUCA: Objection to the form and foundation. Counsel, can you show me in these police reports who the 30 minors are?

MS. McCAWLEY: I'm asking my question.

MR. PAGLIUCA: You are making a representation about numbers, you are making a representation on the record about what people said or didn't say. We have no knowledge about that. These are all redacted records so these are bad questions. They don't lead to any admissible evidence. It is only being

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propounded to the witness to harass her. So we are done with these questions.

MS. McCAWLEY: Are you done?

MR. PAGLIUCA: Yes.

Q. My question is, are you aware that Jeffrey Epstein was convicted of having relations with a minor child?

MR. PAGLIUCA: She answered that question already.

MS. McCAWLEY: I'm getting to my next question.

MR. PAGLIUCA: Ask your next question. Don't keep asking the same question.

MS. McCAWLEY: You are now shouting, I want the record to reflect that you are interrupting the deposition. I ask you to calm down, take a deep breath and please let me ask my questions.

MR. PAGLIUCA: Your behavior is inappropriate.

Q. I will ask you again.

Do you believe that Jeffrey Epstein

interacted sexually with minors?

A. Again, I go back to this, my only actual knowledge is with Virginia and Virginia is a liar, so I can only talk to what Virginia's story and as I said before and there are so many examples, I mean thousands of examples of her lies, that that is the only thing I can talk to.

Q. Based on that you do not believe that Jeffrey Epstein sexually abused minors?

A. Again, as I said, I'm only talking to what I know, I can only talk to Virginia.

Q. So is it your belief that Jeffrey Epstein did not sexually abuse minors?

A. Again, I can only talk to what I know and I know that Virginia is a liar and that what she said is a lie. So I can only testify to what she accused and you guys put in the press for salacious purposes and whatever terrible, inappropriate, unethical and terrible reasons you chose to do that about me and I can testify those are all lies.

Q. Do you know whether Jeffrey Epstein

sexually abused any minor children?

A. Again, I only know 1000 percent that Virginia is a liar. I can only talk to Virginia, her lies and your inappropriate, unethical, really unattractive, terrible use of her and the way that you have abused the system, used the press for purposes that are unethical, inappropriate and appalling.

Q. Do you believe that Jeffrey Epstein used massages to lure minors to have sex with him?

A. Again, that is Virginia's testimony, which is a lie.

Q. But do you believe that?

A. Again, I refer back to Virginia.

Q. I'm asking whether you believe it or not?

A. I can only go with what I know and I know Virginia is a liar and therefore that's a lie.

Q. So you don't believe that?

A. I said, I only know that Virginia is lying.

Q. Are you aware that Jeffrey Epstein

is a registered sex offender?

A. I am.

Q. Are you aware that Jeffrey Epstein paid considerable amounts of money to settle lawsuits with the minor children that he had sexual contact with?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no knowledge of those issues.

Q. Why did you continue to maintain contact with Jeffrey Epstein after he pled guilty?

A. I'm a very loyal person and Jeffrey was very good to me when my father passed away and I believe that you need to be a good friend in people's hour of need and I felt that it was a very thoughtful, nice thing for me to do to help in very limited fashion which was helping if he had any issue with his homes, in terms of the staffing issues. It was very, very minor but I felt it was thoughtful in somebody's hour of need.

Q. Did he continue to pay you during

that time period?

A. I was paid a little.

Q. You were paid?

A. Yes.

Q. When you say a little, what you did mean by that?

A. I don't recall exactly the amount.

Q. So in 2009 when you left him, what were you being paid?

A. I just told you, I don't recall.

Q. Were you being paid $100,000?

A. I just don't you I don't recall.

Q. Were you paid over a million dollars?

A. I think I would remember over a million dollars.

Q. So it was under a million dollars?

A. It was under a million dollars.

Q. Was it over $500,000?

A. I just told you, it was under 500, it was an amount of money less than $500,000, less than a million dollars and I did it out of thoughtfulness and consideration for somebody who was in trouble.

Q. Did you have an attorney to consult with during the criminal investigation of Jeffrey Epstein?

A. I don't believe I did.

Q. When did you learn that a search warrant was executed for the Palm Beach house?

A. I don't recall exactly.

Q. Were you present at the house in advance of the search warrant being executed?

MR. PAGLIUCA: Object to the form of the question.

A. I don't remember when the search warrant was executed and I don't remember the year that the search warrant was executed and whenever that was, I already testified, I was very, very infrequently at the house. So highly unlikely but I was there a couple of days, I just don't know which days it was in relation to the police situation.

Q. Did you have a computer at the Palm Beach home that was a computer that you would use?

A. No.

Q. Was there a computer available for use in the Palm Beach house?

A. Can you be more specific.

Q. Was there anywhere in the Palm Beach house where there was a computer where you said you worked for him and there were other staff in the house, was there ever a computer in the Palm Beach mansion that was accessible by you or other staff?

MR. PAGLIUCA: Objection to the form and foundation.

A. I stopped being regularly at the house sometime in 2003 so from 2003 to when the police search was executed, I have no memory of what there was or what there was not. I can only testify for what was there when I was present largely.

Q. So in 2003 when you were still there, was there a computer that was accessible to you or other staff at the house?

MR. PAGLIUCA: Objection to the form and foundation.

A. There was a desktop computer that

people could use -- just like you would use if you needed to go online to get something, that people could use.

Q. Was that on a desk that you would use in your work capacity when you were at the house?

A. It was a desk, it was a room I was, I didn't really use that computer.

Q. Were there images of naked girls whether they be under the age of 18 or over the age of 18 on that computer?

A. I have no recollection of any naked people on that computer when I was there in 2003, we are talking.

Q. What about from say '99 to 2003?

A. No, I can't recollect any naked pictures.

Q. Why were the computers removed from the house before the search warrant was executed?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no knowledge of anything like that.

Q. Do you know where the computers are now?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know what computers you are talking of and I have no idea what you are referencing.

Q. In 2003 you said there was a computer in a room on a desk?

A. Right.

Q. Do you know where that computer is now?

A. I do not.

Q. Did you take pictures of nude females in any of Epstein's homes or in and around the homes, out by the pool or anywhere like, in the Palm Beach home, the New York home, USVI home or the New Mexico home?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you repeat the question.

Q. Did you take pictures of nude woman over 18 or under 18, females, in any of Jeffrey Epstein's homes, inside or outside in

or around the home?

A. I think we need to distinguish between anyone under the age of 18 and over the age of 18.

Q. We will start with, did you take pictures of nude females in or around any of Jeffrey's homes of women or females that were under the age of 18?

A. No.

Q. Did you take pictures of nude females --

A. Nude you mean with no clothing on.

Q. Or half nude, with no top on, any sort of nakedness to an individual.

In any of Jeffrey's homes, either Palm Beach, New Mexico, USVI or New York either outside by the pool, anywhere in or around those homes of females over the age of 18?

A. So it is possible that I took pictures of people that were somehow semi or had some clothing on or no clothes on but at no time were any of these pictures remotely inappropriate. They were, you could see them

in a mainstream magazine today, there would be no inappropriateness, they would be covered, concealed, you wouldn't see anything at all.

The types of -- first, I took very few and they were always by request, this was a picture you could put on your -- gift to your parent or to your grandparents to put on their mantel piece . It would be a very benign sort of attractive picture where you wouldn't see anything.

Q. Who would request those pictures?

A. From time to time, people, men and women would ask to have nice photographs of them taken.

Q. And did Jeffrey Epstein request those pictures?

A. I don't ever recall him asking me to take pictures.

Q. Did you give him pictures of naked females as a present?

A. I don't recall ever giving a present of -- I don't know why a photograph would constitute a gift.

Q. Not as a gift.

Do you recall ever giving Jeffrey Epstein pictures that you've taken of these individuals in a naked state?

MR. PAGLIUCA: Objection to the form and foundation.

A. First of all, we've already established that they are not naked state photographs.

Q. A piece of them being naked as you described.

A. I said they would be attractive as you would see in mainstream magazines and those pictures could be a picture of a hand or a foot, they didn't necessarily constitute -- I know where you are headed with this and it's nowhere appropriate and it's really unattractive.

Q. I'm not headed anywhere. I'm just asking the questions. Did you give Jeffrey Epstein any of these pictures that you took of females in the state that you described?

A. I can't recall ever giving him pictures but it is possible that I took

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pictures of people that would end up -- or a friend of his that he would have -- not naked or not inappropriate in any way, that he might have somewhere in his house.

Q. Name for me all the individuals who you took these pictures of?

A. It's entirely impossible for me to name people. First of all, it was just -- it would not be possible, I took thousands of photos, not of people, I mostly take pictures of landscapes and things. I have no recollection specifically of people that I took pictures of.

Q. So you can't remember, is it your testimony you can't remember one person that you took a picture of in either a naked or semi naked state?

A. I seriously cannot recall. I just don't recall.

Q. Did you take a picture of Virginia Roberts either alone or with another individual in a naked state?

A. I have never taken, I believe, any pictures of two people in any type of

situation, naked as you describe.

Q. Did you take a picture of Virginia Roberts on her own without another individual in it in a naked state?

A. I don't recall ever taking a picture of Virginia -- naked, we are not referring to someone with no clothing on at all, we are referring to someone that could be semi clad or could have a towel or we are not referring to anything inappropriate.

Q. Was this a hobby of yours to take pictures of the type that you are describing?

MR. PAGLIUCA: Object to the form.

A. I just testified, I didn't take pictures of many people. My preference is pictures for landscapes and for architectural pieces.

Q. Where are those pictures today?

A. I have no idea.

Q. Do you have them in your home?

A. I do not.

Q. Do you have them on your computer?

A. I do not.

Q. What has Jeffrey Epstein told you

about the allegations related to the criminal investigation that he was involved in?

A. I really can't say, not because I don't want to say but I just think of what he has said to me over the course of this time.

Q. Did he explain it to you and explain what the charges were against him?

A. I never had a detailed conversation with him, as I recall.

Q. Not detailed, just did he explain anything that was happening to him?

A. I haven't spoken to him for so long. I can't possibly testify to what conversations I had with him over the course of time.

Q. Did he talk to you about any of the girls that were making allegations against him other than Virginia?

MR. PAGLIUCA: Objection to the form and foundation.

A. You are talking about the police records again, all of that?

Q. Yes.

A. I have never had a conversation

about those things.

Q. What has Jeffrey Epstein told you about Virginia Roberts?

A. That she is a liar.

Q. What does he base that on?

MR. PAGLIUCA: Objection to the form and foundation.

A. You would have to check with him. I can tell you why I think she is a liar, I'm happy to do that.

Q. Did he tell you he did not have sexual relations with Virginia Roberts?

A. I can only testify what I know.

Q. I'm asking, has he told you that he did not have sexual relations with Virginia Roberts?

A. I can only tell you what I know about Virginia Roberts, I cannot tell you what he knows about Virginia Roberts.

Q. I'm asking, did he tell you that he did not have sexual relations with Virginia Roberts?

A. All he told me is she is a liar.

Q. That's all he said about Virginia

Roberts?

A. We went through all the lies that you have sold to the papers and sold in general and we have analyzed her lies and your lies and your inappropriate behavior in detail.

Q. Did he ever say that he did not have sexual relations with Virginia Roberts?

A. I just testified that we went through all of her lies.

Q. I understand what you said. I'm asking you a question.

Did he ever tell you that he never had sex with Virginia Roberts?

A. I don't recall whether he ever -- I don't know I ever had that question. We focused on the lies she did say she had with him as relates to me. I don't remember asking him about his problems with her. I'm interested in what she says about myself.

Q. Did you also talk about what things that Virginia Roberts was saying that were true?

A. There isn't anything that she said

that was true.

Q. Nothing she said that you are aware of is true?

A. I think she is correct when she talks about what her name is.

Q. Anything else?

A. I'm sure there must be one or two other details but they are so far and few between, I would have to look in detail at all of her allegations to pinpoint what possibly could be true.

Q. Did you ever ask Jeffrey if he had sex with minors?

A. I have never been asked that question.

Q. You never asked him that question.

What analysis did Jeffrey do to determine that the statements Virginia Roberts were making were lies?

MR. PAGLIUCA: Objection to the form and foundation.

A. Ask me again, please.

Q. What analysis did Jeffrey do to determine that the statements that Virginia

Roberts were making were lies?

MR. PAGLIUCA: Objection to the form and foundation. And to the extent that any of this answer calls for any privileged communication, I'm instructing, with myself or another lawyer representing you or in any common interest agreement, I'm instructing you not to answer.

MS. McCAWLEY: The court ruled she is entitled and you had to produce documents about communications with Jeffrey, that's what I'm asking about. I'm not asking about communications with lawyers.

Q. I'm asking what analysis did Jeffrey do to determine that the statements that Virginia Roberts was making were lies, if you know?

MR. PAGLIUCA: My objection is to the extent she learned any of that information as a result of either a privileged communication from a lawyer, one of her lawyers or a privileged

communications subject to a joint defense agreement or common interest agreement, I'm telling her not to answer. To the extent she has information outside of those things, she is permitted to answer.

Q. Do you understand?

So if it was a conversation with a lawyer which I'm not asking about, I don't want you to tell me about your conversations with lawyers.

I want you to tell me whether Jeffrey Epstein ever told you what he analyzed in order to determine which of -- of what Virginia were saying were lies?

A. I do not know what he did, no.

So you agree she is lying, Singrid.

Q. I do not agree with that and I'm asking the questions.

A. You just said her lies.

Q. I'm repeating a statement you made.

Q. Are you saying it's an obvious lie that Jeffrey Epstein engaged in sexual conduct with Virginia while Virginia was

underage?

A. I can only testify to what I saw and what I was present for, so if you are asking me what I saw then I am happy to testify. I cannot testify to what somebody else did or didn't do.

Q. Did you issue a statement [redacted] in 2015, stating that Virginia Roberts' claims were, quote, obvious lies?

MR. PAGLIUCA: Objection to the form and foundation.

Q. You can answer.

A. You need to reask me the question.

Q. Sure.

Did you issue a press statement [redacted] in January of 2015, stating that Virginia Roberts' claims were, quote, obvious lies?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you ask it a different way, please?

Q. I will ask it again and you can

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listen carefully.

Did you issue a press statement [redacted] in January of 2015, where you stated that Virginia Roberts' claims were, quote, obvious lies?

MR. PAGLIUCA: Objection to the form and foundation.

A. So my lawyer, [redacted] instructed [redacted] to issue a statement.

Q. Today, did you say that Virginia lied about, quote, absolutely everything?

A. I said that there are some things she may not have lied about.

Q. So are you saying it's an obvious lie that Jeffrey Epstein engaged in sexual contact with Virginia while Virginia was underage?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you ask the question again, please?

Q. Are you saying it's an obvious lie that Jeffrey Epstein engaged in sexual

conduct with Virginia while Virginia was underage?

MR. PAGLIUCA: Objection to the form and foundation.

Q. You can answer.

A. Try again, please.

Q. Are you saying that it's an obvious lie that Jeffrey Epstein engaged in sexual conduct with Virginia while Virginia was underage?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I'm telling you, first of all, it was a statement that was issued by my lawyer and -- through my lawyer [redacted].

Q. I understand that. I'm asking you, are you saying that it's an obvious lie that Jeffrey Epstein engaged in sexual conduct with Virginia while Virginia was underage.

Is that a lie?

MR. PAGLIUCA: Objection to the form and foundation.

Q. You can answer.

A. So I cannot testify to what [redacted]

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[redacted] and [redacted] decided to put -- I can testify to what Virginia's obvious lies are as regards to me. I cannot make representations about all the many lies she may or may not have told about Jeffrey.

Q. So is Virginia lying when she says, is it an obvious lie when she says that she had sex with Jeffrey Epstein while she was underage?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I'm testifying to what I know to be true. I can only testify to all the many lies she told about me. I cannot testify to what lies she told about somebody else. Given she told so many about me, one can probably infer she is lying about everything.

Q. So you think she is lying when she said she had sex with Jeffrey Epstein when she was underage?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I can only talk about what I

can positively say myself, not what somebody else is going to represent.

Q. When you were saying that she was, her claims of having sex with Jeffrey Epstein were obvious lies, are you saying she is lying about engaging in sexual conduct with Jeffrey Epstein when she was underage?

MR. PAGLIUCA: Objection to the form and foundation.

Q. You can answer.

A. Again, this was a statement that was put out from my lawyer [redacted] And I can only testify to the obvious lies that she says about me. I cannot make representations about lies she says about someone else, but she lies so many times about me, one can probably infer she is lying about everything.

Q. So is she not lying when -- is she telling the truth when she says she had sex with Jeffrey Epstein when she was underage?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I don't know how else to

tell you, I can only talk about what I know to be true. What I know is her story about how she claims that initial situation happened is so egregiously false and such a giant fat enormous, repulsive, disgusting, inappropriate, vile lie, that that I can testify to.

Q. Was she lying when she said she met you at Mar-a-Lago?

A. Again I already testified I don't recall meeting her at Mar-a-Lago.

Q. We showed you a document where you said you met her at Mar-a-Lago when she was 17, is that correct?

MR. PAGLIUCA: Objection to the form and foundation.

A. I think I already testified to that. What I remembered based on all the rubbish she has written and all the many articles I have read, maybe in the moment when I wrote that, have caused me to have that but on reflection I don't recall it as I sit here today.

Q. Are you saying that it was an

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obvious lie that you approached Virginia while she was under age at Mar-a-Lago?

MR. PAGLIUCA: Objection to the form and foundation.

A. First of all, we can all agree here, all of you sitting here that the lies that you perpetrated in the press that she was 15 and we should all agree now that that is fake, a lie that was perpetrated between all of you to make the story more exciting, can we agree on that?

Q. That is not my question.

A. Can we agree she was not the age she said and you put that in the press, that is obviously, manifestly, absolutely, totally a lie.

MS. McCAWLEY: I am going to put on the record, Ms. Maxwell very inappropriately and very harshly pounded our law firm table in an inappropriate manner. I ask she take a deep breath, and calm down. I know this is a difficult position but physical assault or threats is not appropriate, so no

pounding, no stomping, no, that's not appropriate,.

A. Can we be clear, I didn't threaten anybody.

MR. PAGLIUCA: Stop, you made your record, there is no dent in the table. I don't see any chips. Can we take a break now.

MS. McCAWLEY: I think it's appropriate to take a break.

THE VIDEOGRAPHER: It's 1:56 and we are off the record.

(Recess.)

THE VIDEOGRAPHER: It's now 2:13, we're starting disk No. 5 and we are back on the record.

Q. Ms. Maxwell, how old was Virginia Roberts when you met her in Mar-a-Lago?

MR. PAGLIUCA: Objection to the form and foundation.

A. I know today that she was 17 years old.

Q. Are you saying that it's an obvious lie that Virginia traveled on Jeffrey

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Epstein's airplanes?

MR. PAGLIUCA: Objection to the form and foundation.

Q. You can answer.

A. Are you referring to my statement where that says that?

Q. I'm referring to the language you use in your statement that says, obvious lies?

A. Can you read my entire statement?

Q. Sure, let me pass it out.

(Maxwell Exhibit 10, email,marked for identification.)

Q. This is Bates GM 00068 and we will mark it as -- what you have in front of you is a statement at the top. This was produced by your counsel, it is indicated Bates No. GM 00068. At the top the date reflects January 2, 2015 from, appears to be a [redacted], subject line, is you and then there is a number of individuals you can see at the top that are copied on this that is sent to and bcc'd on this statement.

The statement, there are two parts

of it. There is an opening email that says, please find an attached quotable statement on behalf of Ms. Maxwell and there is more language there and it's from [redacted] and then it says in the body of it, Jane Doe No. 3 or Jane Doe 3 is Virginia Roberts so not a new individual. The allegations made by, and it says Victoria but I believe that means Virginia Roberts, against Ghislaine Maxwell are not true. The original allegations are not new and have been fully responded to and shown to be untrue. And the next paragraph says, Each time the story is retold, it changes with new salacious details about public figures and world leaders and now it is alleged by Ms. Roberts that [redacted] is involved in having sexual relations with her which he denies. Ms. Roberts claims are obvious lies and should be treated as such and not publicized as news as they are defamatory.

The last paragraph states, Ghislaine Maxwell's original response to the lies and defamatory claims remains the same.

Maxwell strongly denies allegations of the -- strongly denies allegations of an unsavory 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.

Are you saying that it's an obvious lie that Virginia Roberts traveled on Jeffrey Epstein's planes?

MR. PAGLIUCA: Objection to the form and foundation.

A. I'm saying what's an obvious lie and I think we can all agree, you just had the case tossed out by [redacted]. He just got removed from the case because you put him in a case that he wasn't supposed to be in so what was said about him is not true.

Q. Are you saying that it's an obvious lie that Virginia Roberts traveled on Jeffrey Epstein's plane?

MR. PAGLIUCA: Objection to the form and foundation.

A. You have given me plane records that has her name on it but as I already

testified those aren't federally mandated things and I can see her name on it but that's what I -- I told you I don't recall her on any planes.

Q. Is is that one of Virginia's obvious lies?

A. There are more obvious ones.

Q. Is that one of them?

A. I can't testify to her being on a plane or not.

Q. So is that an obvious lie?

A. There are more obvious lies, like [redacted]

Q. I understand there are more obvious ones. I'm asking you, is the fact that she said she traveled on Epstein's planes an obvious lie?

A. I think we can probably say because you see her name on a plane record and she went from A to B, that would not be the obvious lie that I would pick.

Q. What obvious lie were you picking when you made this statement?

A. There are so many that I would be

thrilled to go through all of them.

Q. Let's go through them.

What's the first one?

A. Her characterization of the first meeting at Mar-a-Lago.

Q. What part of that was an obvious lie?

A. The characterization that she said that she said she was accosted. She looked like, as best as I can recall, if I met her in Mar-a-Lago as she claims, she worked at Mar-a-Lago, she claims, and her statement she worked at Mar-a-Lago, she would have been dressed as all the spa people in Mar-a-Lago would have been. It would have been impossible to identify her as someone other than someone who worked at a spa. She made many claims, she has been a bathroom attendant, front of house attendant, we don't know what she was, so her obvious lies are her contradictory of her own personal statements within that.

Q. So what part of her statement relating to Mar-a-Lago --

A. I'm carrying on.

Q. I'm sorry. I thought you were done.

A. Please. Her statement also that she was driven by her father to Palm Beach. She was driven by her mother, as a matter of fact. Her whole entire characterization of the first meeting with Jeffrey, as I was outside speaking to her mother.

Q. Let me stop you there, so we don't get too far ahead. Let me make sure I understand your testimony.

The first, in the first piece when you were talking, I believe you said and correct me if I'm wrong, that her characterization of the first meeting at Mar-a-Lago was an obvious lie.

What part of that meeting was an obvious lie?

A. By her own testimony, all her various many different descriptions of what she was or wasn't or where she was or wasn't, they have all changed. She was either front of house or bathroom attendant. I don't know

what she was, so just by her own words, one doesn't know what's true and what isn't true.

Q. Are you saying what position she said she was working in, is that what you are considering the obvious lie?

A. I said inconsistency within her own statement from everything, so in the beginning it starts off with different statements.

Q. Then I believe you said the second piece was that she was driven by her father?

A. I said she was driven by her mother.

Q. That's the obvious lie?

A. It's an obvious lie to me.

Q. You said why don't you state it in your own words but the characterization of how she was with Jeffrey, what about that is an obvious lie?

A. I was standing outside talking to her mother so the entire story is a fabrication.

Q. Did she not have sex with Jeffrey Epstein during that first massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. I was talking to her mother so...

Q. Do you know whether that's an obvious lie, whether she had sex in that room or not?

A. Her story about what happened -- let's also be -- the story as first hit the press was that somebody else led her to Jeffrey's room, it was not me and then it turned to being me so we have an obviously important inconsistency, lie in my -- that's how I would characterize a lie. It cannot be me or somebody else, it can only be one or the other.

Q. Who is the other person she said took her to the room?

A. Why don't you ask her.

Q. I'm asking you.

A. How would I possibly know.

Q. You are saying that's a lie.

A. It was a lie in the papers, she said it in the newspaper, it was in the newspaper.

Q. How do you know she wasn't identifying you?

A. She said somebody.

Q. How do you know that somebody wasn't you?

A. Why did it suddenly become me, why not say it was me and be done with it.

Q. So it's a lie because she originally may not have named you and then named you later?

A. It's obviously inconsistent to somebody who wasn't me.

Q. How do you know it wasn't you?

A. I know it wasn't me because I was talking to her mother.

Q. But she then named you, is what you are saying?

A. That's an obvious lie.

Q. She named you?

A. It's an obvious lie because I wasn't even in the house.

Q. Is it an obvious -- who did lead her up to Jeffrey's room while you were talking to her mother?

A. You would have to ask Virginia, I don't know if she was led up to his room.

Q. You were standing with the mother, is that correct?

A. That's correct.

Q. Who was working at the house that day?

A. [redacted].

A. Would [redacted] typically lead someone up to the room where Jeffrey was having a massage?

A. I don't know she was led up to the room to have a massage.

Q. She would have found her way on her own?

A. I would suggest that that entire story never happened at all in any of its form.

Q. If you stood outside with the mother, what did you think happened inside then?

A. I believe that somebody, it wasn't me, [redacted] probably took her to meet Jeffrey Epstein [redacted]

[redacted].

Q. Did Jeffrey tell you that?

A. No but that would have been a normal interaction. I don't believe for a second -- I know her entire characterization didn't happen because I was outside talking to her mother the entire time.

Q. Why would she have come for a massage and not given a massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. We are talking about her characterization of the first time that she came to the house.

Q. If I'm following you correctly, you're saying she walked in and would have gone to -- it's your assumption she would have gone and talked to Jeffrey and left?

A. When I was working for Jeffrey, typically he would meet someone before getting a massage from them to see if he wanted to have a massage from them, typically.

Q. So he would not have someone come

up to the room and start a massage?

A. He would not.

Q. So the young girls in the police report who say they came over and were led up to the room on the first day, would they be wrong about that?

MR. PAGLIUCA: Objection to form and foundation.

A. I can't comment what happened when I was not at the house. I can only comment when I was at the house.

Q. Was there ever a time where a woman came to the house for the first time to give a massage and Jeffrey had the massage that day?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can we talk about adult professional masseuses, please?

Q. I'm asking, whether adult or underage?

A. I'm not interested in talking about underage. I can only testify to what I know, professional masseuses, adult, I cannot

testify to anything else.

Q. Why can't you testify to an underage girl that came over and was led up to the room for a massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. The police records you are referring to?

Q. You are saying that didn't happen. You're saying I can only testify to adults that came for an interview and were led up to the room. Why can't you testify to whether an underage girl was brought in for an interview and led up --

MR. PAGLIUCA: Objection to the form and foundation.

Q. Go ahead.

A. Can you reask the question.

Q. Why can't you testify as to an underage girl who came over for an interview and then was then led up to the room for the massage?

A. You've mangled your entire question. Can you please reask that in a way

that I can answer it correctly?

Q. Why can you not testify as to whether an underage girl, you said you can testify as to females that were over the age of 18, why can't you testify as to whether an underage girl came over for an interview and on the same day --

A. I don't know what you mean by interview.

Q. You just said that Jeffrey Epstein interviewed, it was your word, interviewed the masseuses before they gave massages, is that correct?

A. The word interview is making me -- I'm English, so you could have some difficulty understanding the way I communicate.

Q. I'm using your word.

A. Then I will reuse it a different word. He would meet them because receiving a massage is something you want to make sure you are comfortable with the person and so interview is not the correct word but you would meet them to have a conversation with

them to see if you want to have a massage with that person.

Q. Did Jeffrey Epstein ever meet an underaged girl and on the same day receive a massage from that girl?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't possibly testify to what happened after I was not at the house.

Q. If you are aware, at any time you were at the house, did you ever see that?

MS. MENNINGER: Let her finish the question.

A. I can only testify to people who were adult professional masseuses who came to the house. I cannot testify to something I'm not party to and don't know about. I can only testify to what I saw. So when professional adult masseuse, male and/or females would come to the house, typically when I was there, typically he would meet with them prior, to have a conversation with them about their experience, whatever, to decide whether it would then A, if he had

time for a massage at that time or B, whether he could have a massage at that moment.

Q. Was Virginia an adult when she came over, was she over 18?

MR. PAGLIUCA: Objection to the form and foundation.

A. I think we established, as of today, we are all aware, everyone in this room that she was 17.

Q. So you have been present when a minor was brought over for a massage for Jeffrey?

A. Can I say, as you are able to have a massage at 17, so she came as a masseuse.

Q. I'm not saying whether or not you are able to. I'm saying you've been present at Jeffrey's home when an underage minor has come over to give him a massage?

A. That's just not how that works. You are able to be a masseuse at 17 so she came to give -- for a massage, at 17 you are able to come and give a massage.

Q. I'm not asking whether she is able to do it. I'm asking whether you were

present at the home when a girl under the age of 18 came over for the purposes of giving a massage?

MR. PAGLIUCA: Objection to the form and foundation.

Q. You can answer.

A. You can be a professional masseuse at 17 in Florida, so as far as I am aware, a professional masseuse showed up for a massage. There is nothing inappropriate or incorrect about that and your mischaracterization of it, I think is unfortunate.

Q. How many teenagers did he have that were professional masseuses that worked in his home?

MR. PAGLIUCA: Objection to the form and foundation.

Q. How many?

A. First of all, I am not aware of teenagers who worked in his home.

Q. You are aware of Virginia Roberts and you've stated she was 17 and she worked for him, correct?

A. No. I did not state that at all, you are mischaracterizing my words and what I said.

What I said was that we can all agree and I think at this point there is not one person in this room, however much you would like her to be younger, to say she was not 17 because that has been a very offensive thing that you have all done. So she was 17. At 17 you are allowed to be a professional masseuse and as far as I'm concerned, she was a professional masseuse. There is nothing inappropriate or incorrect about her coming at that time to give a massage. Her entire characterization of her first time at the house was to me an obvious lie, given it was impossible for her entire story to take place given I was speaking to her mother the entire she was at the house.

Q. So it was impossible that day, that first day she came and you were speaking to the mother, for Virginia Roberts to have had sex with Jeffrey Epstein during the time that you were outside with her mother?

MR. PAGLIUCA: Objection to the form and foundation.

A. You, again, are completely mischaracterizing. I can only testify to what I heard obvious lies about me and her obvious lies about me are that she, as you put out to the papers and every other which way, went upstairs with her, didn't happen. So that to me is an absolute, obvious lie. I also don't believe that her -- her mischaracterization of the length of time she was there because as I recall, she just met with Jeffrey and then left with her mother. That's my recollection.

Q. So you were standing outside the entire time that Virginia was in the house, is that correct?

A. That is correct.

Q. So can you testify as to whether or not, do you know either from Jeffrey or any other source whether or not Virginia Roberts had sex with Jeffrey on that first day that she was at the house?

A. We can categorically state,

absolutely 1000 percent that she did not have any type of sexual relations as described by you in your court papers that took place because those allegedly according to her lies involved some aspect of me.

As I was standing outside with her mother the entire time, her entire story is a lie. Therefore, to ask me what she did or didn't do during that time, I can only testify to what she said about me, which was 1000 percent false.

Q. So let's not take the first time, let's take the next time she comes.

A. No no, how can do you that, when the basis of this entire horrible story that you have put out is based on this first appalling story that was written, repeated, multiply by the press that lied about her age, lied about the first time she came, lied about and characterized the entire first time. I have been so absolutely appalled by her story and appalled by the entire characterization of it and I apologize sincerely for my banging at the table

earlier, I hope you accept my apology. It's borne out of years of feeling the pressure of this entire lie that she has perpetrated from our first time and whilst I recognize that was -- I hope you forgive me sincerely because it was just the length of time that that terrible story has been told and retold and rehashed when I know it to be 100 percent false.

Q. So not the first time she came, but the second time she came or the third time or any time she came, did you ever participate in a massage with her in Jeffrey Epstein's room?

A. I have never participated at any time with Virginia in a massage with Jeffrey.

Q. Have you ever participated at any time with Virginia in any kind of sexual contact or sexual touching with Jeffrey and Virginia?

A. I have not.

Q. So we were going through the list of obvious lies and you were talking about the first time which I believe we have

completed but you can add to that if you need to.

What other obvious lies did Virginia Roberts tell that you were referring to in your statement?

A. Oh my goodness. Well, I think we can totally cover the [redacted] story, the story that I flew him with [redacted] and there was a dinner with other people and that entire thing is 100 percent fictitious. I have testified for the record and I'm happy to do it again, that I have never flown [redacted] myself as a pilot in a helicopter at any time, anyplace, at any time, to any part of the world.

Q. What other obvious lies were you referring to?

A. She was referring to [redacted], she is referring to a bunch of people. I don't believe [redacted] ever came to the island at any time ever. I don't even know [redacted] actually.

Q. Just one moment, I want to hear all of them, but when you say you don't believe

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[redacted] ever came to the island, do you know whether [redacted] ever came to the island?

A. [redacted] never came to the island.

Q. How do you know that?

A. Jeffrey doesn't know him, I don't know him and I think had [redacted] -- I don't think -- had [redacted] gone to the island during the period when I would have been involved in organizing a trip, I would have been aware of it.

Q. So go ahead, you had another one.

A. It would be easier if I could see, do you mind if a take a reference at some of these newspaper articles or you just want me to go from memory.

Her entire characterization of what took place in London at my house with [redacted]

[redacted]

Q. Was it an obvious lie that she was at your house in London?

A. We can't really establish the photograph and all that. I don't know if that's true, if that's a real picture or not.

Q. So you dispute that you were

actually photographed in your town home in London --

A. I don't recognize that picture. I'm not sure if that's a real picture or not.

Q. And have you talked to [redacted] about that picture?

A. We discussed Virginia's entire tail and he asked me if he even knew her.

Q. So did [redacted] tell you that he did not have sex with Virginia Roberts?

A. He doesn't even know who Virginia Roberts is.

Q. Did he tell you that he didn't have sex with her?

A. It would be difficult to have sex with someone you don't know.

Q. He may not remember her?

A. I think the inference is he didn't know who she was, he didn't have any recollection of her whatsoever.

Q. Has [redacted] ever come to your London town home?

A. Yes. Ever being the entire time I owned my house, yes.

Can I go on on her obvious lies?

Q. If you have more.

A. I have -- her entire characterization -- I took her shopping into Burberry and bought her a very expensive dress and if this photo were real and if this is -- I would never -- the outfit doesn't work at all so --

Q. Do you not remember taking her shopping or are you saying it's an obvious lie, you know you did not take her shopping?

A. I did not take her shopping. I did not by her a $5,000 handbag.

Q. Did Jeffrey by her a $5,000 handbag?

A. Her accusation was that I did.

Q. Do you know if Jeffrey bought her a handbag during that trip to London?

A. I don't know what he did. She accused me, I can't physically remember buying a $5,000 not for her, not for anyone, not for me.

Q. Did you ever go shopping with Virginia?

A. I don't recall ever shopping with Virginia.

Q. Did you have more to go over or did you want me to ask my questions?

A. The entire characterization of what took place in my house in London would have been impossible.

Q. Can I ask, do you still have it, the picture of the London town home with you in it, Giuffre 00407.

As you are looking at this picture, Ms. Maxwell, as I'm looking at it it's on the right-hand side, there appears to be a picture hanging on the wall, do you recall that in your London town home?

A. It's a little difficult to see.

Q. Do you recall having a picture on the wall there by the room where you're standing?

A. I do have a picture.

Q. Do you recall on the left-hand side having a railing that looks like that with sort of a bubble wood top?

A. I do.

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Q. So are you saying that it's an obvious lie that Virginia's statement that she had sex with [redacted] is an obvious lie?

A. What I'm representing is that her entire ludicrous and absurd story of what took place in my house is an obvious lie.

Q. Including she had sex with [redacted]

A. She claimed things took place in my bathroom in London. Her characterizations is just not possible.

Q. So you're saying it's an obvious lie -- that she was telling an obvious lie when she said she had sex with [redacted]?

MR. PAGLIUCA: Objection to the form and foundation. The witness answered the question.

A. I'm saying within the context of all the stories she told, this particular story -- back up, she claimed we went out at night. [redacted]

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[redacted]. She characterized that [redacted]. [redacted] [redacted].

She then characterized things took place in my bathroom in the bathtub itself. The tub is too small for any type of activity whatsoever.

Q. [redacted]

A. [redacted]

Q. That would be [redacted]

A. Yes.

Q. Are you saying that it was an obvious lie when Virginia said that you made her dress up in a school girl outfit?

MR. PAGLIUCA: Objection to the form and foundation.

A. I already testified that, first of all, I don't know what you are taking about, I already testified I didn't get her outfits and all of that.

Q. Is it an obvious lie that Virginia

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was paid to go to give a massage to [redacted]?

MR. PAGLIUCA: Objection to the form and foundation.

A. I cannot testify to what Virginia did outside of -- I can't testify to what she did, who she gave massages to.

Q. So you don't know on that one?

A. Of course I don't know.

Q. Do you agree that it's psychologically harmful to have sex with a minor?

MR. PAGLIUCA: Objection to form and foundation.

A. What are you asking me?

Q. I'm asking if is it psychologically harmful for an adult to have sex with a minor?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know what you are asking. This has nothing to do with Virginia Roberts.

Q. It does.

A. How does it?

Q. I ask the questions, you answer. If you can't answer, you can say I don't know.

But my question is, do you agree that it's psychologically harmful to have sex with a minor?

MR. PAGLIUCA: Objection to the form and foundation.

A. Are you giving me a random question and as not relates to this case and not relates to anything. It's obviously not something that you want to have happen.

Q. Do you agree that Jeffrey Epstein has harmed many minors by having sex with them?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't testify to what Jeffrey did or didn't do. I have no knowledge of what you are asking me.

Q. If Jeffrey had sex with minors, would you agree that that could harm a minor?

MR. PAGLIUCA: Object to the form and foundation.

A. Again, I am not testifying to what Jeffrey did or did not do because I cannot.

Q. You don't know whether Jeffrey Epstein ever had sex with a minor?

A. Again, I cannot testify to what Jeffrey did or didn't do. I cannot.

Q. You never observed him having sex with a minor?

A. I never observed Jeffrey having sex with a minor.

Q. Do you agree that calling a sex abuse victim a liar when she speaks about her abuse can cause psychological harm?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you repeat the question.

Q. Do you agree calling a sex abuse victim when she speaks about her abuse can cause psychological harm?

MR. PAGLIUCA: Objection to form and foundation.

A. Say it again.

Q. Do you agree that calling a sexual abuse victim a liar can cause psychological

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harm.

MR. PAGLIUCA: Object to the form form and foundation.

A. I would like to say all the terrible things Virginia Roberts said about me is extremely harmful and you should turn that around. All the lies she has said and you have backed her on have been extremely damaging to me.

So what I can testify to is that somebody who has made these outrageous allegations and who is a serious liar and that I know for a fact is a liar, that I can testify is damaging to me.

Q. Do you agree that calling a sexual abuse victim a liar when she speaks out about her abuse can cause psychological harm?

MR. PAGLIUCA: Are you asking a hypothetical question?

MS. McCAWLEY: Yes.

A. You are asking me to speculate?

Q. I'm not asking you to speculate . If somebody is a sexual abuse victim --

A. I can't testify to what some random

hypothetical person that you are asking me to speculate on their mental state or health versus speculative statement. I can't do that, that's just not right.

Q. Do you agree that by calling Virginia Roberts a liar when she was subject to sexual abuse by Jeffrey Epstein can cause psychological harm?

MR. PAGLIUCA: Objection to the form and foundation. Assumes facts not in evidence.

A. I can only tell you about what I know of Virginia's lies. She lied repeatedly, often and I know for a fact she is a liar so I can only testify to what I know and the fact that she has lied about me from the beginning to the end and repeatedly causes me to question anything that she may feel.

Q. Is it an obvious lie you had sex toys in Jeffrey Epstein's Palm Beach house?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you repeat the question,

please?

Q. Is it an obvious lie that you had sex toys in Jeffrey Epstein's Palm Beach house?

MR. PAGLIUCA: Objection to the form and foundation.

A. Did Virginia say that?

Q. I'm asking you a question.

Is it an obvious lie that you had sex toys in Jeffrey Epstein's house?

A. I don't recall any sex toys.

Q. If someone said had you sex toys, would that be an obvious lie?

MR. PAGLIUCA: Objection to the form and foundation.

A. Like I said -- can you be more specific about the house or whatever, what exactly you are referring to, what's a sex toy?

Q. Yes. How would you define a sex toy?

A. No. I need you to define a sex toy, I don't have enough knowledge of sex toys.

Q. I will define it based on the dictionary's definition, which is an object or device used to sexually stimulate or enhance sexual pleasure.

A. What's your question, please?

Q. The question is, is it an obvious lie that you had sex toys in Jeffrey Epstein's Palm Beach house?

MR. PAGLIUCA: Same objection.

Q. You can answer.

A. Like I said, I do not have any recollection of sex toys in Jeffrey's house.

Q. Is it a lie, is it an obvious lie that you took pictures of nude girls?

MR. PAGLIUCA: Object to the form and foundation.

A. We already covered this. Girls we are not referring to -- I can only testify to taking pictures of adult people and I already testified they are not nude, per se. That every picture that I ever took and which they were very limited, always by request, the people would be covered or it would be a hand or a foot. There was never any pictures that

I took of people would only have been mainstream type magazine type photos and any photos I took could have been very happily and expected to be displayed on your parents' mantel piece or grandparents' mantel piece.

Q. Is it a lie that you approached females to bring them to Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. Please ask the question, again.

Q. Sure. Is it a lie that you approached females to bring them to Jeffrey Epstein?

A. I don't know what you are asking me.

Q. I'm asking you, if it's a lie that you approached females to bring them to Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. You are not asking me a good question, sorry.

Q. You don't get to choose the questions.

A. I would like to answer your questions but you are not asking me a question that I can answer.

Q. What about that is causing you pause where you can't answer the question?

A. You are trying to trap me and that's not fair, so I already testified that I hire people across the board, so I would hire architects, decorators, pool people, exercise instructors, gardeners, cooks, chefs, cleaning people. So I, in the course of a very long time when I would hire people I hired people to work for Jeffrey. So I'm happy to testify to hiring people for every possible conceivable proper job that you could conceive of within the context of Jeffrey's life and homes.

Q. Is it a lie that you approached females to bring them to Jeffrey Epstein for the purpose of performing massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I have already testified that part of the job that I had was to hire

lots of different types of people. In terms of whatever -- very small part of my job, Jeffrey enjoyed getting massages. I think that is something we can all agree in this room and within the context of that, very infrequently I would go to spas and myself happily receive a professional nonsexual massage from a man and/or from a woman and if that massage was something that I thought was something that was good, I would ask if that man or woman would come back and does home visits. If that person said that they did, they would sometimes come, from time to time, not always, come back to the house to perform a nonsexual professional male or female massage.

Q. Were any of the exercise instructors you hired under the age of 18?

A. Again, I don't hire, we've already established that I don't hire people. I interview people to see if they are competent in the job that they do and/or whether they are someone who seemed that they can do home visits.

At the point where I think that there is somebody that has, can be either whatever the job may be, pool, gardener, chef and/or exercise instructor and I think they could be good at whatever it is at whatever skill that they had and they did a home visit which would obviously be mandatory and Mr. Epstein would meet with them and decide if he wanted to have whatever skill it was that he would do it and then he would then either have them come back or hire them.

Q. Were there any exercise instructors that worked at the home that were under the age of 18?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I keep coming back to this, that the people that I employed or -- not the right word, the people I would meet to come and work at the house, under any guise whatsoever, again, from any of the many positions that I filled, were all over -- were adults.

Q. When you say adults, over the age

of 18?

A. I think we can establish what adult would be.

Q. You never interviewed or I know you don't want to use the word hired, whatever your role was, you brought in an exercise instructor that was under the age of 18 to work at the house?

MR. PAGLIUCA: Object to the form and foundation.

A. I have already testified that what I was responsible for was to find people who had competencies in whatever area I was looking for. The competencies I was looking for were professional and adult.

Q. So there was no exercise instructor that worked at the Palm Beach house or the New York house or the New Mexico house or the USVI under the age of 18?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can only testify to when I was at the house.

Q. Yes.

A. I can only testify to the years when I was present.

Q. Right.

A. And I can also only testify to people I personally either met and/or worked with and/or invited, to find the correct word, I don't know what the correct word is, to come to do exercise or whatever it was at the house.

Of the people that I, male and/or female that I brought were all appropriate and age appropriate adults.

Q. Over the age of 18?

A. We've established them as an adult.

Q. You are saying appropriate adults, so we are clear, you didn't hire or bring in or know of any exercise instructors that were under the age of 18 at any of those homes?

A. I am also testifying that when I was present at the house and with the people that I brought in, were all age appropriate adults.

Q. How do you define age appropriate adults, is that over the age of 18, can we

agree to that?

MR. PAGLIUCA: Objection to the form and foundation.

Q. Are they under the age of 18?

A. We already established that you can be a masseuse in Florida at age 17. That does not make it inappropriate.

A. I'm not saying appropriate or inappropriate. I'm just asking if there were any exercise instructors that were under the age of 18.

A. I am not aware if anybody was but I don't want to full out and say you oh she said, we already established you can be a 17 year old masseuse and have it not be something that is not appropriate. So when you say that and then you go, well, you come back and say something, now we can establish that Virginia was 17 but you can be a 17 year old legal masseuse, but I am not aware to your point.

Q. Who were the other 17 year old masseuses that you were aware of?

A. I am not aware of any.

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Q. Were there any 16 year year old masseuse that you are aware of?

A. I am not aware.

Q. Any 15?

A. I just want to be clear. The only person that I am aware of who claims to have been a -- we have to -- we established Virginia now is 17, given she has changed her age so many times. The only person that I am aware of that was a masseuse at the time when I was present in the house was Virginia.

