

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

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G.
CASSELL,,

Plaintiffs,

vs.

ALAN M. DERSHOWITZ,

Defendant.

_____ /

CONTINUED VIDEOTAPE DEPOSITION OF

ALAN M. DERSHOWITZ

VOLUME 2
Pages 180 through 333

Friday, October 16, 2015
9:18 a.m. - 12:26 p.m.

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

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

1 APPEARANCES:

2

On behalf of Plaintiffs:

3

SEARCY, DENNEY, SCAROLA
BARNHART & SHIPLEY, P.A.
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33402-3626
BY: JACK SCAROLA, ESQ.

6

7

8 On behalf of Defendant:

9

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

10

11

12

BY: STEVEN SAFRA, ESQ. (Via phone)

13

--and--

14

SWEDER & ROSS, LLP
131 Oliver Street
Boston, MA 02110
BY: KENNETH A. SWEDER, ESQ.

16

17

--and--

18

WILEY, REIN
17769 K Street NW
Washington, DC 20006
BY: RICHARD A. SIMPSON, ESQ.

19

20

BY: NICOLE A. RICHARDSON, ESQ.

21

22

23

24

25

1 APPEARANCES (Continued):

2 On behalf of Jeffrey Epstein:

3 DARREN K. INDYKE, PLLC
4 575 Lexington Ave., 4th Fl.
5 New York, New York
6 BY: DARREN K. INDYKE, ESQ. (Via phone)

7 On behalf of [REDACTED]:

8 BOIES, SCHILLER & FLEXNER, LLP
9 401 E. Las Olas Blvd., Ste. 1200
10 Fort Lauderdale, Florida 33301
11 BY: [REDACTED]

12 ALSO PRESENT:

13 Joni Jones, Utah Attorney General Office

14 Travis Gallagher, Videographer

15

16

17

18

19

20

21

22

23

24

25

| | | |
|----|--|------|
| 1 | I N D E X | |
| 2 | Examination | Page |
| 3 | | |
| 4 | VOLUME 2 (Pages 180 - 333) | |
| 5 | Direct By Mr. Scarola | 184 |
| 6 | Certificate of Oath | 330 |
| | Certificate of Reporter | 331 |
| 7 | Read and Sign Letter to Witness | 332 |
| | Errata Sheet (forwarded upon execution) | 333 |
| 8 | PLAINTIFF EXHIBITS | |
| 9 | | |
| | No. | Page |
| 10 | 1 Television Interview Transcript | 193 |
| 11 | 2 Except from Deposition of Alan M. Dershowitz | 193 |
| 12 | | |
| 13 | 3 Photograph - 8x10 - Color | 194 |
| 14 | 4 Photograph - 8x10 - Color | 197 |
| 15 | 5 Flight Log Information Sheet | 198 |
| 16 | 6 Composite - Flight logs | 240 |
| 17 | 7 Composite - Flight manuals | 240 |
| 18 | 8 Photograph - 8x10 - Color | 305 |
| 19 | 9 Composite - Calendar entries | 306 |
| 20 | 10 Composite - Calendar entries | 307 |
| 21 | 11 Composite - Calendar entries | 307 |
| 22 | 12 Composite - Calendar entries | 307 |
| 23 | | |
| 24 | | |
| 25 | | |

1 VIDEOGRAPHER: Going on the record. This
2 is day two of Alan Dershowitz's deposition.
3 The date is October 16, 2015, and the time is
4 approximately 9:18 a.m.

5 MR. SCAROLA: Would you please reswear the
6 witness.

7 THE COURT REPORTER: Would you raise your
8 right hand, please?

9 Do you swear or affirm that the testimony
10 you are about to give will be the truth, the
11 whole truth, and nothing but the truth?

12 THE WITNESS: Yes.

13 Thereupon:

14 ALAN M. DERSHOWITZ
15 having been first duly sworn, was examined and
16 testified as follows:

17 DIRECT EXAMINATION

18 BY MR. SCAROLA:

19 Q. Mr. Dershowitz, what is rhetorical
20 hyperbole?

21 A. Rhetorical means verbal and hyperbole
22 means exaggeration.

23 Q. Something other than the truth, correct?

24 A. Truth --

25 MR. SCOTT: Objection, form, relevancy.

1 A. Truth has many, many meanings and is a
2 continuum. The Supreme Court has held that
3 rhetorical hyperbole cannot be the basis, for
4 example, of perjury prosecutions or generally of a
5 defamation prosecution.

6 So it depends on the context. You might
7 just look at the dictionary and probably get a
8 variety of definitions for it.

9 BY MR. SCAROLA:

10 **Q. Well, what I'm concerned about,**
11 **Mr. Dershowitz, is not a dictionary definition. I**
12 **want to know what your understanding of rhetorical**
13 **hyperbole is.**

14 And do you agree that pursuant to your
15 understanding of rhetorical hyperbole, it is an
16 exaggeration beyond the facts?

17 MR. SCOTT: Objection, argumentative and
18 compound, three questions.

19 A. No --

20 MR. SCOTT: You can answer.

21 A. -- I would not agree with that definition.

22 BY MR. SCAROLA:

23 **Q. Okay. Then define it for us, if you**
24 **would, please.**

25 A. I think I have already.

1 Q. I'm sorry, I missed the definition. Could
2 you tell us what rhetorical hyperbole is?

3 MR. SCOTT: Objection, repetitious. He's
4 done it.

5 A. Why don't we just read back my answer.

6 BY MR. SCAROLA:

7 Q. Because I didn't understand it, so I would
8 like you to try to give us a direct response to that
9 question if you're able to.

10 A. I will repeat exactly what I said. A
11 rhetorical means verbal and hyperbole means some
12 exaggeration of the facts for political or other
13 reasons, but generally it is truthful in a literal
14 sense but perhaps -- it all depends on context.

15 And if you tell me the context in which I
16 used it, I will be happy to describe what I meant in
17 that context. But I don't think you can really
18 answer a question about what two words put together
19 mean without understanding the context.

20 Q. Okay. Well, we're going to talk about
21 some context.

22 Do you recall having been interviewed on
23 [REDACTED] on [REDACTED]?

24 A. I have no current recollection of --

25 MR. SCOTT: Do you have a copy of the

1 transcript of the interview? We'd like to see
2 it.

3 MR. SCAROLA: That's exactly what I gave
4 you, the photocopy.

5 MR. SCOTT: We're doing it right now.
6 Maybe we can move on and come back then.

7 MR. SCAROLA: No, I would like to proceed.

8 MR. SCOTT: Then let's stop until I get a
9 copy of it. Because he -- I want --

10 MR. SCAROLA: I don't think that's
11 necessary because your client has told us that
12 he has a superb memory and one of the things I
13 would like to know is what he's able to recall.
14 If he needs to refresh his memory, the
15 transcripts will be here in just a moment, but
16 I don't want to delay going forward.

17 MR. SCOTT: Do you need the transcript to
18 refresh your memory?

19 THE WITNESS: Well, I have no memory of
20 what specifically I said on a particular day in
21 a particular interview.

22 MR. SCOTT: Since you have a copy in front
23 of him, why don't you just show him your copy
24 then? Read the -- ask your question and let
25 him read it.

1 BY MR. SCAROLA:

2 Q. Do you recall having been interviewed on
3 [REDACTED] by [REDACTED]?

4 A. Yes, I do.

5 Q. Do you recall having been interviewed on
6 [REDACTED] by [REDACTED] in early [REDACTED],
7 where you spoke about matters that have become the
8 subject of this litigation?

9 A. Yes, I do.

10 Q. Did you make the following statement
11 during the course of that interview: "As to the
12 airplanes, there are manifests that will prove
13 beyond any doubt that I was never on a private
14 airplane with this woman or any other underage
15 girl"?