Q. Is it an obvious lie that Jeffrey Epstein had a sexual preference for underage miners?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you ask the question again?

Q. It is it an obvious lie that Jeffrey Epstein had a sexual preference for underage minors?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you ask the question again?

Q. Is it an obvious lie that Jeffrey

Epstein had a sexual preference for underage minors?

MR. PAGLIUCA: Object to the form and foundation.

A. I cannot testify to what Jeffrey's --

Q. You don't know his preference?

A. You handed me a stack of papers from the police reports and that's what I've read but I have no knowledge, direct knowledge, of what you are referencing.

Q. So you don't know, you don't know in your own mind that Jeffrey Epstein had a sexual preference for underage minors, is that correct?

MR. PAGLIUCA: Objection to the form and foundation.

Q. Is that correct?

A. Please ask the question again.

Q. You don't know in your own mind that Jeffrey Epstein had a sexual preference for underage minors?

MR. PAGLIUCA: Objection to the form and foundation. You have to pause,

let me object, answer the question.
Listen to her question, pause, I object, you answer.
Q. So you don't know in your own mind that Jeffrey Epstein had a sexual preference for underage minors?
MR. PAGLIUCA: Objection to the form and foundation.
Q. You can answer.
A. I cannot tell you what Jeffrey's story is. I'm not able to.
Q. Did Jeffrey Epstein have a scheme to recruit underage girls to use them for purposes of sexual massages?
MR. PAGLIUCA: Objection to the form and foundation.
A. Can you ask me again, please?
Q. Did Jeffrey Epstein have a scheme to recruit underage girls to recruit them for sexual massages?
MR. PAGLIUCA: Objection to the form and foundation.
A. Can you ask it a different way?
Q. Did Jeffrey Epstein have a scheme

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to recruit underage girls for sexual massages?

MR. PAGLIUCA: Objection to the form and foundation.

Q. If you know.

A. I don't know what you are talking about.

Q. Is it an obvious lie that Virginia Giuffre was a minor the first time she was taken to Jeffrey Epstein's house?

MR. PAGLIUCA: Objection to the form and foundation.

A. So we've already established that Virginia was 17 and we have established that her mother brought her to the house and that she came as a masseuse, age 17, which is legal in Florida.

Q. Would Jeffrey Epstein's assistants arrange times for underage girls to come to the house for sexual massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. What are you talking about?

Q. Sure. Would Jeffrey Epstein's

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assistants, I think earlier you mentioned, we talked about [redacted] who worked in the role as an assistant or [redacted]. Would Jeffrey Epstein's assistants arrange times for underage girls to come over the house for sexual massages?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I read the police reports so this is all happening according to the police reports when I am no longer at the house so I can't testify to what Jeffrey's assistants did when this kind of activity as alleged in the reports.

Q. So you don't know?

A. No.

Q. Would Jeffrey Epstein's assistants, meaning [redacted] or any other assistant that you are aware of from the time you worked there take nude photographs of underage girls?

MR. PAGLIUCA: Object to the form and foundation.

A. During what period of time?

Q. During any period of time you worked, did you observe that?

A. I did not observe any such photographs.

Q. Are you aware if they took those kinds of photos?

A. I am not aware.

MR. PAGLIUCA: Can we take a five-minute break.

THE VIDEOGRAPHER: It's 2:58 and we are off the record.

(Recess.)

THE VIDEOGRAPHER: It's now 3:10. We're starting disk No. 6 and we are back on the record.

Q. Ms. Maxwell, was it an obvious lie when Virginia said she was sent to Thailand by Epstein in September of 2002?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no knowledge of Virginia being sent to Thailand.

But may I say something?

Q. There is not a question pending

unless you want to clarify something.

Did you want to clarify that?

A. No, I just wanted to say something.

Q. Is it an obvious lie when Virginia said she was given instructions to maintain telephone contact with you while she was in Thailand?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you repeat the question?

Q. Is it an obvious lie when Virginia said she was given instructions to maintain telephone contact with you when she was in Thailand?

MR. PAGLIUCA: Same objection.

A. I have no idea what instructions Virginia was given, if any, when she went to Thailand.

Q. So you know she went to Thailand?

A. I know she claimed she went to Thailand from having read it but given that she lied about everything it's hard to know what is true and not true.

Q. Would it make any sense for her to

be in contact with you, would there be any reason why she needed to be in contact with you?

MR. PAGLIUCA: Objection to the form and foundation.

A. When are we talking about?

Q. When she went to Thailand.

MR. PAGLIUCA: Same objection.

Q. In 2002, would there be any reason for her to remain in contact with you?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you ask the question again, please?

Q. Would there be any reason for Virginia to maintain contact with you in 2002 when she went to Thailand?

MR. PAGLIUCA: Same objection.

A. First of all, I didn't know that she went to Thailand. I had had nothing to do with her trip to go to Thailand and there would absolutely no reason for her to be in touch with me, whatsoever.

Q. Did you ever have a phone number

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that was [redacted]

A. I did.

Q. Was that a cell phone number?

A. Yes.

Q. Is that your current cell phone number?

A. Yes.

Q. I'm going to mark a couple of things here?

(Maxwell Exhibit 11, photos, marked for identification.)

THE WITNESS: Can I say something now?

MR. PAGLIUCA: No.

THE WITNESS: Will you let me know when I can?

MR. PAGLIUCA: When she asks you a question:

Q. So we've marked this as Exhibit 11. I'm showing you what's been marked as Exhibit 11 which is Giuffre 003191 and 003192.

Can you take a look at that document for me. Is that number that you just identified the [redacted] as being

your cell phone number, is that number on this document?

A. It is.

Q. And do you know who authored this document?

A. I do not.

Q. Who is [redacted]

A. I don't know who [redacted] is on this document because I don't know what this document is.

Q. Do you know someone by the name of [redacted]

A. I do know someone by the name of [redacted]

Q. Would he know your phone number?

MR. PAGLIUCA: Object to the form.

A. I have to idea.

Q. Why would Virginia be instructed to call Ms. Maxwell at your number on this form?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know what this document is. I don't know when it was done, I don't know anything about it other than I can see it has

my name and my number on it.

Q. So [redacted] -- you said [redacted] -- is he employed by Mr. Epstein?

A. Again, it is not the only one [redacted] on the planet.

Q. I understand.

Do you know a [redacted] that is employed by Mr. Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you ask me the question again?

Q. Do you know someone by the name of [redacted] that was employed by Mr. Epstein back in 2002?

A. I do know somebody who was employed by Mr. Epstein known as [redacted]

Q. Do you recognize the other numbers listed at the top of this document?

A. I do not.

Q. Would you have known [redacted] cell number at that time in 2002?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea.

Q. Can I ask you to turn to the next page, please.

Do you know who [redacted] is who is mentioned on this document?

A. I do not.

Q. If you look on the bottom lines of the document, it says, Still in Thailand during your stay, if she is, she will be staying at the same hotel.

Do you recall ever giving Virginia instructions to meet a girl in Thailand?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have already testified that I didn't even know that Virginia was going to Thailand.

Q. So you didn't give her instructions to meet a girl in Thailand?

A. Like I said, I didn't even know she was going to Thailand.

Q. Do you know whether Jeffrey Epstein would have given her instructions to meet a girl in Thailand?

MR. PAGLIUCA: Objection to the

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form and foundation.

A. I cannot possibly tell you what Jeffrey did or didn't do. I wouldn't know.

Q. Do you know whether Jeffrey Epstein paid for Virginia to go to Thailand?

A. Again, I wouldn't know if he did.

(Maxwell Exhibit 12, documents, marked for identification)

Q. I'm going to direct -- you can take a look at it and then I'm going to direct your attention to a couple of pages.

MR. PAGLIUCA: So the record should be clear, this exhibit which is 12 is 375, 6, 7, 8, 9, 80, 1, and then skips to 919, 920, 921, 922, 923, 924, 925 and 926.

Q. So I'm going to direct your attention to the first page, have you ever traveled with Jeffrey Epstein where you've received a document like this from Shoppers Travel in your own independent travel.

Do you recognize this?

MR. PAGLIUCA: Objection to the form and foundation.

Q. The front form, the front page, do you recognize this Shopper Travel form, have you ever used them as a travel agent with Jeffrey Epstein?

MR. PAGLIUCA: Same objection.

Q. You can answer.

A. I don't recognize this.

Q. Turning to the second page which is the 00376, do you see at the top of that document where it says Jeffrey Epstein, J. Epstein 457 Madison Avenue 4th floor New York New York.

Is that an address you are familiar with that is Jeffrey Epstein's?

A. I am.

Q. Do you see below that, travel on Singapore Airlines, and you are going to have to go from New York JFK to Singapore Bangkok.

Do you see that?

MR. PAGLIUCA: What?

Q. The first entry is going to be on September 27, New York.

MR. PAGLIUCA: I see it.

MS. McCAWLEY: I'm not talking to

you. I'm talking to the witness.

A. I see it.

Q. To Singapore Bangkok?

A. Singapore Bangkok I'm afraid are not the same place.

Q. Singapore, then Bangkok:

Q. I'm going to turn you to page Giuffre, it's a little further back 000919. And do you see at the top where it says J. Epstein, underneath, Royal Princess, change mine?

A. I do.

Q. Does this refresh your recollection that Virginia Roberts' trip to Thailand was paid for by Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can only testify to the piece of paper you showed me that has that information. I cannot testify from direct memory.

Q. When Virginia was traveling to Thailand, which the dates, again, I'm going to refer you back to the first page so you

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can see the dates.

MR. PAGLIUCA: Can you identify a Bates number, please.

Q. [redacted] which was at the top says, [redacted]. I'm going to refer you, at the same time, to the flight logs which were marked, the thicker document that looks like this with all the log entries on it. I'm going to refer you to page --

MR. PAGLIUCA: That's Exhibit No. 6, correct? I'm trying to keep the record straight.

MS. McCAWLEY: I don't have Exhibit numbers on mine. That's Giuffre [redacted].

MR. PAGLIUCA: Hang on one second.

A. Can you repeat the number please.

Q. [redacted]. And if you will look on that page at the entry, under [redacted] starting with the [redacted] and then it runs down to the, looks like the [redacted] that first entry has [redacted], [redacted], Jeffrey Epstein and the initials GM.

Do you remember taking a trip with

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[redacted] during [redacted]?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you repeat the question, please?

Q. Do you remember taking a trip with [redacted] during [redacted] that's the [redacted] it looks like, through the [redacted]

A. I don't remember the dates. I couldn't testify to when we actually did it but I do remember the trip itself.

Q. So you were traveling with Jeffrey Epstein and [redacted] at the same time Virginia was headed to Thailand, is that correct?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know, is that right?

Q. If you look at [redacted] on the document that I gave you, the first document and then you referred to, if you look in the same as above lines, you will see the travel group with [redacted]?

MR. PAGLIUCA: Are you asking her to compare the documents or are you asking her what her personal knowledge is.

MS. McCAWLEY: I'm asking if she can look at the doubts and tell me if she recalls that she traveling with [redacted] at the same time this document reflects Virginia was in Thailand.

A. I can't testify to any dates. I couldn't tell you. I can see a date and I can see a date but I can't tell you that I have a memory of the dates. I have a memory of the trip, I don't have a memory of the time.

Q. Who is [redacted]?

A. [redacted]

Q. What is her address?

A. I don't know.

Q. Does she live in the United States?

A. She does.

Q. In what state?

A. I believe in New Jersey somewhere.

Q. Do you have her phone number?

A. Not memorized.

Q. Do you have the ability to get her phone number?

A. Of course.

Q. Has she ever asked -- has [redacted] [redacted] ever asked other girls to come over to see Jeffrey Epstein for the purpose of a sexual massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you ask the question again please.

Q. Has [redacted] ever asked girls to come over to see Jeffrey Epstein for the purpose of a sexual massage?

MR. PAGLIUCA: Object to form and foundation.

A. Can you ask again, please?

Q. Has [redacted] ever asked girls to come over to see Jeffrey Epstein for the purpose of sexual massage?

A. I have no personal knowledge.

Q. What does [redacted] do for you?

A. She helps with my not-for-profit ocean foundation and any other related activities that I may have.

Q. Is she paid for by Jeffrey Epstein?

A. No.

Q. She is paid for by you?

A. Yes.

Q. When did you first meet [redacted]

[redacted]

A. I don't recollect exactly, sometime maybe 2002, 2003.

Q. How did you meet her?

A. I don't recollect exactly how we met.

Q. Did Jeffrey introduce you to her?

A. I don't recollect how we met.

Q. Does she know Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you ask again, please?

Q. Does [redacted] know Jeffrey Epstein?

A. What do you mean by know?

Q. Has she met her him before?

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MR. PAGLIUCA: Objection to the form and foundation.

A. I can't recollect a time when [redacted] -- I've seen [redacted] with Jeffrey but --

Q. You are not sure --

A. I know they know either other. I can't testify to a meeting between them.

Q. Do you know where in New Jersey she lives?

A. No

Q. You don't know a city?

A. No.

Q. How long has she worked for you?

A. Sometime 2002, 2003.

Q. To the present?

A. Yeah.

Q. Why do you think that [redacted] might know Jeffrey?

MR. PAGLIUCA: Objection to the form and foundation.

A. Because you know, I know Jeffrey.

Q. Have you seen them together?

A. I already testified I have not seen them together, to my recollection.

Q. Is it your testimony that [redacted] knows Jeffrey Epstein through the work that she does for you?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't recollect, and I don't recollect how I met [redacted] and I can't testify to what [redacted] relationship is or is not with Jeffrey.

Q. Have you ever talked to Jeffrey about [redacted]

A. I don't know what you mean.

Q. In any way, have you ever had a conversation with Jeffrey about [redacted]?

A. In what context.

Q. In any context. Have you ever talked to Jeffrey Epstein about [redacted]?

A. [redacted] works for me so it's entirely possible that in the course of conversations since 2002, 2003 that a conversation in which [redacted] name would have come up is entirely possible.

Q. I provided you with and I'm sorry, I don't know all the numbers, but the

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statement that was issued by [redacted] that should be a single page still in your stack of exhibits there.

MR. PAGLIUCA: Exhibit 10.

Q. Did you authorize [redacted] to issue that statement on your behalf in January of 2015?

A. I already testified that that was done by my lawyers.

Q. So did you authorize your lawyers to issue a statement on your behalf through [redacted] in January of 2015?

A. It was determined that I had to make a statement in the United Kingdom because of the appalling lies and I just thought of some new ones.

Virginia's statement that I celebrated her 16 birthday with her. We can all agree that that's entirely impossible. I didn't meet her until she was 17 and other lies she perpetrated that she had a diary and we all know is a complete fake. That's not a diary. It was just a book she was writing that you helped sell to the press, as if it

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was a diary, when it was just a story that she is writing of fiction, fictional story for money.

Q. How did you arrive at the words that were put in that statement?

MR. PAGLIUCA: I'm going to object and instruct you to the extent this calls for any privileged communications between yourself and [redacted] or another lawyer representing you, we're asserting privilege. If you can answer that without that, feel free to answer.

Q. So what your counsel is saying, and I will exclude any privileged communications you had with your lawyers.

The question is, how did you arrive at the words that were put in that statement, if you can tell me without disclosing privileged communications?

A. I'm not sure that I can.

Q. Is the statement that you issued true?

A. What do you mean by that?

Q. Is the statement that you issued,

the statement that's in front of you, is it a true statement?

A. As in that Virginia is a liar?

Q. The words you put in there, is that true?

A. Of course they're true.

Q. When did you become aware that the statement was being released?

A. I don't recollect exactly.

Q. What day it was?

A. No.

Q. I'm sorry. Did you identify, I might not have caught it, did you identify the name of the lawyer that you said you retained for purposes of this statement?

A. I think [redacted].

Q. Did you pay that lawyer [redacted]

A. Yes.

Q. Are you aware of any interstate or international transportation of a woman aged 18 to 28 for the purposes of prostitution?

MR. PAGLIUCA: Objection to the form and foundation.

A. I'm not sure I even understand your question.

Q. I will go slower.

Are you aware of any interstate, meaning between states, or international, meaning oversees transportation, of women aged 18 to 28, for the purposes of prostitution?

MR. PAGLIUCA: Objection to the form and foundation.

A. Are you asking -- I'm still not sure I understand the question.

Q. I will try to make it clearer.

I'm asking you if you are aware of any interstate, meaning between states, or international transportation, meaning by flight or by car or by train, of women aged 18 to 28, their ages are between the ages of 18 and 28, for the purposes of prostitution?

MR. PAGLIUCA: Objection to the form and foundation.

A. In the world I'm sure that that happens, I read about it all the time.

Q. Not in the world. Are you aware of

it, in your experience with Jeffrey Epstein, of any interstate or international transportation of women aged 18 to 28, for the purposes of prostitution?

MR. PAGLIUCA: Objection to the form and foundation.

A. So whilst I appreciate this might not seem like a smart question, what do you mean by prostitution, what are you asking me exactly?

Q. That would be sex for hire, any kind of sexual act that's paid for.

MR. PAGLIUCA: Objection to the form and foundation.

A. Who's paying, what are you asking me.

Q. It can be paid for by anybody. It's a sexual act that's paid for.

I'm asking if you are aware of any interstate or international transportation of women aged 18 to 28, for the purposes of prostitution?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea what you are talking about.

Q. So you are not aware of that?

A. No.

Q. Are you aware of any interstate or international transportation of women, aged 18 to 28, for the purposes of having sex with Epstein where they would receive compensation of any type?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know what you are referring to.

Q. Do you want me to repeat the question?

A. Sure, go ahead.

Q. Are you aware of any interstate or international transportation of woman, aged 18 to 28, for the purpose of having sex with Jeffrey Epstein where they would receive compensation of any type?

MR. PAGLIUCA: Objection to form and foundation.

A. I am not aware of what you are

talking about.

Q. Are you aware of any interstate or international transportation of women, aged 18 to 28, for the purposes of providing a massage for Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. So I you need to repeat that question for me.

Q. Sure.

Are you aware of any interstate, meaning between states, or international, oversees, transportation of women, aged 18 to 28, for the purposes of providing massage for Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. I think we can agree he did travel from time to time with a professional adult masseuse.

Q. Are you aware of any interstate or international transportation of women, aged 18 to 28, for the purposes of providing a massage to any person other than Jeffrey

Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I'm not aware of anybody that, if you are asking for specifics to someone else, I have no knowledge of that.

Q. So you are not aware of any interstate or international transportation of a woman aged 18 to 28 for the purposes of providing a massage to any person other than Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't recall what any single person being on a plane for a massage with someone else other than Jeffrey, for the sole purpose, if that's the question, I don't have any recollection of that.

Q. Earlier in your testimony, you stated that Virginia Roberts was 17 at the time you met her.

How do you know she was 17?

MR. PAGLIUCA: Objection to the form and foundation. And to the extent

that calls for a privileged response, I'm instructing you not to answer.

Q. How do you know Virginia Roberts was 17 at the time you met her?

MR. PAGLIUCA: Again, if you learned that information from your lawyer, I'm instructing you not to answer.

A. I will follow my counsel's advice.

Q. Are you able to answer that question without telling me information you learned from a lawyer?

A. I'm not.

Q. So you don't have independent knowledge that Virginia, according to your statement, was 17 at the time you met her?

A. Again, my lawyer has instructed me not to answer.

Q. I'm asking you a different question. Whether you have any independent knowledge, outside your lawyers, that Virginia was 17 at the time you met her?

A. Following the instructions of my lawyers, I can only remember or testify to

what she --

MR. PAGLIUCA: She is asking you a different question. She is asking other than what your lawyers have told you, do you have any knowledge about her being 17, that's what she is asking.

A. I can't recollect where I got all the information that I have that definitively shows that.

Q. Earlier in your testimony, I believe you said all of us would know that Virginia was 17 at the time you met her.

How would we know that?

A. I think you know that by her own dates, now that it was in 2000, so her entire tail of me celebrating her 16th birthday is clearly another giant falsehood.

Q. But she was 16 and 17 that year, wasn't she?

A. Which year?

Q. You said it was 2000.

A. I think the information that I have that indicates that definitively was something that is privileged, so I can't

share with you.

Q. So you have privileged information that definitively tells you that she was 17 at the time you met her?

A. I believe I do.

Q. How would we know that?

A. What are you asking me?

Q. Earlier today you testified that we would know that she was 17 at the time that you met her.

How would we know that?

A. I imagine you have access to exactly the same information that I do.

Q. What is that information?

A. Again, it's privileged, I can't share it with you but you have been on this case for, I don't know, much much longer than I have and I imagine you have all the information that I do.

Q. Do you know whether your lawyers have produced documents from you that would show the age that Virginia was at the time that you met her?

MR. PAGLIUCA: To the extent that

calls for a communication that you had with one of your lawyers, I'm instructing you not to answer that question.

Q. I assume you, as part of the discovery process, had to collect documents that were relevant to this action, is that correct?

A. I did.

Q. Did you collect documents that would show that Virginia was 17 at the time that you met her?

A. I think you have everything that relates, that I had, contemporaneously per what you asked for that I have that relates to that.

Q. Did you have a document that identified that Virginia was 17 at the time that you met her?

A. You have all of the documents that I had.

Q. I'm not asking what documents. I'm asking, do you have a document that identifies Virginia being 17 at the time you

met her?

A. You have every document that I have. You have seen every document that I have.

Q. That's not what I'm asking.

A. I don't recall every document that I gave you, so I don't know. I would have to look at every single document I gave you and then review it but as I recall you have every document that I have.

Q. What are you planning to show the jury that will prove that Virginia was 17 when you met her?

A. Again that's privileged so I can't share that with you.

Q. If you're showing the jury, it wouldn't be privileged, so is there a document you have produced in this matter that shows that Virginia was 17 at the time you met her?

MR. PAGLIUCA: She answered that question already. She said she doesn't know, she has given you everything. If there is a decision -- assuming for the

moment there is such a document, just hypothetically, and assuming for the moment that it is going to get produced somewhere, if it hasn't already been produced, obviously that would involve a waiver, a future waiver of the privilege. I think that's the answer to the question.

Q. Has the document been produced, do you know?

A. You have everything that I have given you, so if you can't -- if it's not in those documents, I don't know what to tell you.

Q. Your lawyers haven't withheld any documents?

A. They are right here. You can ask them.

Q. I'm asking you.

A. I don't know what -- they're lawyers.

Q. When we were talking earlier about [redacted], I asked you whether you had ever given him a gift of a puppet.

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Did you ever, not as a gift, did you ever see in the presence of [redacted] a puppet?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you be more direct, please?

Q. Sure. Were you ever in a room with [redacted] where there was a puppet?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you be more specific please and can you bound it by time and be more specific, whatever you are actually asking me?

Q. Were you ever in a room with [redacted] in New York in Jeffrey Epstein's home where there was a puppet?

MR. PAGLIUCA: Objection to the form and foundation.

A. What sort of puppet are you asking me?

Q. Any kind of puppet?

A. You need to be more descriptive. I don't know what you mean by puppet, there is

hand puppets, all sorts of puppets.

Q. Is there any puppet you've ever seen in Jeffrey Epstein's home in the presence of [redacted]

A. Again, puppet, you know, there is lots of types of puppets.

Q. Any type of puppet.

A. If you want to give me a description of the puppet, I would be perhaps be able to say.

Q. Any type of puppet?

A. Can you be more detailed?

Q. Have you ever seen a puppet in Jeffrey Epstein's home in the presence of [redacted]?

A. My understanding of a puppet is a small handheld item you have in a circus. I have never seen that.

Q. Have you ever seen a puppet which is defined as a movable model of a person or animal that is used in entertainment and typically moved either by strings or controlled from above or by a hand inside it?

MR. PAGLIUCA: Objection to the

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form and foundation.

A. I have not seen a puppet that fits exactly that description.

Q. Have you seen any puppet that fits any description?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you reask the question, please?

Q. Yes.

Have you seen any puppet that fits any description in the presence of [redacted] in Jeffrey Epstein's home?

MR. PAGLIUCA: Objection to the form and foundation.

A. I am not aware of any small handheld puppet that was there. There was a puppet -- not a puppet -- there was a -- I don't know how would you describe it really, I don't know how would you describe it. Not a puppet, I don't know how you would describe it. A caricature of [redacted] that was in Jeffrey's home.

Q. Did you use that caricature to put the hand of the caricature on [redacted]

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[redacted] breast?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't recollect. I recollect the puppet but I don't recollect anything around the puppet. You characterized puppet, I characterize it as, I don't know, as a characterization of [redacted]

Q. Do you recollect asking Virginia Roberts to sit on [redacted] lap with the caricature of [redacted]?

A. I do not recollect that.

Q. What do you remember about the caricature of the [redacted] caricature when you were in the presence of [redacted] [redacted] Virginia Roberts and [redacted]

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't recollect the story as told by [redacted] or Virginia. I don't even know who -- I remember the caricature of [redacted] [redacted] and I remember [redacted] but I don't recall anything else around the caricature.

Q. Did you give it to him?
A. I did not.
Q. Who gave it to him?
A. I don't think it was given to him at all.
Q. Did he bring it?
A. No.
Q. Was it something that was at the house?
A. As best I recollect.
Q. Was it something that you saw at the house in advance of [redacted] arrival?
A. Again, I don't real -- I recollect the caricature, I recollect[redacted], I don't recollect much else around the caricature.
Q. Was there a party going on in the house at the time you recollect the caricature?
MR. PAGLIUCA: Objection to the form and foundation.
A. You have to be way more specific?
Q. Do you remember, you said you

recollect this caricature, you recollect [redacted] being there. Do you recollect a party going on at the time of that interaction with [redacted] and the caricature?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't recollect a party -- first of all, they weren't really parties -- I don't recollect a party -- I don't know what you mean by party in the context of that scenario.

Q. Who do you recollect being at the home during the time [redacted] was there with this caricature?

MR. PAGLIUCA: Objection to the form and foundation.

A. I only recollect myself with [redacted] I don't recollect anybody else.

Q. You don't recollect Jeffrey Epstein being there?

A. Actually, no.

Q. You don't recollect [redacted] being there?

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A. No.

Q. You don't recollect Virginia Roberts being there?

A. No.

Q. It was just you and [redacted]?

A. I am not saying it was just me and [redacted], you are asking me do you remember. I only remember [redacted], I remember [redacted] and the caricature but I can't place the caricature and everybody else in the same context, the same timeframe you are asking me.

Q. [redacted]

MR. PAGLIUCA: Objection to the form and foundation.

A. Typically, there is no typical because there is no standard procedure, so I can't comment or testify to [redacted].

Q. Do you remember them being in the house?

A. Not specifically.

Do you mind if I take a bathroom break.

THE VIDEOGRAPHER: It's now 3:51 and we are off the record.

(Recess.)

THE VIDEOGRAPHER: It's now 4:04. We are back on the record and we're starting disk No. 7.

Q. Ms. Maxwell, during what time period, I know you said, I believe you said you met Jeffrey in 1991, if I'm correct there and you've known him through the present.

During what time period within those years would you say your relationship was the closest with Jeffrey?

MR. PAGLIUCA: Objection to the form and foundation.

A. What do you mean by close, sorry.

Q. I think earlier today you testified that at some point in time you considered yourself to be his girlfriend, is that the closest you would say that your relationship was with him and if so, what time period was that?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't think I said I was his girlfriend, I would like to think of myself as maybe, I don't think I -- sometime in the mid '90s.

Q. How close was your relationship?

A. We were very friendly.

Q. Without going into details, was your relationship with him intimate?

A. Yes.

Q. When was the last time you had contact with Jeffrey Epstein?

A. What do you mean by contact.

Q. Either a phone call or email or anything of that nature?

A. As best as I can recollect when

all -- sometime last year.

Q. So you haven't talked to him like, for example, last week you didn't talk to him?

A. I did not.

Q. How many times have you had either direct or indirect, meaning, in the presence of him or calling or emailing, contact with Jeffrey Epstein from December 30, 2014 until now?

A. I'm sorry, can you just --

Q. Either in person or by phone or by email, from December 30, 2014 until present.

A. I can't really characterize that but not very much. There was a period when in January when you filed your, whatever you filed, where we spoke and then, since then not much at all.

Q. Can you estimate how many emails you would have sent Jeffrey from the period of December 30, 2014 to the present?

A. Not very many at all.

Q. More than 20?

A. I really wouldn't be able to

characterize it because it wouldn't be that many. I wouldn't know.

Q. More than 50?

A. It would be on the lesser side, not on the more side.

Q. Can you give me a number?

A. I honestly couldn't. I would be guessing.

Q. How many emails has Jeffrey sent you from the period December 30, 2014 to the present?

A. I would say less emails, even less emails than I sent him.

Q. More than 20?

A. I would say on the lesser side.

Q. Less meaning 10?

A. I really can't recall, very little.

Q. When you spoke with Jeffrey in January of 2015, what did he say to you?

A. I really couldn't remember exactly what he said to me.

Q. Did you talk about Virginia Roberts?

A. I'm sure we did but I couldn't

recall the exact conversation.

Q. Does Jeffrey Epstein send you text messages?

A. No.

Q. Do you send him text messages?

A. No.

Q. How many phone calls have you had with Jeffrey Epstein since December 30, 2014?

A. Again, very few.

Q. More than five?

A. Probably as many as the few emails that I would characterize, so just very few. I mean a small number.

Q. Are you aware of any disagreement between your views about Virginia Roberts and Jeffrey's views about Virginia Roberts?

MR. PAGLIUCA: Object to the form and foundation

A. I cannot speculate to his views. I can only testify on my views.

Q. Earlier you went through the series of lies. Have you talked to Jeffrey about the lies and does he agree with you?

A. I have discussed some of the issues

with him, I can't remember specifically which ones. I just don't recall. I'm sorry.

Q. Do you recall him telling you that he didn't agree with you on any of those?

A. I don't recall him saying that.

Q. Do you have a joint defense agreement with Jeffrey Epstein?

A. I believe I do.

Q. Do you have a joint defense agreement with [redacted]?

A. I don't believe I do.

Q. Earlier today in your testimony, when I was asking you some questions, you said that you couldn't answer but that Jeffrey Epstein could answer that question.

Would Jeffrey Epstein be in a position to confirm or deny some of the obvious lies that we've discussed today?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't possibly testify to what Jeffrey could or would say. I can't speak for him.

Q. Would Jeffrey be able to confirm or

deny whether he had sex with Virginia Roberts?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't say what Jeffrey would say.

Q. Has he discussed that with you?

A. He has not.

Q. Would Jeffrey be able to confirm or deny whether he had a sexual massage from Virginia that first time she came to his mansion in Palm Beach?

MR. PAGLIUCA: Objection to the form and foundation.

A. I cannot speak for what he would say. I can only speak for what I would say. So as I testified everything that she said about that first meeting didn't happen so...

Q. Has he told that you everything about that first meeting didn't happen?

A. I know it didn't happen because she put me in that room.

Q. I understand you know. But has Jeffrey said when you are talking about the obvious lies, oh yeah, that never happened?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't specifically recall that. I don't know, but he has to agree with me because it didn't happen.

Q. Can Jeffrey Epstein, would he be able to confirm or deny whether he had sex with underage girls?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't testify to what Jeffrey would say.

Q. Can Jeffrey confirm or deny whether [redacted] was on Jeffrey's island?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't say what Jeffrey would say. I can only say what I know to be true.

Q. Has Jeffrey talked to you about the fact whether [redacted] was on his island?

A. As best as I can recollect, he said he was not on the island. As best as I can recollect.

Q. Can Jeffrey Epstein confirm whether

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he and Virginia Roberts were together in the presence of [redacted]?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't speak to what Jeffrey would say.

Q. Has he talked to about Virginia Roberts' statement that she was in the presence of [redacted]?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have not discussed individual presences with Virginia. That's not -- I'm only concerned with what I know to be the stuff about me. So my focus has always been the lies and the obvious lies as something I can personally attest to. I cannot possibly talk for anything else.

Q. Has Jeffrey Epstein said to you anything along the lines of Virginia is lying when she says she met [redacted]?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I'm not talking about what

she says as regards to other people. I can talk to things as regards to me.

Q. I'm asking if Jeffrey ever said that to you?

A. I don't recollect specific conversations along those things.

Q. You don't recollect him saying that to you?

A. I don't recollect him saying to me that Virginia didn't meet [redacted]. I'm sure that wouldn't be a conversation that we would have. It doesn't effect me whether -- so I'm really only concerned about the lies that were told as regards to me.

Q. Can Jeffrey Epstein confirm or deny whether you sent Virginia to give [redacted] a massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't say what Jeffrey would say, I can tell you I didn't. I can't tell you what anybody else.

Q. Have you discussed with him Virginia's allegation that she gave [redacted]

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[redacted] a massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. I didn't know that she did say that.

Q. Do you know whether Jeffrey Epstein has ever sent anybody to [redacted] to perform a massage for him?

MR. PAGLIUCA: Objection to the form and foundation.

A. I couldn't possibly recollect whether he did anything like that.

Q. Did you ever send anybody, not Virginia, anybody else over to [redacted] home for a massage?

A. Not to the best of my knowledge.

Q. Do you know one of [redacted] [redacted] friend by the name of [redacted] [redacted]

A. I do recollect a person of that name.

Q. How do you know her?

A. I don't recollect.

Q. Did you meet her through Jeffrey?

A. I don't recollect.

Q. Do you recall when you met her?

A. I do not recollect.

Q. How many times have you seen [redacted] in your life?

A. The only reason I remember is because it's an unusual name but I couldn't tell you anything else.

Q. You didn't see her on a regular basis, she wasn't one of your friends?

A. No.

Q. Was [redacted] a masseuse?

A. Not to my knowledge.

Q. Do you have knowledge of whether she had a sexual relationship with Jeffrey Epstein?

A. I have no knowledge of that.

Q. When was the last time you spoke with her?

A. A very long -- I have no idea.

Q. Would it be years?

A. Yes.

Q. What do you remember about [redacted]

A. Nothing really.

Q. Do you remember what she looks like?

A. I would just be speculating on how I remember. I couldn't describe her.

Q. Do you recall traveling with her?

A. I don't.

Q. Did you ever go to her home?

A. I don't believe I did.

Q. Do you know where she lives?

A. I don't.

Q. Would you have met her through Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. I already testified I don't recollect how I met her and I remember her because her name is very unusual.

Q. So what's your -- what recollection do you have of her, do you have a specific recollection of meeting her somewhere, you just don't know when that was or how do you know that name [redacted]?

MR. PAGLIUCA: Objection to the

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form and foundation.

A. I don't know why the name is -- I'm sorry -- I can't -- I have no idea. I recognize the name but that's it.

Q. Was [redacted] a masseuse?

MR. PAGLIUCA: Objection to the form and foundation.

A. What are you asking me, I'm sorry?

Q. When [redacted] worked for Jeffrey Epstein, did she perform massages?

A. I've testified that when [redacted] came originally, she came to answer telephones. I believe at some point she became a masseuse. I don't recollect when and I personally had massages from [redacted]

Q. What did [redacted] do for Jeffrey Epstein, did she perform massages, anything else?

MR. PAGLIUCA: Objection to the form and foundation.

A. When she came she answered phones and at some point, I believe, I don't have any firm recollection, but I believe she went to school and became a masseuse and I had

massages from her.

Q. Did you ever have any sexual interaction with her?

MR. PAGLIUCA: Object to the form and foundation and I'm going to instruct you if we're talking about any consensual adult contact, you are not allowed to answer the question.

Q. Did you have any sexual contact with her in the presence of Jeffrey Epstein?

MR. PAGLIUCA: Same instruction.

Q. Did you have any sexual contact with her in the presence of anybody other than Jeffrey Epstein?

MR. PAGLIUCA: Same instruction.

Q. How many massages did you receive from [redacted]

A. I really don't recall but a fair amount.

Q. Did the massages involve sex?

MR. PAGLIUCA: I'm going to instruct you not to answer.

Q. Have you ever engaged in sex with any female?

MR. PAGLIUCA: I'm going to instruct you not to answer.

MS. McCAWLEY: I want the record to reflect that Ms. Maxwell's attorney is directing her not to answer this series of questions.

MR. PAGLIUCA: It definitely does.

Q. Were you responsible for introducing [redacted] to Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. I already testified that I don't really recall [redacted]

Q. Were you responsible for introducing [redacted] to Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I don't like the characterization of introduction. [redacted] came to answer telephones.

Q. When did you -- were you the person who brought or introduced or met [redacted] for purposes of bringing her to Jeffrey Epstein's home?

MR. PAGLIUCA: Objection to the form and foundation.

A. That's not how I would characterize that.

Q. How would you characterize it?

A. I have testified that I'm responsible for finding professional people to work in the homes, age appropriate adult people, so from pool attendants, to gardeners, to chefs, to housekeepers, to butlers, to chauffeurs and one of the functions was to be able to answer the telephones and in the context of finding someone to answer the telephones, I did look to try to find appropriate people to answer the phones.

Q. So did you find Johanna for purposes of that role?

A. So in the course of looking for somebody to answer phones at the house, Johanna was one of the people who said that she was willing to answer phones.

Q. Did you approach her at her school campus?

MR. PAGLIUCA: Objection to form and foundation.

A. I honestly don't recall how, in that moment, how I met [redacted] and how she came to get the job but...

Q. Did you typically, in your work for Jeffrey Epstein, would you typically go to school campuses to try to find individuals to work for Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. I never -- what do you mean by school? Let's characterize school.

Q. Any kind of school.

A. Obviously not. I never went to any school with young people. [redacted] I believe came from an adult university, as I would know in England, so university, I went there but I never went, as I best recollect, anywhere else.

Q. Did you -- what university was it that you went to?

A. I don't recall the university that she went to right now.

Q. Would you visit more than one university to try to find individuals to work for Jeffrey Epstein?

A. As I recollect, I think that's, in fact, the only university I went to.

Q. Did you go there more than once?

A. I think I went twice.

Q. Who else did you find from that university, was there anybody other than [redacted]

A. I don't recollect, I'm sorry.

Q. We are going to mark this as Maxwell 13?

(Maxwell Exhibit 13, documents, marked for identification.)

Q. Can you take a look at the document I put in front of you, please.

Are you familiar with this document?

A. I'm familiar with this actual document.

Q. How was this document created?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know how this document was created.

Q. You were involved in the creation of this document?

A. I think you can see from the date that it's 2004, 2005, so no.

Q. You weren't involved in the creation of this document.

Did you -- we talked earlier about Mr. Epstein's house, I'm talking about the Palm Beach house where you said there was a computer on the desk, that employees had access to -- people who worked for Jeffrey Epstein may have had access to?

A. I think anybody could have had access to that.

Q. Was that computer used, if you know to keep a log of addresses and phone contact information for Jeffrey Epstein?

A. Are we talking about when this document was created.

Q. In general, was there, on that computer during the time that you were present with Jeffrey Epstein, was there a

mechanism by which you kept electronic information of names and addresses of individuals that he knew?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't testify to what was on that computer or not after I was gone.

Q. Not when you were gone, when you were there. If Jeffrey wanted to call, for example, say [redacted], would someone be able to go to that computer to pull up the address information and phone contact information for that individual?

MR. PAGLIUCA: Objection to the form and foundation.

A. I couldn't possibly say.

Q. Did you ever have to keep track of address or phone contact information for Jeffrey Epstein?

A. That was not my job.

Q. Did you ever do it?

A. I am not responsible for keeping his numbers so that wasn't my job at all.

Q. But did you ever do it? I know

it's not your job but did you ever do it, did you ever keep phone contact information for him?

A. During the course of the time we were together, if he gave me a telephone number, I would give it to an assistant to put in the computer, I could do that.

Q. Would he ask you for contact information for different individuals, if he wanted to contact someone?

MR. PAGLIUCA: Objection to the form and foundation.

A. In the course of the long period of time when I was there, it certainly would be possible for him to ask me for a telephone number and if I had the -- I wouldn't always have it -- I'm sure it happened.

Q. Was there a hardcopy book in addition to the computer, a hardcopy book that you could look for numbers that were relevant to Jeffrey Epstein's life and something on the computer or was it just an electronic version?

MR. PAGLIUCA: Objection to the

form and foundation.

Q. Was there a hard copy book as well as something on the computer or was there only electronic information on the phone numbers?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can only testify to what I know obviously, and I believe that this is a copy of a stolen document. I would love to know how you guys got it.

Q. I'm asking during the time you worked for Jeffrey Epstein, was there a hardcopy document of any kind that kept phone numbers for Jeffrey Epstein, if he needed to contact someone?

A. The stolen document I have in front of me that you have is what you are referring to.

Q. So there was, during your time when you were there, there was no other, you mentioned there was information on a computer. Was there any hardcopy document that you could refer to to find someone's

number?

A. You have the stolen document in front of you.

Q. You had access to this when you worked for Jeffrey Epstein?

A. This is, I believe, the book that was stolen, that was the hardcopy of whatever was there.

Q. So when you were working for Jeffrey Epstein, you were able to access this book?

A. This book -- if this is what this is, I believe it was, this is the stolen document from his house.

Q. And you were able to access it when you worked for him?

A. It was a document that was printed that you could, if you needed to, look for a number.

Q. Do you know how this book was created?

A. No.

Q. When you referred to it a moment ago, to a stolen document, when [redacted]

[redacted] turned this document over to the FBI, are you aware he described it as a document that came from your computer?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea what he said or didn't say, so if you want me to reference something he said, you need to show it to me.

Q. Did you keep this document, an electronic copy of it, on your personal computer?

A. I don't recollect.

Q. If you had to update something, for example, if there was a new number, a new individual that Jeffrey had hired that you were going to track, would you input that information into this document on your computer?

MR. PAGLIUCA: Objection to the form and foundation.

A. I've already testified that I'm not responsible for updating and keeping these records.

Q. Did you have this document on your

computer, your personal computer?

A. I told you, I don't recollect having this document on my computer.

Q. Do you know what computers this document was on, if more than one?

A. I'm sorry, this is a long time ago and I don't recall exactly how this was all managed.

Q. If you didn't create this document, do you know who did?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't.

Q. I'm going to direct your attention to part of this document. It's towards the back, it's going to be page 91 and it has bates label Giuffre 001663. I'm going to direct your attention to the section that says, Massage Florida.

Did you input any of the names or numbers under that section?

MR. PAGLIUCA: Objection to form and foundation.

A. So this document is produced in

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2004, 2005, so, no.

Q. But I'm sorry, correct me if I'm misunderstanding your testimony, I thought you said when you were working with Jeffrey, that this document existed and it was something you utilized?

A. I can't possibly tell you what numbers were added or not added subsequent to my departure.

Q. So you can't recall if you added any of these numbers?

MR. PAGLIUCA: Objection to the form and foundation, mischaracterizes the witness' testimony.

Q. Are there any numbers on here or names that you recognize that you would have entered into this section?

A. I already testified that I'm not responsible for inputting numbers and names into this so I would not be able to tell you.

Q. Are there any names or numbers under this section, Massage Florida, that you would have provided to an assistant to input into this document?

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A. I can't possibly say.

Q. Do you see under Massage Florida, about halfway down the first column, do you see a number that says [redacted] cell?

MR. PAGLIUCA: What page?

Q. It's 91, Bates number 001663. About halfway down, it says in the first column, it says [redacted] cell.

Do you see that?

A. I do.

Q. Would you have provided after, I know you didn't hire her, Jeffrey hired her but after you brought her to Jeffrey, would you have given her cell phone number to an assistant to input into this document?

MR. PAGLIUCA: Objection to form and foundation.

A. I didn't bring her to Jeffrey, the way you characterize and I would have no knowledge of how this number ended up in this book.

Q. I believe you, and I will try to use your words so we are clear, you met [redacted] is that correct?

A. Yes.

Q. And then she began working for Jeffrey?

A. Yes.

Q. Would you have provided whomever was in charge of keeping this updated with [redacted] cell number so you would be able to contact her if needed?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know. It could have been a number of different ways, it it could have been Jeffrey who gave it to somebody.

Q. You just don't remember doing that?

A. I do not.

Q. Now, as you look -- I want you to take a look at the Florida massage list, it's three columns there.

Do you, as you look at those names on the various columns, do you know the ages of any of the girls in this list?

A. I don't know. One, I don't know who all the people are on this list and I certainly don't know the ages.

Q. Do you know what their qualifications are?

A. I don't know who the people are in general so of course I don't know what their qualifications are.

Q. Do you know why Jeffrey has so many masseuses listed in Florida in his book here?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, this book was created post my departure, so I couldn't explain why all these people were here.

Q. When you were there, you said this book existed?

A. Yes.

Q. So when you were there, were there a number of masseuses listed under the Florida massage?

MR. PAGLIUCA: Objection to the form and foundation and mischaracterization of the witness' testimony.

Q. I'm asking you a question.

When you were there, were there a

number of masseuses listed under the Florida massage section?

A. When I was there, I would have, of course there would have been some masseuses listed but I could not tell you who or how many and this -- I could not possibly because I wouldn't remember.

Q. Do you know why Jeffrey would have had so many names listed under his massage Florida?

MR. PAGLIUCA: Objection to form and foundation.

A. I can't testify to why Jeffrey has so many.

Q. Did he use a different masseuse every day?

MR. PAGLIUCA: Objection to the form and foundation.

Q. You can answer.

A. When I was there he had a massage roughly every day, one masseuse, and mostly he would have them at random times, so it would be difficult if you just only had one person, man, woman, for an adult massage, to

come and be available for whatever time it was. So he would have more than one person that he could call for a massage because at any given time the one that he called first may not have been available.

Q. So would it typically be a different person each day that would give him a massage?

MR. PAGLIUCA: Objection to the form and foundation.

A. It would be, when I was there, based on availability.

Q. Would it surprise you to learn that the Federal Government found that some of the girls on this list under massage Florida were under the age of 18?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't testify to what the government found or did not find because I would have no knowledge of it.

Q. I'm asking if you would be surprised by that?

MR. PAGLIUCA: Form and foundation.

A. I have knowledge of it. I can't speculate.

Q. On the second column, towards the bottom, there is the name, it's one up from the bottom, there is the name [redacted], do you know [redacted]?