16 MR. SCOTT: You need to see the
17 transcript?

18 THE WITNESS: No. No.

19 A. That is a truthful statement. I would
20 repeat it right now. I've reviewed the manifests.

21 First, I know I was never on the airplane
22 with any underage woman. I know that for a fact. I
23 have absolutely no doubt in my mind about that. And
24 the records that I have reviewed confirm that.

25 They have [REDACTED] on a number of

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

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

13 BY MR. SCAROLA:

14 Q. Your statement --

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

17 MR. SCAROLA: Page 5.

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

21 A. It is, yes.

22 Q. Or any other underage girl?

23 A. That's right.

24 Q. All right. How many times --

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

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

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

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

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

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

25 **Q. Your sworn testimony yesterday, according**

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

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

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

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

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

19 MR. SCOTT: Objection, form.

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

24 BY MR. SCAROLA:

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

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

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

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

14 MR. SCOTT: Objection, form.

15 BY MR. SCAROLA:

16 Q. **Is that correct?**

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

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

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

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

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

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

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

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

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

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

25 (Thereupon, marked as Plaintiff

1 Exhibit 2.)

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

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

6 BY MR. SCAROLA:

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

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

11 MR. SCOTT: There's no question.

12 MR. SWEDER: Yes.

13 BY MR. SCAROLA:

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

16 A. No.

17 Q. Never saw her?

18 A. Not that I know of.

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

21 A. Not that I know of.

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

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

25 Q. That you flew with?

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

6 **Q. Okay. So that's a -- that's a different**
7 **[REDACTED]?**

8 A. No, I don't know.

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

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

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

17 BY MR. SCAROLA:

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

19 A. -- related to this case.

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

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

24 BY MR. SCAROLA:

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

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

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

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

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

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

13 A. I don't --

14 MR. SCOTT: Objection, form.

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

18 BY MR. SCAROLA:

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

20 A. I don't think so.

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

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

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

25 MR. SCOTT: You're cutting --

1 BY MR. SCAROLA:

2 Q. -- that's a young woman.

3 MR. SCOTT: Objection. You're cutting the
4 witness off. You're not letting him finish.

5 A. This looks like a picture out of a Playboy
6 or Penthouse magazine. It does not look to me like
7 a person who is under the age of 16 or 17 or 18.
8 But I don't think you can tell anything from the
9 picture. I think you can tell much more from
10 meeting somebody and being with them and having a
11 conversation with them.

12 MR. SCAROLA: Let's mark this photograph,
13 if we could, as Exhibit Number 4.

14 (Thereupon, marked as Plaintiff
15 Exhibit 4.)

16 BY MR. SCAROLA:

17 Q. Does Exhibit Number 4 help you at all to
18 recognize this young woman?

19 A. I've never -- I have no -- no recollection
20 of this young woman at all.

21 Q. All right. Would you describe for us,
22 please, the [REDACTED] that you flew with Jeffrey
23 Epstein on November 17, 2005?

24 A. First, I want to emphasize that that's
25 three years later than any of the issues involved in

1 this case. I have no recollection of flying with
2 this woman. I saw the name [REDACTED] on a manifest.

3 And my recollection of [REDACTED] -- I have
4 no recollection of flying with her, but my
5 recollection of [REDACTED] is that she was a serious,
6 mid 20s woman friend of Jeffrey Epstein, who I may
7 have met on one or two or three occasions when he
8 was with her in -- perhaps at Harvard University
9 where he was meeting with academics and scholars, or
10 perhaps -- I think that's probably the context
11 where -- where she might have been.

12 Q. But you never flew with her?

13 A. I have no recollection of flying with her.

14 Q. Okay. Well, let me see if this helps to
15 refresh your recollection, Mr. Dershowitz.

16 MR. SCAROLA: Let's mark this as Exhibit
17 Number 5, please.

18 THE WITNESS: Uh-huh, yes.

19 (Thereupon, marked as Plaintiff
20 Exhibit 5.)

21 BY MR. SCAROLA:

22 Q. Do you see that the name of the woman in
23 the photographs I have handed you is [REDACTED]
24 [REDACTED], [REDACTED], a [REDACTED] model?

25 The photographs, sir, look at the

1 **photographs. The photographs identify the woman as**
2 **[REDACTED] [REDACTED], correct?**

3 A. Yes, but --

4 MR. SCOTT: Mr. Dershowitz, take your
5 time --

6 THE WITNESS: Yeah.

7 MR. SCOTT: -- review the exhibits. Don't
8 be rushed by Mr. Scarola.

9 A. Yes, it's a different -- different
10 spelling of the name. The [REDACTED] on the manifest
11 is spelled [REDACTED].

12 The [REDACTED] in the photograph is
13 [REDACTED]. I have no idea whether --

14 BY MR. SCAROLA:

15 Q. **The last name --**

16 A. -- they are the same person.

17 Q. **-- is the same, [REDACTED], right?**

18 A. There's no last name.

19 Q. **Well, read down a little bit further, if**
20 **you would, Mr. Dershowitz.**

21 A. You mean as to a different flight?

22 Q. **Yes, sir. Identifying the return flight**
23 **for the same [REDACTED].**

24 A. I have no idea that it's a return flight.
25 I have nothing on the record that suggests that it's

1 a return flight. And it has different people on it.
2 So I have no reason to believe it's a return flight.

3 Q. Is the last -- the question that I asked
4 you, Mr. Dershowitz, is: Is the last name spelled
5 exactly the same as the last name is spelled in the
6 two photographs I have shown you?

7 A. Let me look. So, on the 20th of
8 November --

9 Q. Is the last name --

10 MR. SCOTT: Whoa, whoa --

11 BY MR. SCAROLA:

12 Q. -- spelled the same way on both the flight
13 log and the two photographs I have shown you?

14 A. On -- you mean on a flight log that I was
15 not on the flight? Is that right? You're talking
16 about a flight log that I was not on the flight,
17 right?

18 Q. That flight log shows you on multiple
19 flights, does it not?

20 A. It shows me not on that flight. It shows
21 me on a number of flights, but not on that flight.

22 MR. SCOTT: What's the date of the
23 flights?

24 THE WITNESS: The date of that flight
25 is -- looks like November 20th, 2005, more

1 than three years after [REDACTED] left
2 for --

3 BY MR. SCAROLA:

4 **Q. Mr. Dershowitz --**

5 MR. SCOTT: You're cutting the witness
6 off.

7 MR. SCAROLA: He's not answering my
8 question, Tom.

9 MR. SCOTT: Well --

10 MR. SCAROLA: I want to know whether the
11 last name is spelled the same or it isn't
12 spelled the same on the flight log marked as an
13 exhibit and on the photographs. That's a very
14 direct question. It calls for a very direct
15 yes or no response.

16 And this witness has demonstrated a clear
17 refusal to respond directly to direct
18 questions, which will result, when we resume
19 this deposition, in our requesting that the
20 Court appoint a special master so that this
21 deposition doesn't take two weeks to complete.

22 MR. SCOTT: You know, Mr. Scarola, that's
23 a nice speech and I appreciate it.

24 MR. SCAROLA: Thank you.

25 MR. SCOTT: I don't agree with your

1 characterization. And if you recall, months
2 ago I suggested a special master for this
3 deposition, for your clients' depositions and
4 for [REDACTED] and your response to me
5 was: I'll consider it, I won't pay for it. If
6 your client wants to pay for it -- so basically
7 you blew me off.

8 So, I appreciate you finally come around.
9 And your clients.

10 MR. SCAROLA: Your client's misconduct has
11 clearly convinced me, having now considered it,
12 that it is absolutely necessary.