A. I do.

Q. Who is she?

A. She was a friend of Jeffrey's.

Q. Is she a masseuse?

A. She, I don't think she was a masseuse, no.

Q. Why would be she listed under Florida massages?

A. An input error.

Q. Is this list any individual that would have sex with Jeffrey?

MR. PAGLIUCA: Objection to the form and foundation.

A. I wouldn't have any knowledge of that.

Q. Do you know if Jeffrey had sex with [redacted]?

MR. PAGLIUCA: Object to the form

and foundation.

A. First of all, I wouldn't have any knowledge of that.

MS. McCAWLEY: We are going to take a quick break.

THE VIDEOGRAPHER: It's now 4:39 and we are off the record.

(Recess.)

THE VIDEOGRAPHER: It's now 4:54 and we are as back on the record starting disk number 8.

Q. Ms. Maxwell, we were talking earlier about the journal and I believe you said in 2004, 2005, you were no longer working and responsible for that journal, is that correct?

MR. PAGLIUCA: Objection to the form and foundation.

A. What are we referring to, this document right here?

Q. Yes.

A. I don't know who is the author of this or I can't tell you what is in here versus what would have been here when I was

around. I can't testify to that.

Q. Were you around in 2004, 2005?

A. I already testified that I was there when Jeffrey's mother passed away and so you know, I did visit for her passing and I believe I was there for a couple of days in 2005.

Q. So if an employee of Mr. Epstein in 2004 said that you were the employee's direct supervisor, would that be incorrect?

MR. PAGLIUCA: Objection to form and foundation.

A. What employee, what's the circumstances and what is the story, I don't know what you are asking me.

Q. If [redacted] said in 2004 when he was hired, you were his direct supervisor, would that be true?

A. No.

Q. Were you in 2004 supervising [redacted]

MR. PAGLIUCA: Objection to form and foundation.

A. I never supervised [redacted].

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Q. Did [redacted] take orders from you?

MR. PAGLIUCA: Objection to the form and foundation.

A. She worked for Jeffrey.

Q. If [redacted] said you had knowledge of underage girls coming to Jeffrey's home for the purpose of sex, would you contend that that is truthful?

MR. PAGLIUCA: Objection to the form and foundation of the question.

A. I have no idea what you are talking about, I'm sorry.

Q. If [redacted] said that you have knowledge of underage girls coming to Jeffrey's home for the purpose of having massages involving sex, would you say that that statement is truthful?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't testify to what [redacted] said or didn't say.

Q. I'm saying if [redacted] said that you had knowledge that there were girls coming

over to the house that were underage for the purposes of sex, would that statement be true?

MR. PAGLIUCA: Objection to form and foundation.

A. I can't testify to what [redacted] said or didn't say or what he thought.

Q. Did you have knowledge of underage girls coming to Jeffrey Epstein's house for the purpose of sex?

A. No.

Q. Earlier I believe you testified, correct me if I'm wrong, that the document that is in front of you, the thicker document was a stolen document.

Do you know who stole that document?

A. I have read that [redacted] stole the document.

Q. And where have you read that?

A. I believe it was reported in the press.

Q. Earlier we were talking about the computers at Jeffrey Epstein's home. Did you

have a computer that was your computer located in Jeffrey Epstein's home?

MR. PAGLIUCA: Objection to form and foundation.

A. I've testified to the computer already. Even when I was around, there was a computer that people had access to.

Q. So is [redacted] telling the truth when he says that he downloaded that book from your computer?

MR. PAGLIUCA: Objection to the form and foundation.

A. I couldn't possibly tell you what [redacted] did or didn't do or said or didn't say.

Q. Was it on your computer?

A. I already testified I have no idea where this document came from.

Q. Did you have a list of names of individuals with contact information for Jeffrey Epstein on your personal computer?

A. Again, that wasn't my computer. I already said that was a computer that lots of people would have, so I have no recollection

of this document being on it, so I don't know where this came from.

Q. I understand the computer at the house that you're referencing. On a personal computer of yours, did you have that document?

A. I don't know where this document came from, so I can't possibly say this document was on any computer that I may have had access to.

Q. On a personal computer of your own, did you have lists of the phone numbers and contact information relating to Jeffrey Epstein?

A. Like everybody, I have an address book but I can't possibly testify to where this thing came from.

Q. Was it your address book or was it addresses that related to Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know what you're asking me.

Q. On your personal computer, the address book you are referencing, was it your

address book with individuals you knew or was it an address book for your employer, Jeffrey Epstein?

A. Jeffrey has his situation and I have no -- this is Jeffrey's, it came from his home, so I can't testify to anything about this in that period of time.

Q. So you didn't have on your computer a list of contact information for individuals that was related to Jeffrey Epstein?

A. I don't recall exactly what I had back in 2004 and 2005, so I can't say what I had back then that relates to his addresses, I can't recall.

Q. So is it possible that someone could have downloaded from your personal computer a list of names and address that were affiliated with Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. This didn't come from any computer of mine.

Q. But is it possible that someone could have downloaded a list of names and

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addresses affiliated with Jeffrey Epstein from your computer?

MR. PAGLIUCA: Objection to the form and foundation.

A. I already said, I didn't have a computer there, so I don't know where this came from, I have no idea.

Q. I'm going to read to you some testimony from [redacted] deposition and it's on page 370 and I want to ask you a question about it, if it's true or false?

MR. PAGLIUCA: I'm going to object unless you show the witness the document.

MS. McCAWLEY: I will pass it. We are not going to mark it. We will skip it.

Q. Did you ever tell [redacted] that he better watch out and better keep his mouth shut with respect to what occurred at Mr. Epstein's home?

MR. PAGLIUCA: Objection to the form and foundation.

A. It doesn't sound like anything I

would say.

Q. Did you ever threaten [redacted] in any way if he were to disclose information he learned from his employment with Jeffrey Epstein?

MR. PAGLIUCA: Objection to the form and foundation.

A. I'm happy to answer. No, I never threatened him in any way.

Q. Were you concerned that he was going to disclose that Jeffrey Epstein was trafficking underage girls?

MR. PAGLIUCA: Objection to the form and foundation.

A. First of all, there are so many things wrong with that question, but I have no knowledge of what you are talking about.

Q. Have you ever contacted or instructed anyone to contact any witness in this case for the purposes of threatening them not to testify in this case?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have never called anybody with

reference to this case with any, anything you just mentioned, I never threatened anyone.

Q. Have you ever directed anyone to call any witnesses relevant to this case and threaten them not to testify?

MR. PAGLIUCA: Objection to the form and foundation.

A. I never done such a thing.

Q. Did Jeffrey Epstein or you ever ask any female, regardless of age, to carry Jeffrey's baby for him?

MR. PAGLIUCA: Objection to the form and foundation.

Q. Or anything along those lines?

MR. PAGLIUCA: Objection to the form and foundation.

A. Can you repeat the question, please?

Q. Did you or Jeffrey Epstein ever ask any female, regardless of age, to carry Jeffrey Epstein's baby for him?

MR. PAGLIUCA: Objection to the form and foundation.

A. Are you asking --

Q. To become pregnant, did you or Jeffrey Epstein ever ask any female to become pregnant and carry Jeffrey Epstein's baby for you or for Jeffrey?

MR. PAGLIUCA: Objection to form and foundation.

A. You need to be very specific. I have no idea what you are talking about. That's completely rubbish.

Q. Did you or Jeffrey Epstein ask any female to become pregnant and carry his baby for either him or you?

MR. PAGLIUCA: Objection to the form and foundation. Go ahead.

A. I can't testify to anything Jeffrey did or didn't do when I am not present, but I have never asked anybody to carry a baby for me.

Q. Or anything along those lines?

MR. PAGLIUCA: Object to the form and foundation.

Q. I want to make sure we are talking about the same thing, not physically carry a baby, I mean become pregnant with a baby?

MR. PAGLIUCA: Objection to the form and foundation.

Q. I want to make sure we are clear.

A. I don't know what you are asking.

Q. That's why I want to make sure we are clear.

A. We are clear. I never asked anybody to carry a baby for me.

Q. Do you know if Jeffrey ever asked anybody to carry a baby for him?

A. I'm not going to characterize any conversation Jeffrey had with somebody else.

Q. You are not aware of that, is that your testimony?

A. I am testifying I never have and I will not testify for anything for Jeffrey.

Q. Did you ever hear Jeffrey ask anybody to carry a baby for him?

A. I don't recollect conversation about Jeffrey and babies in any form.

Q. Did Jeffrey ever tell he wanted to have a baby?

A. I don't recollect baby conversations with Jeffrey.

Q. So he never told you he wanted to have a baby?

A. I don't recollect any baby conversations with him saying he wanted to have a baby.

Q. Did you ever bring any females to the [redacted] house that were not your friends' children that were under the age of 18?

MR. PAGLIUCA: Objection to form and foundation.

A. I have never, to my knowledge, brought anybody under the age of 18 that's not a friend of my family or my nieces or nephews to the [redacted] household.

Q. Earlier today you testified, I believe, that with respect to your town home Jeffrey paid for some of that and then gave you a loan, is that correct?

MR. PAGLIUCA: Objection to the form and foundation.

A. I said, actually I think it was a loan, I believe it was a loan.

Q. The whole thing?

A. As best as I can recollect.

Q. Did you pay that loan back?
A. I don't have any outstanding loans with him.
Q. So you paid it back?
A. I don't have any outstanding loans with him.
Q. That's not an answer to my question.
Did you pay back Jeffrey for the loans?
A. I have paid back any loans I had with him.
Q. You have or haven't?
A. Have.
Q. Were there any other gifts that Jeffrey gave you during the time period of say 1999 to the present that were in excess of $50,000?
MR. PAGLIUCA: Objection to the form and foundation.
A. What's the question again?
Q. Did Jeffrey give you any gifts in excess of amounts of $50,000, I'm not talking about a scarf here or something

insignificant, from 1999 to the present?

A. I can't recollect any gifts.

Q. Did he ever buy you a car?

A. I really don't recall, I can't recall, it's a long time ago.

Q. You can't recall if Jeffrey Epstein ever bought you a car?

A. I believe he did buy me a car, I don't recall how much it cost. I don't recall any of the financial details of that.

Q. Do you still have that car?

A. I don't.

Q. How long ago did you get rid of that car?

A. I don't recall all the cars. There was a car back -- there was -- I don't recall, I'm sorry.

Q. He supplied you with several cars?

MR. PAGLIUCA: Object to the form and the mischaracterization of the testimony.

A. I don't recall details of the cars.

Q. Did he supply with you more than one car?

A. Over the course of time, I've driven many cars.

Q. That Jeffrey provided to you?

A. They were cars that could be driven and I just don't recall them.

Q. Were they in your name?

A. I don't recall.

Q. You don't recall if Jeffrey Epstein ever put a car in your name?

A. We are talking a long time ago, I really don't recall.

Q. When is the last time you had a car from Jeffrey Epstein that you used?

A. 2000, 2001, 2002.

Q. Do you recall what kind of a car that was?

A. I don't recall, I'm sorry.

Q. Did Jeffrey Epstein purchase anything else for you besides the townhouse and cars that would be over the amount of $50,000?

A. I didn't say that he did, I said I had a loan.

Q. Besides the loan, I'm sorry, you

are right, you did say you had a loan and you said you paid that back, correct?

A. That's my testimony.

Q. Anything else in excess of $50,000 that he would have purchased for you?

A. We are talking 2002, 2001, I don't recall any gifts really.

Q. When is the last time Jeffrey Epstein gave you a gift in excess of $50,000?

MR. PAGLIUCA: Assumes facts not in evidence. Form and foundation.

Q. You're saying you don't remember from 2001 and 2002. I'm asking when is the last time you remember Jeffrey Epstein purchasing a gift for you?

A. I don't recall gifts in excess of $50,000, I barely recall gifts, I barely recall a lot of this -- I'm sorry, I don't recall.

Q. Is Jeffrey Epstein paying for your legal fees in this case?

A. No.

Q. Is he paying for anything related to this case?

A. No.

Q. Are you aware of any grand theft police report relating to Virginia Roberts?

A. I believe I've read a report in the press on that.

Q. Did you provide the press with a report on a grand theft by Virginia Roberts?

A. I don't know how the press got that story.

Q. Do you know if Virginia Roberts committed a grand theft?

A. I only know what I read in the press.

Q. Did you ever state to the press that Virginia Roberts committed a grand theft?

A. I've never had any conversation directly with press.

Q. Did any of your representatives ever inform the press that Virginia Roberts committed a grand theft?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no way of knowing what my

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representatives said to press or didn't.

Q. Did they ever discuss with you the fact that they were going to report that Virginia Roberts participated in a grand theft?

A. I don't know how, first of all, I don't know how I know that. I believe I read it in a press report so...

Q. I'm going to mark this as composite exhibit, Maxwell 14 please?

(Maxwell Exhibit 14, email, marked for identification.)

Q. I'm going to direct you to page GM 00109. At the top of that page you are going to see an email address from Jeffrey Epstein on Sunday June 12, 2011 to [redacted]

A. Yes.

Q. The re line says, This is the actual version they wanted me to send which I changed but this is back from my U.K. lawyers.

Do you see that?

A. Yes.

Q. If you go down further, you're going to see halfway through the page, you will see your email address the [redacted] and you will see a statement that says, Thank you. I have it now. I'm working on the letter a little. I will send final version tomorrow and whatever is in it will be factually accurate.

Beneath that you will see [redacted] who I believe you identified earlier as one of your attorneys?

A. Uh-huh.

Q. And you will see a letter, starting the text of a letter starting, I want you to turn to the second page which is GM 00110. About halfway through the page, it says you will also presumably draw attention to the fact that prior to filing her suit against Mr. Epstein, Ms. Roberts fled the U.S. to avoid being arrested for grand theft. Police report available.

What grand theft were you referring to there that Virginia Roberts committed?

MR. PAGLIUCA: Objection to the

form and foundation.

A. I don't know. However, I believe she stole money from somewhere where she worked.

Q. How do you know that was grand theft?

A. I don't know how I know that.

Q. So you authorized a statement that characterized that as grand theft without knowing whether it was grand theft?

A. What month, what is the date of this?

Q. The date of this is June 12, 2011?

A. So I'm afraid such a long time ago, I'm not sure how, I really couldn't testify as to how that language ended up in here.

Q. Do you have the police report? It says police report available. Do you have that document?

A. I don't have that document.

Q. Who does?

A. I have no idea.

Q. Would your lawyer [redacted] have that document?

A. I don't know who has this document.

Q. What's your basis in that statement for saying Ms. Roberts fled the U.S.?

A. Again, you are asking me for a statement that I made in 2011 and I can't say what in 2011 exactly the basis of that statement was.

Q. So you don't know whether or not that statement is true?

A. This is in 2011 and it never went out, so I'm not sure exactly.

Q. But you said in your email that you were working to make it factually accurate, is that correct?

A. That's what it says.

Q. I'm going to mark as Maxwell 15 a document dated February 24, 2015?

(Maxwell Exhibit 15, email, marked for identification.)

Q. This is an email from [redacted] who you've identified as your [redacted] on February 24, 2015 to [redacted] which I understand to be your email address and [redacted]. The subject line says, VR cried rape. Prior

case dismissed as prosecutors found her not credible. The message says, Ghislaine, some helpful leakage, dot dot dot. What is it you were leaking to the press?

MR. PAGLIUCA: Objection, there is no foundation that she leaked anything and you know that.

Q. What was it that you were leaking to the press in that statement?

A. Again, I don't think that's referring to that, that's just referring to the press getting hold of whatever story it is.

Q. What was [redacted] leaking to the press?

MR. PAGLIUCA: Objection to form and foundation.

A. It doesn't say [redacted] was leaking anything. It doesn't say that.

Q. The statement says, helpful leakage, is that correct?

A. It says helpful leakage. That doesn't mean he leaked anything.

Q. Did you leak to the press

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information to the press information about the subject line, VR cried rape, prior case dismissed as prosecutors found her not credible?

A. I don't no idea what [redacted] is referring to. I think he is referring to the press held the story. I couldn't testify to that.

Q. Did you leak to the press information regarding the statement, VR cried rape prior case dismissed as prosecutors found her not credible, either through you or through [redacted]?

A. I think this is coming from the daily mail.

Q. That is not my question, I'm asking whether you or [redacted] leaked that?

A. I have no knowledge, I have no idea, I'm sorry. I can't -- I have no recollection. I have no idea what she is talking about.

Q. I'm going to mark this as 16?

(Maxwell Exhibit 16 email marked for identification.)

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Q. This is an email addressed at the top from Jeffrey Epstein on Monday, January 12, 2015 to [redacted] which I understand to be your email address. The email reads, You can issue a reward to any of Virginia's friends, aquaints, family, that come forward to help prove her allegations are false. The strongest is the [redacted] dinner and the new version of the Virgin Islands that [redacted] [redacted] practiced in an underage orgy.

Did you offer any rewards to Virginia's family or friends to contradict Virginia's story?

A. Absolutely not.

Q. Did Jeffrey Epstein offer any rewards to any of Virginia's, as he suggests here, friends, family or acquaintances to contradict Virginia's story?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea what he did.

Q. Did he tell he was going to offer rewards to Virginia's acquaintances, friends and family to prove her allegations were

false?

A. He did not.

Q. Do you know whether Jeffrey Epstein paid [redacted] to give testimony about Virginia Roberts?

A. I don't know who [redacted] is.

Q. So you don't know whether Jeffrey Epstein paid her?

A. I don't know who [redacted] is.

Q. Have you ever contacted any of Virginia's friends, acquaintances or family regarding this case?

A. I don't know who Virginia's friends or family are and I have not contacted anybody related to her in any way, shape or form.

Q. I will turn you, I believe it's the thicker document which is Maxwell, I believe it was 14, right there, the compilation document to GM, at the bottom, GM 00071. You actually may want to turn to the prior page 70 so you can see the email chain. At the top of the page --

MR. PAGLIUCA: I don't have a 00071

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on mine.

MS. McCAWLEY: It's the second page in that document.

MR. PAGLIUCA: Okay.

Q. It's dated Friday March 11, 2011 from Maxwell to Jeffrey with the title, Daily Mail and there is a forward from [redacted] to you and a number of other individuals, that's on the cover page and as you scroll to the second page, you are going to see that part of the chain that I'm asking about and that is the chain at the bottom which is dated 3/10/2011 from [redacted] and it says we think -- we should think about the letter to the editor. School can be university. Age of consent in Florida is complex. See below, if you are 16 years old, a sexual relationship with someone between 18 and 24 is legal in Florida. Two persons between 16 and 24, Florida statute 794.05. A person 24 years or of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony in the second degree. So as soon as you turn 16 you are able to

have sexual relations and you can have sexual relations with a minor under the age of 18 until your 24th birthday.

Why were you concerned with the age of consent in Florida?

MR. PAGLIUCA: Objection to the form and foundation of the question.

A. I wasn't concerned. I think this was somebody sending me the statute for informational purposes.

Q. Who is [redacted]?

A. He is the person who, [redacted] boss I believe, I don't know what the relationship is.

Q. I didn't hear you?

A. I[redacted] I'm not sure exactly.

Q. Why would he be sending you information addressing concerns about the age of consent in Florida?

MR. PAGLIUCA: Objection to the form and foundation.

A. I think he was just trying to be -- telling me details that would happen,

Virginia in '11 was claiming she was 15 and we thought she was 17. I didn't know what the statutes were in Florida and I think he was just trying to be helpful so I would know.

Q. Did you have a concern that you had violated this statute in Florida?

MR. PAGLIUCA: Objection to the form and foundation.

A. No.

Q. Did you have a concern that Jeffrey Epstein had violated this statute in Florida?

A. I'm not concerned what happened with Jeffrey. I'm only concerned what happens with me.

Q. Why did you communicate with [redacted] about the sexual consent age in Florida?

MR. PAGLIUCA: Objection to the form and foundation. It misstates her testimony.

A. I wasn't concerned. I think he was being helpful and stating what the statute was.

Q. I'm going to turn you now in that same stack the Bates number GM 00088. At the top of the email you are going to see Jeffrey Epstein, dated June 8, 2011, to you and it's got a re line, Vanity Fair. If you go down the chain you will see where it says under your email, Do you have a problem with anything I said.

Were you communicating with Jeffrey to confirm what statements you could put in any press releases you were given?

MR. PAGLIUCA: Objection to the form and foundation.

A. Any interest I have is in accuracy.

Q. Were you confirming with Jeffrey Epstein what information you could put in press releases?

MR. PAGLIUCA: Objection to the form and foundation.

A. Again, I'm only looking for accuracy.

Q. Why would you ask him if he had a problem with anything you were saying?

A. If there is anything I

characterized that was not correct.

Q. That's not what you said. You said, do you have a problem with anything I said.

MR. PAGLIUCA: Objection to the form and foundation. There is no question pending.

MS. McCAWLEY: There is.

MR. PAGLIUCA: That's not a question, it's a statement.

MS. McCAWLEY: Don't interrupt me.

Q. Di you say, do you have a problem with anything I said?

A. That was asking in my parlance that I wanted him to check it for accuracy.

Q. Did he tell you there was anything inaccurate about the statement?

A. Again, I have to read the whole thing to figure that out.

Q. Were you coordinating with Jeffrey Epstein during this time period in 2011 regarding statements that you were issuing to the press?

MR. PAGLIUCA: Did you withdraw the

last question.

MS. McCAWLEY: I'm not withdrawing anything. I'm asking a question.

MR. PAGLIUCA: There was a question pending. You didn't let the witness answer the question, then you moved on to another question so I'm asking for clarification for the record now which question are we answering.

MS. McCAWLEY: There is an answer. The question was did he tell you anything, there was anything in the statement inaccurate about the statement and she said again, I read the whole thing --

THE WITNESS: I would have to.

MS. McCAWLELY: -- I would have to read the whole thing to figure that out.

MR. PAGLIUCA: Then she started reading it and you asked another question.

MS. McCAWLEY: That's the question.

MR. PAGLIUCA: I'm wondering if its still pending.

MS. McCAWLEY: It was answered.

Q. Were you coordinating with Jeffrey Epstein during the time period in 2011 regarding the statements you were issuing to the press?

MR. PAGLIUCA: Objection to the form and foundation.

A. I only wanted to be accurate in any factual statements that I made.

Q. You knew at that time that Jeffrey Epstein had been convicted for sexual abuse of a minor, is that correct?

MR. PAGLIUCA: Objection to form and foundation.

A. He was sentenced I believe for underage -- soliciting an underaged prostitute.

Q. You knew that he was a registered sex offender?

A. Yes.

Q. You were coordinating with him the statement that you were going to be making to the press to confirm whether they were accurate in your words?

MR. PAGLIUCA: Objection to the form and foundation.

A. I was not coordinating with Jeffrey. He had details that I did not have. I was not party to his case. I needed to have information in order to be able to respond so I was not coordinating with him. I was merely asking for details that I could have.

Q. Did Jeffrey write any of your press statements for you?

A. No.

Q. He didn't draft any of them?

A. I have a lawyer who was working on this and that was -- I asked, I believe as I recollect asked him for information to make sure I was being accurate in the representations for whatever I was discussing.

Q. Did Jeffrey provide you with any drafts of statements to provide to the press?

A. I only recall drafts from my lawyer.

Q. I will mark this as Maxwell 17.

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(Maxwell Exhibit 17, email, marked for identification.)

Q. This is an email from you on January 10, 2015 to [redacted] [redacted] The statement you had before you earlier, that, if you can pull that in front of you, the one page press release that you gave. You might know from memory.

Was the press release that you issued with the statement about Virginia issued in or around January 2, 2015?

A. As best as I can recollect.

Q. I want to turn your attention to the document I just handed you which is Bates No. 001044, from you to [redacted] [redacted] It says in the first sentence, I'm out of my depth to understand defamation, other legal hazards and I don't want to end up in a lawsuit aimed at me from anyone, if I can help it. Apparently, even saying Virginia is a liar has hazards.

You knew at the time you called Virginia a liar in early January of 2015 that that was something that would result in a

lawsuit, is that correct?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have legal advice that I took.

Q. But you knew in early January by making a statement calling Virginia a liar that you were subjecting yourself to a legal dispute with her?

MR. PAGLIUCA: Objection to the form and foundation.

A. I took legal advice as to what should be said and not be said and the legal advice that came from the United Kingdom was --

MR. PAGLIUCA: You are not allowed to talk about any legal advice that you got from anybody that's a lawyer.

A. Sorry.

Q. So is it correct without telling me what you talked to your lawyers about that you knew because this is dated January 10 that when you made this statement in early January, January 2 of 2015 you knew that calling Virginia a liar would subject you to

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a legal action, isn't that correct?

MR. PAGLIUCA: Objection to the form and foundation. As to what you knew -- whatever she knows would be privileged.

MS. McCAWLEY: I'm asking if she knows. I'm not asking her to tell me about her privileged communications.

A. All I can say is I asked a question and received legal advice.

(Maxwell Exhibit 18, email, marked for identification.)

Q. This is an email dated January 15, 2015 from Jeffrey Epstein to you?

A. Uh-huh.

Q. It states in the first line, do you want [redacted] to come out and say she was the girlfriend during the time?

MR. PAGLIUCA: Objection to the form and foundation of the question and actually the word is [redacted], there is no vowel in there.

MS. McCAWLEY: I was just trying to pronounce it.

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Q. This email reads do you want [redacted] without a vowel, to come out and say she was the girlfriend during the time.

Who was Jeffrey Epstein referring to?

A. I believe he was referring to [redacted].

Q. Why was he asking you if you wanted [redacted] to come out and say she was the girlfriend?

MR. PAGLIUCA: Objection to the form and foundation.

A. The way the press and you were characterizing me is I was with Jeffrey throughout this entire period of time and I was not.

Q. Was [redacted] with Jeffrey during this period of time?

A. I believe she was.

Q. Did Jeffrey come out and tell the press it was [redacted] and not you that was with him as he is proposing here?

A. I don't believe he did.

Q. Did you want him to do that?

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A. No, I didn't ask him to do anything. No.

Q. So do you know in January of 2015, was [redacted] his girlfriend?

A. 2015, I have no idea who was his girlfriend in 2015.

Q. I'm sorry, you are correct.

In the period of 1999 to 2002, was [redacted] his girlfriend?

A. They spent a lot of time together.

Q. Did you talk to [redacted] about going to the press and saying that she was the girlfriend and not you?

A. I have never spoken to [redacted]

Q. Was [redacted] offered any money to make a statement that she was the girlfriend?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea. I have never spoken to [redacted] and I don't know anything -- I have no idea.

(Maxwell Exhibit 19, email, marked for identification.)

Q. That's an email from Jeffrey to

Maxwell dated January 25, 2015.

A. Uh-huh.

Q. I will direct your attention to the bottom email which is from you on Saturday January 24, 2015. It says, I would appreciate it if [redacted] would come out and say she was your girlfriend. I think she was from the end of '99 to 2002.

Does that refresh your recollection that you asked Jeffrey to have [redacted] come out and say she was his girlfriend?

A. I'm sure I would loved anybody to come out and say they were with Jeffrey rather than me.

Q. Was that an accurate statement you were asking to be made to the press?

MR. PAGLIUCA: Objection to the form and foundation.

A. When is this?

Q. 2015. The statement is whether she was the girlfriend from '99 to 2002. As the email reads.

A. What is your question?

Q. My question is, was that an

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accurate statement you were going to be giving to the press?

A. I didn't make the statement and [redacted] never came out, so it's completely moot.

Q. My question is, was it an accurate statement that [redacted] was the girlfriend from '99 to 2002 or were you just making that up for purposes of deflecting press from you?

MR. PAGLIUCA: Objection to the form and foundation.

A. As I said they spent a lot of time together and...

Q. Were you also his girlfriend from '99 to 2002?

A. I don't if I would have ever characterized myself as his girlfriend, but [redacted] at that time, was with him as much if not more than I was.

Q. I will mark this as Maxwell 20?

(Maxwell Exhibit 20, email, marked for identification.)

Q. This is an email at the top, it's Bates labled 001060. At the top is a chain

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from Jeffrey to you on January 11, 2015 and if you look below, I'm going to start at the bottom of that chain which is January 11 at 9:15 from Jeffrey and he wrote, [redacted] do you have an article coming out in Monday's paper. If so, could you please forward us a copy.

Do you know what [redacted] Jeffrey was referring to there?

A. I don't know.

Q. If you look up in the email chain do you see an email address from [redacted] [redacted] responding to that letter?

A. I do.

Q. So that would be [redacted] that Jeffrey was emailing at that time according to this chain, correct?

A. It certainly looks like it.

Q. The email from [redacted] to Jeffrey is, Nothing on Monday. I'm working on several possible articles about unfairness in the legal process that allows false charges to be inserted into legal documents with no opportunity to respond.

And do you see above that Jeffrey's

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email to you says, quote, Careful.

A. Is that to me or to [redacted]

Q. Jeffrey to [redacted] at the top. Why was Jeffrey telling you to be careful?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea.

Q. What was he concerned about with [redacted] suggestion in the email below?

MR. PAGLIUCA: Objection to form and foundation.

A. I can't possibly know.

Q. Did you discuss with him why he told you to be careful?

A. I had limited contact with him. I don't recall where this goes in the chain, why he was telling me to be careful, I have no idea.

Q. Did you respond to this email?

A. If you don't have it, I didn't respond.

Q. Did you ever delete emails during the period of January of 2015?

A. I have every email that you asked for in discovery, that I have I gave you.

Q. That's not my question.

Did you ever delete emails in January of 2015?

A. I have not deleted anything that you have asked me for in discovery. I have given you everything that I have.

Q. That is not my question, my question is, did you ever delete emails in January of 2015?

A. In the normal course of my work, there are emails from spam that I delete. That is the type of email I've deleted. Anything that is material to what you want, I have not deleted.

Q. How do you know that?

A. Well, anybody that's to do with Jeffrey or [redacted] or women or anything of which I know you were interested in, of which I have anything I would not have done because I don't want to subject myself to...

Q. Have you had your computer forensically copied for purposes of this

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litigation?

MR. PAGLIUCA: Objection to the form and foundation.

A. Has someone made a copy of your computer for purposes of this litigation.

A. No.

Q. Are you a citizen of the United States?

A. I am.

Q. Are you also a citizen of England?

A. I am.

Q. Are you a citizen of any other land?

A. TerraMar.

Q. That's the name of your charity project that deals with oceans, is that correct?

A. Yeah. I'm French as well.

Q. Has Jeffrey Epstein funded TerraMar for you?

A. He did give some money to TerraMar, yes.

Q. How much?

A. I believe it was $50,000.

Q. Earlier today, you said you were in the process of resolving the sale of your town home. Where do you intend to live once your town home is sold?

A. That's a good question. I don't have an answer for you yet.

Q. You don't have a present plan. Do you intend to live in the United States?

A. I don't have a present plan.

Q. Are you living outside of your town home right now or are you still there?

A. I'm just couch surfing.

Q. Has Jeffrey Epstein ever purchased a company for you or put a company in your name?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no recollection.

Q. Is there a Ghislaine Maxwell corporation, for example?

A. No, not that I am aware of that has anything to do with me. There may be with one that someone else owns or started but not one that is related to me.

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MS. McCAWLEY: I'm going to take a short break and make sure to keep it short because I know you wanted to -- I just want to wrap up what we have left.

THE VIDEOGRAPHER: It's now 5:49 we are off the record.

(Recess.)

THE VIDEOGRAPHER: It's now 6:00 p.m. and we are back on the record.

Q. Ms. Maxwell, do you recall being subpoenaed for a deposition back in 2009?

A. I do.

Q. Why did you avoid giving your deposition in that case when you were subpoenaed and had the opportunity to tell your side of the story?

MR. PAGLIUCA: Objection to the form and foundation.

A. That's not what happened.

Q. What happened?

A. As I best recall, I was subpoenaed and a date was set for the subpoena and everything was set and I believe it was with Brad Edwards, correct me if I'm wrong, and

Brad Edwards failed to show up for the subpoena.

Q. So your testimony is Brad Edwards did not show up for the deposition that had been set?

A. Correct.

Q. Did you give any statement that your mother was ill and, therefore, you couldn't take your deposition and had to leave the country indefinitely?

A. That's an entirely separate situation. Brad Edwards was involved in the [redacted], I believe, you know, is when fake suits were created in Jeffrey's case and [redacted] and Brad Edwards worked for that firm.

Q. And Mr. Edwards worked for that firm?

A. So when the subpoena came, Brad Edwards was involved with [redacted] in the case so when I was called for subpoena, then and I had a subpoena, date and time set, Brad Edwards went AWAL, meaning he failed to

respond to calls and failed to get in touch with my attorneys, even though a date and time was set for the subpoena and so that's what happened to that subpoena. It just didn't happen.

Q. We may be talking about two different cases so I will ask the question again.

Was there ever a time where you were subpoenaed to sit for a deposition that you could not make it because you said that your mother was ill?

A. So that is the same subpoena that Brad Edwards failed to turn up for and then I think five or six months passed between -- a period of time, I can't characterize it exactly, a period of time passed where then he resurfaced and asked for a new subpoena to be -- a new time to be set and because he had contacted the press and done all sorts of things that you guys are familiar with, I believe, it was my lawyer suggested that I should have some sort of protective order and I believe between the time for when Brad

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Edwards resurfaced after the [redacted] for creating fake cases in Jeffrey's and other people's cases, in between the time when there were -- trying to figure out the protective situation for me, my mother was sick, she is 89, she was 89 at that time so I -- they -- we can all -- we all have parents, so anyone, I don't know how old your parents are but any parent or godparent, any individual who is in the late 80s 90s, we can understand has health issues so my mother's health was deteriorating very rapidly at that time and we had issues at home with who she would talk to and how to manage her, her healthcare situation and so I went home. They were still arguing about the protective order --

Q. Is it your testimony that there was not a date set for your deposition at the time you left to go see your mother?

A. I don't believe so.

Q. Are you friends with the [redacted]

A. I am.

Q. Did you attend a wedding of [redacted] [redacted] a few weeks after the date was set, let's say a few weeks after you left to go see your mother who was ill?

A. I don't recall exactly when I left but it was before, a few weeks before -- I don't remember the exact timing of that, so I'm sorry, can you repeat the question?

Q. Did you come back to the United States to attend [redacted] wedding?

A. I attended [redacted] wedding but I don't know if I came back specifically for that or not.

Q. When we were looking at the flight logs earlier, there was a flight where you ended up in [redacted], I believe it was in [redacted] do you know how you got clearance to land at that [redacted]?

A. I need to have a look at whatever document.

Q. It's one of the flight logs, it was on the flight with [redacted] when we were talking about you landed at [redacted] I know you are a pilot, do you know what you

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had to do to get clearance to land at that naval base.

MR. PAGLIUCA: If you need to look at something to answer the question, you can. If you can't answer the question without looking at something just indicate such.

A. Regardless, I wouldn't have any knowledge of that.

Q. Was [redacted] traveling with you on the flights you were on with [redacted]

A. I would have to look at a document. I wouldn't know if she was on all of them or not. I don't know.

Q. Do you recall her being on any of them?

A. To the best of my recollection, I think she was. I don't recollect exactly what flight she was on or not.

Q. [redacted] was one of the co-conspirators, physically, in the nonconstitution agreement, is that correct?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have never seen the document but my understanding, I believe, is that she was.

Q. Did you ever stay the night ever at [redacted] house [redacted] have you ever stayed the night there?

A. In his home [redacted]

Q. Yes.

A. I don't believe I did.

Q. Are you aware of anybody providing Jeffrey with two 12 year old girls as a birthday present?

MR. PAGLIUCA: Objection to the form and foundation.

A. No.

Q. Are you aware of anybody ever providing Jeffrey with French girls under the age of 18 as a birthday present?

MR. PAGLIUCA: Objection to the form and foundation.

A. No.

Q. Do you know whether [redacted] provided girls under the age of 18 to Jeffrey for the purposes of sex?

MR. PAGLIUCA: Objection to the

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form and foundation.

A. I am un -- the answer is no, I don't know anything about that.

Q. Did you ever witness [redacted] [redacted] bringing girls under the age of 18 to any of Jeffrey residences?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't recollect [redacted] coming to the house with girls, period.

Q. Do you, when I say house, I'm including the U.S. Virgin Island home.

Do you recollect [redacted] bringing foreign girls under the age of 18 to the U.S. Virgin Island house?

A. I don't recollect anything like that.

Q. Do you know how Jeffrey Epstein made his money?

A. No.

Q. Was [redacted] one of his clients?

A. I have no idea.

Q. What do you know about the

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relationship between Jeffrey Epstein and [redacted]

[redacted]

A. Are you talking today?

Q. Yes, today.

A. I have no idea.

Q. Do they have a business relationship?

A. I have no idea.

Q. Did they have a business relationship during the time that you were working for Jeffrey Epstein?

A. I believe in the '90s when I was there they had a business relationship.

Q. Did they have any other kind of relationship?

MR. PAGLIUCA: Objection to form and foundation.

A. The only relationship I am aware of is the business relationship.

Q. Do you know why [redacted] sold the New York house or gave the New York house to Jeffrey, if you know?

MR. PAGLIUCA: Objection to the form and foundation.

A. I know nothing about that transaction.

Q. Can you list for me all the girls that you have met and brought to Jeffrey Epstein's house that were under the age of 18?

MR. PAGLIUCA: Objection to the form and foundation.

A. I could only recall my family members that were there and I could not make a list of anyone else because that list -- it never happened that I can think of.

Q. I'm talking about the time you were working for Jeffrey Epstein, can you list all girls that you found for Jeffrey Epstein that were under the age of 18 to come work for him in any capacity?

MR. PAGLIUCA: Objection to the form and foundation.

A. I didn't find the girls.

Q. You choose the word.

MR. PAGLIUCA: If you have a question ask it, you don't choose the word.

Q. List all of the girls you met and brought to Jeffrey Epstein's home for the purposes of employment that were under the age of 18?

MR. PAGLIUCA: Objection to the form and foundation.

A. I've already characterized my job was to find people, adults, professional people to do the jobs I listed before; pool person, secretary, house person, chef, pilot, architect.

Q. I'm asking about individuals under the age of 18, not adult persons, people under the age of 18.

A. I looked for people or tried to find people to fill professional jobs in professional situations.

Q. So Virginia Roberts was under the age of 18, correct?

A. I think we've established that Virginia was 17.

Q. Is she the -- sorry, go ahead.

Is she the only individual that you met for purposes of hiring someone for

Jeffrey that was under the age of 18?

MR. PAGLIUCA: Objection to form and foundation. Mischaracterizes her testimony.

A. I didn't hire people.

Q. I said met.

A. I interviewed people for jobs for professional things and I am not aware of anyone aside from now Virginia who clearly was a masseuse aged 17 but that's, at least that's how far we know that I can think of that fulfilled any professional capacity for Jeffrey.

Q. List all the people under the age of 18 that you interacted with at any of Jeffrey's properties?

A. I'm not aware of anybody that I interacted with, other than obviously Virginia who was 17 at this point?

(Maxwell Exhibit 21, email, marked for identification.)

Q. I'm showing you what's been marked as Maxwell 21, it's an email dated January 21, 2015 from Jeffrey to you. Is that, you

can take a moment to take a look at it, is that a statement that Jeffrey Epstein wrote for you to be issued to the press?

MR. PAGLIUCA: Objection to the form and foundation.

A. The question was?

Q. Is this a statement that Jeffrey Epstein wrote for you to be issued to the press?

MR. PAGLIUCA: Same objection.

A. Is there any other emails that you have that surround this that would allow me to know what -- does this have a context?

Q. These were produced by your counsel so the to extent there are emails that surround this, this is what we were given.

A. Okay. I don't know whether he wrote this -- obviously he wrote this and sent this to me. I don't know if this is post a phone call we had, I can't recollect exactly.

Q. Do you know if this was issued to the press, this statement?

A. The only press statement that was

issued is the one that you have.

Q. When the paragraph refers to you being in a very long term committed relationship with another man, who was that other man?

MR. PAGLIUCA: You don't have to answer the question.

MS. McCAWLEY: I'm asking the identity of a witness in a statement she is giving.

MR. PAGLIUCA: She didn't give the statement.

MS. McCAWLEY: Jeffrey is writing to her, I'm asking who is he is referencing to a long term relationship.

You are going to refuse to let her answer that question.

MR. PAGLIUCA: Yes.

MS. McCAWLEY: I would like to state for the record he is refusing to allow her to identify a potential witness in this litigation. So we will be back to get the answer to that question.

Q. Do you recall when you were traveling with Virginia Roberts that you would be responsible for holding her passport?

MR. PAGLIUCA: Objection to the form and foundation.

A. I already testified I don't recall traveling with Virginia.

Q. Do you recall whether Jeffrey Epstein when he was traveling with a minor, someone under the age of 18, someone would hold their passport?

MR. PAGLIUCA: Object to the form.

A. I couldn't testify to what Jeffrey did or didn't do.

Q. You never observed him gathering a minor's passport and holding it during one of the trips you were on?

A. I don't have a recollection of that.

Q. Are you familiar with a company called Hyperion Air Inc.?

A. I am.

Q. Is that a company you are

affiliated with?

A. No.

Q. Is that a company that Jeffrey owns?

A. I knew it back in 2001, back when I was working. I have no idea what that is today.

Q. What about JEGE, are you familiar with that company, JEGE Inc.?

A. I don't recall it.

Q. You don't recall?

A. It vaguely rings a bell. I don't remember what it relates to.

Q. What about J Epstein Virgin Islands Foundation, Inc.

Are you familiar with that company?

A. No.

Q. How did J Epstein & Company, Inc.?

A. Again, I don't recall his business names and affiliations.

Q. How about NES LLC, are you familiar with that name?

A. Again, I think that was one of his businesses, but I don't recall.

Q. Do you know what that business did?
A. I don't.
Q. How about New York Strategy Group Inc.?
A. I don't know.
Q. What about Ghislaine Maxwell Company, are you familiar with that company?
A. I never heard of that.
Q. Is that a company you are on record as being either a board member of or having a position of authority in?
MR. PAGLIUCA: Objection to the form and foundation.
A. I've never heard of the business.
Q. What negative, unflattering, private or potentially embarrassing information does Jeffrey Epstein know about you?
MR. PAGLIUCA: Objection to the form and foundation.
A. I imagine none.
Q. Does he know, does he have any knowledge of any illegal activity that you've conducted?

MR. PAGLIUCA: Object to the form and foundation.

A. If you want to ask Jeffrey questions about me, you would have to ask him.

Q. Have you ever been involved in any illegal activity in your lifetime?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't think of anything I have done that is illegal.

Q. Have you ever been arrested?

A. I have a DUI in the U.K. a long time ago.

Q. Is that the only arrest you have on your record?

A. Yes.

Q. I will mark as Maxwell 22 this email?

(Maxwell Exhibit 22, email, marked for identification.)

Q. This is dated January 21, 2015. It's from Jeffrey Epstein to you, forwarding the Guardian and I would like you to look at

the chain of emails so you understand the -- have an appreciation for who is on this. It's a three-page document. The bottom of the email appears to be a message from, there is a -- at the very bottom there is the signature block for [redacted], [redacted] [redacted] and above that there is a message from a [redacted] [redacted]

Do you see that?

A. Uh-huh.

Q. Do you know who [redacted] is?

A. I do not.

Q. Above that there is a message from [redacted] and you and it says, so this isn't getting better, latest from our chums at the Guardian and above that you will see on January 21 an email from you where you wrote, See below.

And right above that chain you will see Jeffrey Epstein to you on January 21 and his statement to you is, This will now end but I think a dismissive statement is okay.

What did he mean by his statement,

This will now end?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea.

Q. Did you discuss with him what he meant by the statement, This will now end?

A. I don't recall.

Q. Was he taking any action to ensure that, quote, this will now end?

A. I have no idea.

(Maxwell Exhibit 23, email, marked for identification.)

Q. This is an email from, if you look at the chain at the top, you will see it's from you to Jeffrey on January 27 and the email at the bottom of the chain is from Jeffrey to you on January 27.

He states, What happened to you and your statement, question mark, question mark. And you put at the top, I have not decided what to do.

A. Uh-huh.

Q. Why was Jeffrey interested in you making a statement to the press?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know that he was interested. We made a statement and then I was being advised to make an additional statement and I never did.

Q. Was Jeffrey communicating with you regularly on what additional statement you might make?

MR. PAGLIUCA: Objection to the form and foundation.

A. No, I've communicated with him very little, as little as possible.

Q. Why did you feel you had to keep him informed of statements you were making to the press?

MR. PAGLIUCA: Objection to the form and foundation.

A. I didn't feel I had to.

Q. Then why you were communicating with him about statements you were making to the press?

MR. PAGLIUCA: Objection to the form and foundation.

A. Insofar as this is the case, it's really all about Jeffrey, it's not a case about me.

Q. In 2009, did you direct your lawyer, either directly or indirectly, to tell Brad Edwards that you were unavailable to attend a deposition?

MR. PAGLIUCA: Objection to the form and foundation. And this is a privileged communication as I understand the question, what someone said or didn't say to their lawyer. So don't answer the question.

Q. Can you answer that question without revealing a privileged communication?

A. Can you ask the question again?

Q. In 2009, did you direct your lawyer to tell Brad Edwards that you were unavailable to attend a deposition?

MR. PAGLIUCA: Same instruction.

Q. Did you make any statement in 2009 to anybody that you were unavailable to attend a deposition?

A. My mother was sick and I don't

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recall exactly the sequence of events but what sequence of events do exist are -- was handled by my lawyers.

Q. What is your understanding of Jeffrey Epstein's nonprosecution agreement?

A. I have no idea.

Q. Do you have an understanding of the co-conspirators listed in the nonprosecution agreement?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no knowledge of his agreement, whatever that is.

Q. Do you know, you mentioned earlier today that [redacted] was one of the listed co-conspirators.

Do you know who the other co-conspirators are in the nonprosecution agreement?

MR. PAGLIUCA: Objection to the form and foundation.

A. I do not know.

Q. What did Jeffrey Epstein tell you about the nonprosecution agreement?

A. I don't think I've ever discussed it with him.

Q. How did you come to learn that [redacted] was covered by the nonprosecution agreement?

A. I believe I read it in the press.

Q. Did you have any discussions with [redacted] with about the nonprosecution agreement?

A. I have not had any discussions with [redacted]

Q. When is the last time you spoke to [redacted]?

A. Maybe 2005, 2006 maybe.

Q. And same with [redacted], when is the last time you recall speaking with [redacted]?

A. Probably even more time before that, maybe -- I've never had communications really with [redacted]

Q. I'm sorry, I didn't hear that.

A. I never had communications with her.

Q. You were working for Jeffrey at the

same time [redacted] was also working for Jeffrey, isn't that correct?

A. I didn't know what [redacted] did for Jeffrey so I didn't characterize what her relationship or work or not was and I was still helping him with his construction projects and the like but I never crossed paths with [redacted]

Q. What did you think [redacted] was doing for Jeffrey?

A. I have no idea what [redacted] was doing for Jeffrey.

Q. Did you observe [redacted] at any of Jeffrey's houses while you were there?

A. She was at the house on occasion.

Q. What would she be doing there?

A. I have no idea.

Q. Did you know if she lived at his houses?

A. I have no idea.

Q. Did you ever go into a bedroom and see her belongings at one of the houses?

A. Not that I recall, no.

Q. I'm going to mark this as Maxwell

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Exhibit 24?

(Maxwell Exhibit 24, email, marked for identification.)

Q. You can see at the top of the first page which is GM 0001, it's dated January 3, 2015 from you to the [redacted]

Is that [redacted] who we referred to today?

A. Yes.

Q. And can you tell me, it says, Have some info. Call me when you have a moment.

What is redacted there?

A. I don't recall, I'm sorry.

Q. Do you know why there is a redaction on this document?

A. You would have to confer with my lawyers.

Q. What did you discuss on that call?

A. I don't have any specific knowledge of that call.

Q. So the call is being made on Saturday, January 3, 2015?

MR. PAGLIUCA: Objection to the form and foundation.

Q. The document states, it's Saturday January 3, 2015. You issued your press release on January 2, 2015.

Were you discussing with [redacted] [redacted] the subject of Virginia Roberts during these calls?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know if I spoke to him.

Q. I would like you to turn to GM 0002 and the bottom chain says [redacted], Saturday January 3, to [redacted] re, and he says let me know when we can talk. Got some specific questions to ask you about Virginia Roberts.

Do you recall having a conversation with [redacted] about Virginia Roberts in or around early January of 2015?

A. I don't know if we actually spoke.

Q. Did you ever speak to [redacted] about Virginia Roberts after you issued your statement on January 2, 2015?

A. I know that we did speak at some point but I don't recollect when we spoke.

Q. What did you talk about?
A. Just what a liar she is.
Q. What did he say to you?
A. What a liar she is.
Q. Did he tell you why he thought she was a liar?
A. I don't think he told me why she was a liar. The substance of everything that she said was a lie with regard to him.
Q. What did you say to him?
A. She is a liar.
Q. That was the whole conversation, it was you said to him, she is a liar and he said to you she say liar and did you discuss any of the details about what those lies were?
A. I don't recollect.
Q. Was that only one conversation you had?
A. I don't recollect. I don't recollect actually the conversation but other than -- in detail other than we both said she was a liar.
Q. Do you regularly communicate with

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[redacted]?

MR. PAGLIUCA: Objection to the form and foundation.

A. What do you mean by regularly.

Q. Do you email with him once a month, once every two months or text him or call him?

A. No, we are not in that type of regular touch.

Q. Do you travel with him regularly?

A. I don't know, I have traveled with him. We have traveled together but regularly is not a correct characterization.

Q. Do you travel with him more than once a year?

A. There is no standard. There is no set pattern. The answer to that was no.

Q. Have you ever observed him with any underage, any women, female under the age of 18, interacting, that's not a child or a family friend, interacting for the purposes of a sexual relationship with that individual?

MR. PAGLIUCA: Objection to the

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form and foundation.

A. I've never seen [redacted] interact in any way of that nature.

Q. Have you ever gone to dinner with him with any individual under the age of 18 that's not a family member or friend of yours that is under the age of 18?

MR. PAGLIUCA: Objection to form and foundation.

A. We've been to dinner all the time, I am not not sure who is at dinner with us, I can't testify to that.

Q. Has he ever brought a female under the age 18 that's not a relative of his --

A. He has children.

Q. I said not relatives.

A. I can't possibly testify to who he comes to dinner with, I wouldn't recall.

Q. To your knowledge, has he ever had a relationship with any female under the age of 18 for purposes of a romantic relationship to your knowledge?

A. I can't testify to [redacted] relationship.

Q. You haven't observed that?

A. No.

Q. Have you talked to [redacted] about coming to testify at trial in this case?

A. No.

Q. When was the last time you communicated with [redacted]

A. 1994, 1995.

Q. I believe earlier, did you say that you -- when is the last time you've been to his home in [redacted]

A. I said -- you asked me if I stayed the night.

Q. I'm asking you a different question. When is the last time you have been to his home in [redacted]

A. Roughly the same time, in the middle of the '90s sometime, mid '90s.

Q. Not in the years 2000 to 2002?

A. Mid '90s.

Q. Have you ever communicated with any representative of [redacted]

MR. PAGLIUCA: Objection to the

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form and foundation.

A. I mean I've been to his -- in the mid '90s, I would have communicated with people who worked for him.

Q. Have you communicated with [redacted] [redacted] about this case?

A. No.

Q. Have you ever seen a topless female at any one of Jeffrey Epstein's properties?

MR. PAGLIUCA: Objection to the form and foundation. You've asked this question, by the way, earlier on today.

A. Again, I testified that there are people who from time to time in the privacy of a swimming pool have maybe taken a bikini top off or something but it's not common and certainly when I was at the house I don't really recollect seeing that kind of activity.

Q. Have you ever smoked cigarettes?

A. Yes.

Q. Have you ever smoked cigarettes with Virginia Roberts?

A. I don't recall smoking cigarettes

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with Virginia Roberts.

Q. I'm marking this as Maxwell 25.

(Maxwell Exhibit 25, email, marked for identification.)

Q. I'm showing you what has been marked as Maxwell 25.

This is an email dated January 11, 2015 at the top?

Do you see that that from Jeffrey to you?

A. Uh-huh.

Q. And then below there is an email from [redacted] to you and cc'ing [redacted] on January 11, 2015.

Do you see that?

A. Uh-huh.

Q. It says, Dear Ghislaine, as you know I have been working behind the scenes and this article comes from that. It helps but doesn't answer the VR claims. I will get the criminal allegations out. This shows the MOS will print truth, not just a VR voice piece. We can only make the truth by making a statement.

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What did he mean when he said, I will get the criminal allegations out, what was he referring to?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea.

Q. Were there criminal allegations about Virginia that either your lawyer or [redacted] were leaking to the press?

MR. PAGLIUCA: Objection to form and foundation.

A. I have no idea.

Q. Did you ask him what he meant when he said, I will get the criminal allegations out?

A. I don't recollect the conversation.

Q. Did you direct him to leak to the press criminal allegations about Virginia Roberts?

A. I already testified that I have no knowledge of what you are asking me.

Q. Were you copied on this email, correct?

A. I was.

Q. Did Jeffrey Epstein assist in obtaining information about criminal allegations relating to Virginia Roberts?

MR. PAGLIUCA: Objection to form and foundation.

A. I have no recollection.

Q. Did [redacted] assist in obtaining information regarding criminal allegations of Virginia Roberts?

MR. PAGLIUCA: Objection to form and foundation.

A. I have no knowledge of that.

Q. Did you ever discuss that with [redacted]

A. Discuss what?

Q. Criminal allegations about Virginia Roberts.

A. I don't believe I have.

Q. Have you ever discussed allegations relating to --

Q. Do you know if Jeffrey Epstein had any relationship with the U.S. government either working for the CIA or the FBI in his lifetime?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no knowledge of that.

Q. Do you know if Jeffrey Epstein has any friends that are in the CIA or FBI?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no idea.

Q. Are you aware of an investigation of Jeffrey Epstein in the early '80s relating to the SEC?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no knowledge of that.

Q. Are you aware that Jeffrey Epstein has told people that he worked for the government to recover stolen funds?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't recall conversations about that.

Q. Has he ever told that you he worked for the U.S. government?

A. I don't recollect that.

Q. You don't recollect or has he never told you that?

A. I have no knowledge, I don't recollect him telling me he worked for the government.

Q. Does Jeffrey Epstein have any affiliation with the Israeli government?

MR. PAGLIUCA: Objection to the form and foundation.

A. I have no knowledge of that.

Q. Do you know if he ever performed any work for the Israeli government?

A. I have no knowledge of that.

Q. Have you ever visited Israel with Jeffrey Epstein?

A. I'm sorry, I don't recollect.

Q. You've seen the flight logs that I provided you today. Are there, during the time you worked for Jeffrey Epstein, were there times that you flew on commercial flights rather than Jeffrey Epstein's planes?

A. Yes.

Q. How often did that occur?

A. Decently.

Q. Were there other flights that you recall flying on with Jeffrey Epstein that were on flights that -- where [redacted] was not the pilot?

A. [redacted] was not always the pilot.

Q. How many planes did Jeffrey Epstein have during the time you were with him?

MR. PAGLIUCA: Objection to the form and foundation.

A. So you need to give me a date range.

Q. During the time period of 1992 through when you left your employment which I think you said was in 2009?

A. So in the '90s he had one plane and at some point in the 2000s he had two planes but I can't testify to anything past 2002, 2003, what happened to his planes after that.

Q. Do you know what travel agency, if any, Jeffrey would use when he would send someone, for example, you or one of his other employees on a flight somewhere? Did he use a particular travel agency to make those

arrangements?

A. I don't recall.

Q. Were you ever responsible for making those arrangements for other individuals?

A. I don't recall making flight arrangements.

Q. Was it a New York travel agent that you would use for those arrangements?

A. Again, we are talking 16, 17, 18 years. I just don't recall anything to do with travel agents.

Q. Would Jeffrey Epstein ever fly, for example, [redacted] on a commercial flight to meet you in New Mexico?

MR. PAGLIUCA: Objection to the form and foundation.

A. I can't testify to that.

Q. Do you recall a trip where you met [redacted] in New Mexico?

A. No, I don't recall any specific trip, no.

Q. Why would you be sent to New Mexico, is there a reason why you would go

there in the course of the work you were doing for Jeffrey?

MR. PAGLIUCA: Objection to the form and foundation.

A. I was never sent. I had a job to do and I would have to go to New Mexico for work.

Q. Would [redacted] assist in that project?

MR. PAGLIUCA: Objection to the form and foundation.

A. No. The project was largely complete, largely complete by the end -- I don't remember the dates exactly but it was largely complete by the 1990s, 2000s.

Q. Do you know why [redacted] would be going to New Mexico to meet you?

MR. PAGLIUCA: Objection to the form and foundation.

A. I don't know. She worked for Jeffrey.

MR. PAGLIUCA: I think we are out of time, counsel.

THE VIDEOGRAPHER: It's true.

MS. McCAWLEY: I will state for the record there were questions today that remain unanswered because the witness has been instructed not to answer those questions and we will be raising our objections with the court to be able to have those questions answered in the near future.

MR. PAGLIUCA: So we are clear, we are designating this entire deposition as confidential under the protective order. That would cover the paralegal whose been present as well as the court reporter and the videographer and all the lawyers in the room.

THE VIDEOGRAPHER: This concludes today's proceedings. We are off the record at 6:43 p.m.

(Time noted: 6:43 p.m.)

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I N D E X

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CERTIFICATE

I HEREBY CERTIFY that the witness, GHISLAINE MAXWELL, was duly sworn by me and that the deposition is a true record of the testimony given by the witness.



Leslie Fagin,
Registered Professional Reporter
Dated: April 22, 2016

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ACKNOWLEDGMENT OF DEPONENT

I, , do hereby certify that I have read the foregoing pages, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

GHISLAINE MAXWELL DATE

Subscribed and sworn to before me this day of , 2016.

My commission expires:

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E R R A T A

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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.
_____/

RESPONSE TO MOTION TO COMPEL ATTORNEY-CLIENT COMMUNICATIONS AND ATTORNEY WORK PRODUCT MATERIALS

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Plaintiff Virginia Giuffre, by and through her undersigned counsel, hereby files this response to Defendant's Motion to Compel All Attorney-Client Communications and Attorney Work Product Placed at Issue by Plaintiff and Her Attorneys (DE 164). The motion should be denied in its entirety.

INTRODUCTION

Defendant argues Ms. Giuffre and two of her attorneys (Cassell and Edwards) have somehow placed "at issue" her confidential attorney-client communications and therefore have made a "sweeping waiver" of attorney-client privilege in this case. Defendant, however, fails to cite the controlling law on this issue: Federal Rule of Evidence 502. Enacted in 2008, Rule 502 was designed to block exactly the kind of argument Defendant is making. Rule 502 provides that litigants are entitled to the *most* protective law on attorney-client privilege, either state law where the disclosure was made or federal law. The alleged disclosures in this case were made in Florida, and under Florida law did not constitute any waiver of attorney-client privilege. Indeed, Defendant does not reveal to the Court that the Florida judge who handled the case during which the alleged "waivers" occurred (the Dershowitz case) has already considered – and rejected in their entirety – the very arguments that Defendant is advancing here.

In addition, none of the alleged disclosures were made by Ms. Giuffre, who as the holder of the privilege is the only individual with authority to waive it. Moreover, none of the alleged disclosures concerned the substance of confidential attorney-client communications. And finally, Ms. Giuffre will not be seeking to introduce or otherwise take advantage of any confidential attorney-client communications in this case. Accordingly, for these and other reasons, the Court should deny Defendant's motion in its entirety.

FACTUAL BACKGROUND

The CVRA Case

The facts relevant to this issue begin in 2008, when attorney Bradley J. Edwards (soon joined by co-counsel 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 similarly situated victims of sex offenses committed by Jeffrey Epstein. *See* Declaration of Sigrid McCawley ("McCawley Decl.") at Exhibit 1, Complaint filed in Jane Doe 1 v. United States, No. 9:08-cv-80736 (S.D. Fla. July 7, 2008). Jane Does 1 and 2 achieved many 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);[1] 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 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 crime victims "[t]he right to be informed in a timely manner of any plea bargain or deferred prosecution agreement).

[1] *See generally* Paul G. Cassell, Nathanael J. Mitchell & Bradley J. Edwards, *Crime Victims' Rights During Criminal Investigations? Applying the Crime Victims' Rights Act before Criminal Charges are Filed*, 104 J. CRIM. L. & CRIMINOLOGY 59 (2014).

On December 30, 2014, Cassell and Edwards filed a Motion Pursuant to Rule 21 for Joinder in the Action on behalf two additional victims: Jane Doe 3 and Jane Doe 4. (Jane Doe 3, Virginia Giuffre, subsequently decided to reveal her name). The joinder motion argued that Jane Does 3 and 4 should be allowed to join the two existing plaintiffs in the action because they had suffered the same violations of their rights under the CVRA. McCawley Decl., Exhibit 2, Jane Does' 3 and 4 Joinder Motion.[2] To establish that they were "victims" of Epstein's sex crimes with standing to join the suit, Jane Does 3 and 4 alleged that they had suffered sexual abuse from Epstein. For example, Jane Doe 3 alleged that she had been forced by Epstein to have sexual relations with various persons. [redacted] McCawley Decl., Exhibit 2 at 4. Jane Doe 3 also alleged that Defendant (i.e., Ghislaine Maxwell) had participated in the sexual abuse of Jane Doe 3. *Id.* at 4-5.

[redacted]

- [redacted];

[2] The Joinder Motion attached as an exhibit is a "corrected" motion, filed on January 2, 2015. As discussed below, several paragraphs in this motion were later stricken by Judge Marra.

[3] This document is currently restricted/under seal in the CVRA case, although an order sealing it is not found in the Court record so far as can be determined. In light of the sealing of the document, we have marked aspects of this pleading dealing with the document as confidential.

- sworn testimony from another of Epstein's household employees [redacted] that [redacted] was present alone at the home of Epstein, without his family, in the presence of young girls;

- invocations of Fifth Amendment rights to remain silent by three of Epstein's identified co-conspirators [redacted] when asked questions about whether [redacted] had been involved with massages by young girls;

- refusals by Jeffrey Epstein to discuss [redacted] involvement but instead to invoke his Fifth Amendment right.

Id. at 26-38.

Several months later, on April 7, 2015, the Court (Marra, J.) denied Jane Doe 3 and Jane Doe 4's motion for joinder. McCawley Decl., Exhibit. 4, Order denying Jane Doe 3's motion to join. With regard to the eight separate issues as to which the allegations [redacted] were relevant, the Court addressed only the first (establishing "victim" status) and found that the "factual details regarding with whom and where the Jane Does engaged in sexual activities are immaterial and impertinent to this central claim (i.e., that they were known victims of Mr. Epstein and the Government owed them CVRA duties), especially considering that these details involve non-parties who are not related to the respondent Government." *Id.* at 5.[4] Accordingly, the Court struck the factual details from the victims' pleading as unnecessary at that time. The Court specifically recognized, however, that the details could be reasserted by the parties to the action – i.e., Jane Doe 1 and Jane Doe 2 – if they could "demonstrate a good faith basis for believing that such details are pertinent to a matter presented for the Court's consideration." *Id.* at 6. Following the Court's ruling, additional litigation has proceeded in the CVRA case.

The Dershowitz case

[4] In asserting that the non-parties were "not related to the respondent Government," the Court did not address Jane Doe 3's argument that [redacted]

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 the filing of the joinder motion in the CVRA case, Dershowitz took the airwaves to attack not only Jane Doe 3, but also Cassell and Edwards. Typical of these attacks was one levelled on CNN, in which Dershowitz alleged:

> If they [Cassell and Edwards] had just done an hours' worth of research and work, they would have seen she is lying through her teeth. . . . They're prepared to lie, cheat, and steal. These are unethical lawyers. . . . They can't be allowed to have a bar card to victimize more innocent people.

Hala Gorani – CNN Live (Jan. 5, 2015).[5]

Cassell and Edwards then filed a state law defamation action against Dershowitz in Broward County, Florida. *See* McCawley Decl., Exhibit. 5, Complaint in *Edwards and Cassell v. Dershowitz*. The complaint alleged that Dershowitz had engaged in a "massive public media assault on the reputation and character" of Cassell and Edwards. *Id.* at 4. Ms. Giuffre was *not* a party to this defamation lawsuit.

The Florida Court Rejects a Waiver of Attorney Clients Privilege Argument

As Cassell and Edwards' Florida defamation action moved forward, Dershowitz sought to make an argument that they had somehow waived their client's (Ms. Giuffre's) attorney-client privilege. On September 8, 2015, Dershowitz filed a motion to compel Cassell and Edwards to produce documents and additional responses to interrogatories. McCawley Decl., Exhibit. 6, Motion to Compel. In his motion, Dershowitz argued that Cassell and Edwards "have waived any privilege or protection that would otherwise attach to responsive documents and information

[5] Available at http://www.cnn.com/videos/world/2015/01/05/wrn-uk-sex-abuse-allegations-alan-dershowitz-intv.cnn.

by bringing this defamation action placing at issue the truthfulness of Jane Doe No. 3's allegations against Dershowitz . . . ." *Id.* at 3-5. In his motion and reply pleading (McCawley Decl., Exhibit 8, Reply in Support of Motion to Compel), Dershowitz argued that Cassell and Edwards' actions throughout the case constituted a waiver of attorney-client privilege.

Cassell and Edwards responded, arguing that Ms. Giuffre was not a party of the defamation action and that she was the only person who could waive her privilege. McCawley Decl., Exhibit 7 at 4-6, Response in Opposition to Motion to Compel. Cassell and Edwards also argued that there had been no waiver because confidential attorney-client communications with Ms. Giuffre were not "at issue" in the defamation case. *Id.* at 6-9. Cassell and Edwards also later filed a sur-reply, further elaborating on the argument that Ms. Giuffre had not waived any attorney-client privilege by publicly discussing her sexual abuse by Epstein and his associates. McCawley Decl., Exhibit 9, Sur-Reply in Support Opposition to Motion to Compel. Cassell and Edwards also explained that communications with Ms. Giuffre were protected not only beginning in March 2014, but even earlier than that date when Ms. Giuffre understood that she was obtaining legal services from Cassell and Edwards. *Id.* at 1.

Following this extensive briefing on waiver issues,[6] on December 8, 2015, the Florida Court (Lynch, J.) ruled, ***denying Dershowitz's argument that attorney-client privilege had been waived.*** McCawley Decl., Exhibit 10, Order Denying Motion to Compel. Specifically, the Court denied the motion to compel, explaining "Pre March 2014 communications are protected by the work product privilege and the witness has not waived the communications that were protected by the attorney-client privilege. Also, there was no waiver by the [Cassell and Edwards] by filing suit." *Id.* at 1.

[6] And following the filing of Cassell and Edwards' summary judgment motion, filed on November 26, 2015.

Ms. Giuffre's Deposition in the Defamation Case

As the defamation action moved forward, [redacted] subpoenaed Ms. Giuffre to a deposition. McCawley Decl., Exhibit 11, Composite Exhibit of excerpts from transcript of deposition of Ms. Giuffre. During the deposition, held in Fort Lauderdale, Florida, Ms. Giuffre was represented by the undersigned legal counsel, who asserted objections to revealing attorney-client information where the questions called for revealing confidential attorney client communications. *See, e.g., id.* at 22-23; 131-32; 173-74; 183; 208. During the deposition, Ms. Giuffre specifically stated that "I decide not to waive my [attorney-client] privilege at this time." *Id.* at 174. Ms. Giuffre also denied that Cassell and Edwards had ever pressured her into identifying someone as being involved in her sexual abuse. *Id.* at 200-12

The Settlement of the Defamation Case

Ultimately, Cassell, Edwards, and Dershowitz agreed to settle their defamation case. That settlement included both a public statement and confidential monetary payments. As part of the settlement, Cassell and Edwards withdrew their allegations against Dershowitz in the defamation case contained in the then-pending summary judgment motion. McCawley Decl., Exhibit 12, Notice of Withdrawal of Summary Judgment Motion. As explained in the notice of withdrawal of this motion, "the withdrawal of the referenced filings is not intended to be, and should not be construed as being, an acknowledgement by Edwards and Cassell that the allegation made by Ms. Giuffre were mistaken. Edwards and Cassell do acknowledge that the public filing in the Crime Victims' Rights Act case of their client's allegation against Defendant Dershowitz became a major distraction from the merits of the well-founded Crime Victims' Rights Act by causing delay and, as a consequence, turned out to be a tactical mistake." *Id.* All these actions settling the Florida defamation case took place in Florida.

LEGAL STANDARDS FOR WAIVER

A. Federal Rule of Evidence 502 Controls on the Issue of Waiver

Defendant asks this Court to find that Ms. Giuffre has somehow waived her attorney-client privilege regarding various communications in this case. This is no small step. The attorney-client privilege is one of the "oldest recognized privileges for confidential communications." *Swidler & Berlin v. United States*, 524 U.S. 399, 403 (1998)). The privilege's purpose is to "encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and the administration of justice." 524 U.S. at 403 (internal quotation marks omitted).

In setting out the legal standards pertaining to waiver of attorney-client privilege, Defendant fails to cite the controlling – and protective – law on the issue. In a federal case, issues of alleged waiver of attorney-client privilege must be resolved under the new standards in Federal Rule of Evidence 502. In 2008, Congress enacted Federal Rule of Evidence 502, which is entitled "Attorney-Client Privilege and Work Product; Limitations on Waiver." New rule 502 places a number of protections in place to reduce litigation over claims that a party has somehow "waived" attorney client privilege. *See generally* Adv. Comm. Note, Rule 502. Notably, Defendant does not discuss, or even cite, Rule 502 in her motion.

The issue currently before the Court is specifically controlled by Rule 502(c), which covers situations where a disclosure in a state proceeding is alleged, in a federal proceeding, to establish waiver. Rule 502(c) provides the *greater* of protections found in federal or state law:

> (c) Disclosure Made in a State Proceeding. When the disclosure is made in a state proceeding and is not the subject of a state-court order concerning waiver, the disclosure does not operate as a waiver in a federal proceeding if the disclosure:
>
> > (1) would not be a waiver under this rule if it had been made in a federal proceeding; or
> >
> > (2) is not a waiver under the law of the state where the disclosure occurred.

As is readily apparent from the text of the rule, there are two separate ways in which a party can prove that no waiver of attorney-client privilege has occurred: (1) by demonstrating that no waiver exists under federal law; or (2) by demonstrating that no waiver exists under the state law where the disclosure occurred. Between these two possibilities, the drafters of the rule decided to apply the ***most*** protective law that governs waiver. *See* Fed. R. Evid. 502(c), Adv. Comm. Notes ("The [Advisory] Committee [on the Federal Rules of Evidence] determined that the proper solution for the federal court is to apply the law that is ***most*** protective of privilege and work product" (emphasis added)).

B. Florida Law

C.

Florida's protective law on the attorney-client privilege provides that neither an attorney nor a client may be compelled to divulge confidential communications between a lawyer and client which were made during the rendition of legal services. Fla. Stat. Ann. § 90.502(1)(c). Communication denotes more than just giving legal advice; it also includes giving information to the lawyer to enable him to render sound and informed advice. *Hagans v. Gatorland Kubota, LLC/Sentry Ins.*, 45 So.3d 73, 76 (Fla. 1st DCA 2010).

Under Florida law, while the burden of establishing the attorney-client privilege usually rests on the party claiming it, *First Union National Bank v. Turney*, 824 So.2d 172, 185 (Fla. 1st DCA 2002), when communications appear on their face to be privileged, the burden is on the party seeking disclosure to prove facts which would make an exception to the privilege applicable. *Ford Motor Co. v. Hall-Edwards*, 997 So.2d 1148, 1153 (Fla. 3d DCA 2008); *Rousso v. Hannon*, 146 So.3d 66, 70 (Fla. 3d DCA 2014). In this case, Defendant does not appear to dispute that an attorney-client privilege exists with regard to the communications between Ms. Giuffre and her attorneys. Rather, Defendant's argument is that the privilege has somehow been

waived. *See* Motion to Compel at 1-2. Therefore, under Florida law, Defendant must shoulder the burden of overcoming the privilege. (Of course, because Defendant failed to even cite, much less discuss, Florida law, she has not carried that burden.)

Defendant asserts that she can force disclosure of the privileged communications between Ms. Giuffre and her counsel under the "at issue" doctrine. To establish this alleged waiver, Defendant's motion relies on a federal district court case – *Hearn v. Rhay*, 68 F.R.D. 574 (E.D. Wash. 1975), which was cited in *Bank Brussels Lambert v. Credit Lyonnais (Suisse), S.A.*, 210 F.R.D. 506. 509-10 (S.D.N.Y. 2002) (Ellis, M.J.). *See* Motion to Compel at 8. As discussed below, as a matter of controlling federal authority, these cases have been repudiated by the Second Circuit. And to the same effect, Florida law also rejects the expansive *Hearn* approach to waiver. *See Guarantee Ins. Co. v. Heffernan Ins. Brokers, Inc.*, 300 F.R.D. 590, 593-95 (S.D. Fla. 2014) (discussing Florida authorities). Florida law disfavors waiver of the attorney-client privilege and will not readily find an "at issue" waiver. *See Guarantee Ins. Co. v. Heffernan Ins. Brokers, Inc.*, 300 F.R.D. 590, 593 (S.D. Fla. 2014) (*citing Coates v. Akerman, Senterfitt & Eidson, P.A.*, 940 So.2d 504, 508 (Fla. 2nd DCA 2006) (refusing to find waiver based on the at-issue doctrine)). In contrast to *Hearn*, under Florida law, at-issue waiver only occurs "when a party 'raises a claim that will *necessarily* require proof by way of a privileged communication.'" *Coates*, 940 So.2d at 508 (quoting *Jenney v. Airdata Wiman, Inc.*, 846 So.2d 664, 668 (Fla. 2nd DCA 2003)) (emphasis in original). Indeed, in 2014, the Southern District of Florida rejected the *Hearn* "at issue" analysis and instead, adopted the analysis of the Third Circuit as outlined in *Rhone–Poulenc Rorer, Inc. v. Home Indemnity Co.*, 32 F.3d 851 (3d Cir. 1994). *Guarantee Ins*, 300 F.R.D. at 595. The Third Circuit deemed the *Hearn* test to be of "dubious validity" because, although it "dress[es] up [its] analysis with a checklist of factors, [it] appear[s] to rest on a

conclusion that the information sought is relevant and should in fairness be disclosed." *Id.* at 864. The Third Circuit specifically rejected *Hearne* because relevance is not the standard for determining whether or not evidence should be protected from disclosure as privileged. *Rhone*, 32 F.3d at 863. Florida law tracks that of the Third Circuit. *See* 300 F.R.D. at 593-95 (citing Florida case law).

Also, under Florida law, the client – not her attorneys – holds the attorney-client privilege. *See* Fla. Stat. Ann. § 90.502(3); *see also* Fla. Stat. Ann. § 90.502(2) (a client has a privilege to refuse to disclose, and to prevent any other person from disclosing, the contents of confidential communications when such other person learned of the communications because they were made in the rendition of legal services to the client). Some Florida courts have even recognized serious due process issues could be created by a procedure through which a client lost their privilege without an opportunity to be heard in the proceedings. *See, e.g., Rogers v. State*, 742 So.2d 827, 829 (Fla. 2d DCA 1999). Under Florida law, so long as a client has a reasonable expectation of privacy in the communication, under § 90.507, the privilege is protected. *McWatters v. State*, 36 So.3d 613, 636 (Fla. 2010). Also under Florida law, only the client – not her attorney – can waive attorney-client privilege. *See Savino v. Luciano*, 92 So.2d 817 (Fla. 1957), *Coates v. Akerman, Senterfitt & Edison, P.A.*, 940 So.2d 504 (Fla. 2d DCA 2006), and *Genovese v. Provident Life and Accident Ins. Co.*, 74 So.3d 1064 (Fla. 2011).

C. Federal Law

Rather than discuss Florida privilege law, Defendant exclusively cites federal case law. *See* Mot. to Compel at ii-iii (table of authorities citing only federal cases). Yet as this Court has previously held in ruling on an earlier privilege motion made by the Defendant, state law generally provides the rule of decision in this diversity case. *See* Giuffre v. Maxwell, DE 135 at

6, 2016 WL 175918 at * 6 (applying New York privilege law) (*citing Allied Irish Banks v. Bank of Am., N.A.*, 240 F.R.D. 96, 102 (S.D.N.Y. 2007) ("Because this Court's subject matter jurisdiction is based upon diversity . . . state law provides the rule of decision concerning the claim of attorney-client privilege.")). Accordingly, an argument can be made that New York *state* law applies in this case[7] – but Defendant does not explain why she jumps to federal law.

As explained above, in the particular context of a waiver argument, Federal Rule of Evidence 502 applies the *more* protective of state law or federal law in determining whether a waiver of privilege has occurred. In this case, the controlling federal law is at least as protective as Florida law. The controlling federal law here comes from the Second Circuit, including *In re Cnty. of Erie*, 546 F.3d 222 (2d Cir. 2008) – a case not even cited, much less discussed, by the Defendant. In view of the importance of the attorney-client privilege, the Second Circuit in that case held that any finding of waiver should be made with "caution." *Id.* at 228.

Rather than cite this controlling Second Circuit precedent, Defendant relies on a 2002 case from this Court applying the *Hearn* "at issue" doctrine. *See* Mot. to Compel at 8 (*citing Bank Brussels Lambert v. Credit Lyonnais (Suisse), S.A.*, 210 F.R.D. 506. 509-10 (S.D.N.Y. 2002) (Ellis, Magistrate Judge) (*quoting Hearn v. Rhay*, 68 F.R.D. 574, 581 (E.D. Wash. 1975)). Defendant goes on to argue that "courts have generally applied the *Hearn* [at issue] doctrine liberally, finding a broad waiver of attorney-client privilege where a party asserts a position 'the truth of which can only be assessed by examination of the privilege communication." Mot. to Compel at 8 (internal quotation omitted).

Defendant fails to recognize that the Second Circuit has explicitly disavowed the *Hearn* doctrine. In *In re Cnty. of Erie*, 546 F.3d 222 (2d Cir. 2008), the Second Circuit explained that "[c]ourts in our Circuit and others have criticized *Hearn* and have applied its tests unevenly." *Id.*

[7] As a protective matter, Ms. Giuffre will also provide citations to New York state authorities in this response.

at 227-28.[8] The Second Circuit also noted that the *Hearn* test "has been subject to academic criticism. *See, e.g.,* Richard L. Marcus, *The Perils of Privilege: Waiver and the Litigator,* 84 MICH. L. REV. 1605, 1628-29 (1986); Note, *Developments in the Law-Privileged Communications,* 98 HARV. L. REV. 1650, 1641-42 (1985) (identifying "the faults in the *Hearn* approach"). In light of these strong criticisms of *Hearn*, the Second Circuit decided that "[w]e agree with its critics that the *Hearn* test cuts too broadly and therefore conclude that the District Court erred in applying it here. . . . Nowhere in the *Hearn* test is found the essential element of *reliance* on privileged advice in the assertion of the claim or defense in order to effect a waiver." 546 F.3d at 229 (emphasis added). The Second Circuit held that, for an "at issue" waiver to occur, "a party must *rely* on privileged advice from his counsel to make his claim or defense." *Id.* (emphasis added).

In light of the Second Circuit's holding, recent cases from this Court have explained that "reliance on privileged advice in the assertion of the claim or defense is an 'essential element' of a claim of waiver." *Aristocrat Leisure Ltd. v. Deutsche Bank Trust Co. Americas,* No. 04 CIV 10014 PKL, 2009 WL 3111766, at *16 (S.D.N.Y. Sept. 28, 2009).[9] For the sake of completeness, it may be relevant to note that New York state privilege law applies the same

[8] The Second Circuit cited numerous cases, including cases from this Court – e.g., *Pereira v. United Jersey Bank,* Nos. 94 Civ 1565 & 94 Civ 1844, 1997 WL 773716, at *3 (S.D.N.Y. Dec.11, 1997) ("*Hearn* is problematic insofar as there are very few instances in which the *Hearn* factors, taken at face value, do not apply and, therefore, a large majority of claims of privilege would be subject to waiver."); *Allen v. West Point-Pepperell, Inc.,* 848 F.Supp. 423, 429 (S.D.N.Y.1994) (noting that district courts within this Circuit have reached conflicting decisions in the application of *Hearn,* and rejecting reliance "upon a line of cases in which courts have unhesitatingly applied a variation of the *Hearn* balancing test"); *Connell v. Bernstein-Macaulay, Inc.,* 407 F.Supp. 420, 422 (S.D.N.Y.1976) ("The actual holding in [*Hearn*] is not in point because the party there asserting the privilege had expressly relied upon the advice of counsel as a defense to the plaintiff's action."); *Rhone-Poulenc Rorer, Inc. v. Home Indem. Co.,* 32 F.3d 851, 864 (3d Cir.1994) (deeming *Hearn* to be of "dubious validity" because, although it "dress[es] up [its] analysis with a checklist of factors, [it] appear[s] to rest on a conclusion that the information sought is relevant and should in fairness be disclosed").

[9] The *Aristocrat Leisure* case accordingly rejected a party's reliance on the same authority that Defendant relies upon here. *See Aristocrat,* 2009 WL 3111766 at *16 n.6 (discussing *Bank Brussels Lambert v. Credit Lyonnais (Suisse), S.A.,* 210 F.R.D. 506 (S.D.N.Y. 2010), and then noting in the next sentence that the *Hearn* test relied upon by *Bank Brussels*' "recently has been criticized by the Second Circuit on this very issue.").

specific and protective standard. *See In re Bank of New York Mellon*, 42 Misc. 3d 171, 177, 977 N.Y.S.2d 560, 565 (Sup. Ct. 2013) ("'at issue' waiver occurs 'when the party has asserted a claim or defense that he intends to prove by use of the privileged materials.' An example of an affirmative act that does constitute 'at issue' waiver of privilege is a party's 'assert[ing] as an affirmative defense [its] reliance upon the advice of counsel.'").[10]

DISCUSSION

I. MS. GIUFFRE DID NOT WAIVE HER ATTORNEY-CLIENT PRIVILEGE WHEN EDWARDS AND CASSELL FILED AND PURSUED THEIR OWN DEFAMATION ACTION AGAINST ALAN DERSHOWITZ.

Defendant's lead argument is that Cassell and Edwards waived Ms. Giuffre's attorney-client privilege when they filed and pursued a defamation action against Alan Dershowitz. *See* Mot. to Compel at 10. This claim is meritless for numerous reasons, including the fact (not disclosed by Defendant) that this very argument has been fully litigated before the Florida court handling that defamation action, which specifically ***rejected*** any finding of waiver.

A. The Florida Court Presiding over the Defamation Action Has Already Rejected the Same Waiver Claim that Defendant is Advancing Here.

The claim that Cassell and Edwards somehow waived Ms. Giuffre's attorney-client by pursuing their own, personal defamation action against Dershowitz has already been the subject of extensive briefing – and, ultimately, a Florida court ruling. Defendant has scoured the docket

[10] New York and federal authorities also hold that when attorneys are not acting on the client's behalf, they cannot waive their client's privilege. N.Y. C.P.L.R. § 4503(a); *Dillenbeck v. Hess*, 73 N.Y.2d 278, 290, 536 N.E.2d 1126, 1134 (N.Y. 1989) ("[T]he sine qua non of any evidentiary privilege is that it is personal to, and can only be waived by, the privilege holder."). *See also In re von Bulow*, 828 F.2d 94, 100-01 (2d Cir. 1987) ("Of course, the privilege belongs solely to the client and may only be waived by him. An attorney may not waive the privilege without his client's consent."); *In re Bank of New York Mellon Corp. Forex Transactions Litig.*, 66 F. Supp. 3d 406, 410 (S.D.N.Y. 2014) (same); *Ferreira v. Capitol Specialty Ins. Corp.*, 31 Misc. 3d 1209(A), 929 N.Y.S.2d 199 (N.Y. Sup. Ct. 2011) ("CPLR 4503 makes clear that an attorney cannot waive the attorney-client privilege rather waiver is only effective when done by the beneficiary of the privilege or their personal representative.").

in the Dershowitz defamation case to collect every flyspeck of information that she believes support her argument that a "waiver" has taken place. *See* Mot. to Compel at 10-12 and numerous associated exhibits. But, remarkably, she has not revealed to this Court the most relevant information from the docket: that the Florida court considered the same waiver issues and rejecting the same arguments that the Defendant now advances. This Florida court ruling, applying Florida law, is controlling here.

As discussed above in the factual section of this response, in the Florida case, Dershowitz filed a motion to compel advancing legal and factual arguments identical to those the Defendant is advancing here. *See* McCawley Decl., Ex. 6 at 3, Dershowitz motion to compel (arguing that Cassell and Edwards "have waived any privilege or protection that would otherwise attach to responsive documents and information by bringing this defamation action placing at issue the truthfulness of Jane Doe No. 3's allegations against Dershowitz . . . ."). *Id.* at 3. Citing *Hearn v. Rhay*, 68 F.R.D. 574, 581 (E.D. Wash. 1975), Dershowitz claimed that information Ms. Giuffre had confidentially provided to Cassell and Edwards as her attorneys had become "at issue" in the defamation action. McCawley Decl., Ex. 6 at 4-5. Dershowitz argued broadly that a whole host of alleged attorney-client communications were "at issue" in the case, including:

> (1) Jane Doe No. 3's allegations against Dershowitz asserted in the action captioned *Jane Doe #1, et al. v. United States of America*, Case No. 08-cv-80736 (S.D. Fla.) (the "Federal Action"); (2) [Cassell and Edwards'] investigation into Jane Doe No. 3's allegations against Dershowitz; (3) [Cassell and Edwards'] assertion in the Complaint that Dershowitz was an alleged participant in the criminal conduct committed by Jeffrey Epstein ("Epstein"); and (4) Jane Doe No. 3's whereabouts and activities during the time when she claims to have been "sex slave" for Epstein.

Ex. 6 at 3. As the briefing on the issue continued, in an October 26, 2015 response filing, Dershowitz argued that Ms. Giuffre's public statements waived the privilege,[11] along with actions by her attorneys Cassell and Edwards. Ex. 8 at 5-8.[12]

After all these arguments were fully briefed, the Florida court (Lynch, J.) ***rejected*** Dershowitz's arguments that any waiver of the attorney-client privilege had taken place. McCawley Decl., Ex. 10 at 1 ("Defendant/Counterclaim Plaintiff's Motion to Compel Production of documents and complete responses to interrogatories is hereby denied."). In a December 8, 2015, order, Judge Lynch provided a short explanation of his reasoning and entered an order denying Dershowitz's waiver motion. *Id.*

In her pending motion to compel, Defendant recycles the same arguments that Dershowitz made, such as the claim that Cassell and Edwards waived privilege by filing suit (Mot. Compel at 10), that her March 2011 interview with Scarola and Edwards was a waiver (*id.* at 10), and other similar claims (*id.* at 11-13). But Dershowitz already litigated these issues a few months ago in the Dershowitz case – and his claims were rejected by the Florida court. Defendant is now collaterally estopped from relitigating these identical issues here, because Dershowitz had a full and fair opportunity to litigate those issues and Defendant was in a "common interest" agreement with Dershowitz at the time. The doctrine of collateral estoppel protects litigants – and the courts – from relitigating identical issues and promotes efficiency by barring unnecessary litigation. *See Parklane Hosiery Co., Inc. v. Shore*, 439 U.S. 322, 326 (1979). As this Court has explained, for collateral estoppel to apply, there must have been a full

[11] Dershowitz specifically listed the following public statements by Ms. Giuffre as illustrations of how she had waived her privilege: (1) Ms. Giuffre's March 5, 2011, interview with the *Daily Mail*; (2) Ms. Giuffre's April 7, 2011, recorded telephone interview with attorneys Jack Scarola and Brad Edwards; (3) the January 2015 release of Ms. Giuffre's diary by *Radar Online*; (4) Ms. Giuffre's statements to "numerous other third parties," including former boyfriends and the FBI; and (5) Ms. Giuffre's filing of this suit against Defendant. Ex. 6 at 6-8.

[12] Dershowitz specifically argued that (among other illustrations) Cassell's answers to interrogatories and testimony at his deposition in the case had waived privilege. Ex. 6 at 11-12.

and fair opportunity to litigate the decision that now controls and the issue in the prior action must be identical to and decisive of the issue in the instant action. *Zois v. Cooper*, 268 B.R. 890, 893 (S.D.N.Y. 2001), *aff'd sub nom. In re* Zois, 73 F. App'x 509 (2d Cir. 2003). A non-party can be bound by a decision, so long as her interests were "effectively represented." *Zois*, 268 B.R. at 893.[13] As this Court can readily determine from reviewing the pleadings Dershowitz filed in the Florida case, *see* McCawley Decl. at Ex. 6 & 8, Dershowitz fully briefed identical issues to those presented here. And he was effectively representing Maxwell at the time. The elements of collateral estoppel apply.

Moreover, entirely apart from collateral estoppel doctrine, Judge Lynch's decision is highly persuasive. Judge Lynch was the presiding judge over the Dershowitz matter, so he was intimately familiar with (for example) what matters were "at issue" in that particular case. Moreover, Judge Lynch is, of course, a Florida judge skilled in applying Florida legal principles. His ruling on whether a waiver of attorney client privilege existed under Florida law should be given heavy weight here. *See Elliott Associates, L.P. v. Banco de la Nacion*, 194 F.3d 363, 370 (2d Cir. 1999). Finally, Defendant's briefing entirely ignores even the existence of Judge Lynch's ruling. In such circumstances where the Defendant has failed to offer any reason for questioning Judge Lynch's holding, this Court should follow Judge Lynch's lead and hold that no waiver of the attorney-client privilege exists under Florida law. And, because Florida law controlled when the disclosures took place, under Fed. R. Evid. 502(c), no waiver exists in this proceeding.

[13] *Zois* relied on New York law. Florida law is to the same effect, as is federal doctrine. *See O'Brien v. Fed. Trust Bank, F.S.B.*, 727 So. 2d 296, 298 (Fla. Dist. Ct. App. 1999) ("Collateral estoppel prevents relitigation of issues where the identical issues previously have been litigated between the parties or their privies."); *Montana v. United States*, 440 U.S. 147, 153-54 (1979).

B. Actions by Cassell and Edwards Do Not Waive Ms. Giuffre's Attorney-Client Privilege.

Not only has Judge Lynch already ruled on the attorney-client privilege issue, but his ruling was entirely correct. Defendant's argument rests on the proposition that Cassell and Edwards had authority to waive Ms. Giuffre's privilege while they pursued ***their*** Florida defamation action. But in filing their own, personal defamation claims against Dershowitz in a lawsuit where Ms. Giuffre was not a party, Cassell and Edwards were not acting on Ms. Giuffre's behalf. Defendant never attempts to even explain, much less prove, how that defamation action could have benefitted Ms. Giuffre. And Florida law is clear that when attorneys are not acting on the client's behalf, they cannot waive their client's privilege. *See* Charles W. Ehrhardt, 1 Fla. Prac., *Evidence* § 502.6 (2015 ed.); *Schetter v. Schetter*, 239 So.2d 51, 52 (Fla. 4th DCA 1970).

To find that an attorney waived his client's privilege, a clear record must exist concerning the attorney's attorney to waive privilege. *See Bus. Integration Servs., Inc. v. AT&T Corp.*, No. 06 CIV. 1863 (JGK), 2008 WL 318343, at *2 (S.D.N.Y. Feb. 4, 2008). Here, to the contrary, the record is clear that Ms. Giuffre did ***not*** authorize any waiver of her attorney-client privilege. *See* McCawley Decl., Ex. 13, affidavit of Ms. Giuffre (Ms. Giuffre did not authorize any waiver). Accordingly, under Florida law, Cassell and Edwards' actions did not waive Ms. Giuffre's privilege.[14]

The main examples Defendant offers in support of her waiver argument come from a summary judgment motion that Cassell and Edwards filed. *See* Mot. to Compel at 16. Of

[14] For the sake of completeness, it is worth noting that both federal law and New York state law likewise require that a client waive attorney-client privilege. *See, e.g., Schnell v. Schnall*, 550 F. Supp. 650, 653 (S.D.N.Y.1982) (no waiver of attorney-client privilege where attorney testified at hearing without presence or authorization of client); N.Y. C.P.L.R. 4503 (McKinney) ("Unless the client waives the privilege, an attorney . . . shall not disclose, or be allowed to disclose such communication, nor shall the client be compelled to disclose such communication, in any action, disciplinary trial or hearing, or administrative action, proceeding or hearing conducted by or on behalf of any state, municipal or local governmental agency or by the legislature or any committee or body thereof.").

course, that motion was filed on their behalf – not Ms. Giuffre's. To be sure, that motion contained (among other supporting information) a sworn affidavit from Ms. Giuffre.[15] But the routine step of submitting an affidavit is not a waiver of attorney-client protections, as discussed at greater length in Part II.D., *infra*. And, in any event, Defendant does not include that affidavit among her supporting materials to her motion, much less explain how the recitation of factual information in that affidavit constitutes a waiver by Ms. Giuffre with respect to communications with her attorneys. *See Koon v. State*, 463 So.2d 201, 203-04 (Fla. 1985) (no waiver when the client merely discloses facts which were part of the communication with the client's attorney). Ms. Giuffre has not waived ***her*** privilege.

C. Ms. Giuffre's Confidential Communications With Her Attorneys Were Never "At Issue" in the Florida Dershowitz Litigation.

Defendant's argument that Ms. Giuffre's attorney-client privilege has been waived under the "at issue" doctrine also fails under Florida law because her confidential communications were never at issue in the Dershowitz litigation.

Florida law on when confidential attorney-client communications are at issue comes from the Florida Supreme Court's decision in *Savino v. Luciano*, 92 So.2d 817 (Fla. 1957). There, the Florida Supreme Court announced the test for determining whether confidential communications were "at issue" as whether a claim or defense would "***necessarily require*** that the privileged matter be offered in evidence." *Id.* at 819 (emphasis added); *see also Diaz–Verson v. Walbridge Aldinger Co.*, 54 So.3d 1007, 1011 (Fla. 2d DCA 2010). More recent decisions from Florida

[15] The "evidentiary support" for the summary judgment motion rested on 16 additional exhibits, including such obviously non-privileged materials as a Palm Beach Police Department report; flight logs from Epstein's jet; excerpts from deposition testimony of Epstein, Juan Alessi, Alfredo Rodriquez, and Alan Dershowitz; photographs; and Epstein's telephone directory. *See* Menninger Dec., Ex. E at 28.

have emphasized that *Savino* does not mean that a party waives attorney-client privilege merely by bringing or defending a lawsuit. *Coates v. Akerman, Senterfitt & Edison, P.A.*, 940 So.2d 504 (Fla. 2d DCA 2006). Instead, waiver occurs only when a party "must necessarily use the privilege information to establish its claim or defense." *Id.* at 510-11 (emphasis added). Most recently, in *Genovese v. Provident Life and Accident Ins. Co.*, 74 So. 3d 1064, 1069 (Fla. 2011), *as revised on denial of reh'g* (Nov. 10, 2011), the Florida Supreme Court cited both *Coates* and *Savino* to hold that the "at issue" doctrine allows discovery of privileged material only when the holder of the privilege – the client – raises the advice of counsel as a claim or defense in the action and the communication is essential to the claim or defense. *Id*.

Under these restrictive standards, Ms. Giuffre's communications were never at issue in her attorneys' personal, defamation case against Dershowitz. Consider, for example, a typical allegation Cassell and Edwards' complaint:

> Immediately following the filing of what Defendant, Dershowitz, knew to be an entirely proper and well-founded pleading, Dershowitz initiated a massive public media assault on the reputation and character of Bradley J. Edwards and Paul G. Cassell accusing them of intentionally lying in their filing, of having leveled knowingly false accusations against the Defendant, Dershowitz, without ever conducting any investigation of the credibility of the accusations, and of having acted unethically to the extent that their willful misconduct warranted and required disbarment.

McCawley Decl., Ex. 5 at 4 (¶ 17). As is immediately apparent, this allegation does not ***require*** an examination of Ms. Giuffre's confidential communications with her attorneys. Instead, it requires an assessment of Dershowitz's state of mind with regard to his knowledge of the information that Cassell and Edwards had to support the filing of the allegations. And, as supporting exhibits to the pleadings Cassell and Edwards filed made clear, the adequacy of their investigation could be readily established from many sources that did not have any connection to what Ms. Giuffre may or may not have told them in confidence. *See, e.g.*, McCawley Decl., Ex.

3 at 26-38 (recounting information supporting allegations against Dershowitz, such as sworn testimony from household employees and invocations of the Fifth Amendment by Epstein and his co-conspirators).

To be sure, Dershowitz tried to make an argument that Ms. Giuffre's communications with her attorneys might have some arguable relevance to the case. But Judge Lynch rejected that very argument – and quite properly so. Relevance is insufficient to waive privilege under Florida law. *Guarantee Ins*, 300 F.R.D. at 594 (citing *Coyne v. Schwartz, Gold, Cohen, Zakarin & Kotler, P.A.*, 715 So.2d 1021, 1022 (Fla. 4th DCA 1998)). A client does not waive the attorney-client privilege simply because her credibility could be impeached by communications with her former attorney. *See Jenney v. Airdata Wiman, Inc.*, 846 So.2d 664, 668 (Fla. 2d DCA 2003). Accordingly, under Florida law, Ms. Giuffre's confidential communications with her attorneys were never at issue in the Florida litigation.[16]

D. Defendant Has Not Met the Other Requirements for Showing Waiver of Attorney-Client Privilege.

For the foregoing reasons, Defendant has failed to make the required showing for an "at issue" waiver of attorney-client privilege. But even more fundamentally, Defendant has failed to establish other elements necessary to find a waiver of attorney-client privilege. Defendant repeatedly refers to routine litigation actions, such as the filing of in-court affidavits, as a basis for finding some kind of waiver of privilege. *See* Mot. to Compel at 16. But it is obvious that such actions do not waive attorney-client protection. Litigation requires some limited communication to third parties — including the court and opposing counsel — of information learned in the course of the attorney-client relationship. Therefore, Florida law recognizes an

[16] The same result would obtain under New York state law. *See, e.g., Am. Re-Ins. Co. v. U.S. Fid. & Guar. Co.*, 40 A.D.3d 486, 492, 837 N.Y.S.2d 616, 622 (2007) (the at-issue "doctrine applies where a party, through its affirmative acts, places privileged material at issue and has selectively disclosed the advice").

absolute privilege to protect attorneys' statements made in communications that are preliminary to a proposed judicial proceeding, or in the institution of, or during the course and as a part of, a judicial proceeding. Fla. Stat. Ann. § 90.502(2); *see also McCullough v. Kubiak*, 158 So. 3d 739, 740 (Fla. 4th DCA, 2015). A waiver of the attorney-client privilege occurs only if the client voluntarily discloses in court the substance of a ***communication with her attorney.*** *See, e.g., Delap v. State*, 440 So.2d 1242, 1247 (Fla. 1983) (criminal defendant sought to use in court favorably testimony from his investigator while blocking inquiry into other testimony). No waiver occurs when the client merely discloses facts which were part of the communication with the client's attorney. *See Koon v. State*, 463 So.2d 201, 203-04 (Fla. 1985); *see also Taylor v. State*, 855 So.2d 1, 26 n.29 (Fla. 2003). Thus, the privilege attaches to the communication with counsel, not to the underlying facts. *Brookings v. State*, 495 So.2d 135, 139 (Fla. 1986); *see also Lynch v. State*, 2 So.3d 47, 66 (Fla. 2008).[17] As a result, allegations that Giuffre disclosed to third parties the same facts that she may have related to Cassell and Edwards, without any evidence that she disclosed the substance of her confidential consultation with Edwards and Cassell, cannot overcome her privilege.[18]

To hold otherwise would eviscerate the attorney-client privilege. Such a ruling would mean that every time an attorney filed a declaration by his client that contained the factual basis for the client's claim, the opposing party would have the right to examine all privileged communications. Defendant has not cited any authority either in Florida (or elsewhere) to

[17] New York state privilege law is to the same effect. *See, e.g., Niesig v. Team I*, 76 N.Y.2d 363, 372, 558 N.E.2d 1030, 1034 (1990) (because "the privilege applies only to confidential communications with counsel (*see*, CPLR 4503), it does not immunize the underlying factual information . . . from disclosure to an adversary").

[18] As an illustration, Defendant notes that in 2011 Ms. Giuffre gave an interview to the *Daily Mail*. Mot. to Compel at 15. But Defendant does not explain how that interview disclosed any attorney-client communications. And because any such disclosures would have been extrajudicial, they would be narrowly construed. *In re von Bulow*, 828 F.2d 94, 103 (2d Cir. 1987).

support his extreme assertion that Ms. Giuffre waived her privilege simply by allowing an affidavit to be filed in a court proceeding.

Defendant also claims Cassell, at his deposition in the Dershowitz case, waived attorney-client privilege by discussing factual information related to his investigation of Ms. Giuffre's allegations (for example, flight log information). Cassell's deposition testimony did not constitute a waiver of Ms. Giuffre's attorney-client privilege. Indeed, Ms. Giuffre's own separate attorney (undersigned counsel, Ms. McCawley, from the law firm of Boies, Schiller & Flexner, LLP) raised a standing objection to Cassell answering any question that would require divulging any attorney/client communications. McCawley Decl., Ex. 14, deposition excerpt of Paul Cassell, Volume I, dated Oct. 16, 2015, at 39:24 – 40:2 ("Virginia Roberts does not waive her attorney/client privilege with her lawyers, and they are not entitled to testify as to information that she intended to be confidential that she communicated to her lawyers.").[19] Defendant also argues that because Cassell said at some (unspecified) point in his deposition that he "knew" some (unidentified) information about Ms. Giuffre, he must have been revealing attorney-client communications. Mot. to Compel at 17 ("Of course, the information [Cassell and Edwards] "knew" about [Ms. Giuffre was a direct result of her attorney-client communications with them . . . ."). But Cassell knew a vast amount of information about Ms. Giuffre from the factual record in the case, such as the flight logs demonstrating flights that she took with Epstein and Defendant on Epstein's jet. Defendant's logic is simply incorrect.

E. Ms. Giuffre Will Not Seek to Use Confidential Attorney-Client Communications in her Action Here.

For all the reasons just explained, Ms. Giuffre has not waived her attorney-client privilege through events that occurred in the Dershowitz case. But one additional point bears

[19] In her "excerpts" from Cassell's deposition, Defendant has not included this portion. *See* Menninger Dec., Ex. L.

emphasis: Defendant attempts to argue that the trial *in this case* will somehow be unfair if she does not receive access to confidential attorney-client communications that Ms. Giuffre had with her lawyers earlier. Mot. to Compel at 20-21. But regardless of what may or may not have been at issue in the Dershowitz case, confidential communications will not be at issue here. For example, Defendant writes that "[i]t would be prejudicial for [Ms. Giuffre] to be able to support her claim in this case that she is not a liar using her attorney's testimony . . . ." *Id.* at 21. To be clear, Ms. Giuffre has no intention of calling, for example, Cassell and Edwards to testify at trial in an attempt to support her claims. Thus, this will not be a case where it will be "misleading to the court or any jury to hear testimony from [Ms. Giuffre's] counsel about all the factual basis, work product and thought process on which they relied in making the allegations in the Joinder Motion," Mot. to Compel at 22, for the simple reason that that Ms. Giuffre's counsel will not be witnesses in the case. Nor will Ms. Giuffre be presenting a "state of mind" defense that might require a more extensive inquiry into attorney-client communications. *See In re Cty. of Erie*, 546 F.3d 222, 229 (2d Cir. 2008) (noting absence of good faith or state of mind issues as a reason for not finding "at issue" waiver of privilege); *Nomura Asset Capital Corp. v. Cadwalader, Wickersham & Taft LLP*, 62 A.D.3d 581, 582, 880 N.Y.S.2d 617, 618-20 (N.Y. App. Div. 2009) (finding no waiver where plaintiff disavowed any intention to use confidential attorney-client communications; relevance alone insufficient to put privileged materials "at issue" because, "if that were the case, a privilege would have little effect").

To be sure, at trial Ms. Giuffre will present factual testimony supporting her version of events – just as, no doubt, Defendant will try to present testimony supporting her version. But such testimony (from both sides) does not create any waiver of attorney-client privilege. Instead, such testimony is simply the presentation of competing facts, from which the jury can decide

who is telling the truth. None of this creates any need for Defendant to force Ms. Giuffre to reveal confidential communications.

II. MS. GIUFFRE DID NOT WAIVE HER ATTORNEY-CLIENT PRIVILEGE BY DENYING FABRICATED EVICENCE DURING HER DEPOSITION.

Defendant spends significant time arguing that Ms. Giuffre's answers to several deposition questions about the *absence* of any communications from Cassell and Edwards that she provide false information constituted a waiver of attorney client privilege. Mot. to Compel at 11 (arguing that "never" answer to the question "Has Brad [Edwards] ever pressured you or encouraged you in any way or under any circumstances at any time to provide false information about Jeffrey Epstein" constituted a waiver of attorney-client privilege). While the arguments above are sufficient to dispose of this claim, it is worth emphasizing several additional points about this specific testimony.

First, disclosing the *absence* of communication is not the same as exposing any communication. It is a fundamental requirement of a waiver argument that a communication be exposed, *see* Fla. Stat. Ann. § 90.502 (extending privilege to a "communication between lawyer and client"), not the absence of such a communication. *See Montanez v. Publix Super Markets, Inc*., 135 So. 3d 510, 512-13 (Fla. Dist. Ct. App. 2014) (rejecting argument that client waived her attorney-client privilege by stating that an interrogatory answer was not "her" answer because this did not disclose the substance of her communications with her attorney). *Cf. Mitchell v. Superior Court*, 37 Cal. 3d 591, 602, 691 P.2d 642, 647 (Cal. 1984) ("Relevant case law makes it clear that mere disclosure of the fact that a communication between client and attorney had occurred does *not* amount to disclosure of the specific content of that communication, and as such does not necessarily constitute a waiver of the privilege.").

Second, the questions highlighted by Defendant asked Ms. Giuffre whether she had ever communicated with her attorneys Cassell and Edwards for purposes of committing a crime or fraud. *See* Mot. to Compel at 11 (recounting questions). If such a communication involving perjury had existed, it would not have been covered by the attorney-client privilege in the first instance because it would have involved an on-going crime or fraud. *See* Fla. Stat. Ann. § 90.502(4) ("There is no lawyer-client privilege under this section when . . . [t]he services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew was a crime or fraud.").[20] Answering those questions by denying the existence of a crime or fraud accordingly did not constitute waiver of confidentiality over any otherwise-protected communication. Indeed, any other conclusion would essentially abolish the attorney-client privilege. A party could simply accuse the opposing side of fabricating evidence and, when that accusation was denied, argue that attorney-client privilege had been waived. This is not the law.

Finally, it is important to note that throughout her deposition, Ms. Giuffre's attorney strenuously objected to any effort by [redacted] to obtain attorney-client information. *See* McCawley Decl., Exhibit 11, Composite Exhibit of Deposition Excerpts from the Deposition of Virginia Giuffre at 131-32; 173-74; 183; 200-12.[21] Clearly, at her deposition, Ms. Giuffre did not voluntarily waive any attorney-client privilege she held.

[20] Again, for sake of completeness, it is worth noting that federal and New York state law also contain a crime-fraud exception to the attorney client privilege. *HSH Nordbank AG New York Branch v. Swerdlow*, 259 F.R.D. 64, 73 (S.D.N.Y. 2009); *Ulico Cas. Co. v. Wilson, Elser, Moskowitz, Edelman & Dicker*, 1 A.D.3d 223, 224, 767 N.Y.S.2d 228 (2003) (attorney-client privilege "may not be invoked where it involves client communications that may have been in furtherance of a fraudulent scheme, an alleged breach of fiduciary duty or an accusation of some other wrongful conduct").

[21] Once again, these objections are not included in Defendant's excerpts from the deposition.

III. EDWARDS AND CASSELL HAVE NOT WAIVED WORK-PRODUCT PROTECTION AND MAXWELL HAS NOT DEMONSTRATED NEED TO PENETRATE THE PROTECTION.

A. Work Product Protection Has Not Been Waived.

For many of the same reasons that Ms. Giuffre has not waived her attorney-client privilege, the work-product protection has not been waived. Fed. R. Evid. 502's protections against waiver apply not only to the attorney-client privilege but also to the work-product doctrine. On the facts of this case, Rule 502 thus extends all work-product protections that exist "under the law of the state where the disclosure occurred," Fed. R. Evid. 502(c)(2) – i.e., Florida law – as well as the protection that exists under federal law, Fed. R. Evid. 502(c)(1).

Florida law provides that work-product protections extend to "documents and tangible things otherwise discoverable" if a party prepared those items "in anticipation of litigation or for trial." Fla. R. Civ. P. 1.280(b)(3). The rationale supporting the work-product doctrine is that one party is not entitled to prepare his case through the investigative work product of his adversary where the same or similar information is available through ordinary investigative techniques and discovery procedures. *Universal City Development Partners, Ltd. v. Pupillo*, 54 So.3d 612, 614 (Fla. 5th DCA, 2011). The work-product of the litigant, his attorney or agent, cannot be examined, absent rare and exceptional circumstances. *Surf Drugs, Inc. v. Vermette*, 236 So.2d 108, 112 (Fla. 1970).

In Florida (as elsewhere), a party "can make a limited waiver of its . . . work product privilege." *Paradise Divers, Inc. v. Upmal*, 943 So. 2d 812, 814 (Fla. Dist. Ct. App. 2006). A waiver by disclosure only includes "other unrevealed communications only to the extent that they are relevant to the communication already disclosed." *Id.* (*citing Eastern Air Lines, Inc. v. Gellert*, 431 So.2d 329, 332 (Fla. 3d DCA 1983)). Waiver by disclosure does "not mean . . . that

voluntary disclosure of confidential information effectively waives the privilege as to all conversations, or the whole breadth of discussion which may have taken place." *Procacci v. Seitlin*, 497 So. 2d 969, 969-70 (Fla. Dist. Ct. App. 1986) (*citing Goldman, Sachs & Co. v. Blondis*, 412 F.Supp. 286, 288 (N.D.Ill.1976)). Instead, waiver by disclosure is confined to "that specific subject during that particular conversation." *Procacci*, 497 So. 2d at 970 (*quoting Perrignon v. Bergen Brunswig Corp.*, 77 F.R.D. 455, 461 (N.D. Cal.1978)).[22]

As with her attorney-client privilege argument, Defendant has not even cited Florida law on waiver of work-product protection, much less explained how she meets its demanding requirements. Moreover, the illustrations she provides do not prove any general waiver of work-product protection. For example, Defendant relies on the claim that Cassell and Edwards have waived work-product protection by disclosing a transcript of a portion of a 2011 telephone interview with Ms. Giuffre by attorneys Jack Scarola and Brad Edwards. But that recorded interview was never a confidential communication between Mr. Giuffre and the lawyers, but rather (as the transcript of the call itself makes clear) a communication that could be presented "***to any jury that might ultimately have to hear these facts.***" McCawley Decl., Ex. 15 at 1, transcript of Scarola/Edwards interview on April 7, 2011 (emphasis added). In other words, the recorded call was simply the functional equivalent of an affidavit – and affidavits are routinely disclosed with waiving work product protections, under the law of Florida and elsewhere.

Defendant also argues that Cassell and Edwards waived work-product protection by filing a summary judgment motion in the Dershowitz case which contained supporting exhibits (e.g., flight logs, sworn testimony by third-party witnesses, and other evidence). Mot. to Compel

[22] New York state law is to the same effect. *See Charter One Bank, F.S.B. v. Midtown Rochester, L.L.C.*, 191 Misc. 2d 154, 159, 738 N.Y.S.2d 179, 186 (Sup. Ct. 2002) (" The disclosure of a document protected by the work-product rule does not result in a waiver of the privilege as to other documents.").

at 16. But providing information in support of a summary judgment motion is a routine step that attorneys take every day. While the materials produced are obviously not subject to work product protection, other materials and communications do not somehow become subject to discovery. *Paradise Divers, Inc.*, 943 So. 2d at 814.

B. Defendant Has Not Proven "Need" to Penetrate Work-Product Protection.

Defendant's argument on work product protection also simply assumes that it is the same as the attorney-client privilege and can be waived under an "at issue theory." But the "at issue" legal theory Defendant relies on to argue (incorrectly) that attorney-client privilege has been waived applies only to that privilege. The work product doctrine is quite distinct from attorney-client privilege, and application of the privileges and exceptions to them differ. *See West Bend Mutual Ins. Co*. v. *Higgins*, 9 So.3d 655, 656 (Fla. 5th DCA 2009); *Genovese v. Provident Life & Accident Ins. Co.*, 74 So. 3d 1064, 1068 (Fla. 2011), *as revised on denial of reh'g* (2011). The function of the work product doctrine is to protect counsel's mental impressions. *West Bend Mutual*, 9 So.3d at 656. To pierce the privilege, Defendant must show "that the substantial equivalent of the material cannot be obtained by other means." *Southern Bell Tel. & Tel. Co. v. Deason*, 632 So.2d 1377, 1385 (Fla.1994). Defendant has not even identified any specific work-product she claims to need, much less shown why she cannot get the underlying information from other sources.

Under the law of Florida (and elsewhere[23]), to establish "need," a party must present testimony or evidence demonstrating the material requested is critical to the theory of the

[23] Both federal and New York state law extend work product protections similar to those found in Florida law. *See, e.g., Hickman v. Taylor*, 329 U.S. 495, 511 (1947); N.Y. Civ. Practice Law & Rules § 3101(c) (McKinney). Indeed, New York state law may go even further than Florida's and extends "absolute" work-product protection. *See Charter One Bank, F.S.B. v. Midtown Rochester, L.L.C.*, 191 Misc. 2d 154, 159, 738 N.Y.S.2d 179, 185 (Sup. Ct. 2002) (section 3101(c) "affords absolute immunity from disclosure of attorney's work product.").

requestor's case, or to some significant aspect of the case. *Zirkelbach Const. Inc. v. Rajan*, 93 So.3d 1124, 1130 (Fla. 2d DCA 2012). "[W]ell established in Florida is the principle that the unsworn analysis of a party's attorney and/or a bare assertion of need and undue hardship to obtain the substantial equivalent [is] insufficient to satisfy this showing." *Butler v. Harter*, 152 So.3d 705, 712 (Fla. 1st DCA, 2014); *see Procter & Gamble Co. v. Swilley*, 462 So.2d 1188, 1194 (Fla. 1st DCA 1985); *State v. T.A.*, 528 So.2d 974, 975 (Fla. 2d DCA, 1988) ("[R]epresentations by counsel not made under oath and not subject to cross-examination, absent a stipulation, are not evidence). Further, Florida courts have held that "the showing of need encompasses a showing of diligence by the party seeking discovery of another party's work product." *Butler v. Harter*, 152 So.3d 705, 712 (Fla. 1st DCA, 2014); *see also CSX Transp., Inc. v. Carpenter*, 725 So.2d 434, 435 (Fla. 2d DCA 1999) (quashing order granting motion to compel discovery because the record did not contain affidavits supporting plaintiff's argument that it was unable to obtain the substantially equivalent information by other means without undue hardship); *Falco v. N. Shore Labs. Corp.*, 866 So.2d 1255, 1257 (Fla. 1st DCA 2004) (holding that need and undue hardship "must be demonstrated by affidavit or sworn testimony"); *N. Broward Hosp. Dist. v. Button*, 592 So.2d 367, 368 (Fla. 4th DCA 1992), ("[T]he unsworn assertions of plaintiff's counsel were insufficient to constitute a showing of need and undue hardship."), *called into doubt on other grounds as stated in Columbia Hosp. Corp. of S. Broward v. Fain*, 16 So.3d 236 (Fla. 4th DCA 2009).

Here, Defendant has ample information from which she can present her case. At the core of this case is whether Ms. Giuffre "lied" when she said that the Defendant recruited her to be sexually abused by Jeffrey Epstein. Defendant can, of course, testify to her interactions with Ms. Giuffre, as well as call other witnesses regarding the circumstances of those interactions.

Defendant can also get information from her close friend, Epstein, about the circumstances of the interactions. Defendant and Epstein are not only good friends but they have a "common interest agreement" that facilitates transfer of information between the two of them. Finally, to make her showing that she is unable to obtain "equivalent information" from other sources, Defendant would have to explain in detail what other steps she has taken to secure information from other sources, including not only Epstein but other witnesses present at Epstein's mansion. Having failed to do any of this, Defendant has not made a sufficient showing to obtain work-product information. *Pupillo*, 54 So.3d at 614.

IV. COMMUNICATIONS WITH ATTORNEY JACK SCAROLA ARE COVERED BY A JOINT DEFENSE AGREEMENT AND ARE THUS PROTECTED BY ATTORNEY-CLIENT AND WORK-PRODUCTION PROTECTION.

As a tag-along argument at the end of her motion, Defendant argues that Ms. Giuffre has not established the existence of a common interest or joint defense agreement that embraces Jack Scarola, the attorney for Cassell and Edwards in the Dershowitz litigation. Mot. to Compel at 23-24. Disclosure of that agreement involved notice to the parties to the agreement. Now that appropriate notice has been provided, the agreement can be – and has been – disclosed. *See* McCawley Decl., Ex. 16, common interest agreement. In view of the existence of the valid agreement, it is clear that the referenced communications involving Scarola are protected. *See, e.g., Guiffre v. Maxwell,* No. 15 CIV. 7433 (RWS), 2016 WL 1756918, at *6 (S.D.N.Y. May 2, 2016) (noting common interest agreement protection) (*citing GUS Consulting GMBH v. Chadbourne & Parke LLP*, 20 Misc. 3d 539, 542, 858 N.Y.S.2d 591, 593 (Sup. Ct. 2008)).

CONCLUSION

Defendant's motion to compel should be denied in its entirety.

Dated: June 1, 2016

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of June, 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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EXHIBIT 3
(Filed Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:08-cv-80736-KAM

JANE DOE #1 and JANE DOE #2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.
_____/

PLAINTIFFS RESPONSE TO MOTION FOR LIMITED INTERVENTION BY ALAN M. DERSHOWITZ

COME NOW petitioners Jane Doe No. 1 and Jane Doe 2, as well as movants Jane Doe No. 3 and Jane Doe No. 4 ("the victims"[1]), to respond in opposition to Mr. Dershowitz's motion for limited intervention (DE 282). Dershowitz moves to intervene to strike a proffer made by Jane Doe No. 3 of facts that support her pending motion to join this action. The Court should deny the motion. Dershowitz has not established any direct interest in this Crime Victims' Rights Act (CVRA) action that would entitle him to intervene as of right under Fed. R. Civ. P. 24(a). Nor has he met Rule 24(b)'s standards for discretionary intervention for four reasons: First, Dershowitz has another forum in which to litigate and defend his reputational interests – a pending defamation action regarding this very case; second, Dershowitz (and other persons Jane Doe No. 3 specifically alleged abused her) have not availed themselves of other opportunities to defend their reputational interests; third, Dershowitz lacks any basis to strike allegations that are directly relevant to pending issues in this case; and fourth and finally, Jane Doe No. 3 attests in a

[1] As promised in their motion to join (DE 280), Jane Doe No. 3 and Jane Doe No. 4 do not seek to expand the number of pleadings filed in this case. If allowed to join this action, they would simply support the pleadings already being filed by Jane Doe No. 1 and Jane Doe No. 2 – including this opposition.

sworn affidavit (attached as Exhibit 1) that all her allegations are true – an affidavit consistent with compelling corroborating evidence.

BACKGROUND AND COURSE OF PROCEEDINGS

Because this case has been proceeding for more than six-and-a-half years, it is useful to summarize some of the events pertinent to Dershowitz's intervention motion and Jane Doe No. 3's related and pending motion for joinder. As the Court is aware, on July 7, 2008, a young woman identified as Jane Doe No. 1 filed an emergency petition to enforce her rights under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, alleging that the Government had failed to provide her rights with regard to a plea arrangement it was pursuing with Jeffrey Epstein. The Court rapidly held a hearing. During that hearing, victim's counsel (having previously made a proffer of the relevant circumstances to Government counsel) orally moved to have Jane Doe No. 2 added into the case as another "victim" under the CVRA. Government counsel had no objection to adding her to the case, apparently believing that, in light of the sexual abuse perpetrated against her, she met the "victim" definition in the statute. DE 15 (Tr. July 11, 2008) at 14.

The Court then instructed the parties to attempt to reach a stipulated set of facts. Over the next several years, the Government took conflicting positions on whether it would stipulate to facts provided by Jane Doe No. 1 and Jane Do. 2, ultimately refusing to stipulate to any facts. *See generally* DE 225-1 at 2-4. Unable to obtain stipulations by the Government, in 2011 the victims filed a summary judgment motion alleging 53 proposed undisputed facts (DE 48), along with a motion to have the Court accept those facts because of the Government's failure to contest them (DE 49). On September 26, 2011, the Court allowed the case to move forward. DE 99. The Court, however, declined to accept victims' argument that it should simply accept their facts

because of the Government's failure to contest their facts, directing instead that discovery should proceed. *Id.* at 11.

In light of the Court's direction, on October 11, 2011, the victims filed discovery requests with the Government, including requests specifically seeking information about Dershowitz, Prince Andrew, and others. Further efforts from the Government to avoid any discovery followed (*see generally* DE 225-1 at 4-5),[2] ultimately leading to a further Court ruling in June 2013 that the Government should produce documents. DE 189. The Government then produced about 1,500 pages of irrelevant materials to the victims (DE 225-1 at 5), while simultaneously submitting 14,825 pages of relevant materials under seal to the Court. The Government claimed that these pages were "privileged" for various reasons, attaching an abbreviated privilege log. Jane Doe No. 1 and Jane No. 2 objected to those claims of privilege, *see generally* DE 225 and DE 265, and also to the Government's failure to specify in its privilege log the names of all the persons involved in the materials (DE 265 at 1-2). These issues remain pending today.[3]

In the summer of 2014, undersigned counsel for Jane Doe No. 1 and Jane Doe No. 2 contacted Government counsel to request their agreement to add an additional victim to this case: a young woman Jeffrey Epstein sexual abused when she was under age. On August 20, 2014, counsel sent a letter to U.S. Attorney Wilfredo Ferrer requesting the Government's consent to a stipulated motion to simply add her into the case (as had been done earlier with Jane Doe No. 2). Counsel attached a draft proposed motion that would have blandly recounted that she was similarly situated to Jane Doe No. 1 and Jane Doe No. 2. *See* Exhibit 2. The proposed motion

[2] Jeffrey Epstein also attempted to block discovery of materials in this case, leading to an Eleventh Circuit ruling that the victims' discovery efforts were proper. *Doe v. Epstein*, 749 F.3d 999 (11th Cir. 2014).
[3] Remarkably, even though the Court directed the Government to begin producing discovery in June 2013, the Government has yet to finish that production some 19 months later.

did not include any of the facts surrounding her abuse, relying instead on a stipulation to secure the Court's anticipated approval.

Three months later, having received no response from the Government, victims' counsel sent an additional letter to Mr. Ferrer, requesting agreement to add an additional victim to the case – a young woman identified in current pleadings as Jane Doe No. 3[4]:

> Dear Mr. Ferrer:
>
> I sent you a letter in August requesting your office's stipulation to our adding Jane Doe #[4] in this case. Unfortunately, we did not receive a response from your office. We are hopeful that your lack of a response was simple oversight.
>
> In addition to following up on the August letter, we are now requesting your Stipulation to the adding of Jane Doe #[3] as well. Her true name is [redacted].... As we expressed in our personal meetings a couple years ago, we don't understand the tactical decision to be adversarial to victims of known sexual abuse on every point in this litigation. Now that many of those issues we discussed have been resolved in our favor, it seems to make even more sense to avoid engaging in unnecessary battles that could only serve the purpose of delaying the victims' rights to have this case resolved on its merits.
>
> As I indicated in my August letter requesting your stipulation to the adding of Jane Doe #[4], adding Jane Doe #[3] will also not delay matters, so long as we can stipulate to her being added. Without a stipulation, we foresee litigation over this point, which will produce nothing but additional delay – and further question about your Office's commitment to full protection of victims' rights under the Crime Victims Rights Act.
>
> Your office is very familiar with [redacted] and her circumstance. She was sexually trafficked and abused by Mr. Epstein (and others at the direction of Mr. Epstein) not only in this jurisdiction but throughout the United States and beyond. . . .
>
> . . . [E]ven if you were to object and prevail on the motion to add her to the current litigation, the only consequence would be that Ms. [name redacted] would then file a separate CVRA lawsuit, something she is entitled to do because the CVRA contains no time limit. . . .We have, throughout this case, consciously avoided filing anything that would unnecessarily cast your office in a bad light, and it is again with that in mind that we request your stipulation here. We need this stipulation by December 10, 2014 to avoid delaying any other aspects of this case. We will not file any pleadings on this subject before that date.

[4] In the letter to Mr. Ferrer, the woman identified in current court pleadings as Jane No. 3 is referred to as "Jane Doe No. 4." For consistency with the court pleadings, the designations in correspondence have been modified here – as indicated by brackets – to track the current designation in the pleadings.

See Exhibit 3. Weeks went by and the Government – once again -- did not respond to counsel's request for a stipulation. This prompted a further email from counsel to the AUSA's handling this matter to inquire about the status of request:

> When we spoke a few months ago, I told you that we represented [Jane Doe No. 3] and were considering adding her to this suit. At the time of our call we asked if you would agree to our adding her, and I understood that you would have to check with others. Consequently, I sent a couple of letters to Mr. Ferrer that I have attached to this email. I was hoping for a response letting me know that the Office would not oppose the amendments adding Doe 3 and 4… . I realize our 11/19 letter asked for a response by the 10th. However, I was hoping you could give me some indication whether we will get an answer before the 10th (and perhaps what that answer will be), because if there will not be an agreement to adding these Plaintiffs then I want to get the Motion prepared.

See Exhibit 4; *see also* Exhibit 5 (short response regarding trying to get an answer).

On December 10, 2014, despite having had four months to provide a position, the Government responded by email to counsel that it was seeking more time, indicating that the Government understood that victims' counsel might need to file a motion with the court on the matter immediately: "The U.S. Attorney is on travel and I do not have an answer for you on whether the government will agree to the addition of two new petitioners. I appreciate you not filing your motion until December [15], 2014. If you need to file the motion, we understand. Thanks." *See* Exhibit 6.

Rather than file a motion immediately, victims' counsel waited and continued to press the Government for a stipulation. *See* Exhibits 7**,** 8, and 9. Finally, on December 23, 2014 – more than four months after the initial request for a stipulated joinder into the case – the Government tersely indicated its objection, without indicating any reason: "Our position is that we oppose adding new petitioners at this stage of the litigation." *See* Exhibit 10.

Because the Government now contested the joinder motion, undersigned counsel prepared a more detailed pleading explaining the justification for granting the motion. One week after receiving the Government's objection, on December 30, 2014, Jane Doe No. 3 and Jane Doe No. 4 filed a motion (and later a corrected motion) seeking to join the case. DE 279 and DE 280.[5] Uncertain as to the basis for the Government's objection, the motion briefly proffered the circumstances of Jane Doe No. 3 and Jane Doe No. 4 that would qualify them as "victims" eligible to assert rights under the CVRA. *See* 18 U.S.C. 3771(e) ("For the purposes of this chapter, the term 'crime victim' means a person directly and proximately harmed as a result of the commission of federal offense . . . ."). With regard to Jane Doe No. 3, the motion indicated that when she was a minor, Jeffrey Epstein had trafficked her to Dershowitz and Prince Andrew (among others) for sexual purposes. Jane Doe No. 3 stated that she was prepared to prove her proffer. *See* DE 280 at 3 ("If allowed to join this action, Jane Doe No. 3 would prove the following . . . . "). The motion also provided specific reasons why Jane Doe No. 3's participation was relevant to the case, including the pending discovery issues regarding Dershowitz and Prince Andrew. DE 280 at 9-10 (explaining several reasons participation of new victims was relevant to existing issues).

After the motion was filed, various news organizations published articles about it. Dershowitz also made numerous media statements about the filing, including calling Jane Doe No. 3 "a serial liar" who "has lied through her teeth about many world leaders." http://www.cnn.com/2015/01/06/us/dershowitz-sex-allegation/. Dershowitz also repeatedly

[5] Dershowitz argues that Jane Doe No. 3 violated Local Rule 15.1 by failing to attach a proposed amended complaint. DE 282 at 2. But Jane Doe No. 3 was simply following the same approach that Jane Doe No. 2 had taken earlier, by filing a *motion* to join rather than a proposed *amendment* to pleadings.

called undersigned legal counsel for Jane Doe No. 3 "two sleazy, unprofessional, disbarable lawyers." *Id.* On January 5, 2015, Dershowitz filed the pending motion to intervene. DE 282.

DISCUSSION

Dershowitz's motion to intervene relies on Fed. R. Civ. P. 24(a) (mandatory intervention) and 24(b) (permissive intervention). Neither argument for intervention is well-founded.

I. DERSHOWITZ'S ALLEGED "REPUTATIONAL" INTERESTS DO NOT SATISFY RULE 24(A)'S REQUIREMENTS FOR INTERVENTION AS OF RIGHT.

Dershowitz first claims that he meets Rule 24(a)'s requirements for mandatory intervention. Rule 24(a) requires that the Court allow a person to intervene in a case if that person "claims an interest relating to the property or transaction that is the subject of that action and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect his interest, unless existing parties adequately represent that interest." Dershowitz contends he meets Rule 24(a)'s requirements because he has a "reputational" interest in the matter, specifically an interest in contesting Jane Doe No. 3's allegation that Jeffrey Epstein trafficked her to Dershowitz for sexual purposes.

Numerous courts have declined to allow a mere "reputational" interest to justify mandatory intervention. For example, *Calloway v. Westinghouse Elec. Corp.*, 115 F.R.D. 73 (M.D. Ga. 1987), denied a motion to intervene where the alleged interest was a doctor's "own reputation and academic credibility." *Id.* at 74. The court denied intervention because "a witness' 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 as a matter of right. To find otherwise would invite intervention every time a court is required to determine the credibility of a witness." *Id.* Similarly, *Flynn v. Hubbard*, 82 F.2d

1084, 1093 (1st Cir. 1986), affirmed the denial of the Church of Scientology's request for intervention in part because "the church "merely claim[ed] a generalized injury to reputation [that] identifies no legal detriment arising from a default judgment against Hubbard." *Id.* at 1093 (Coffin, J., concurring). *See also 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]. Edmondson's representative has pointed to no legal detriment flowing from this possible finding of the trial court, and we can find none."); *Forsyth County v. U.S. Army Corps of Engineers*, No. 2:08–CV–0126–RWS, 2009 WL 1312511, at *2 (N.D. Ga. May 8, 2009) (denying intervention because an "interest in protecting its reputation . . . is not direct, substantive, or derived from a legal right").[6]

The Court has previously considered – and rejected – a similar effort to intervene on a "reputational" claim. That claim was made by Bruce Reinhart who – like Dershowitz – had previously represented Jeffrey Epstein's interests in related litigation. Reinhart moved to intervene in this case to contest the victims' allegations that Reinhart (a former prosecutor in the U.S. Attorney's Office investigating Epstein) received confidential, non-public information about the investigation. The victims specifically alleged that Reinhart had "joined Epstein's payroll shortly after important decisions were made limiting Epstein's criminal liability" and that Reinhart had gone on to improperly represent Epstein-related witnesses in various civil suits. *See* DE 99 at 12 (discussing DE 48 at 23). Reinhart filed a sworn affidavit admitting that he had represented Epstein-related clients, but claiming that he did not possess any such confidential information. He sought to intervene to challenge the victims' arguments.

[6] Dershowitz cites dicta in *Sackman v. Liggett Grp., Inc.*, 167 F.R.D. 6, 20-21 (E.D.N.Y. 1996), that a reputational interest can support intervention. But *Sackman* did not analyze the issue; rather it simply cited another case, *Penthouse Int'l, Ltd. v. Playboy Enterprises, Inc.*, 663 F.2d 371, 373, 392 (2d Cir. 1981), which in turn contains no analysis of the issue or any such holding.

After a hearing, the Court denied Reinhart's motion, finding that his interest in litigating the validity of the victims' allegations was too attenuated to support intervention. DE 99 at 13.[7] The Court's rationale applies equally here and should lead the Court to deny Dershowitz's motion. Dershowitz claims that his situation is distinguishable in view of how "harmful" (DE 282 at 6) he believes the current allegations are. But the degree of indignation at allegations is not a sound basis for allowing intervention. As the Court previously explained, it "cannot permit anyone slighted by allegations in court pleadings to intervene and conduct mini-trials to vindicate their reputation." DE 99 at 13.

Dershowitz does have an alternative ground he could try to advance for intervention. As Jane Doe No. 3 pointed out in her motion to join the case, Dershowitz personally helped to negotiate the non-prosecution agreement (NPA) at issue in this case, which bars *his* prosecution in the Southern District of Florida as a "potential co-conspirator of Epstein." DE 280 at 4 (quoting NPA at 5). The Court has previously allowed Epstein to prospectively intervene in any proceedings that might involve invalidating the NPA. DE 246. Dershowitz can make a similar motion if he identifies himself as a potential co-conspirator involved in crimes covered by the NPA. But lacking such an allegation, his existing motion does not allege any concrete impairment of his interests supporting mandatory intervention.

II. DERSHOWITZ HAS NOT SHOWN THAT THE COURT SHOULD ALLOW PERMISSIVE INTERVENTION UNDER RULE 24(B).

[7] During the hearing on Reinhart's intervention motion, the Government stood silent about the accuracy of Reinhart's affidavit. Much later, after the Court had denied the motion, the Government admitted that it possessed information contradicting Reinhart's sworn affidavit. *See* DE 225-1 at 9-10, ¶¶ 43-45 ("in answering the victims' Requests for Admissions, the Government has admitted that it possess information that Reinhart learned confidential non-public information about the Epstein case and he discussed the Epstein case with other prosecutors.").

Dershowitz also contends that the Court should exercise its discretion to allow permissive intervention in this case under Fed. R. Civ. P. 24(b). The rule grants discretion to the court to allow intervention by a person who has "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b); *accord Mt. Hawley Ins. Co. v. Sandy Lake Properties, Inc.*, 425 F.3d 1308, 1311 (11th Cir. 2005) (permissive intervention allowed only where "a claim or defense and the main action have a question of law or fact in common and the intervention will not unduly prejudice or delay the adjudication of the rights of the original parties."). A district court's ruling on such intervention is reviewed only for abuse of discretion. *Stone v. First Union Corp.,* 371 F.3d 1305, 1309 (11th Cir. 2004); *see also AT&T Corp. v. Sprint Corp.*, 407 F.3d 560, 561–62 (2nd Cir. 2005) ("[a] denial of permissive intervention has virtually never been reversed" because of the considerable discretion afforded to district courts).

In ruling on a motion for permissive intervention, the Court must consider all relevant factors, including "the nature and extent of the intervenor's interest." *Perry v. Proposition 8 Official Proponents*, 587 F.3d 947, 955 (9th Cir. 2009). Here, Dershowitz lacks a "claim or defense" in common with the CVRA action. Instead, Dershowitz intends to advance satellite arguments, including raising questions about the credibility of crime victims that the Government apparently does not intend to present.[8] Allowing his intervention would thus create a clear risk of adding undue delay to what is already a long-running case. *Cf. id.* (affirming district court decision to deny intervention that would "consume additional time and resources of

[8] For example, in the media Dershowitz has called Jane Doe No. 3 – an alleged victim of international sex trafficking while she was a minor – "a serial perjurer, serial liar, serial prostitute." Washington Post, Morning Mix, http://www.washingtonpost.com/news/morning-mix/wp/2015/01/06/alan-dershowitz-takes-legal-action-after-being-named-with-prince-andrew-in-sex-ring-case/ .

both the Court and the parties that have a direct stake in the outcome of the proceedings"). Moreover, several other important factors weigh against allowing intervention.

A. DERSHOWITZ CAN LITIGATE HIS REPUTATIONAL INTERESTS IN A PENDING DEFAMATION ACTION IN BROWARD COUNTY CIRCUIT COURT.

In the opening paragraph of his court pleading, Dershowitz claims he has "no remedy" to defend his reputation. DE 81 at 1. And yet, in his statements to the media, Dershowitz has made clear that he intends to defend his reputational interests in a pending defamation action. The Court need not allow duplicative litigation on the same reputational issues.

After Jane Doe No. 3 filed her motion to intervene, Dershowitz attacked her in the media as a "serial perjurer." He also repeatedly named and attacked her attorneys – i.e., undersigned legal counsel Edwards and Cassell – branding them, among other disparaging names, "two sleazy, unprofessional, disbarable lawyers." Dershowitz repeated his attacks on numerous worldwide media outlets, saying such things as victims' counsel "are prepared to lie, cheat and steal. These are unethical lawyers" (CNN Program "The World Right Now with Hala Gorani," Jan. 5, 2015) and that counsel "willfully and deliberately made this up in order to gain a litigation advantage, [to] line their pockets with money" (The Last Word with Lawrence O'Donnell – MSNBC (Jan. 8, 2015).

Following these statements, on January 6, 2015, attorneys Edwards and Cassell, represented by Jack Scarola, Esq., filed a defamation action in Broward County Circuit Court. *See* Exhibit 11 at ¶ 17 (alleging Dershowitz has "initiated a massive public media assault on the reputation and character" of undersigned counsel, by "accusing them of intentionally lying in their filings, of having leveled knowingly false accusations against [Dershowitz], without ever conducting any investigation of the credibility of the accusations"). The attorneys also served

discovery requests on Dershowitz, as well as a notice of deposition. Dershowitz has yet to agree to a deposition date.

Faced with a defamation action against him, Dershowitz stated that he was "thrilled" by the development because it "gives me a chance to litigate the case. I can expose their corruption. I can show how fraudulent the allegations are. This makes my day." Wall St. Journal Law Blog, http://blogs.wsj.com/law/2015/01/06/jane-doe-lawyers-sue-dershowitz-for-defamation/ (Jan. 6, 2015); *see also* UMAR News, https://www.youtube.com/watch?v=KXzcxsiQv7Q (Jan. 4, 2015) ("I just need *a* legal proceeding . . . to call witnesses … to prove my case" (emphasis added)).

Given that Dershowitz has the opportunity to litigate his concerns in the other case, this Court need not – and should not – allow permissive intervention in this one. *See, e.g., Morgan v. Sears, Roebuck & Co.*, 124 F.R.D. 231 (1988) (declining intervention in one case where litigation on a similar issue was already underway elsewhere). Permissive intervention in this case would, for example, presumably lead to Dershowitz (and, in turn, undersigned legal counsel) seeking duplicative discovery to that which is already being sought in Broward County Circuit Court. One forum is enough to litigate reputational issues.

B. DERSHOWITZ SHOULD NOT BE ALLOWED TO INTERVENE IN THIS ACTION WHEN HE HAS DECLINED TO DEFEND HIS REPUTATION IN OTHER ACTIONS.

Dershowitz also claims that he has not been given an opportunity to address his connection to Epstein's sex trafficking. DE 282-1 at 3. This is untrue. Indeed, Dershowitz has been given (at least) three separate opportunities to provide information concerning his involvement in Epstein's offenses. Because Dershowitz has not availed himself of any of those prior opportunities, the Court should deny his motion to intervene now.

2009

On about September 17, 2009, one of undersigned counsel (Brad Edwards) arranged to have Dershowitz served with a subpoena for deposition in connection with a civil case brought by one of the underage females who had sued Epstein (*Doe v. Epstein*, No. 9:08-cv-80893-KAM (S.D. Fla.)). At that point, Dershowitz understood that counsel for many of Epstein's victims believed that mounting evidence pointed toward his role extending beyond merely being an attorney for Epstein. That deposition ultimately did not occur, and Dershowitz made no effort to provide information about his knowledge of relevant information.

2011

In 2011, in the state case of *Epstein v. Edwards* (No. 502009CA040800XXXXMBAG (Palm Beach Cty. Cir. Ct.)), counsel for Edwards (Jack Scarola, Esq.) contacted Dershowitz to seek his cooperation in answering questions about his knowledge of Epstein's sex trafficking. On August 15, 2011, Dershowitz indicated that he wanted more information before would decide whether to cooperate: "If you would let me know what non-privileged information you would seek from me, I would then be able to decide *whether* to cooperate." *See* Exhibit 12 (emphasis added).

On August 23, 2011, Scarola sent a letter to Dershowitz, explaining that there was no intent to inquire about attorney-client information, but adding: "[w]e do, however, have reason to believe that you have personally observed Jeffrey Epstein in the presence of underage females, and we would like the opportunity to question you under oath about these observations." *See* Exhibit 13. Dershowitz declined to cooperate, so on September 7, 2011, Scarola again sent a letter to Dershowitz, noting that while there was "no obligation" to disclose the basis for wanting a deposition, the reason was that "[m]ultiple individuals have placed you in the presence of Jeffrey Epstein on multiple occasions and in various locations when Jeffrey Epstein was in the

company of underage females subsequently identified as victims of Mr. Epstein's criminal molestations. This information is derived from both sworn testimony and private interviews." Exhibit 14. Despite providing Dershowitz with the basis for wanting his deposition, and the assurance that questions regarding privileged information would not be asked, Dershowitz did not cooperate.

2015

After Jane Doe No. 3 moved to intervene in this case, Dershowitz said "what they [victims' counsel] have done is so under-handed . . . not giv[ing] me an opportunity to disprove it. That's Kafkaesque." UMAR News, https://www.youtube.com/watch?v=KXzcxsiQv7Q. Following public statements such as these, on January 3, 2015, attorney Jack Scarola immediately sent an e-mail to Dershowitz, requesting an opportunity to take his deposition:

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

Exhibit 15. As of the date of this filing, Dershowitz has completely ignored this request, while simultaneously continuing to publicly protest his inability to challenge the allegations against him in a legal proceeding.

In light of these opportunities that have been extended to Dershowitz previously to answer any questions about his knowledge of (and even participation in) Epstein's sex trafficking, his claim that he needs a forum in this Court to defend his reputation rings hollow.[9]

For the sake of completeness – and to show a sinister pattern – it is also worth noting that each of the other four individuals Jane Doe No. 3 identified by name in her motion (Jeffrey Epstein, Ghislaine Maxwell, Jean Luc Brunel, and Prince Andrew) have also all been afforded opportunities to explain themselves – and all four have declined to take them.

Epstein. The Court is familiar with Jeffrey Epstein's repeated invocations of the Fifth Amendment when asked questions about his sexual abuse of young girls, including Jane Doe No. 1, Jane Doe No. 2, and Jane Doe No. 3. *See generally* Exhibit 16 at 1-7.

Maxwell. In 2009, undersigned counsel (Brad Edwards) served Ghislaine Maxwell 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 the undersigned 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.

[9] The difficulty in scheduling this deposition also fits into a pattern for Dershowitz. In around 2005 to 2006, Dershowitz was Jeffrey Epstein's "primary" lawyer. When the Palm Beach Police Department tried to interview Epstein, Dershowitz pretended that Epstein was willing to answer questions. Dershowitz set up, then cancelled, Epstein interviews with the police "several times." *See B.B. v. Epstein*, No. 502008CA037319XXXX MB AB, Depo. of Police Chief Michael Reiter at 80 (Palm Beach Cty. Cir. Ct. Nov. 23, 2009).

Brunel. In 2009, undersigned counsel (Brad Edwards, representing Jane Doe) served Jean Luc Brunel with a subpoena for a deposition before this court in *Doe v. Epstein*, No. 9:08-cv-80119-KAM (S.D. Fla.). Brunel's attorney asked counsel for Jane Doe to postpone the scheduled deposition date. Jane Doe's counsel agreed, and then Brunel's attorney cancelled the rescheduled deposition date. Brunel's counsel represented that Brunel was outside the country and thus unavailable. But later sworn deposition testimony revealed that Brunel was actually inside the country at this time – indeed, he was hiding at Epstein's Palm Beach home. All this was brought to the Court's attention via a motion for sanctions. DE 483. This is just another example of the inner circle of Epstein's friends refusing depositions to answer questions.

Prince Andrew. In 2011, Jack Scarola, representing Brad Edwards in the *Epstein v. Edwards* case, faced procedural impediments to obtaining a sworn deposition from a member of the British Royal family. Accordingly, he publicly invited the voluntary testimony of Prince Andrew, explaining: "We would be very keen to speak with Prince Andrew, given his relationship with Jeffrey Epstein. . . . We have reason to believe that Prince Andrew has been in the company of Mr. Epstein while Mr. Epstein has been in the company of under-aged children." http://effiefolkerts.blogspot.com/2011/03/convicted-paedophile-jeffrey-epstein-is.html. Prince Andrew never responded.

Two weeks ago, after Jane Doe No. 3 and Jane Doe No. 4 moved to join in this action, a spokesperson for Prince Andrew denied Jane Doe No. 3's allegations, without providing any explanation of what the Prince was doing with this minor girl late at night in a private setting. Accordingly, on January 14, 2015, Jack Scarola sent Prince Andrew a certified letter requesting his voluntary cooperation in answering questions about his sexual interactions with Jane Doe No.

3. *See* Exhibit 17. The letter requested an opportunity to take a statement under oath from Prince Andrew. Federal Express has informed us that the letter has been refused by the recipient.

In light of these avoided opportunities by Dershowitz – as well as Epstein, Maxwell, Brunel, and Prince Andrew – to answer questions under oath regarding Epstein's trafficking of young girls, there is no good reason that the Court should now allow a special, discretionary opportunity to intervene to respond to the allegations.

C. DERSHOWITZ SHOULD NOT BE ALLOWED TO INTERVENE TO STRIKE ALLEGATIONS RELEVANT TO ISSUES PENDING BEFORE THE COURT.

The Court should also deny Dershowitz's motion for intervention because it would be a pointless exercise.

Citing Rule 12(f) of the Federal Rules of Civil Procedure, Dershowitz seeks to intervene to strike "immaterial, impertinent, or scandalous matter." DE 282 at 7. Dershowitz contends that Jane Doe No. 3's allegations regarding sexual contacts with him "have nothing to do with any relevant issues in this case." *Id.* at 3. Courts generally "disfavor the motion to strike . . . ." *Moore's Federal Practice* § 12.37[1] (3d ed. 2014) (internal citation omitted). "Striking allegations from a pleading 'is a drastic remedy to be resorted to only when required for the purposes of justice,' and only when the allegations to be stricken have 'no possible relation to the controversy.'" *Larise Atlantis, Inc. v. Pac. Ins. Co.*, No. 10-61583-CIV, 2011 WL 1584359 at *2 (S.D. Fla. 2011) (*quoting Augustus v. Bd. of Pub. Instruction,* 306 F.2d 862, 868 (5th Cir.1962)). "If there is *any doubt* as to whether the allegations might be an issue in the action, courts will deny the motion." *In re 2TheMart.com, Inc. Sec. Litig.*, 114 F. Supp. 2d 955, 965 (C.D. Cal. 2000) (emphasis in original). Just as with a motion to dismiss for failure to state a claim, in ruling on a motion to strike "the Court must view the pleadings in a light most favorable to the

pleading party." *Id.* Any motion to strike by Dershowitz would be meritless, because Jane Doe No. 3's allegations are pertinent to at least eight pending issues.

1. The Pending Motion to Intervene.

Of course, the first reason that Jane Doe No. 3 made her allegations was to support her pending motion to join this action. As the Court has seen from the chronology recounted above, victims' counsel engaged in months of efforts to reach a stipulated motion for joinder by Jane Doe No. 3 and Jane Doe No. 4 that would not have required reciting any specific factual allegations. The U.S. Attorney's Office refused to provide any answer to that request, until finally tersely objecting (without providing any rationale). Once the joinder motion became contested, Jane Doe No. 3 then needed to proffer allegations supporting her entry into the case.

To join this CVRA action, Jane Doe No. 3 must first show that she is the "victim" of a federal crime, 18 U.S.C. § 3771(e) – and, further, that the crime is one that implicates persons covered by the NPA. Jane Doe No. 3 alleged that she was sexually abused by Jeffrey Epstein. But she also focused much of her joinder motion on the fact that she was the victim of a "sex trafficking scheme" organized by Epstein. DE 280 at 3. To prove she is a victim of sex trafficking in violation of 18 U.S.C. § 1591, Jane Doe must demonstrate that she was recruited, transported, or harbored while under the age of 18 and "cause[d] to engage in a commercial sex act." Accordingly, she briefly described the trafficking scheme, including identifying several persons to whom she was trafficked (i.e., Dershowitz and Andrew).[10] The fact that Dershowitz

[10] In his motion, Dershowitz alleges that Jane Doe No. 3 identified these two names solely to stir up media attention. DE 282 at 2. But Dershowitz does not address the obvious reasons for the identification – i.e., that he was an attorney who helped draft the NPA and that a sex act with Prince Andrew in London affected "foreign commerce" – part of a jurisdictional requirement of the statute. *See* 18 U.S.C. § 1591(a)(1). In addition, Jane Doe No. 3 has also alleged that she was trafficked to "many other powerful men, including politicians and powerful business executives." Ex. 1 at ¶ 58. The names of these persons could have been included in her pleading and would have created significantly more media attention than

(and Prince Andrew) engaged in a "sex act" with her is simply a required element of her proof that she is the victim of a sex trafficking crime.

Sexual trafficking is not the only crime that could support Jane Doe No. 3's joinder in this case. There are also various federal sex offenses, such as travel with intent to engage in illicit sexual conduct, 18 U.S.C. § 2423(b), which Jane Doe No. 3's proffer supported. And perhaps most obviously, Jane Doe No. 3 was the victim of a conspiracy under 18 U.S.C. § 371. Dershowitz, of course, was a co-conspirator against her – thereby directly implicating the NPA. In her pleading, Jane Doe No. 3 alleged only the *fact* that a sex act took place, not the *nature* of the sex act nor any "unnecessary detail." *Begay v. Public Service Co. of New Mexico*, 710 F.Supp.2d 1161 (D. N. Mex. 2010).[11]

2. *The Pending Discovery Issues*.

Another reason Jane Doe No. 3 cited in her pleading for specifically naming Dershowitz (and Prince Andrew) is that the Court has before it a pending discovery dispute involving documents relating to these two people. *See* DE 280 at 10 (*citing* DE 225 at 7-8 (discussing DE 48 at 16-18)). As the Court is aware, on December 1, 2011, Jane Doe No. 1 and Jane Doe No. 2 propounded a Request for Admission (RFA) asking the Government to admit that it possesses "documents, correspondence or other information reflecting contacts with the Department

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the names that she did include. If the Court would like proof of this assertion, counsel would request leave to provide an *ex parte,* sealed submission of the names of the other immediately recognizable persons who either observed or participated in the trafficking of Jane Doe No. 3.

[11] Where sexual issues are relevant to a case, they must not be stricken. *See, e.g., Zdenek v. School Bd. of Broward County,* No. 07-CV-61110, 2007 WL 4521489, at *2 (S.D. Fla. Dec. 19, 2007) ("given the Eleventh Circuit standards on what constitutes actionable sexual harassment, the allegations in question [with one exception] do not rise to the level of what is considered 'redundant, immaterial, impertinent, or scandalous'"); *Dawe v. Corr. USA,* No. CIVS071790LKKEFB, 2009 WL 2591146 at *3 (E.D. Cal. Aug. 20, 2009) ("these statements [referring to sexual contact] are made in the . . . larger context of alleging that the defendants' financial misconduct stemmed in part from an intention to cover up sexual misconduct. As such, the court agrees that the allegations are no more scandalous than those that would be asserted in any cause of action relating to sexual harassment.").

between May 2007 and September 2008 on behalf of Jeffrey Epstein by . . . (b) Andrew Albert Christian Edward (a/k/a Prince Andrew, Duke of York); (c) Harvard Law Professor Alan Dershowitz." While the Government denied that it had documents reflecting contacts by Prince Andrew, it specifically admitted possessing documents reflecting contacts by Dershowitz. Gov't Answer to RFA #6. The two victims further requested the Government admit that it possessed "information (including telephone logs and emails) reflecting contacts between Bruce E. Reinhart and persons/entities affiliated with Jeffrey Epstein (including . . . Harvard Law Professor Alan Dershowitz). The Government admitted this fact. Gov't Answers to RFA #16.

These RFA's tie into a major discovery battle that is currently before the Court. Related to the RFA's, on October 3, 2011, Jane Doe No. 1 and Jane Doe No. 2 propounded Request for Production (RFP) #8, seeking "all correspondence, documents, and other information regarding Epstein's lobbying efforts to persuade the Government to give him a more favorable plea arrangement and/or non-prosecution agreement, including efforts by . . . Andrew Albert Christian Edward (a/k/a Prince Andrew, Duke of York), [and] Harvard Law Professor Alan Dershowitz." The two victims also propounded RFP #21, requesting all documents relating to the NPA, including documents in the Government's possession from "defense attorneys representing Epstein (including . . . Alan Dershowitz)" and from "agents acting in support of Epstein (including . . . Andrew Albert Christian Edward (a/k/a Prince Andrew Duke of York))."

The Government responded to these (and other RFPs) by asserting privilege over 14,825 pages of documents that it provided to the Court.[12] But contrary to the Court's specific direction, the Government did not provide a log that "clearly identifies each document[] by author(s), addressee(s), recipient(s), date, and general subject matter . . . ." DE 190 at 2. Accordingly,

[12] The Government has also raised relevancy objections to producing the documents, as discussed below.

there is no way to determine which of the documents that the Government has provided to the Court are responsive to which of the victims' discovery requests – including which documents relate to Dershowitz. *See* DE 265 at 1-2. The Government then asserted a host of privileges, including qualified privileges, such as deliberative process privilege, investigative privilege, and the work product doctrine. Qualified privileges require the Court to engage in a far-ranging inquiry that balances competing interests. As the victims have recounted in their (currently-pending) objections to the Government's assertion of privilege, the Court must weigh such things as "the 'seriousness' of the litigation" (DE 265 at 9), "the importance of the information sought to the plaintiff's case" (DE 265-1 at 22), and whether there is a "compelling need" for disclosure (DE 265 at 14). Clearly Jane Doe No. 3's allegations factor into this balancing of interests about production of documents relating to Dershowitz (and others).

3. Motive

When the Court ultimately rules on the underlying substantive issue of whether the Government violated the victims' rights, motive will be a central issue. The Government has repeatedly asserted benign motivations for not revealing the NPA to the victims, and the victims have strongly contested those assertions. *See, e.g.,* DE 266 at 10 ("Motive is clearly in dispute in this case . . . ."). The NPA itself contains several unusual provisions that invite debate over how they came into existence – such as the "confidentiality" provision that illegally barred disclosure to the victims and the "blank check" co-conspirator immunity provision discussed immediately below. An important question is whether these strange provisions were crafted accidentally – or as part of a deliberate plan to keep the victims in the dark, as the victims are contending. *See, e.g.,* DE 48 at 11 (alleging that the Government and defense counsel decided that the NPA should be "kept from public view because of the intense public criticism that would have

resulted from allowing a politically-connected billionaire who had sexually abused more than 30 identified minor girls to escape from federal prosecution with only a county court jail sentence"). The fact that an important attorney on the defense team had strong personal reasons for resolving the case without a public trial bears directly on this question, by showing motivation to reach a secret deal. Dershowitz's need to keep his abuse secret, and his direct personal knowledge of Epstein's abuse, also goes to issues revolving around whether the defense team engaged in a "yearlong assault on the prosecution and prosecutors," as alleged by former U.S. Attorney Alexander Acosta. *See* DE 266 at 12.[13]

Issues pertaining to motive can always be pursued, particularly when a case is in an early discovery phase. *See, e.g., Gelabert v. State,* 407 So. 2d 1007, 1010 (Fla. 5th DCA 1981). And "motive is always relevant in a criminal case, even if it is not an element of the crime." *United States v. Hill*, 643 F.3d 807, 843 (11th Cir. 2011) (internal quotation omitted).

When speaking not to the Court but rather to the media, Dershowitz has clearly admitted the relevance of Jane Doe No. 3's allegations about him to issues of motive. Speaking on CNN, for example, Dershowitz stated that he was being "targeted" precisely because his involvement in Epstein's sexual trafficking would help "blow up" the plea agreement:

[13] In his Supplement to his Motion for Limited Intervention, Dershowitz claims that only information relevant to this case is information known by the Government before September 24, 2007 – the latest date on which, according to Dershowitz, the Government made the decision not to pursue federal criminal charges against Epstein. DE 285 at 1. Dershowitz appears to be unaware that the Government told the victims well after that date that the Government was still "investigating" the case. DE 48 at 16. In addition, what knowledge the Government had of Epstein's trafficking crimes before September 24, 2007, is very much a disputed issue. For example, the victims believe that among the 14,825 pages of discovery currently before the Court *in camera* are many documents proving the Government's had knowledge while it was negotiating the NPA that Epstein was trafficking underage girls for sex to Dershowitz and others. Indeed, it is likely that documents pertaining to the trafficking of Jane Doe No. 3 herself are found in those pages, and she would ask the Court to pay particular attention to such documents as part of its *in camera* review. This evidence provides a further reason the Government wanted to conceal the NPA from the victims – and the public: to avoid the outcry that would have arisen if it was known that prosecutors were giving such a lenient deal to an international sex trafficker.

> [The victims] want to be able to challenge the plea agreement. I was one of the lawyers who organized the plea agreement. I got the very good deal for Jeffrey Epstein. . . . And if they [i.e., victims' counsel] could find a lawyer who helped draft the agreement who also was a criminal, having sex – wow – *that could help them blow up the agreement*. So they sat down together, the three of them – these two sleazy, unprofessional, disbarrable lawyers, Paul Cassell, a former federal judge [and] current professor, and another sleazy lawyer from Florida, Brad Edwards – . . . and said who would fit into this description: A lawyer, who knows Epstein, who helped draft …? Ha, Dershowitz! So they and the woman got together and contrived and made this up.[14]

Similarly, on the Meredith Vieira Show, Dershowitz alleged that allegations against him "fit the profile" of what it could take to vacate the plea.[15] Of course, Jane Doe No. 3 (and her attorneys) are prepared to show they did not "contrive" the allegations. Dershowitz's name was not drawn from a hat. Rather, he was added to the pleading because Jane Doe No. 3 identified him as one of her abusers. And once she proves the truth of her sworn allegations, then – as Dershowitz himself colorfully puts it – the victims have additional relevant evidence that will help them to "blow up" the plea.

4. The NPA's "Blank Check" Co-Conspirator Immunity Provision and the Scope of the Remedy that the Victims Might Obtain.

Jane Doe No. 3 explained in her motion to intervene that Dershowitz helped negotiate a NPA that contained a sweeping provision that provided immunity in the Southern District of Florida not only to Epstein, but also to '"any potential co-conspirators of Epstein." DE 280 at 4 (*quoting* NPA at 5).[16] This provision is very unusual – a proverbial "blank check" blocking federal criminal prosecution of people who are not specifically identified – raising an inference

[14] http://www.cnn.com/2015/01/06/us/dershowitz-sex-allegation/ (Jan. 6, 2015) (emphasis added).
[15] http://meredithvieirashow.com/videos/alan-dershowitz-defends-himself/ (Jan. 8, 2015).
[16] In his "supplemental" response, Dershowitz asserts that other defense attorneys negotiated that provision. DE 285 at 4. Jane Doe No. 3 disputes this claim and requests discovery on it, as it seems far-fetched to believe that Dershowitz did not see that NPA that his client ultimately signed.

that the defense team may have had ulterior or unidentified motives for pressing for the provision.

More broadly, knowledge of the persons who are covered by this provision is directly relevant to the scope of the remedy that the victims may be able to obtain from the Court if they prevail on the merits of their claim. The Court has already received briefing from the victims and the Government on the remedy issue – and has prospectively allowed Epstein to intervene on any issue involving rescission of the NPA. DE 246. The victims all intend to seek rescission of the co-conspirator provision as part of any relief in this case. The fact that several of Jane Doe No. 3's sexual abusers – i.e., Dershowitz, Maxwell, Brunel, and Prince Andrew – are currently covered by the provision will thus be relevant to the scope of the remedy that the victims can obtain and the persons that they can seek to have prosecuted.

5. Interface Issues.

The Court has previously ruled that the victims' CVRA claim "implicates a fact-sensitive equitable defense which must be considered in the factual context of the entire interface between Epstein, the relevant prosecutorial authorities and the federal offense victims . . . ." DE 189 at 12 n.6. Part of that "entire interface" is Epstein's defense team – which included Dershowitz. And Jane Doe No. 3 is one of the victims – indeed, an international sex trafficking victim. Her important factual allegations about extremely serious international trafficking crimes being swept under the rug in a dubious and secret non-prosecution agreement provide a critical piece of the "factual context" that the Court must consider.

6. The "Crime/Fraud" Exception to the Attorney-Client Privilege and Other Privileges.

Jane Doe No. 1 and Jane Doe No. 2 have specifically raised the argument that a crime/fraud/misconduct exception applies to the Government's assertion of attorney-client

privilege over various documents. DE 265 at 5-6. Based on Jane Doe No. 3's allegations, communications between the Epstein defense team and the Government appear to furthered a crime – i.e., Dershowitz's conspiracy with Epstein to engage in, and conceal, sex trafficking. And Government prosecutors' internal discussions may have unwittingly furthered that crime. *See In re Grand Jury Investigation*, 445 F.3d 266, 275-76 (3rd Cir. 2006) (attorney's lack of knowledge of the crime being furthered not relevant to crime-fraud exception).

7. Right to be "Treated with Fairness" Issues.

In his "supplemental" pleading, Dershowitz seems to assume that the victims are raising only a claim about their right to "confer" with prosecutors. DE 285 at 1-2. But Jane Doe No. 1 and Jane Doe No. 2 also have a much broader, over-arching claim of a violation of their right "to be treated with fairness" under 18 U.S.C. § 3771(a)(8). *See* DE 48 at 36. Jane Doe No. 3 was known to the United States Attorney's Office at the time of the Epstein investigation, as evidenced by her inclusion in the NPA's attachment identifying known victims. The fact that Jane Doe No. 3 – a victim of international sex trafficking – was kept in the dark about the plea deal will provide further evidence of a violation of the right to be treated with fairness. The scope of her abuse – and the fact that the prosecution of crimes against her in the Southern District of Florida is now blocked by an agreement negotiated by one of her abusers – also all go to violations of the fairness right.

8. Jane Doe No. 3 Will Be a Witness for Jane Doe No. 1 and Jane Doe No. 2 at Trial.

Finally, the record in this case should reflect that Jane Doe No. 1 and Jane Doe No. 2 intend to call Jane Doe No. 3 as a witness in any hearing or trial that the Court may schedule in this matter. The Government's violation of her rights is clearly evidence of a common scheme

or plan to keep crime victims in the dark, made admissible in any hearing by virtue of Fed. R. Evid. 404(b).

For each of these eight reasons, Jane Doe No. 3's allegations against Dershowitz are plainly relevant to this case and therefore his attempt to intervene to strike them is futile.[17]

D. DESHOWITZ SHOULD NOT BE ALLOWED TO INTEVENE TO STRIKE JANE DOE NO. 3'S ALLEGATIONS BECAUSE SHE HAS SWORN TO THEIR TRUTH AND THEY ARE ALL SUPPORTED BY STRONG CORROBORATING EVIDENCE.

Dershowitz finally claims that he should be allowed to intervene because Jane Doe No. 3's allegations against him are false. In support of this position, he attaches a carefully-crafted, self-serving declaration. But a litigant's mere claim that contrary allegations are false provides no legal basis for striking them. *See Moore's Federal Practice* § 12.37[3A] (3d ed. 2014) ("Rule 12 does not provide any authority to strike pleadings on the basis of falsity" because doing so would "effectively [be] a resolution on the merits, which is not appropriate at the pleading stage."). At early stages of litigation, "[t]he court accepts all well-pleaded allegations as true" and views factual allegations "in the light most favorable to the non-moving party." *Johnson v. Nobu Associates South Beach, LP*, No. 9:10-cv-21691-KAM, 2011 WL 780028 at *2 (S.D. Fla. 2011). In any event, to rebut Dershowitz's false claims directly, Jane Doe No. 3 now provides her own sworn affidavit, attached as Exhibit 1,[18] repeating under oath the allegations that her

[17] A ninth reason now also exists that the allegations are relevant, given that the Government recently-raised the argument that the Jane Doe No. 3 has failed to meet a six-year statute of limitations specified in 18 U.S.C. § 2401. DE 290. Jane Doe No. 3 will contest whether that statute of limitations even applies. But Jane Doe also intends to raise an equitable estoppel argument – that the statute was tolled while she was in hiding in Australia due to the danger posed by Epstein and his powerful friends. Her factual allegations – including the specific identities of those powerful persons – are clearly relevant to demonstrating the factual underpinnings for her estoppel argument.

[18] In paragraph 52 of Exhibit 1, the name of a sexual participant and eye-witness was redacted out of an abundance of caution, because while she was not a minor at the relevant time she is believed to have

attorneys proffered in her earlier motion – i.e., that Epstein sexually trafficked Jane Doe No. 3 to numerous persons, including Dershowitz. If the Court believes it would be useful, Jane Doe No. 3 requests an evidentiary hearing to prove she is telling the truth[19] and directs the Court's attention the following substantial information supporting her sworn statement.[20] To be clear, what follows is just part of the compelling information supporting Jane Doe No. 3's allegations.

Any assessment of Jane Doe No. 3's sworn statement (and Dershowitz's protestations of innocence) must begin with two incontestable facts: First, Dershowitz is an extremely close personal friend of Epstein's. In fact, in 2005 (before the scandal of the 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." *The Talented Mr. Epstein*, by Vicky Ward, in *Vanity Fair* (Jan. 2005).[21] 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." *Vanity Fair Reminds Us When Jeffrey Epstein Wasn't a Creep*, by Ray Gustini, in *The Wire* (June 21, 2011).

Second, Jeffrey Epstein brazenly abused numerous girls in his Florida mansion, his New York mansion, and several other places that Dershowitz apparently admits he visited. *See* DE 282-1 at 1-3 (Dershowitz affidavit discussing visits to Epstein). Proof of the notorious abuse

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originally been a victim of Epstein's sexual abuse while a minor. She is now a well-known actress whose identity we have unilaterally protected in this context.

[19] Jane Doe No. 3 asks that the evidentiary hearing be held after discovery phase in this case is completed, because she believes that the Government possesses significant information that, if disclosed, would fully support her allegations. She requests the Government acknowledge this fact in any response it files.

[20] *Cf.* The Last Word with Lawrence O'Donnell – MSNBC (Jan. 8, 2015), http://www.msnbc.com/the-last-word/watch/alan-dershowitz-on-allegations--totally-false-381942851573 (Dershowitz: "Right now, they have accused me of these . . . things without a single affidavit, without a single piece of evidence.").

[21] More recently, Dershowitz has disclaimed knowing Epstein well, stating that during the relevant time he was a mere "social acquaintance" and that "I was at [Epstein's] home for parties with a large number of mostly scientists, mostly men, dinner parties, intellectual gatherings." UMAR News, https://www.youtube.com/watch?v=KXzcxsiQv7Q (Jan. 4, 2015).

starts with the NPA, under which Epstein agreed to register as a sex offender and provide compensation to approximately forty girls who he had sexually abused. Additional girls who he abused (such as movant Jane Doe No. 4) were not included in the NPA. Combined with the sworn testimony in the underlying civil cases, the NPA demonstrates persuasively that Epstein committed hundreds and hundreds of acts of sexual abuse against young girls – ostensibly "massage therapists" – during the relevant time period. *See* Exhibit 16 at 2 (collecting testimony). A small sample of the girls that Epstein sexually abused includes Jane Does Nos. 1, 2, 3, and 4, as well as S.G., A.D., V.A., N.R., J.S., V.Z., J.A., J.E., M.L., M.D., D.D, and D.N. – all girls between the ages of 13 and 17. *Id.* at 7-8.

Given the astonishing number of victims, and the detailed descriptions from many of them, Epstein's abuse of young girls clearly occurred on a "daily" basis. *See* Ex. 1 at ¶ 17. Indeed, according to his scheduled appointments, evidenced by the message pads retrieved by the Palm Beach Police Department, on some days Epstein engaged in sex with multiple girls.[22]

In 2009, one of Epstein's household employees, Juan Alessi, was deposed about the parade of young "massage therapists" entering Epstein's Palm Beach mansion. He started working for Epstein in about January 1999. He testified that Jane Doe No. 3[23] was one of the girls who came to Epstein's mansion regularly when she was in the age range of 15 to 19. 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) (excerpts attached as Exhibit 18).

Alessi also saw many celebrities came to the Florida mansion, including not only Prince Andrew and his wife Sarah but also "a very famous lawyer that I'm sure you know, Alan

[22] Upon request, victims counsel could provide the Court with these materials for review. The materials contain the names of minor victims of sexual assault, so sealed transmission would be necessary.
[23] In the deposition, Jane Doe No. 3 is identified by initials.

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 "two [or] three days." *Id.* at 73:22-25. Jane Doe No. 3 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. Alessi answered "yes" when asked whether Dershowitz "had massages sometimes when he was there," and explained that "[a] massage was like a treat for everybody." *Id.* at 74:1-4. The private, upstairs room where Dershowitz got his "massages" was one that contained a lot of vibrators – Maxwell had "a laundry basket . . . full of those toys" in that room. *Id.* at 76:11-15.

In 2009, one of Epstein's most trusted employees was also deposed: Alfredo Rodriguez, the butler at Epstein's Palm Beach mansion. Rodriguez testified under oath that Dershowitz was at Epstein's mansion when underage girls were there to give massages. Alfredo Rodriguez Depo. at 278:13-25, 279:9-280:2, *Jane Doe No. 2 v. Epstein* (excerpts attached as Exhibit 19).[24] Rodriguez also testified that Dershowitz stayed at the house in his role as Epstein's friend, as opposed to being his lawyer (*id.* at 279:5-8; 385:1-6) and that Dershowitz was present alone at the home of Jeffery Epstein, without his family, in the presence of young girls. *Id.* at 199:12-13, 279:9-12, 426:16-25, 427:1. In fact, Rodriguez described that when the underage girls would come over, Dershowitz would drink wine and read books on the couch. *Id.* at 426:16-25; 427:1.

As is familiar to this Court, after Rodriguez's deposition, he attempted to sell a 97-page document that he appropriated from Epstein's computer. The document contained Epstein's telephone directory – as well as a list of apparent young girls in various locations, including

[24] According to press reports, Rodriguez recently passed away. *See* "Houseman who cleaned pedophile Jeffrey Epstein's sex toys and feared he would make him 'disappear' takes billionaire's secrets to the grave after he died just law week," http://www.dailymail.co.uk/news/article-2897939/Houseman-cleaned-pedophile-Jeffrey-Epstein-s-sex-toys-feared-billionaire-make-disappear-takes-secrets-grave.html (Jan. 6, 2015).

Florida, New York, New Mexico, and the U.S. Virgin Islands. An FBI undercover employee (UCE) set up a meeting with Rodriguez to exchange $50,000 in "buy money" for the document. Following the exchange, the FBI arrested Rodriguez for obstruction of justice related to the attempted sale of this document (which Rodriguez called "the Holy Grail"). According to an FBI agent's ensuing report, Rodriguez "discussed in detail the information contained within the book, and identified important information to the UCE." *See United States v. Rodriguez*, No. 9:10-cr-80015-KAM, DE 3 at 5 (S.D. Fla. Dec. 9, 2009). While all of the details of the verbal information explained by Rodriguez to that agent have not been disclosed,[25] the documents have been. While there are hundreds of names, addresses, and phone numbers in the document, Rodriguez apparently circled only a select few entries. For instance, he circled each of the sections listing the girls that provided "massages" for Epstein in various locations. This includes the various confirmed under-age Florida victims. Additionally, a few other individuals in the book were circled. The logical presumption is that Rodriguez circled specific individuals, identifying them as persons who were involved in the illicit activities. One of the few people Rodriguez circled was Alan Dershowitz. *See* Exhibit 20.

Moving up from household help to the next echelon in Epstein's criminal conspiracy, three individuals the NPA lists by name as Jeffrey Epstein's co-conspirators are Sarah Kellen, Nadia Marcinkova, and Adrianna Mucinska. Extensive investigation demonstrated that Nadia Marcinkova participated in several of the sex acts with underage girls (including Jane Doe 1) and that Sarah Kellen and Adrianna Mucinska were heavily involved in procuring underage girls for Epstein to sexually abuse. *See, e.g.,* Exhibit 16 at 12, 20. Of particular relevance here, all three

[25] It has been disclosed that Rodriguez said that "he had witnessed nude girls whom he believed were underage at the pool area of [Epstein's] home, knew that [Epstein] was engaging in sexual contact with underage girls, and had viewed pornographic images of underage girls on computers in [Epstein's] home." DE 3 at 7.

implicated Dershowitz by invoking their Fifth Amendment right against self-incrimination [26] 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. Sarah Kellen took the Fifth when asked:

> Have you seen a gentleman by the name of Alan Dershowitz at the home of Jeffrey Epstein before?
>
> Do you know Alan Dershowitz?
>
> Are you aware of friendship between [Alan] Dershowitz and Jeffrey Epstein?
>
> When [Alan] Dershowitz comes to Palm Beach, he stays at the El Brillo mansion, doesn't he?
>
> [H]as [Alan] Dershowitz ever been there when young ladies came to give massages?
>
> *Has [Alan] Dershowitz ever been the beneficiary of those massages [given by young ladies at Epstein's mansion]*?[27]

Sarah Kellen Depo. at 211:16-18, 317:5, 436-37:25-1, 437:9-10; 437:18-19, 437-38: 25-1, *Jane Doe No. 2 v. Epstein*, No. 8:09-cv-80119-KAM (Mar. 24, 2010) (emphasis added) (excerpts attached as Exhibit 21). Nadia Marcinkova pled the Fifth when asked:

> Do you know what Jeffrey Epstein's relationship is with Alan Dershowitz?
>
> That's somebody [i.e., Dershowitz] who you know to have stayed at Jeffery Epstein's house on many occasions, correct?
>
> And also somebody who you know to have been at the house when E.W. was in Jeffrey Epstein's bedroom getting sexually abused, correct?

[26] Of course, in a proceeding such as this one, the victims are entitled to an inference in their 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. *See, e.g., LiButti v. United States*, 107 F.3d 110, 124 (2d Cir. 1997).

[27] Interestingly, defending the deposition of Sarah Kellen was Bruce Reinhart, a former prosecutor in the U.S. Attorney's Office when the Epstein NPA was negotiated. Reinhart had confidential, non-public information about the prosecution's case against Epstein. *See* note 7, *supra*.

> Alan Dershowitz is also somebody that you also know to have been at the house when L.M. was being sexually abused in Jeffrey Epstein's bedroom, correct?
>
> Generally, Alan Dershowitz is familiar with Jeffrey Epstein's habit of engaging in sexual acts with minors on a daily basis, correct?
>
> When Alan Dershowitz was in town, Jeffrey Epstein did not break his schedule for Alan Dershowitz, meaning he continued to sexually abuse minors despite Alan Dershowitz being a guest in the house?

Nadia Marcinkova Depo. at 56:22-25; 57:1-25, 58: 1-10, *Jane Doe v. Epstein*, No. 9:08-cv-80893-KAM (April 13, 2010) (excerpts attached as Exhibit 22). And Adrianna Mucinska took the Fifth when asked:

> Have you ever met Alan Dershowitz?
>
> When Alan Dershowitz stays at Jeffrey Epstein's house, isn't it true that he has been at the house when underage minor females have been in the bedroom with Jeffrey Epstein?
>
> Have you ever flown on the airplane [privately owned by Jeffrey Epstein] with Alan Dershowitz before?

Adrianna Mucinska Depo. at 37:6, 37:8, 81:25, *Jane Doe v. Epstein*, No. 9:08-cv-80893-KAM (Mar. 15, 2010) (excerpts attached as Exhibit 23).[28]

Finally, moving to the top of the conspiracy, Epstein himself has been questioned repeatedly, taking the Fifth when asked about Dershowitz's awareness of underage girls. For example, when Epstein took the Fifth when asked during his deposition "[h]ave you ever socialized with Alan Dershowitz in the presence of females under the age of 18?" Jeffrey Epstein Depo. at 90, *Epstein v. Edwards*, No. 502009CA040800XXXXMB (Palm. Beach Cty. Cir. Ct. Mar. 17, 2010) (excerpts attached as Exhibit 24). Indeed, going a step further, on October 8, 2009, Epstein took the Fifth when asked whether he even knew Dershowitz was a

[28] Mucinska also took the Fifth when asked about the involvement of Prince Andrew, Ghislaine Maxwell, and Jean Luc Brunel. *Id.* at 37:3, 85:12, 85:13.

professor at Harvard. *B.B. v. Epstein*, No. 502008CA03731XXXXMB, Epstein Depo. Tr. at 122 (Palm Beach Cty. Cir. Ct. Oct. 8, 2009).

In short, all the key conspirators in Epstein's sexual trafficking ring who could be asked about Derhowitz's involvement took the Fifth.[29] This "[s]ilence is . . . evidence of the most persuasive character." *United States ex rel. Bilokumsky v. Tod,* 263 U.S. 149, 153-54 (1923) (Brandeis, J.), *quoted in Baxter v. Palmigiano*, 425 U.S 308, 319 (1976). And that silence takes on an even more sinister cast when combined with the fact that Epstein's sexual interest in young girls would have been obvious to someone like Dershowitz, Epstein's close personal friend who was present at the very locations when abuse was taking place. *See* Ex. 1 at ¶ 17.

Additional credibility to Jane Doe No. 3's sworn statement is provided by clear evidence of a common scheme or plan, admissible under Fed. R. Evid. 404(b). As is clear from the evidence recounted above, Jane Doe No. 3's allegations against Jeffrey Epstein are overwhelmingly corroborated by numerous other girls and Epstein's private flight logs demonstrating Jane Doe No. 3's travel with him while under 18 years old. In addition, her allegations against Prince Andrew are strongly corroborated. For example, while Buckingham Palace has recently denied that Prince Andrew had sexual contact with Jane Doe No. 3, it has not attempted to explain what led to the Prince having his picture taken with his arm around a 17-year-old American girl at night in London in an intimate setting in a private residence. Nor has the Palace explained what Ghislaine Maxwell is doing there and who took that picture – while Jane Doe No. 3 has provided a sworn affidavit that the photographer was Prince Andrew's close friend (as well as sex trafficker and now-registered sex offender): Jeffrey Epstein. Jane Doe No.

[29] As noted earlier, two other key conspirators – Ghislaine Maxwell and Jean Luc Brunel – evaded depositions to avoid answering any questions under oath.

3 has also made strong, credible claims against Jean Luc Brunel – corroborated allegations that parallel those made by others. *See* Exhibit 16 at 22.

In contrast to this interlocking web of corroborating evidence, the Court should examine what Dershowitz says in his affidavit – and, more important, fails to say. The Court will notice that Dershowitz devotes only a single sentence in his affidavit to his activities at Epstein's Palm Beach and New York mansions. *See* DE 282-1 at 3 ("As to Mr. Epstein's homes in New York City and Palm Beach, I categorically state that I never had any sexual contact with Jane Doe #3."). The Court may immediately wonder about the following questions: How long did Dershowitz spend at these homes? Was he with his wife and family, as he has suggested in television interviews? How many times was he there overnight? Did Dershowitz ever see any of the dozens and dozens of young girls whom Epstein was sexually abusing? Did Dershowitz ever get a "massage" from one of these young girls?

The Court may also wish to contrast Dershowitz's very narrow affidavit with his more sweeping statements to the media. On popular television programs, Dershowitz has emphatically denounced Jane Doe No. 3 as a liar and said he can prove "conclusively" that he has never even met her.[30] Yet in his sworn affidavit, Dershowitz does not repeat that broad claim.[31] Nor does Dershowitz ever address his knowledge of other young girls, in addition to Jane Doe No. 3, abused by Epstein in those houses.

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[30] *See, e.g.,* http://www.cnn.com/2015/01/05/europe/prince-andrew-sex-abuse-allegations/index.html ("Q: "Have you ever met this woman named [Jane Doe No. 3]?" A: "No. Absolutely not, I don't know who she is."); CNN News Day http://www.cnn.com/videos/tv/2015/01/05/bts-newday-alan-dershowitz-prince-andrew-sex-scandal-allegations.cnn (Jan. 5, 2015) ("I never met this woman. I never touched her. I was never massaged by her. There was no contact, no contact whatsoever – and I will prove it conclusively.").

[31] In the media, Dershowitz has also offered to execute a waiver of the statute of limitations to enable Jane Doe No. 3 to file charges against him. Shortly after Dershowitz first made that offer, Jack Scarola, Esq., provided Dershowitz with a waiver form for him to sign. Dershowitz declined to sign the form and later advised, through his counsel, that he was "considering" whether to waive the statute of limitations.

In his affidavit, Dershowitz also cagily states that he sent a letter to an attorney who was seeking a deposition, recounting that in that letter he (Dershowitz) said he was "not a witness to any alleged crimes." DE 282-1 at 3. But Dershowitz does not repeat under oath the broad claim that he never witnessed any alleged crimes – presumably because he is aware of certain child abuse reporting obligations that might be at issue if he did so.

Against this mounting evidence of guilt, Dershowitz suggests in his affidavit that aircraft flight manifests will exonerate him. DE 282-1 ("I was on that plane on several occasion as the manifests will show, but never under circumstances where it would have been possible to have sex with Jane Doe #3."). In media statements, Dershowitz has repeatedly brought up the manifests as proof of innocence.[32] Coincidentally and remarkably, it was Dershowitz himself, acting as Epstein's attorney, who personally collected and then provided flight manifests to the Palm Beach Police Department. *See, e.g.,* Police Detective Joe Recarey Depo. at 281, *Jane Doe No. 2 v. Epstein,* No. 9:08-cv-80119-KAM (Mar. 19, 2010). (excerpts attached as Exhibit 29) Dershowitz provided manifests covering just the 10 months: January 1, 2005, through October 17, 2005, During civil litigation, believing that these flight manifests were grossly incomplete, counsel subpoenaed Epstein for complete flight logs. Epstein failed to provide any information at all. Counsel were then forced to request flight logs from Epstein's various private pilots.

One of Epstein's pilots, David Rogers, provided certain flight logs covering some flights from a much broader time frame: 1997–2005. This production confirmed that the flight

[32] *See, e.g., The Today Show*, Jan. 5, 2015 ("She claims I had sex with her in the airplanes, manifests of the flights will show I was never on the airplanes with her."); *Hala Gorani – CNN Live*, Jan. 5, 2015 ("As far as the planes are concerned, there are flight manifests. They will prove I was never on any private airplane with any young women.").

information Dershowitz provided to police was incomplete. A comparison of the flight manifests and logs confirms that the flight logs provided by Rogers were also incomplete. A cursory review of both logs reveals that together the logs produced cover only a small fraction of the flights taken and the passengers on board. While this is obvious for multiple reasons, a few examples may help to make this point. For instance, the flight records provided by Dershowitz for a February 3, 2005, flight from CMH (Columbus, Ohio) to PBI (Palm Beach, Florida), indicate that in addition to Jeffrey Epstein, Sarah Kellen, Nadia Marcinkova, and Jean Luc Brunel, on board were three "females." The existence of these three "females" is conspicuously absent from the Rogers' logs. *Compare* Composite Exhibit 25 *with* Composite Exhibit 26 (Rodgers Logs). Other flights, such as the March 18, 2005 flight from New York to Florida, taken by Maxwell, Epstein and Dana Burns are missing altogether from the Rogers logs. Likewise, flights that appear on the Rogers logs are missing from the logs produced by Dershowitz. Multiple examples lead to the clear conclusion that all produced logs are incomplete and may well have been heavily sanitized. For example, on February 9, 1998, Dershowitz flew on Epstein's private plane from Palm Beach, Florida, to Teterboro, New Jersey. One of the passengers is listed as "1 female." Exhibit 27. Who is that "female" – and what is her age? Similarly, Jane Doe No. 3 appears on a July 16, 2001, flight from Santa Fe, New Mexico to Teterboro, New Jersey, along with Epstein, Maxwell and Emmy Tayler. Yet there is no earlier flight that would have landed Jane Doe No. 3 in New Mexico. According to the logs, the next flight is from Palm Beach to the U.S. Virgin Islands on July 23, 2001, although Jane Doe No. 3 does not appear. The impression is that she remained in the New Jersey area. However, on July 28, 2001, Jane Doe No. 3 is on a flight with Epstein from the Virgin Islands back to Palm Beach. *See* Exhibit 26. How did she get to the Virgin Islands?

The flight logs provide evidence of some of the individuals who were on some of the flights - nothing more. Accordingly, it would not be surprising to find that some of these flight logs do not mention Dershowitz, because they were likely designed to hide evidence of criminal activity – or perhaps later cleansed of such evidence. With that said, some interesting things do appear in the flight logs. Unlike any other of Epstein's numerous criminal defense attorneys, Dershowitz appears in the flight logs for flights on Epstein's private planes produced by pilot Rogers on numerous occasions. Dershowitz also appears on flights with various females, including Epstein's known procurer of underage girls, Sarah Kellen. And, in contrast to recent media suggestions by Dershowitz, his family does not appear on any of the flights with him.

Jane Doe No. 3 is listed on the logs as a passenger at a time when she is under age 18. While the logs do not show Dershowitz on the same flight with her, it is abundantly clear that the logs do not contain evidence of all of the flights that she was on and that they are grossly incomplete. The flight logs do confirm that she was transported by Epstein to Florida, New York, London, New Mexico, and the U.S. Virgin Islands – locations where she states under oath that Epstein forced her to have sex with various individuals, including Dershowitz.

Finally, in Dershowitz's vociferous attacks on Jane Doe No. 3, 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, it interviewed more than a dozen minor girls. These girls all provided information about abuse similar to the abuse that Jane Doe No. 3 says she suffered in Florida. The Department accumulated overwhelming evidence placing underage girls at Epstein's residence with no obvious legal purpose. The logical explanation was that these young girls were being truthful when they told law enforcement that Epstein (and others) were sexually abusing them.

Rather than acknowledge sexual abuse of these girls, Dershowitz blustered down to Florida to meet with the State Attorney and to viciously attack the credibility of these victims – to call them liars, defame them as prostitutes, and convince the State Attorney that these girls could not even believably establish that they had ever even gone to Epstein's mansion. *See, e.g.,* Depo. of Police Chief Michael Reiter at 53-55, 102-06, *B.B. v. Epstein,* No. 502008CA037319 XXXX-MB-AB (Palm Beach Cty. Cir. Ct. Nov. 23, 2009) (excerpts attached as Exhibit 28); *see also* Depo. of Police Detective Joe Recarey at 301-302 and 309-10, *Jane Doe No. 2 v. Epstein,* No. 9:08-cv-80119-KAM (S.D. Fla. Mar. 19, 2010) (excerpts attached as Exhibit 29) Later, Dershowitz would write to tell the Justice Department that "[redacted]." Letter from Gerald Lefcourt & Alan Dershowitz, July 6, 2007 to U.S. Atty.'s Office for the S.D. Fla (attached as Exhibit 30). Now, nearly a decade later, there should be no doubt in anyone's mind that the minor girls who cooperated with the authorities told the truth about their sexual abuse inside Epstein's home -- and that Dershowitz's attack on their credibility was duplicitous. In fact, according to credible eyewitness testimony recounted above, Dershowitz was clearly present in the home while some of these girls were being abused. The Court should not allow Dershowitz's similar bullying tactics to succeed in this case.[33]

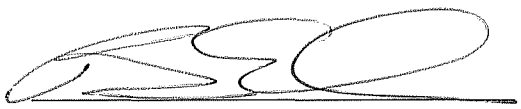
CONCLUSION

Dershowitz's motion for intervention (DE 282) should be denied.

[33] In the media, Dershowitz has said that he will prove that Jane Doe No. 3 is lying "beyond any doubt by physical and documentary evidence." The Last Word with Lawrence O'Donnell – MSNBC (Jan. 8, 2015) http://www.msnbc.com/the-last-word/watch/alan-dershowitz-on-allegations--totally-false-381942851573. The Court should compare this media assertion with the materials that Dershowitz files along with his reply brief.

DATED: January 21, 2015

Respectfully Submitted,



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I certify that the foregoing document was served on January 21, 2015, on the following using the Court's CM/ECF system:

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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 REPLY IN SUPPORT OF MOTION TO EXCEED PRESUMPTIVE TEN DEPOSITION LIMIT

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Plaintiff Virginia Giuffre, by and through her undersigned counsel, hereby files this reply in support of her Motion to Exceed Presumptive Ten Deposition Limit. The motion should be granted because Ms. Giuffre has shown good cause for needing to exceed the ten deposition limit and in light of recent developments, Ms. Giuffre has streamlined her request, and now seeks only a total of three additional depositions. Notably, while Defendant contests Ms. Giuffre's motion, Defendant has herself unilaterally – **and without seeking any Court approval –** set ***twelve*** witnesses for deposition in this matter. In contrast to Defendant's unilateral action, Ms. Giuffre has properly sought this Court's permission. The Court should grant her motion and allow her to take the three additional depositions.

I. THE PROPOSED DEPOSITIONS ARE IMPORTANT TO THE FUNDAMENTAL CLAIMS AND DEFENSES IN THIS CASE, AND NONE ARE DUPLICATIVE.

Defendant argues that the depositions Ms. Giuffre seeks to take are somehow "duplicative" of each other. Even a quick reading of the Defendant's pleading makes clear this is untrue. Defendant repeatedly gives her own narrow view of what existing witnesses have said. For example, Defendant argues that [redacted] "did not corroborate that [Ms. Giuffre] is telling the truth." Defendant's Response at 5. Defendant's characterization is untrue.[1] But, as the mere

[1] [redacted]

fact of this dispute confirms, this case is going to be hotly contested and the weight of the evidence on each side is going to be vitally important. The Court is well aware of many other civil cases where the parties have taken far more than ten depositions by mutual agreement. Defendant's refusal to agree to a few more depositions here is simply an effort to keep all the relevant facts from being developed.

Since Ms. Giuffre filed her initial motion seeking seven additional deposition, she has worked diligently to try to streamline the necessary depositions and has discovered new information concerning witnesses and their knowledge of the claims in this case. Accordingly, Ms. Giuffre currently brings before this Court a significantly shorter list[2] of witnesses she needs to depose to prove her claim, with some alterations. To be clear, Ms. Giuffre has narrowed her request and is now only seeking an additional three depositions from the Court as follows:

For descriptions concerning the depositions already taken (Defendant; [redacted]. [redacted]; and [redacted] and those yet to be taken (Mr. Epstein; [redacted], Ms. Giuffre references and incorporates her descriptions in the moving brief. The only remaining witness is [redacted]. His deposition is necessary for the following reason:

[redacted] It is depositions like this - verifying Ms. Giuffre's account of being recruited by Defendant for sex with Epstein – that Defendant is trying avoid. However, multiple other witnesses have testimony that supports Ms. Giuffre's claims, in different and various ways, and Ms. Giuffre needs that testimony to prove her defamation claim against Defendant.

[2] Ms. Giuffre is no longer seeking the deposition testimony of [redacted]

- [redacted] Ms. Maxwell in her deposition raised Ms. Giuffre's comments about [redacted] as one of the "obvious lies" to which she was referring in her public statement that formed the basis of this suit. Apart from the Defendant and Mr. Epstein, [redacted] is a key person who can provide information about his close relationship with Defendant and Mr. Epstein and disapprove Ms. Maxwell's claims.

Ms. Giuffre is still working diligently with opposing counsel, these witnesses, and their attorneys on scheduling, as well as identifying other witnesses who may have factual information about the case. But, at this time, she seeks this Court's approval for an additional three depositions – depositions that will not consume the full seven hours presumptively allotted.

All three prongs of the three-factor test to evaluate a motion for additional depositions strongly support granting the motion. *Atkinson v. Goord*, No. 01 CIV. 0761 LAKHBP, 2009 WL 890682, at *1 (S.D.N.Y. Apr. 2, 2009). First, as reviewed in detail on a witness-by-witness basis above, the discovery sought is not duplicative. The proposed deponents include the individual who assisted in making the defamatory statement, women Defendant Maxwell hired to recruit girls for Jeffrey Epstein, an individual with intimate knowledge of Defendant and Epstein's sexual trafficking ring, other victims of Jeffrey Epstein (including a then underage victim), Mr. Epstein himself, and other witnesses who can corroborate important pieces of Ms. Giuffre's statements or refute Ms. Maxwell's statements and positions. These witnesses' testimony will corroborate Ms. Giuffre's account of Defendant being a recruiter of females for Epstein and corroborate the type of abuse she and others suffered. Sadly, Ms. Giuffre is far from the only one of Defendant's victims, and there are other witnesses whose testimony is necessary in order to demonstrate the truth of Ms. Giuffre's claims and the falsity of the statements made by Defendant.

Second, if Ms. Giuffre is denied these depositions, she will not have had the opportunity to obtain the information by other discovery in this case. The Court will recall from Ms. Giuffre's opening motion that Defendant's surprising lack of memory has, in no small part, caused the need for additional depositions. *See* Motion at 5-8 (listing 59 examples of memory lapses during Ms. Maxwell deposition, including inability to remember events recorded on aircraft flight logs or a photograph). Defendant offers no explanation for her convenient forgetfulness. Moreover, evidence of being recruited by Defendant and being sexually assaulted is not something Ms. Giuffre can obtain through requests for production or through interrogatories. The only way of obtaining such evidence is from witness testimony by those who were victimized, those who assisted Defendant in recruiting and abuse, and those who observed the recruiting or the abuse. [redacted]

[redacted]

[redacted]

[

[redacted].[4] Finally, the Defendant appears to be concealing critical evidence of the sexual abuse that other witnesses have testified she possesses. [redacted]. Yet Defendant has failed to produce a single photo in this case. [redacted]. Document discovery and interrogatories are not helpful in obtaining this type of evidence: depositions are needed.

Third, the burden and expense of this proposed discovery is limited to three additional depositions. Defendant in this case is a multi-millionaire with able counsel. Three depositions will not cause her undue burden, expense, or inconvenience. These depositions are important to resolving issues in this case. Given that very few witnesses reside within 100 miles of the courthouse and therefore cannot be compelled to trial, this request for only three additional depositions is a reasonable request.

While Defendant opposes Ms. Giuffre's request for Court approval of more than ten depositions, she has unilaterally noticed more than ten depositions without bothering to seek approval. As of the date of this filing, Defendant's counsel has issued ***twelve*** subpoenas for

[4] [redacted]

deposition testimony – the almost the exact same number Ms. Giuffre is seeking.[5] Defendant cannot credibly oppose Ms. Giuffre's additional depositions while she, herself, is trying to take more than ten without leave of court.[6]

It is plain why Defendant does not want these depositions to go forward. [redacted], [redacted] testimony was harmful to Defendant's case, and the additional depositions will provide further evidence that Defendant acted as Jeffrey Epstein's madam, proving the truth of Ms. Giuffre's statements that Defendant proclaimed publically as "obvious lies."

II. MS. GIUFFRE IS SEEKING HIGHLY RELEVANT TRIAL TESTIMONY.

All of the people Ms. Giuffre seeks to depose have discoverable and important information regarding the elements of Ms. Giuffre's claims. Ms. Giuffre stated that Defendant recruited her and other young females for sex with Jeffrey Epstein. The people she now seeks to depose are all witnesses who can testify to Defendant working essentially as a madam for Jeffrey Epstein, recruiting young females for Epstein, or corroborate other important aspects of her statements. The fact that Defendant recruited girls, some of which were underage, for Epstein makes Ms. Giuffre's claim that she was also recruited by Defendant to ultimately have sex with Epstein and others more credible – and that Defendant's denials of any involvement in such recruiting is a bald-faced lie. Witnesses will testify that Defendant's recruitment and management of the girls for Jeffrey Epstein was a major aspect of Defendant's job, and that Ms.

---

[5] Defendant's counsel has taken the deposition testimony of (1) Ms. Giuffre; [redacted] and (4) Ms. Giuffre's physician (Dr. Olson). Defendant's counsel has noticed the following witnesses for deposition: ([redacted] (8) a known victim of Jeffrey Epstein; (9) Mr. Weisfield; (10) Ms. Churcher; ([redacted]; and (12) the 30(b)(6) witness for Victims Refuse Silence.

[6] Defendant has unilaterally scheduled - without consulting counsel for Ms. Giuffre - at least two of these depositions for days when depositions of Ms. Giuffre's witnesses have been set.

Giuffre's account of her sexual abuse and Defendant's involvement accords perfectly with other witnesses' accounts of what Defendant's job was for Epstein.[7]

That other young females were similarly recruited by the Defendant is evidence that Ms. Giuffre is telling the truth about her experiences – and thus direct evidence that Defendant defamed her when calling her a liar. Clearly, if Ms. Giuffre can establish that Defendant's modus operandi was to recruit young females for Epstein, that helps corroborate Ms. Giuffre's own testimony that Defendant recruited her for the same purposes and in the same manner. Although the Court need not make a final ruling on this evidentiary issue now, Rule 404(b) itself makes such testimony admissible. *See* Fed. R. Evid. 404(b) (other act "evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident."). Indeed, even more specifically than the general provisions of Rule 404(b), Rule 415 makes these other acts admissible, due to the fact that those involved in sexual abuse of minors have a strong propensity for repeating those crimes. *See* Fed. R. Evid. 415(a)(("In a civil case involving a claim for relief based on a party's alleged sexual assault or child molestation, the court may admit evidence that the party committed any other sexual assault or child molestation.").

Entirely apart from corroborating Ms. Giuffre's own individual abuse, however, Defendant fails to recognize that in calling Ms. Giuffre a "liar", she was attacking all aspects of Ms. Giuffre's account – including Ms. Giuffre's statements that Defendant served generally as a recruiter of girls for Epstein and that Epstein sexually abused the underage girls that were

[7] Defendant's specious suggestion that Ms. Giuffre heard about the other girls whom she recruited for sexual purposes and then decided to "hop on the band wagon" (Defendant's Resp. at 8 n.7) tacitly admits that Defendant procured a "band wagon" of girls for Jeffrey Epstein to abuse. Moreover, Defendant cannot refute the documentary evidence that she was on Epstein private jet with Ms. Giuffre over 20 times while Ms. Giuffre was a minor – flights that Defendant is, quite conveniently, now unable to recall. Motion at 5-8.

brought to him. Thus, in this defamation case, the testimony of these witnesses are admissible not only to bolster Ms. Giuffre's testimony about her individual abuse, but because they are simply part of the body of statements whose truth or falsity is at issue in this case.

In addition, one of the witnesses that Ms. Giuffre seeks to depose is registered sex offender Jeffrey Epstein, who stands at the center of the case. Indeed, some of the most critical events took place in the presence of just three people: Ms. Giuffre, defendant Maxwell, and Epstein. If Epstein were to tell the truth, his testimony would fully confirm Ms. Giuffre's account of her sexual abuse. Epstein, however, may well attempt to support Defendant by invoking the Fifth Amendment to avoid answering questions about his sexual abuse of Ms. Giuffre. Apparently privy to her former boyfriend Epstein's anticipated plans in this regard,[8] Defendant makes the claim that it would be a "convoluted argument" to allow Ms. Giuffre to use those invocations against her. Defendant's Resp. at 3. Tellingly, Defendant's response brief cites no authority to refute that proposition that adverse inference can be drawn against co-conspirators. Presumably this is because, as recounted in Ms. Giuffre's opening brief (at pp. 20-22), the Second Circuit's seminal decision of *LiButti v. United States*, 107 F.3d 110, 121 (2d Cir. 1997), squarely upheld the drawing of adverse inferences based on a non-party's invocation of a Fifth Amendment right to remain silent. The Second Circuit instructed that, the circumstances of given case, rather than status of particular nonparty witness, determines whether nonparty witness' invocation of privilege against self-incrimination is admissible in course of civil litigation. *Id*. at122-23. The Second Circuit also held that, in determining whether nonparty witness' invocation of privilege against self-incrimination in course of civil litigation and

[8] In discovery, Defendant Maxwell has produced several emails between Epstein and herself discussing Ms. Giuffre.

drawing of adverse inferences is admissible, court may consider the following nonexclusive factors:

> (1) nature of witness' relationship with and loyalty to party;
> (2) degree of control which party has vested in witness in regard to key facts and subject matter of litigation;
> (3) whether witness is pragmatically noncaptioned party in interest and whether assertion of privilege advances interests of witness and party in outcome of litigation; and
> (4) whether witness was key figure in litigation and played controlling role in respect to its underlying aspects.

Id. at 124-25. Ms. Giuffre will be able to establish that all these factors tip decisively in favor of allowing an adverse inference. Accordingly, her efforts to depose Epstein, Marcinkova, and Kellen seek important information that will be admissible at trial.

III. MS. GIUFFRE'S REQUEST IS TIMELY.

Defendant also argues that this motion is somehow "premature." Defendant's Resp. at 2-3. Clearly, if Ms. Giuffre had waited to file her motion until later, Defendant would have argued until the matter came too late. The motion is proper at this time because, as of the date of this filing, fact discovery closes in 17 days (although Ms. Giuffre has recently filed a motion for a 30-day extension of the deadline). In order to give the Court the opportunity to rule as far in advance as possible – thereby permitting counsel for both side to schedule the remaining depositions – Ms. Giuffre brings the motion now. She also requires a ruling in advance so that she can make final plans about how many depositions she has available and thus which depositions she should prioritize. [9]

[9] Defendant tries to find support for her prematurity argument in *Gen. Elec. Co. v. Indem. Ins. Co. of N. Am.*, No. 3:06-CV-232 (CFD), 2006 WL 1525970, at *2 (D. Conn. May 25, 2006). However, in that case, the Court found a motion for additional depositions to be premature, in part, because "[d]iscovery has not even commenced" . . . and the moving party "ha[d] not listed with specificity those individuals it wishes to depose." Of course, neither of these points applies in this case at hand: the parties are approaching the close of fact discovery, and Ms. Giuffre has provided detailed information about each individual she has deposed already and still seeks to depose.

An additional reason this motion is appropriate now is that, despite Ms. Giuffre's diligent pursuit of depositions, many witnesses have cancelled their dates, failed to appear, or wrongfully evaded service. These maneuvers have frustrated Ms. Giuffre's ability to take their depositions in a logical and sequential fashion, complicating the planning of a deposition schedule. For example, on April 11, 2016, Ms. Giuffre served notice on Defendant's counsel for the deposition of [redacted], setting it for May 13, 2016. Nearly a month later, just a few days before that properly noticed deposition, Defendant's counsel requested that it be rescheduled, and, therefore, that deposition did not take place until June 10, 2016. Additionally, three other important witnesses evaded Ms. Giuffre's repeated efforts to serve them. It took Ms. Giuffre's motion for alternative service (DE 160) to convince Jeffrey Epstein to allow his attorney to accept service of process. The Court also has before it Ms. Giuffre's motion to serve Sarah Kellen and Nadia Marcinkova by alternative service. These witnesses' evasion of service delayed the taking of their depositions, and, as of the date of this filing, none have been deposed yet.

CONCLUSION

For all these reasons, Ms. Giuffre should be allowed to take three more depositions than the presumptive ten deposition limit – a total of thirteen depositions.

Dated: June 13, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of June, 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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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 CORRECTED[1] REPLY IN SUPPORT OF MOTION TO EXCEED PRESUMPTIVE TEN DEPOSITION LIMIT

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[1] On June 13, 2016, Ms. Giuffre filed her Reply in Support of her Motion to Exceed the Presumptive Ten Deposition Limit (DE 203). This brief contained excerpt from [redacted] "rough" deposition transcript, as the final transcript had not yet been completed by the stenographer. On June 14, 2016, the stenographer issued the "final" deposition transcript, and Ms. Giuffre hereby files the final transcript citations and excerpts to replace the "rough" transcript that accompanied her supporting Declaration (DE 204-2). There are no other changes to this document.

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fact of this dispute confirms, this case is going to be hotly contested and the weight of the evidence on each side is going to be vitally important. The Court is well aware of many other civil cases where the parties have taken far more than ten depositions by mutual agreement. Defendant's refusal to agree to a few more depositions here is simply an effort to keep all the relevant facts from being developed.

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[redacted] It is depositions like this - verifying Ms. Giuffre's account of being recruited by Defendant for sex with Epstein – that Defendant is trying avoid. However, multiple other witnesses have testimony that supports Ms. Giuffre's claims, in different and various ways, and Ms. Giuffre needs that testimony to prove her defamation claim against Defendant.

[3] Ms. Giuffre is no longer seeking the deposition testimony of [redacted].

- [redacted], Ms. Maxwell in her deposition raised Ms. Giuffre's comments about [redacted] as one of the "obvious lies" to which she was referring in her public statement that formed the basis of this suit. Apart from the Defendant and Mr. Epstein, [redacted] is a key person who can provide information about his close relationship with Defendant and Mr. Epstein and disapprove Ms. Maxwell's claims.

Ms. Giuffre is still working diligently with opposing counsel, these witnesses, and their attorneys on scheduling, as well as identifying other witnesses who may have factual information about the case. But, at this time, she seeks this Court's approval for an additional three depositions – depositions that will not consume the full seven hours presumptively allotted.

All three prongs of the three-factor test to evaluate a motion for additional depositions strongly support granting the motion. *Atkinson v. Goord*, No. 01 CIV. 0761 LAKHBP, 2009 WL 890682, at *1 (S.D.N.Y. Apr. 2, 2009). First, as reviewed in detail on a witness-by-witness basis above, the discovery sought is not duplicative. The proposed deponents include the individual who assisted in making the defamatory statement, women Defendant Maxwell hired to recruit girls for Jeffrey Epstein, an individual with intimate knowledge of Defendant and Epstein's sexual trafficking ring, other victims of Jeffrey Epstein (including a then underage victim), Mr. Epstein himself, and other witnesses who can corroborate important pieces of Ms. Giuffre's statements or refute Ms. Maxwell's statements and positions. These witnesses' testimony will corroborate Ms. Giuffre's account of Defendant being a recruiter of females for Epstein and corroborate the type of abuse she and others suffered. Sadly, Ms. Giuffre is far from the only one of Defendant's victims, and there are other witnesses whose testimony is necessary in order to demonstrate the truth of Ms. Giuffre's claims and the falsity of the statements made by Defendant.

Second, if Ms. Giuffre is denied these depositions, she will not have had the opportunity to obtain the information by other discovery in this case. The Court will recall from Ms. Giuffre's opening motion that Defendant's surprising lack of memory has, in no small part, caused the need for additional depositions. *See* Motion at 5-8 (listing 59 examples of memory lapses during Ms. Maxwell deposition, including inability to remember events recorded on aircraft flight logs or a photograph). Defendant offers no explanation for her convenient forgetfulness. Moreover, evidence of being recruited by Defendant and being sexually assaulted is not something Ms. Giuffre can obtain through requests for production or through interrogatories. The only way of obtaining such evidence is from witness testimony by those who were victimized, those who assisted Defendant in recruiting and abuse, and those who observed the recruiting or the abuse. [redacted]

[4] [redacted]

[redacted]. Yet Defendant has failed to produce a single photo in this case. [redacted]. Document discovery and interrogatories are not helpful in obtaining this type of evidence: depositions are needed.

Third, the burden and expense of this proposed discovery is limited to three additional depositions. Defendant in this case is a multi-millionaire with able counsel. Three depositions will not cause her undue burden, expense, or inconvenience. These depositions are important to resolving issues in this case. Given that very few witnesses reside within 100 miles of the courthouse and therefore cannot be compelled to trial, this request for only three additional depositions is a reasonable request.

While Defendant opposes Ms. Giuffre's request for Court approval of more than ten depositions, she has unilaterally noticed more than ten depositions without bothering to seek approval. As of the date of this filing, Defendant's counsel has issued ***twelve*** subpoenas for

[5] [redacted]

deposition testimony – the almost the exact same number Ms. Giuffre is seeking.[6] Defendant cannot credibly oppose Ms. Giuffre's additional depositions while she, herself, is trying to take more than ten without leave of court.[7]

It is plain why Defendant does not want these depositions to go forward. [redacted], [redacted] testimony was harmful to Defendant's case, and the additional depositions will provide further evidence that Defendant acted as Jeffrey Epstein's madam, proving the truth of Ms. Giuffre's statements that Defendant proclaimed publically as "obvious lies."

II. MS. GIUFFRE IS SEEKING HIGHLY RELEVANT TRIAL TESTIMONY.

All of the people Ms. Giuffre seeks to depose have discoverable and important information regarding the elements of Ms. Giuffre's claims. Ms. Giuffre stated that Defendant recruited her and other young females for sex with Jeffrey Epstein. The people she now seeks to depose are all witnesses who can testify to Defendant working essentially as a madam for Jeffrey Epstein, recruiting young females for Epstein, or corroborate other important aspects of her statements. The fact that Defendant recruited girls, some of which were underage, for Epstein makes Ms. Giuffre's claim that she was also recruited by Defendant to ultimately have sex with Epstein and others more credible – and that Defendant's denials of any involvement in such recruiting is a bald-faced lie. Witnesses will testify that Defendant's recruitment and management of the girls for Jeffrey Epstein was a major aspect of Defendant's job, and that Ms.

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[6] Defendant's counsel has taken the deposition testimony of (1) Ms. Giuffre; (2) Ms. Giuffre's mother ([redacted]); (3) Ms. Giuffre's father ([redacted]); and (4) Ms. Giuffre's physician (Dr. Olson). Defendant's counsel has noticed the following witnesses for deposition: (5) [redacted]; (8) a known victim of Jeffrey Epstein; (9) Mr. Weisfield; (10) Ms. Churcher; (11) [redacted]; and (12) the 30(b)(6) witness for Victims Refuse Silence.

[7] Defendant has unilaterally scheduled - without consulting counsel for Ms. Giuffre - at least two of these depositions for days when depositions of Ms. Giuffre's witnesses have been set.

Giuffre's account of her sexual abuse and Defendant's involvement accords perfectly with other witnesses' accounts of what Defendant's job was for Epstein.[8]

That other young females were similarly recruited by the Defendant is evidence that Ms. Giuffre is telling the truth about her experiences – and thus direct evidence that Defendant defamed her when calling her a liar. Clearly, if Ms. Giuffre can establish that Defendant's modus operandi was to recruit young females for Epstein, that helps corroborate Ms. Giuffre's own testimony that Defendant recruited her for the same purposes and in the same manner. Although the Court need not make a final ruling on this evidentiary issue now, Rule 404(b) itself makes such testimony admissible. *See* Fed. R. Evid. 404(b) (other act "evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident."). Indeed, even more specifically than the general provisions of Rule 404(b), Rule 415 makes these other acts admissible, due to the fact that those involved in sexual abuse of minors have a strong propensity for repeating those crimes. *See* Fed. R. Evid. 415(a)(("In a civil case involving a claim for relief based on a party's alleged sexual assault or child molestation, the court may admit evidence that the party committed any other sexual assault or child molestation.").

Entirely apart from corroborating Ms. Giuffre's own individual abuse, however, Defendant fails to recognize that in calling Ms. Giuffre a "liar", she was attacking all aspects of Ms. Giuffre's account – including Ms. Giuffre's statements that Defendant served generally as a recruiter of girls for Epstein and that Epstein sexually abused the underage girls that were

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brought to him. Thus, in this defamation case, the testimony of these witnesses are admissible not only to bolster Ms. Giuffre's testimony about her individual abuse, but because they are simply part of the body of statements whose truth or falsity is at issue in this case.

In addition, one of the witnesses that Ms. Giuffre seeks to depose is registered sex offender Jeffrey Epstein, who stands at the center of the case. Indeed, some of the most critical events took place in the presence of just three people: Ms. Giuffre, defendant Maxwell, and Epstein. If Epstein were to tell the truth, his testimony would fully confirm Ms. Giuffre's account of her sexual abuse. Epstein, however, may well attempt to support Defendant by invoking the Fifth Amendment to avoid answering questions about his sexual abuse of Ms. Giuffre. Apparently privy to her former boyfriend Epstein's anticipated plans in this regard,[9] Defendant makes the claim that it would be a "convoluted argument" to allow Ms. Giuffre to use those invocations against her. Defendant's Resp. at 3. Tellingly, Defendant's response brief cites no authority to refute that proposition that adverse inference can be drawn against co-conspirators. Presumably this is because, as recounted in Ms. Giuffre's opening brief (at pp. 20-22), the Second Circuit's seminal decision of *LiButti v. United States*, 107 F.3d 110, 121 (2d Cir. 1997), squarely upheld the drawing of adverse inferences based on a non-party's invocation of a Fifth Amendment right to remain silent. The Second Circuit instructed that, the circumstances of given case, rather than status of particular nonparty witness, determines whether nonparty witness' invocation of privilege against self-incrimination is admissible in course of civil litigation. *Id*. at122-23. The Second Circuit also held that, in determining whether nonparty witness' invocation of privilege against self-incrimination in course of civil litigation and

[9] In discovery, Defendant Maxwell has produced several emails between Epstein and herself discussing Ms. Giuffre.

drawing of adverse inferences is admissible, court may consider the following nonexclusive factors:

> (1) nature of witness' relationship with and loyalty to party;
> (2) degree of control which party has vested in witness in regard to key facts and subject matter of litigation;
> (3) whether witness is pragmatically noncaptioned party in interest and whether assertion of privilege advances interests of witness and party in outcome of litigation; and
> (4) whether witness was key figure in litigation and played controlling role in respect to its underlying aspects.

Id. at 124-25. Ms. Giuffre will be able to establish that all these factors tip decisively in favor of allowing an adverse inference. Accordingly, her efforts to depose Epstein, Marcinkova, and Kellen seek important information that will be admissible at trial.

III. MS. GIUFFRE'S REQUEST IS TIMELY.

Defendant also argues that this motion is somehow "premature." Defendant's Resp. at 2-3. Clearly, if Ms. Giuffre had waited to file her motion until later, Defendant would have argued until the matter came too late. The motion is proper at this time because, as of the date of this filing, fact discovery closes in 17 days (although Ms. Giuffre has recently filed a motion for a 30-day extension of the deadline). In order to give the Court the opportunity to rule as far in advance as possible – thereby permitting counsel for both side to schedule the remaining depositions – Ms. Giuffre brings the motion now. She also requires a ruling in advance so that she can make final plans about how many depositions she has available and thus which depositions she should prioritize. [10]

[10] Defendant tries to find support for her prematurity argument in *Gen. Elec. Co. v. Indem. Ins. Co. of N. Am.*, No. 3:06-CV-232 (CFD), 2006 WL 1525970, at *2 (D. Conn. May 25, 2006). However, in that case, the Court found a motion for additional depositions to be premature, in part, because "[d]iscovery has not even commenced" . . . and the moving party "ha[d] not listed with specificity those individuals it wishes to depose." Of course, neither of these points applies in this case at hand: the parties are approaching the close of fact discovery, and Ms. Giuffre has provided detailed information about each individual she has deposed already and still seeks to depose.

An additional reason this motion is appropriate now is that, despite Ms. Giuffre's diligent pursuit of depositions, many witnesses have cancelled their dates, failed to appear, or wrongfully evaded service. These maneuvers have frustrated Ms. Giuffre's ability to take their depositions in a logical and sequential fashion, complicating the planning of a deposition schedule. For example, on April 11, 2016, Ms. Giuffre served notice on Defendant's counsel for the deposition of [redacted], setting it for May 13, 2016. Nearly a month later, just a few days before that properly noticed deposition, Defendant's counsel requested that it be rescheduled, and, therefore, that deposition did not take place until June 10, 2016. Additionally, three other important witnesses evaded Ms. Giuffre's repeated efforts to serve them. It took Ms. Giuffre's motion for alternative service (DE 160) to convince Jeffrey Epstein to allow his attorney to accept service of process. The Court also has before it Ms. Giuffre's motion to serve Sarah Kellen and Nadia Marcinkova by alternative service. These witnesses' evasion of service delayed the taking of their depositions, and, as of the date of this filing, none have been deposed yet.

CONCLUSION

For all these reasons, Ms. Giuffre should be allowed to take three more depositions than the presumptive ten deposition limit – a total of thirteen depositions.

Dated: June 14, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of June, 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.
_____/

PLAINTIFF'S AMENDED[1] CORRECTED[2] REPLY IN SUPPORT OF MOTION TO EXCEED PRESUMPTIVE TEN DEPOSITION LIMIT

Sigrid McCawley
BOIES, SCHILLER & FLEXNER LLP
401 E. Las Olas Blvd., Suite 1200

[1] Pursuant to conferral with opposing counsel, Plaintiff has revised the first paragraph of this brief, as well as the second-to-last paragraph of Section I of this brief out of a concern Defendant raised with the use of the term "set" when referring to depositions. In an abundance of caution, to avoid unnecessary disputes and waste of this Court's time, the undersigned agreed to revise the brief to remove the language in question. The remainder of this brief is unchanged.

[2] On June 13, 2016, Ms. Giuffre filed her Reply in Support of her Motion to Exceed the Presumptive Ten Deposition Limit (DE 203). This brief contained excerpt from [redacted] "rough" deposition transcript, as the final transcript had not yet been completed by the stenographer. On June 14, 2016, the stenographer issued the "final" deposition transcript, and Ms. Giuffre hereby files the final transcript citations and excerpts to replace the "rough" transcript that accompanied her supporting Declaration (DE 204-2). There are no other changes to this document.

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Plaintiff Virginia Giuffre, by and through her undersigned counsel, hereby files this reply in support of her Motion to Exceed Presumptive Ten Deposition Limit. The motion should be granted because Ms. Giuffre has shown good cause for needing to exceed the ten deposition limit and in light of recent developments, Ms. Giuffre has streamlined her request, and now seeks only a total of three additional depositions. The Court should grant her motion and allow her to take the three additional depositions.

I. THE PROPOSED DEPOSITIONS ARE IMPORTANT TO THE FUNDAMENTAL CLAIMS AND DEFENSES IN THIS CASE, AND NONE ARE DUPLICATIVE.

Defendant argues that the depositions Ms. Giuffre seeks to take are somehow "duplicative" of each other. Even a quick reading of the Defendant's pleading makes clear this is untrue. Defendant repeatedly gives her own narrow view of what existing witnesses have said. For example, Defendant argues that [redacted] "did not corroborate that [Ms. Giuffre] is telling the truth." Defendant's Response at 5. Defendant's characterization is untrue.[3] But, as the mere

[3] [redacted]

fact of this dispute confirms, this case is going to be hotly contested and the weight of the evidence on each side is going to be vitally important. The Court is well aware of many other civil cases where the parties have taken far more than ten depositions by mutual agreement. Defendant's refusal to agree to a few more depositions here is simply an effort to keep all the relevant facts from being developed.

Since Ms. Giuffre filed her initial motion seeking seven additional deposition, she has worked diligently to try to streamline the necessary depositions and has discovered new information concerning witnesses and their knowledge of the claims in this case. Accordingly, Ms. Giuffre currently brings before this Court a significantly shorter list[4] of witnesses she needs to depose to prove her claim, with some alterations. To be clear, Ms. Giuffre has narrowed her request and is now only seeking an additional three depositions from the Court as follows:

For descriptions concerning the depositions already taken (Defendant; [redacted]; [redacted]; and [redacted]), and those yet to be taken (Mr. Epstein; [redacted]), Ms. Giuffre references and incorporates her descriptions in the moving brief. The only remaining witness is [redacted]. His deposition is necessary for the following reason:

- [redacted], Ms. Maxwell in her deposition raised Ms. Giuffre's comments about [redacted] as one of the "obvious lies" to which she was referring in her public statement that formed the basis of this suit. Apart from the

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[redacted] It is depositions like this - verifying Ms. Giuffre's account of being recruited by Defendant for sex with Epstein – that Defendant is trying avoid. However, multiple other witnesses have testimony that supports Ms. Giuffre's claims, in different and various ways, and Ms. Giuffre needs that testimony to prove her defamation claim against Defendant.

[4] Ms. Giuffre is no longer seeking the deposition testimony of [redacted].

> Defendant and Mr. Epstein, former [redacted] is a key person who can provide information about his close relationship with Defendant and Mr. Epstein and disapprove Ms. Maxwell's claims.

Ms. Giuffre is still working diligently with opposing counsel, these witnesses, and their attorneys on scheduling, as well as identifying other witnesses who may have factual information about the case. But, at this time, she seeks this Court's approval for an additional three depositions – depositions that will not consume the full seven hours presumptively allotted.

All three prongs of the three-factor test to evaluate a motion for additional depositions strongly support granting the motion. *Atkinson v. Goord*, No. 01 CIV. 0761 LAKHBP, 2009 WL 890682, at *1 (S.D.N.Y. Apr. 2, 2009). First, as reviewed in detail on a witness-by-witness basis above, the discovery sought is not duplicative. The proposed deponents include the individual who assisted in making the defamatory statement, women Defendant Maxwell hired to recruit girls for Jeffrey Epstein, an individual with intimate knowledge of Defendant and Epstein's sexual trafficking ring, other victims of Jeffrey Epstein (including a then underage victim), Mr. Epstein himself, and other witnesses who can corroborate important pieces of Ms. Giuffre's statements or refute Ms. Maxwell's statements and positions. These witnesses' testimony will corroborate Ms. Giuffre's account of Defendant being a recruiter of females for Epstein and corroborate the type of abuse she and others suffered. Sadly, Ms. Giuffre is far from the only one of Defendant's victims, and there are other witnesses whose testimony is necessary in order to demonstrate the truth of Ms. Giuffre's claims and the falsity of the statements made by Defendant.

Second, if Ms. Giuffre is denied these depositions, she will not have had the opportunity to obtain the information by other discovery in this case. The Court will recall from Ms. Giuffre's opening motion that Defendant's surprising lack of memory has, in no small part,

caused the need for additional depositions. *See* Motion at 5-8 (listing 59 examples of memory lapses during Ms. Maxwell deposition, including inability to remember events recorded on aircraft flight logs or a photograph). Defendant offers no explanation for her convenient forgetfulness. Moreover, evidence of being recruited by Defendant and being sexually assaulted is not something Ms. Giuffre can obtain through requests for production or through interrogatories. The only way of obtaining such evidence is from witness testimony by those who were victimized, those who assisted Defendant in recruiting and abuse, and those who observed the recruiting or the abuse. [redacted]

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[redacted]. [redacted]. Yet Defendant has failed to produce a single photo in this case. [redacted]. Document discovery and interrogatories are not helpful in obtaining this type of evidence: depositions are needed.

Third, the burden and expense of this proposed discovery is limited to three additional depositions. Defendant in this case is a multi-millionaire with able counsel. Three depositions will not cause her undue burden, expense, or inconvenience. These depositions are important to resolving issues in this case. Given that very few witnesses reside within 100 miles of the courthouse and therefore cannot be compelled to trial, this request for only three additional depositions is a reasonable request.

It is plain why Defendant does not want these depositions to go forward. [redacted], [redacted], and [redacted] testimony was harmful to Defendant's case, and the additional depositions will provide further evidence that Defendant acted as Jeffrey Epstein's madam, proving the truth of Ms. Giuffre's statements that Defendant proclaimed publically as "obvious lies."

II. MS. GIUFFRE IS SEEKING HIGHLY RELEVANT TRIAL TESTIMONY.

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That other young females were similarly recruited by the Defendant is evidence that Ms. Giuffre is telling the truth about her experiences – and thus direct evidence that Defendant defamed her when calling her a liar. Clearly, if Ms. Giuffre can establish that Defendant's modus operandi was to recruit young females for Epstein, that helps corroborate Ms. Giuffre's own testimony that Defendant recruited her for the same purposes and in the same manner. Although the Court need not make a final ruling on this evidentiary issue now, Rule 404(b) itself makes such testimony admissible. *See* Fed. R. Evid. 404(b) (other act "evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident."). Indeed, even more specifically than the general provisions of Rule 404(b), Rule 415 makes these other acts admissible, due to

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III. MS. GIUFFRE'S REQUEST IS TIMELY.

Defendant also argues that this motion is somehow "premature." Defendant's Resp. at 2-3. Clearly, if Ms. Giuffre had waited to file her motion until later, Defendant would have argued until the matter came too late. The motion is proper at this time because, as of the date of this filing, fact discovery closes in 17 days (although Ms. Giuffre has recently filed a motion for a 30-day extension of the deadline). In order to give the Court the opportunity to rule as far in advance as possible – thereby permitting counsel for both side to schedule the remaining depositions – Ms. Giuffre brings the motion now. She also requires a ruling in advance so that

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CONCLUSION

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Dated: June 14, 2016.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of June, 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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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 COMBINED MEMORANDUM OF LAW IN OPPOSITION TO EXTENDING DEADLINE TO COMPLETE DEPOSITIONS AND MOTION FOR SANCTIONS FOR VIOLATION OF RULE 45

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Defendant Ghislaine Maxwell ("Ms. Maxwell") files this Combined Response ("Response") in Opposition to Plaintiff's Motion to Extend Deadline to Complete Depositions ("Motion") and Motion for Sanctions For Violation of Rule 45, and states as follows:

INTRODUCTION

Apparently, Plaintiff seeks to take six (6) depositions beyond the scheduling order deadline of July 1, yet has failed to demonstrate good cause or diligence as to any.[1] The witnesses include (1) [redacted], a witness that Plaintiff initiated informal attempts to depose on June 9, and (2) Ross Gow, who Plaintiff began steps to depose under the Hague Convention in London last Friday, June 17. Plaintiff also seeks to untimely depose (3) Jean Luc Brunel, a witness she had noticed for a mid-June deposition, who apparently did not appear on that date with agreement and consent of Plaintiff's counsel.

The remaining three witnesses Plaintiff seeks to untimely depose are ones who repeatedly have expressed their intention to take the Fifth Amendment as to all questions posed. Counsel for (4) Jeffrey Epstein, offered to accept service on or about April 11 but Plaintiff ignored that offer for more than six weeks. Plaintiff only began on June 12 any attempt to schedule that deposition in the Virgin Islands. Last week, Mr. Epstein's counsel filed a Motion to Quash his deposition subpoena. The final untimely depositions sought by Plaintiff are for witnesses (5) Sarah Kellen and (6) Nadia Marcincova, about whom Plaintiff has made no public claims and thus, have no testimony relevant to this defamation action concerning whether Plaintiff's public

[1] In her Amended Corrected Reply In Support of Motion to Exceed Ten Depositions, Plaintiff represents that she only seeks to take three depositions beyond the limit of ten and that she no longer seeks depositions of witnesses Emmy Taylor, Dana Burns, JoJo Fontanilla, and Michael Reiter. (Doc. #224 at 2 n.4) She does not state her intentions with respect to other witnesses, like Maria Alessi, that she noticed but never deposed. However, comparing that Reply with her other motions, counsel has deduced the remaining witnesses from whom Plaintiff apparently seeks to secure deposition testimony in July. Plaintiff has already taken 6 depositions and another scheduled tomorrow. Thus by the close of discovery she will have taken 7 of her allotted 10 depositions.

allegations about Ghislaine Maxwell are – or rather are not – true. The attempted service of subpoenas on Epstein, Kellen and Marcincova all violated Rule 45(a)(4) and should be sanctioned by this Court.

As to all of these witnesses, Plaintiff has fallen far short of the "good cause" required by Rule 16(b)(4) to modify the Scheduling Order. In fact, for the most part, her failures to actively pursue depositions with these witnesses qualifies as in-excusable neglect: She frittered away seven of the eight months of the discovery period and now has placed Ms. Maxwell, this Court, and the witnesses in the untenable position of trying to accommodate her last-minute scramble. In the absence of any acceptable excuses, and for the limited evidentiary value that most of the requested witnesses can provide, this Court should deny the request for the extra time to take these six depositions.

The only witnesses for whom depositions should be permitted following the discovery cut-off are: (1) Ms. Sharon Churcher, Plaintiff's friend, advocate and former journalist with the *Daily Mail*, who filed a Motion to Quash her subpoena on the day before her scheduled deposition,[2] and (2) Plaintiff, who refused to answer questions at her deposition concerning highly relevant, non-privileged information.[3]

Alternatively, if the Court is to grant additional time for Plaintiff to take depositions, Ms. Maxwell will be unduly prejudiced without sufficient additional time to (a) secure any witnesses to rebut testimony gleaned from these witnesses, (b) conduct discovery of Plaintiff's retained experts, (c) submit a summary judgment motion which includes facts learned from these late depositions, and (d) prepare for trial. Thus, if the Court grants Plaintiff's motion, the remaining deadlines in the Scheduling Order ought to be extended accordingly.

[2] Ms. Churcher's motion to quash will be heard this Thursday by the Court.
[3] Ms. Maxwell is filing simultaneously with this Response a Motion to Re-Open Plaintiff's Deposition.

BACKGROUND

To divert attention away from her own lack of diligence, Plaintiff characteristically devotes much of her Motion blaming Ms. Maxwell and her counsel for her own problems with depositions. Not only is Plaintiff's account factually inaccurate, none of it matters to whether she could timely complete the six depositions at issue.

For example, the scheduling of Ms. Maxwell's deposition (which depended, among other things, on an historic snowstorm, a disputed protective order, Plaintiff's failure to timely produce documents, and counsel's conflicting calendars, all of which have been amply documented with this Court)[4] does not inform any analysis regarding Plaintiff's lack of diligence in pursuing depositions of these six witnesses. *See* Rule 26d)(3) ("Unless the parties stipulate or the court orders otherwise for the parties' and witnesses' convenience and in the interests of justice: (A) methods of discovery may be used in any sequence, and (B) discovery by one party does not require any other party to delay its discovery."). Likewise, receipt of Ms. Maxwell's Rule 26 disclosures in February also had nothing to do with these witnesses. *Id.* Notably, each of the witnesses who Plaintiff now seeks to depose were known to her from the outset; all but [redacted] were included in her initial Rule 26 disclosures served on November 11, 2015 and two of the six were specifically mentioned in Plaintiff's Complaint.

Finally, the fact that witness Rinaldo Rizzo had a deposition re-scheduled from April until June does not have any bearing on the issue presented by this motion. Mr. Rizzo was deposed on June 14 and he has nothing to do with the remaining depositions. Mr. Rizzo, in fact, was practically gleeful to be a witness: [redacted]

[4] Doc. #62 & Tr. of Hearing of Mar. 24 at 4.

[redacted].[5] Plaintiff's claim that Mr. Rizzo is an "example of delay that has harmed [her] ability to obtain all depositions in a timely manner" (Mot. at 3) is specious.

Contrary to Plaintiff's assertion, discovery began in this case on October 23, 2015, following the parties' Rule 26(f) conferral. *See* Fed.R.Civ.P. 26(d)(1). At the Rule 16(b) scheduling conference on October 28, 2015, this Court directed the parties to complete all fact discovery by July 1, 2016. (Doc. #13) On November 30, 2015, contemporaneous with the filing of her Rule 12(b) Motion to Dismiss, Ms. Maxwell also requested of this Court a stay of discovery pursuant to Rule 26(c). (Doc. #17) That motion was denied on January 20, 2016, with an additional two-week period granted to respond to Plaintiff's First Request for Production of Documents.[6] The discovery was thus never stayed.

Plaintiff erroneously asserts that that discovery "did not commence in this matter until" February 8. What she means is that she neglected to seek any non-witness depositions until then; nothing in the Rules of Civil Procedure, this Court's Orders, or the law prevented Plaintiff from doing so at any point after October 23, 2015.[7] Plaintiff has had over eight months to subpoena

---

[5] *See,* Menninger Declaration, Ex. A (Rizzo deposition transcript excerpts). Of course, Plaintiff's counsel has engaged in their own last-minute "unavailability" for a deposition scheduled by Ms. Maxwell, as to Plaintiff's former fiancé, a witness who is hostile, required numerous service attempts at great cost and inconvenience, and who then (because of Plaintiff's last minute unavailability) had to be re-served by a process server who swam through a swamp to get to his home, at additional cost and inconvenience.

[6] By agreement of the parties, the time to respond was extended an additional six days because defense counsel was in a jury trial at the time the Court's Order was handed down.

[7] *See, e.g.,* Pltf's Opp'n to Mot. to Stay (Doc. #20) at 17 n.8 ("As of the date of this filing, zero (0) disposition [sic] notices have been propounded on the Defendant.").

witnesses, schedule depositions and conduct them. Instead, she waited until the last minute and now complains of lack of time. Any lack of time is a product of her own bad faith and negligent litigation tactics and should not be sanctioned by this Court.

The failure to timely secure the depositions of the remaining six witnesses is through no fault of Ms. Maxwell or her counsel. As to these witnesses, Ms. Maxwell and her counsel have played no role in hindering Plaintiff's ability to depose the witnesses; in fact, as to four of the six Plaintiff attempted to serve subpoenas on the witnesses before ever providing notice to the defense, in clear violation of Rule 45(a)(4).

LEGAL AUTHORITY

Rule 16(b) permits modification of a scheduling order only upon a showing of "good cause." To satisfy the good cause standard "the party must show that, ***despite its having exercised diligence***, the applicable deadline could not have been reasonably met." *Sokol Holdings, Inc. v. BMD Munai, Inc.*, 05 Civ. 3749 (KMW)(DF), 2009 WL 2524611 at *7 (S.D.N.Y. Aug. 14, 2009) (emphasis added) (*citing Rent-A-Center Inc. v. 47 Mamaroneck Ave. Corp.*, 215 F.R.D. 100, 104 (S.D.N.Y. 2003) (McMahon, J.)); *accord Parker v. Columbia Pictures Indus.*, 204 F.3d 326, 340 (2d Cir. 2000) (" '[G]ood cause' depends on the diligence of the moving party."); *Perfect Pearl Co., Inc. v. Majestic Pearl & Stone, Inc.*, 889 F. Supp. 2d 453, 457 (S.D.N.Y. 2012) (Engelmeyer, J.) ("To show good cause, a movant must demonstrate that it has been diligent, meaning that, despite its having exercised diligence, the applicable deadline could not have been reasonably met.").

Good cause depends on the *diligence* of the moving party in seeking to meet the scheduling order. *Grochowski v. Phoenix Const.*, 318 F.3d 80, 86 (2d Cir.2003). The Oxford Dictionary defines "diligence" as "careful and persistent work or effort." *See* "diligence" at http://www.oxforddictionaries.com/us/definition/american_english/diligence (last accessed on

June 18, 2016). "Good cause" and diligence were not shown when a party raised the prospect of a deposition nine days prior to the discovery deadline. *Carlson v. Geneva City School Dist.*, 277 F.R.D. 90 (W.D.N.Y. 2011); *compare Reese v. Virginia Intern. Terminals, Inc.,* 286 F.R.D. 282 (E.D. Va. 2012) (depositions noticed very early in discovery period and movant engaged in continuing meet-and-confer dialogue with defendants throughout five month discovery period); *Iantosca v. Benistar Admin. Svcs., Inc.*, 765 F.Supp.2d 79 (D. Mass. 2011) (correspondence indicated that the plaintiffs had tried on numerous occasions to schedule the depositions and to extend the discovery schedule but that the defendants had either refused or failed to respond, good cause found).

ARGUMENT

I. PLAINTIFF'S LACK OF DILIGENCE

Plaintiff has demonstrated an extreme lack of diligence in securing the remaining six depositions that she seeks.

A. [redacted]

Plaintiff's Motion failed to mention any desire to take the deposition of [redacted]. No Notice of Deposition has been served and no scheduling of his deposition has commenced. Indeed, [redacted] first appeared on Plaintiff's Third Revised Rule 26 Disclosures two weeks ago on June 1. Then, last week, in her Reply In Support of Motion to Exceed Ten Depositions filed on June 13 ("Reply"), Plaintiff averred that [redacted] deposition is "necessary" because Ms. Maxwell "in her deposition [on April 25] raised Ms. Giuffre's comments about [redacted] as one of the 'obvious lies' to which she was referring in her public statement that formed the basis of this suit." Reply at 3. This is utter nonsense and nothing more than a transparent ploy by Plaintiff to increase media exposure for her sensational stories through deposition side-show. This witness has nothing relevant to add

to this case and Plaintiff has made no effort, much less one in good faith to timely secure his testimony.

Plaintiff admits she has "made not allegations of illegal actions by [redacted]." *Id.* But Plaintiff has asserted that she spent time with [redacted] on the island of Little St. James, US Virgin Islands and that she flew there with the [redacted] in a helicopter piloted by Ms. Maxwell. In one article, authored by Sharon Churcher, Plaintiff related:

> "On one occasion, she adds, Epstein did invite two young brunettes to dinner which he gave on his Caribbean island for Mr. Clinton shortly after he left office. But as far as she knows, the ex-President did not take the bait. 'I'd have been about 17 at the time,' she says. 'I flew to the Caribbean with Jeffrey and then Ghislaine Maxwell went to pick up Bill in a huge black helicopter that Jeffrey bought her. She'd always wanted to fly and Jeffrey paid for her to take lessons, and I remember she was very excited because she got her license around the first year we met. I used to get frightened flying with her but Bill had the Secret Service with him and I remember him talking about what a good job she did. I only met Bill twice but Jeffrey told me they were good friends.'
>
> 'We all dined together that night. Jeffrey was at the head of the table. Bill was at his left. I sat across from him. Emmy Taylor, Ghislaine's blonde British assistant, sat at my right. Ghislaine was at Bill's left and at the left of Ghislaine there were two olive-skinned brunettes who'd flown in with us from New York. I'd never met them before. I'd say they were no older than 17, very innocent-looking. They weren't there for me. They weren't there for Jeffrey or Ghislaine because I was there to have sex with Jeffrey on the trip. Maybe Jeffrey thought they would entertain Bill, but I saw no evidence that he was interested in them. He and Jeffrey and Ghislaine seemed to have a very good relationship. Bill was very funny. He made me laugh a few times. And he and Jeffrey and Ghislaine told blokey jokes and the brunettes listened politely and giggled. After dinner I gave Jeffrey an erotic massage. I don't remember seeing Bill again on the trip but I assume Ghislaine flew him back."

See Sharon Churcher, "Teenage girl recruited by peadophile Jeffrey Epstein reveals how she twice met Bill Clinton," DAILY MAIL (Mar. 5, 2011) (attached to Declaration of Sharon Churcher, Ex. 3 (Doc. #216-3). Similarly, in Plaintiff's unpublished and un-dated book manuscript, *The Billionaire Playboys' Club*, she writes:

> "The next big dinner party on the island had another significant guest appearance being the one and only, Bill Clinton. He is the only president in the world to be

> dismissed from his role as a world leader because he was caught with his trousers around his ankles and had the stain to prove it. Publicly humiliating his wife and himself he retired from his title but not from his lifestyle. This wasn't a big party as such, only a few of us eating at the diner table. There was Jeffrey at the head of it all, as always. On the left side was Emmy, Ghislaine and I sitting across the table from us was Bill with two lovely girls who were visiting from New York. Bill's wife, Hillary's absence from the night made it easy for his apparent provocative cheeky side to come out. Teasing the girls on either side of him with playful pokes and brassy comments, there was no modesty between any of them. We all finished our meals and scattered in our own different directions."

Menninger Decl. Ex. B at 110.

Each and every part of Plaintiff's claims regarding [redacted] has conclusively been proven false. [redacted] Remarkably, Plaintiff now even denies telling Churcher that she ever witnessed Ms. Maxwell [redacted] anywhere, or joking with [redacted] about "what a good job she did." Menninger Decl., Ex. D. Plaintiff's counsel remarkably instructed Plaintiff not to answer any additional questions about the other things Sharon Churcher inaccurately reported. *Id.* Lending even more incredulity to Plaintiff's story, Ms. Maxwell only received her pilot's license in mid-1999 casting insurmountable doubt that [redacted]

[redacted]. The only purpose for seeking this deposition is for the calculated media strategy that Plaintiff and her publicity-seeking attorneys have devised.

Plaintiff failed to disclose [redacted] as a witness until June 1, failed to notice his deposition, failed to diligently pursue a subpoena on him and he has no relevant testimony to offer. Accordingly, Plaintiff's leave to modify the scheduling order to permit his deposition should be denied.

B. Ross Gow

As the Court likely recalls, Ross Gow actually issued the statement pertinent to this defamation suit. Plaintiff has known about Ross Gow and his role in this lawsuit since the outset: She referenced him repeatedly by name in the Complaint filed on September 21, 2015. *See, e.g.,* Complaint paragraph 29 ("As part of Maxwell's campaign, she directed her agent, Ross Gow, to attack Giuffre's honesty and truthfulness and to accuse Giuffre of lying."). Plaintiff also has been well aware throughout that Mr. Gow resides in London. *See, e.g.,* Plaintiff's Motion to Compel Improper Privileges, at 8 (Doc. #33).

After filing that Complaint in September and litigating the Motion to Compel based on privileges related to Mr. Gow in March, Plaintiff took exactly zero steps to depose Mr. Gow until she filed this Motion. Now, nine months after filing her Complaint, Plaintiff contends there is "not sufficient time" for her to "go through the Hague Convention for service on Mr. Gow" so as to "complete this process before the June 30, 2016 deadline." Mot. at 4. Indeed, Plaintiff only initiated that process three days ago, on Friday, June 17, two weeks shy of the discovery cut-off.

Plaintiff, once again, tries to blame Ms. Maxwell for her own lack of diligence by misrepresenting to this Court that "Ms. Giuffre asked that Defendant produce her agent, Mr.

Gow, for a deposition but Defendant has refused…despite acknowledging that Defendant plans to call Mr. Gow for testimony at trial." *Id.* In truth, Plaintiff sent a letter on May 23 which read in its entirety, "This letter is to seek your agreement to produce Ross Gow for deposition, as the agent for your client, Ms. Maxwell. We can work with Mr. Gow's schedule to minimize inconvenience. Please advise by Wednesday, May 25, 2016, whether you will produce Mr. Gow or whether we will need to seek relief from the Court with respect to his deposition." Menninger Decl. Ex. E. That was the first communication regarding any deposition of Mr. Gow. Two days later, defense counsel requested any "legal authority that would allow Ms. Maxwell to 'produce' Ross Gow for a deposition" or "any rule or case that would either enable or require her to do so." *Id.* Plaintiff never responded. She also has not explained when or how Ms. Maxwell "acknowledged" her "plans to call Mr. Gow for testimony at trial," nor why that is relevant to whether Plaintiff has demonstrated good cause for her own failure to take steps to depose a foreign witness deposition until June 17, for a witness she was aware before even filing the Complaint.

During the hearing on March 24, this Court stated that it would consider expect to see "good faith showing" of efforts to comply with the schedule and "an inability because of Hague Convention problems," before it would consider changing the Scheduling Order. Ms. Maxwell submits that waiting until June 17, two weeks before the end of discovery, to even begin the Hague Convention process falls far short of any such good faith showing and the request for leave to take Mr. Gow's testimony beyond July 1 should be denied.

C. Jean Luc Brunel

With regard to Jean Luc Brunel, Plaintiff simply asserts that he was "subpoenaed," and "set for mid-June deposition[]," but "through counsel" has "requested we change the dates of [his] deposition." Mot. at 4. That is her entire argument. She omits key facts that would,

instead, demonstrate her lack of diligence in securing Mr. Brunel's testimony and also show that she has waived any right to seek an out-of-time deposition.

Plaintiff first issued a Notice of a Rule 45 subpoena for documents from Mr. Brunel on February 16, at an address "c/o" attorney, Joe Titone. No documents were ever produced pursuant to that subpoena. Menninger Decl., Ex. F. Then, on May 23, 2016, Plaintiff issued a new "Notice of Subpoena Duces Tecum," attached to which was actually a subpoena for deposition testimony to occur on June 8, at 9:00 a.m. in New York. *Id.* Again, the subpoena was addressed "c/o" attorney Robert Hantman. Then, on June 2, Plaintiff's counsel sent an email that they had received "an email yesterday from Mr. Brunel's attorney saying he needs to reschedule. I believe he is trying to get us new dates today or tomorrow." *Id.* The "scheduled date" of June 8 came and went without any indication of any new dates provided by Mr. Brunel's counsel. The following week, Plaintiff's counsel stated in a phone conversation that Mr. Brunel's counsel said his client had gone to France and it was unclear when he would be returning to the United States.

Following the filing of the instant motion, counsel for Ms. Maxwell requested copies of the certificates of service for all of Plaintiff's Rule 45 subpoenas in this case. Plaintiff's counsel provided certificates on June 14. Notably absent was any certificate of service for Mr. Brunel. Thus, either Mr. Brunel was never served, or he was served and Plaintiff unilaterally extended his compliance date to an unscheduled time in the future. Either way, the time to complain about a witness's non-compliance is at or near the time it occurs. Failure to timely complain regarding non-compliance with a subpoena constitutes a waiver. In any event, whether served or not, Mr. Brunel apparently promised to provide new dates before his deposition date came and went, did not do so, has left the country and not indicated a present intention to return. Given Plaintiff's

role in failing to compel him to attend a deposition, no "good cause" has been demonstrated to take the deposition of Mr. Brunel after July 1.

D. Jeffrey Epstein

As with the other witnesses, Plaintiff has failed to demonstrate "good cause" for seeking to depose Jeffrey Epstein out of time. Plaintiff claims that she was unable to secure service on Mr. Epstein until May 27, 2016, because his counsel "refused to accept service" until she filed her motion for alternative service. The documents reflect the opposite: Mr. Epstein's attorney agreed to accept service on April 11, 2016, and it was only on May 27, 2016, that *Plaintiff* agreed. *See* Poe Declaration in Support of Motion to Quash Epstein Deposition, Ex. 3 (Doc. # 223-3). Plaintiff fails to explain her strategic decision, or negligence, in failing to respond for over six weeks to Mr. Weinberg's email offering to accept service. Indeed, in another failure of candor, Plaintiff's counsel also neglected to tell this Court about the email offer from Mr. Weinberg either in the instant motion or in her motion to serve Mr. Epstein by alternate means. Mot. at 2; Doc. # 160.[8]

Plaintiff apparently now claims that she never received that email from Martin Weinberg. All of the preceding communications, however, indicate that Mr. Weinberg promptly responded to Ms. McCawley's inquiries. *See, e.g.*, Poe Declaration, Ex. 2 (email of April 6 from Weinberg to McCawley (offering to let her know regarding acceptance of service on April 7)); email of McCawley in response ("That works fine – thank you.")). Thus, if Ms. McCawley received no follow up response from Mr. Weinberg, as she now claims, when he had been corresponding

[8] In another glaring omission from Plaintiff's submissions to the Court on the topic of the service of Mr. Epstein, Plaintiff's own counsel have strenuously litigated in other cases that Mr. Epstein is a resident of Florida, over his objection that he is a resident of the U.S. Virgin Islands. *See, e.g.*, Menninger Decl., Ex. G (Motion to Quash Subpoena on Jeffrey Epstein, Broward County, Florida, 15-000072). Yet, all of Plaintiff's purported attempts at service on Mr. Epstein were in New York.

with her previously theretofore, she had a duty to follow up on that inquiry. A failure to do so is plain vanilla neglect.

Even after agreeing to the terms proposed by Epstein's counsel on May 27, that is, location of the deposition in the U.S. Virgin Islands and subject to right to oppose the subpoena, Plaintiff then waited an *additional three weeks* until June 12, to even attempt to schedule Epstein's deposition. Epstein Memorandum in Support of Mot. to Quash at 2 (Doc. # 222). Agreeing to take a deposition in the Virgin Islands on May 27, then waiting until June 12, to try to schedule a date for that deposition, when numerous other depositions had already been scheduled in New York, Florida, and California for the balance of June, is either neglect or strategic posturing by Plaintiff. Either way, it does not amount to "good cause" for such a deposition to take place beyond July 1.

Finally, Plaintiff suggests, without factual foundation, that Ms. Maxwell played some role in Mr. Epstein's counsel's refusal to accept service. *See* Mot. at 2 ("forced to personally serve the Defendant's former boyfriend, employer, and co-conspirator"). As the timeline and documents now reveal, however, Plaintiff failed to provide notice to Ms. Maxwell that she was attempting to serve a Rule 45 subpoena on Mr. Epstein for more than 7 weeks! *Id.* Plaintiff states that she began her service attempts on March 7, 2016. The very first Notice of Subpoena and Deposition served on Ms. Maxwell, however, is dated April 27. Menninger Decl. Ex. H. Thus, between March 7 and April 27, Ms. McCawley engaged in repeated attempts to serve Mr. Epstein a Rule 45 subpoena (including a request for documents) without providing the proper notice to the parties pursuant to Rule 45(a)(4) ("If the subpoena commands the production of documents… , then *before it is served* on the person to whom it is directed, a notice and a copy of the subpoena must be served on each party.") (emphasis added). As detailed below, this was

not an isolated incident and merits sanction. In any event, it is difficult to imagine how it is Ms. Maxwell's fault that Plaintiff could not serve Mr. Epstein when she was never put on notice of any attempt to do so.

Given that Plaintiff knew as of April 11 the conditions pursuant to which Mr. Epstein would accept service through counsel, yet waited until May 27 to agree to those terms, and then waited another nearly three weeks to attempt to schedule Mr. Epstein's deposition on a date available for his counsel and Ms. Maxwell's counsel, Plaintiff has fallen far short of demonstrating "good cause" for taking Mr. Epstein's deposition beyond the end of the fact discovery cut-off.

E. Nadia Marcincova and Sarah Kellen

Finally, Plaintiff seeks the depositions of two other witnesses – Sarah Kellen and Nadia Marcincova -- who, she complains, "despite being represented by counsel, have refused to accept service."[9] Mot. at 3. Plaintiff claims that her process servers tried for three weeks (from April 25 until May 18) to personally serve Ms. Kellen and Ms. Marcincova with subpoenas *duces tecum*. She did not explain, however, why she waited until April to try to serve these two witnesses, about whom her attorneys have known since 2008. She also has not explained to this Court any legally relevant or admissible evidence that either possess, nor how she intends to introduce that evidence in a trial of this defamation claim between Plaintiff and Ms. Maxwell.

Apart from these witnesses stated intent to take the Fifth Amendment which renders their testimony inadmissible, as discussed more fully below, neither witness has any relevant testimony to offer because Plaintiff never made a public statement about either one of them.

[9] Actually, in Plaintiff's Motion for Leave to Serve Three Deposition Subpoenas by Means Other than Personal Service, Plaintiff details that Ms. Marcincova's counsel stated he no longer represents her. (Doc. #161 at 5) ("counsel for Ms. Giuffre reached out to Ms. Marcinkova's former counsel but he indicated that he could not accept service as he no longer represents her"). It is unclear then, why Plaintiff persists in representing to this Court that Ms. Marcincova instructed her counsel not to accept service, or why Plaintiff seeks to serve Ms. Marcincova through her *former* counsel.

Plaintiff did not include either woman in her Sharon Churcher-paid interviews, nor were they mentioned in Plaintiff's Joinder Motion of December 30, 2014. Thus, neither Plaintiff's allegations about Ms. Maxwell, nor Ms. Maxwell's denial of the same based on her personal knowledge, are implicated by anything that Ms. Kellen or Ms. Marcincova may have done with anyone else. Their testimony cannot corroborate Plaintiff's account, nor can it shed light on whether Ms. Maxwell's denial of that account is accurate, because Plaintiff's account did not mention either of them.

Finally as to these witnesses, Plaintiff once again documented her own failure to comply with Rule 45 in regard to attempts to serve these two witnesses. Six of the service attempts occurred on April 25 and April 26. Yet Plaintiff only provided Notice to Ms. Maxwell of her intent to serve the subpoenas on April 27. Menninger Decl. Ex. I.

II. FIFTH AMENDMENT BY EPSTEIN, KELLEN OR MARCINCOVA NOT ADMISSIBLE IN THIS CASE AGAINST MS. MAXWELL

The depositions of Epstein, Kellen and Marcincova do not constitute "good cause" to modify the scheduling order in this case for the additional reason that they all have represented to Plaintiff their intention to assert the Fifth Amendment protection as to *all* questions and such assertion will not be admissible evidence in this trial. Indeed, counsel for Mr. Epstein recently filed a Motion to Quash his subpoena based on the same legal principle that his deposition is unduly burdensome in light of the fact that it will not lead to admissible evidence. (Doc. # 221, 222, 223) The Court should consider this additional factor to decline a finding of "good cause" for extending the discovery deadline.

Plaintiff wrongfully contends that any assertion of the Fifth Amendment during the depositions of Epstein, Kellen and Marincova will be admissible in the trial of this defamation matter (where none of those individuals are parties) based on an "adverse inference" that can be

drawn against Ms. Maxwell. *See LiButti v. United States*, 107 F.3d 110, 121 (2d Cir. 1997). In fact, none of the *LiButti* factors support her argument. While noting that Ms. Maxwell anticipates more extensive briefing on this issue in support of Mr. Epstein's Motion to Quash, a few facts bear mentioning here:

- Ms. Maxwell was the employee of Mr. Epstein --in the 1990s -- not the other way around. Mr. Epstein has never worked for or been in control of Ms. Maxwell.

- Ms. Maxwell and Mr. Epstein have had no financial, professional or employment relationship in more than a decade, many years before 2015 when the purportedly defamatory statement was published. Ms. Maxwell testified that she has not spoken to Mr. Epstein in 2 years.

- Maxwell has not vested any control in Mr. Epstein "in regard to key facts and subject matter of litigation." As the Court is well aware from review of emails submitted *in camera* (and later produced to Plaintiff):

    - Mr. Epstein and his counsel gave advice to Maxwell regarding whether she should issue a statement *after* January 2, 2015. In one, Mr. Epstein even suggested what such a statement might say. Maxwell never issued any additional statement.

    - Maxwell had her own counsel who operated independently of Mr. Epstein and his counsel.

- Epstein is not "pragmatically a non-captioned party in interest" in this litigation nor has he "played controlling role in respect to its underlying aspects." Epstein is not, despie Plaintiff's suggestion, paying Ms. Maxwell's legal fees. Plaintiff sought by way of discovery any "contracts," "indemnification agreements," "employment agreements" between Ms. Maxwell and Epstein or any entity associated with Epstein, from 1999 to the present. Ms. Maxwell responded under oath that there are no such documents. Epstein played no role in the issuance of the January 2 statement, nor has he issued any public statement regarding Plaintiff. Indeed, Plaintiff and Epstein fully resolved any claims against one another by way of a confidential settlement in 2009, another action in which Ms. Maxwell had no role.

- Assertion of the privilege by Epstein does not advance any interest of Ms. Maxwell's. Quite to the contrary, Epstein would be a key witness in her support, exonerating her from Plaintiff's allegations regarding sex abuse, sexual trafficking and acting as his "madam" to the stars. As proof, one need look no further than emails already reviewed by this Court. In an email sent by Epstein to Ms. Maxwell on January 25, 2015, while the media maelstrom generated by Plaintiff's false claims continued to foment, he wrote: "You have done nothing wrong and I would urge you to start acting like it. Go outside, head high, not as an escaping convict. Go to parties. Deal with it." Menninger Decl. Ex. J

- Likewise, Epstein drafted a statement for Ms. Maxwell to issue (though she never did). In that statement, Epstein wrote (presumably what his testimony would reflect, should he not take the Fifth):

"Since JE was charged in 2007 for solicitation of a prostitute I have been the target of outright lies, innuendo, slander, defamation and salacious gossip and harassment; headlines made up of quotes I have never given, statements I have never made, trips with people to places I have never been, holidays with people I have never met, false allegations of impropriety and offensive behavior that I abhor and have never ever been party to, witness to events that I have never seen, living off trust funds that I have never ever had, party to stories that have changed materially both in time place and event, depending on what paper you read, and the list goes on.

I have never been a party in any criminal action pertaining to JE.

For the record:

At the time of Jeffrey's plea, I was in a very long-term committed relationship with another man and no longer working with Jeffrey. Whilst I remained on friendly terms with him up until his plea, I have had limited contact since. Every story in the press innuendo and comment has been taken from civil depositions against JE, which were settled many years ago. None of the depositions were ever subject to cross examination, not one. Any standard of truth and were used for those who claimed they were victims to receive financial payment to be shared between them and their lawyers. [redacted]
Need I say more.

These so called 'new revelations' stem from an alleged diary from VR that reads like the memoirs she is purporting to be selling. Also perhaps pertinent – in a previous complaint against others, her claims were rejected by the police 'due to ..VR..lack of credibility."

The new interest in this old settled case results from lawyers representing some of JE victims filed a suit against the US government, not JE. They contend that the US govt violated their rights. The documents and deal that JE negotiated with the government was given to the lawyers 6 years ago and is a public document.

I am not a part of, nor did you have anything to do with, JE plea bargain. I have never even seen the proceedings nor any of the depositions. I reserve my right to file complaint and sue for defamation and slander."; *Id.*

These correspondences demonstrate that Ms. Maxwell has no control over Mr. Epstein in regards to the alleged defamation statement, he had no role in issuance of the statement, he has no benefit in the outcome of this litigation and he played no controlling role in its respect.

Similarly, there is not any evidence at all to support an adverse inference to be drawn from either Sarah Kellen nor Nadia Marcincova's assertion of the Fifth. Ms. Maxwell hardly knows either woman, never worked with them, they have had nothing to do with this litigation and do not stand to benefit from it, especially as Plaintiff has never made any allegations about her involvement with either of the two of them, they are simply irrelevant to this defamation action.

III. PLAINTIFF'S BAD FAITH DISCOVERY TACTICS SHOULD NOT BE REWARDED WITH EXTRA TIME

1. Plaintiff's Rule 26 Revolving Door

Plaintiff's army of lawyers (who collectively have been litigating matters related to Jeffrey Epstein since 2008) served their Rule 26 initial disclosures on November 11, 2015. Those disclosures listed 94 individual witnesses with knowledge regarding the facts of this case, yet provided addresses (only of their counsel) as to just two, Jeffrey Epstein and Alan Dershowitz. Plaintiff then also listed categories of witnesses such as "all other then-minor girls, whose identities Plaintiff will attempt to determine" and "all pilots, chauffeurs, chefs, and other employees of" Ms. Maxwell or Jeffrey Epstein. Plaintiff claimed as to her Rule 26 disclosures that "only a fraction of those individuals will actually be witnesses in this case, and as discovery progresses, the list will be further narrowed." (Doc. #20 at 17) The opposite has happened.

Between November 11 and March 11, Plaintiff trimmed her Rule 26 list of persons with knowledge from 94 to 69, inexplicably removing 34 names, but adding 12 more. She removed,

for example, witnesses Andrea Mitrovich and Dara Preece, but added Senators George Mitchell, Bill Richardson and Les Wexner.

Then between March 11 and June 1, a few weeks before the discovery cut-off, Plaintiff added 20 more witnesses, including [redacted], Palm Beach officers Recarey and Reiter, and purported "victims of sexual abuse" including a client of Mr. Edwards, who he has clearly known about for years.[10] As to several of these newly added witnesses, in particular [redacted] Recarey and Reiter, Plaintiff promptly scheduled their depositions in June, despite having just disclosed their names on June 1. And last Friday, on the business day just before the depositions of [redacted] and Recarey, Plaintiff disclosed 623 new documents, including for the first time the "unredacted" police reports from Palm Beach, that Plaintiff clearly has had in her possession, or her counsel's possession, for years. Menninger Decl. Ex. K.

This is precisely the type of hide-and-seek that Rule 26 is designed to prevent. While Ms. Maxwell anticipates filing in the near future a separate motion concerning Plaintiff's latest Rule 26 violations and seeking sanctions for the same, this Court can and should consider this behavior in determining whether Plaintiff has "good cause" to extend the discovery cut-off so that she can continue her gamesmanship.

2. Plaintiff's Recurrent Rule 45 Violations

As this Court has previously held:

> Rule 45(b)(1) requires a party issuing a subpoena for the production of documents to a nonparty to "provide prior notice to all parties to the litigation," which has been interpreted to "require that notice be given prior to the *issuance* of the subpoena, not prior to its return date." *Murphy v. Board of Educ.,* 196 F.R.D. 220, 222 (W.D.N.Y.2000). At least one court in this circuit has held that notice provided on the same day that the subpoenas have been served constitutes inadequate notice under Rule 45. *See, e.g., Fox Industries, Inc. v. Gurovich,* No. 03–CV–5166, 2006 WL 2882580, *11 (E.D.N.Y. Oct. 6, 2006). … The

[10] Rather than list his client's address in the custody of the U.S. Marshal's Office, Mr. Edwards said her address is "c/o" himself.

> requirement that prior notice "must be given has important underpinnings of fairness and efficiency." *Cootes Drive LLC v. Internet Law Library, Inc.*, No. 01–CV–9877, 2002 WL 424647, *2 (S.D.N.Y. Mar. 19, 2002). Plaintiff fails to provide an adequate explanation or argument for how a same-day notification satisfies Rule 45's requirements. *See, e.g., id.* ("[C]ounsel for the [offending party] offered no explanation or excuse for their failure to comply with the rule's strictures. They did not attempt to defend the timeliness of their notice. The [offending party's] admitted violation ... cannot be countenanced.").

Usov v. Lazar, 13-cv-818 (RWS), 2014 WL 4354691, at *15 (S.D.N.Y. Sept. 2, 2014) (granting motion to quash the subpoenas where notice given on the same day and served beyond 100 mile limitation of Rule 45). In that case, Plaintiff had provided *same day notice* of the issuance of a subpoena. Here, we have repeated attempts to serve a subpoena over the course of days before any notice was given to Ms. Maxwell. As described previously, Plaintiff has amply documented her own violations of the Rule by detailing her attempts to serve subpoenas *duces tecum* before ever providing notice to Ms. Maxwell with regards to witnesses Epstein, Kellen and Marcincova.

Likewise, with respect to witness, Alexandra Hall, Plaintiff served the subpoena prior to providing notice. *See* Menninger Decl. Ex. L. Served subpoenas before providing Notice under Rule 45. Accordingly, Plaintiff moves to quash the subpoenas on Epstein, Kellen and Marcincova as violations of Rule 45's notice provision. Ms. Maxwell further requests sanctions pursuant to Rule 37 for these documented violations.

With respect to Ms. Hall, who was deposed already earlier today, Ms. Maxwell believes that she did not offer any admissible testimony at her deposition. If Plaintiff's seek to introduce her testimony, the defense reserves the right to exclude such testimony both on evidentiary grounds as well as in violation of Rule 45's notice provision.[11]

IV. MS. MAXWELL'S GOOD FAITH EFFORTS TO CONDUCT DISCOVERY

[11] Counsel for Ms. Maxwell only learned of the Rule 45 violation this past weekend after reviewing certificates of service provided by Plaintiff's counsel last week, without sufficient time to file a motion to quash the subpoena on Ms. Hall.

As already documented in previous pleadings, Ms. Maxwell's counsel has engaged in significant and repeated efforts to conduct discovery in this case in a professional, civil manner, especially as it relates to the depositions of non-parties. On February 25, 2016, counsel for Ms. Maxwell requested that the lawyers confer by telephone to arrange a schedule for the non-party depositions to occur in various states and countries.[12] Plaintiff ignored that request, and requests of the same ilk made on at least 6 different occasions in March and April. It was only on two and ½ months later, on May 5, 2016, when Plaintiff's counsel finally responded with "as is becoming clear, both sides are going to be needing to be coordinating a number of depositions."[13] She then proposed a calendar which scheduled 13 additional depositions for Plaintiff and only 2 days (actually ½ days) for defendant to depose her remaining witnesses. [14] Defendant provided a calendar which allowed for both sides to take remaining depositions, but Plaintiff ignored it and continued to schedule depositions on dates for witnesses without consulting defense counsel for their availability first. Menninger Decl., Ex. M.

Because of the breakdown in communications, defense counsel was left with little choice but to (a) show up at each of Plaintiff's noticed depositions, in Florida and New York, and (b) issue subpoenas for witness depositions on other dates in June. For example, Plaintiff issued a

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[12] McCawley Decl. in Support of Request to Exceed Ten Deposition Limit, Exhibit 1 (Doc. # 173-1) at 28 (Letter of Menninger to McCawley (Feb. 25, 2015) ("I would suggest that rather than repeated emails on the topic of scheduling the various depositions in this case, or the unilateral issuance of deposition notices and subpoenas, you and I have a phone conference wherein we discuss which depositions are going to be taken, where, and a plan for doing them in an orderly fashion that minimizes travel and inconvenience for counsel and the witnesses. As you are well aware from your own practice of law, attorneys have other clients, other court dates and other commitments to work around. The FRCP and Local Rules contemplate courtesy and cooperation among counsel in the scheduling and timing of discovery processes. This rule makes even more sense in a case such as this spanning various parts of the country where counsel must engage in lengthy travel and the attendant scheduling of flights, hotels and rental cars.")).

[13] *Id.* at 19.

[14] *Id.* at 1-3.

Notice of Deposition for Juan Alessi on May 31, 2016, without any conferral with counsel, in Florida, fully aware that defense counsel would be traveling from Colorado. Defense counsel, in fact, did have to travel on Memorial Day to Florida for the 9:00 a.m. May 31 deposition. Mr. Alessi, however, did not appear on that date, believing that his deposition was for June 1, the same day that his wife had been subpoenaed to appear and because he and his wife live an hour away from Ft. Lauderdale. Thus, despite defense counsel's herculean efforts, no deposition occurred on May 31. On June 1, Mr. Alessi appeared, but there was insufficient time to take his wife's deposition, who presumably made the one hour drive for naught. Also, defense counsel then had to travel to New York for the June 2 hearing and back to Florida for a deposition of another witness, Mr. Rogers, that had been scheduled without input from defense counsel.

Counsel for Plaintiff makes much of her efforts to serve witnesses Epstein, Marcincova and Kellen. She fails to advise the Court that Ms. Maxwell has been "forced" to expend great time, money and resources to serve Plaintiff's *own mother, father, former fiancé and former boyfriend*. As described before, the defense even re-scheduled the deposition of Plaintiff's former fiancé due to the last minute unavailability of Plaintiff's counsel, although all counsel were already in Florida and had expended hundreds of dollars to serve him. Plaintiff made no effort to help serve those closest to her, including her own family members. Unlike Plaintiff, however, Ms. Maxwell and her counsel are fully aware that such are the difficulties of litigation. We do not ascribe to Plaintiff the blame.

Having flown to Florida a total of four separate times to attend depositions of five of Plaintiff's noticed witnesses, defense counsel has borne the brunt of Plaintiff's mismanagement of counsel and witness time. Defense counsel scheduled their own Florida depositions of three witnesses to occur during two of the four trips. Defense counsel offered to, and did, schedule the

two Colorado non-party witnesses the same week in May, so as minimize Plaintiff's counsel's travel obligations. Plaintiff, however, rescheduled the deposition of Mr. Rizzo in New York for a week after this Court had a hearing, rather than accommodating any attempt to have the New York deposition occur when all counsel were already present in NY.

To the extent the Court wishes to consider the good faith efforts of defense counsel in conducting depositions when deciding whether to grant Plaintiff additional time, defense has more than met their burden.

V. GOOD CAUSE EXISTS TO TAKE RE-DEPOSE PLAINTIFF AND TO DEPOSE SHARON CHURCHER EXISTS

In contrast to the lack of good cause to extend discovery for Plaintiff's six witnesses, Ms. Maxwell seeks leave of the Court to take depositions beyond June 30. First, Ms. Maxwell properly served a deposition subpoena (and provided appropriate notice to Plaintiff's counsel) on Plaintiff's friend, confidante and former-Daily Mail journalist, Sharon Churcher for a deposition to occur in New York on June 16. Menninger Decl. Ex. N. On June 15, the day before her scheduled deposition, Ms. Churcher's counsel filed a Motion to Quash. That motion is to be heard by this Court on June 23. Should the Court deny the Motion to Quash, Ms. Churcher's deposition would need to be re-scheduled. Dates in early July would be sufficient for counsel.

Similarly, Ms. Maxwell is filing simultaneously with this Motion a request to re-open the deposition of Plaintiff on the grounds, *inter alia*, that she failed to provide numerous documents (ordered to be produced by this Court) until after her deposition (and still has failed to provide others)[15], she materially changed substantive and significant portions of her testimony after the

[15] For example, Ms. Giuffre testified that she had approximately 8 boxes, which included documents pertinent to this case, which she shipped from her home in Colorado to Australia in October 2015 to an undisclosed location (at her deposition, she would not testify where in Australia the boxes were located), and that the boxes had not been searched for responsive documents. Menninger Decl. Ex. D. In repeated conferrals following her deposition, on May 19, her counsel finally agreed to secure the boxes. As of today's date, the boxes still have not arrived,

fact through her *errata* sheet on May 31, and she refused to answer material questions at her deposition on the advice of counsel, including for example, which of Ms. Churcher's many quotes attributed to her were incorrect. *See,e g.,* Menninger Decl. Ex. D, referenced *supra*. As with Ms. Churcher's deposition, the re-opened deposition of Plaintiff could occur in early July, assuming she provides the Court-ordered documents timely.

VI. ALTERNATIVELY, ALL OTHER DEADLINES NEED TO BE EXTENDED

Finally, Plaintiff glibly asserts that she seeks only 30 extra days to conduct her depositions, but does not want any other dates moved. Of course, that inures to her benefit and to Ms. Maxwell's detriment. July already was scheduled for expert disclosures (Plaintiff has yet to disclose her retained expert, and thus the defense has been unable to secure a rebuttal expert). Likewise, should any new information be learned in these late depositions that requires rebuttal, Ms. Maxwell will be unable to secure such evidence on a timely basis.

Further, summary judgment motions are due in this case on August 3. If depositions continue throughout August, Ms. Maxwell's ability to include any late-learned information in her anticipated motion will be jeopardized. Finally, the trial is scheduled for October, continuing fact discovery until August seriously impinges on Ms. Maxwell's ability to prepare for that trial, including preparing witnesses, exhibits and testimony.

WHEREFORE, Ms. Maxwell requests that the Motion to Extend the Deadline to Complete Depositions be denied; alternatively, if the deadline is extended for any of the listed six witnesses, Ms. Maxwell requests that the dates for expert discovery, dispositive motions and the trial date by extended as well. Further, Ms. Maxwell requests sanctions for Plaintiff's failures to comply with the notice provisions of Rule 45(a)(4).

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apparently having been put on the slow boat to the US. One can only imagine where on the high seas the boxes may be located now. Of course, there were many alternative methods to search the boxes. The unknown custodians in Australia for example could have simply looked in them to see whether they contained any responsive documents.

Dated: June 20, 2016.

Respectfully submitted,

/s/ Laura A. Menninger

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Attorneys for Ghislaine Maxwell

CERTIFICATE OF SERVICE

I certify that on June 20, 2016, I electronically served this *DEFENDANT'S COMBINED MEMORANDUM OF LAW IN OPPOSITION TO EXTENDING DEADLINE TO COMPLETE DEPOSITIONS AND MOTION FOR SANCTIONS FOR VIOLATION OF RULE 45* via ECF on the following:

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIRGINIA L. GIUFFRE, Plaintiff, v. GHISLAINE MAXWELL, Defendant.	**15-cv-07433-RWS**

Declaration Of Laura A. Menninger In Support Of Defendant's Response in Opposition to Extending Deadline to Complete Depositions and Motion for Sanctions for Violations of Rule 45

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 ("Maxwell") in this action. I respectfully submit this declaration in support of Defendant's Response in Opposition to Extending Deadline to Complete Depositions and Motion for Sanctions for Violations of Rule 45.

2. Attached as Exhibit A (filed under seal) is a true and correct copy of excerpts from the Deposition of Rinaldo Rizzo on June 10, 2016, and designated by Plaintiff as Confidential under the Protective Order.

3. Attached as Exhibit B (filed under seal) is a true and correct copy of The Billionaire Playboys Club book manuscript drafted by Plaintiff, designated by Plaintiff as Confidential under the Protective Order

4. Attached as Exhibit C is a report by former FBI director, Louis Freeh.

5. Attached as Exhibit D (filed under seal) is a true and correct copy of excerpts of Plaintiff's deposition on May 3, 2016, and designated by Plaintiff as Confidential under the Protective Order.

6. Attached as Exhibit E are true and correct copies of May 23, 2016 correspondence from Meredith Shulz and May 25, 2016 correspondence from myself.

7. Attached as Exhibit F are true and correct copies of Notices of Subpoena with attachments for Jean Luc Brunel, served on February 16, 2016 and May 23, 2016, as well as correspondence regarding Mr. Brunel's deposition from counsel, Bradley Edwards.

8. Attached as Exhibit G is a Motion to Quash filed by counsel for Jeffrey Epstein in Broward County, Florida in *Edwards and Cassell v. Dershowitz*, Case No. 15-0000072 on September 10, 2015.

9. Attached as Exhibit H is a true and correct copy of the Notice of Deposition and Subpoena for Jeffrey Epstein, served on counsel on April 27, 2016.

10. Attached as Exhbit I are true and correct copies of the Notices of Deposition and Subpoena for Sarah Kellen and Nadia Marcincova, served on counsel on April 27, 2016.

11. Attached as Exhibit J (filed under seal) are true and correct copies of correspondence produced in this case between Ms. Maxwell and Jeffrey Epstein from January 2015, and designated as Confidential by Defendant under the Protective Order.

12. Attached as Exhibit K (filed under seal) are Notices of Deposition and Subpoena for [redacted], Joe Recarey and Michael Reiter and a letter of production from Sigrid McCawley of June 17, 2016, designated as Confidential by Plaintiff under the Protective Order.

13. Attached as Exhibit L (filed under seal) is the certificate of service for [redacted]

[redacted]

14. Attached as Exhibit M is a true and correct copy of my correspondence to Plaintiff's counsel of May 25, 2016.

15. Attached as Exhibit N is a Notice of Subpoena and Deposition for Sharon Churcher on June 16, and the certificate of service dated June 4.

By: */s/ Laura A. Menninger*
Laura A. Menninger

CERTIFICATE OF SERVICE

I certify that on June 20, 2016, I electronically served this *Declaration Of Laura A. Menninger In Support Of Defendant's Response in Opposition to Extending Deadline to Complete Depositions and Motion for Sanctions for Violations of Rule 45* via ECF on the following:

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