13 MR. SCOTT: Okay. Now --

14 BY MR. SCAROLA:

15 **Q. So now could I get an answer to my**
16 **question --**

17 MR. SCOTT: Now that we have --

18 BY MR. SCAROLA:

19 **Q. -- whether the last name on the flight log**
20 **is spelled exactly the same way as the last name in**
21 **the photographs?**

22 MR. SCOTT: Now that all the lawyers'
23 speeches are done, read the question back and
24 the witness will answer it.

25 MR. SCAROLA: I will repeat the question.

1 BY MR. SCAROLA:

2 Q. Is the last name on the photograph spelled
3 exactly the same way as the last name on the flight
4 log?

5 A. If you're talking about a flight log that
6 I was not on that flight, the answer is yes.

7 Q. All right. Thank you very much, sir.

8 Now, that flight log also shows you flying
9 repeatedly in the company of a woman named [REDACTED],
10 correct?

11 A. I've only seen one reference to [REDACTED] on
12 November 17. If you want to show me any other
13 references, I'd be happy to look at them.

14 Q. All right, sir. Thank you.

15 Let's go back to the --

16 MR. SCOTT: Are we done with this exhibit?

17 MR. SCAROLA: We are done with the
18 exhibit.

19 MR. SCOTT: Okay. Then let's collect the
20 exhibits so that we don't have a big -- then
21 we'll turn them over to the court reporter to
22 keep safekeeping.

23 There you go, young lady, don't lose
24 those, don't get them wet. And we'll proceed.

25

1 BY MR. SCAROLA:

2 Q. Did you state during the same interview,
3 the [REDACTED] interview: "She has said that
4 Bill Clinton was with her at an orgy on Jeffrey's
5 island"?

6 A. I did state that, yes.

7 Q. Was that statement intended as fact,
8 opinion, or was it intended as rhetorical hyperbole?

9 MR. SCOTT: Do you understand the
10 question?

11 THE WITNESS: Yes, I do.

12 A. It was a statement based on what I
13 believed were the facts at the time I said them.

14 Various newspapers and blogs had placed
15 Bill Clinton on, quote, "orgy island" on -- in the
16 presence of Jeffrey Epstein when there were orgies.
17 And at the time I made that statement, I had a
18 belief that she had accused Bill Clinton of
19 participating or being -- as being a part of or an
20 observer or -- or a witness or a participant in
21 orgies on what was called Jeffrey Epstein's orgy
22 island. That was my state of belief, honest belief
23 at the time I made that statement.

24 BY MR. SCAROLA:

25 Q. Yes, sir. And what I want to know is what

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

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

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

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

1 on the island with her.

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

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

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

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

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

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

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

8 MR. SCOTT: Objection --

9 BY MR. SCAROLA:

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

12 MR. SCOTT: Form.

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

15 BY MR. SCAROLA:

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

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

20 Q. Oh, so --

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

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

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

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

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

1 Q. Okay. So you now are withdrawing the
2 statement that you made that [REDACTED] said
3 that Bill Clinton was with her at an orgy on
4 Jeffrey's island; that was wrong?

5 A. I don't know whether she ever said that.
6 I would not repeat that statement and have not
7 repeated that statement based on her denial. As
8 soon as she denied it, I never again made that
9 statement and would not again make that statement.

10 Q. You --

11 A. But I did reiterate the fact that she
12 committed perjury when she said she was on the
13 island with Bill Clinton.

14 MR. SCAROLA: Move to strike the
15 nonresponsive --

16 A. That was the perjurious statement.

17 MR. SCAROLA: Move to strike the
18 nonresponsive portions of the answer.

19 BY MR. SCAROLA:

20 Q. You have made a reference during that same
21 [REDACTED] interview to this woman, referring to [REDACTED]
22 [REDACTED], [REDACTED]?

23 A. That's right.

24 Q. Okay. What -- what is a criminal record?

25 A. Well, the way I used the term is that [REDACTED]

1 [REDACTED]

2 p [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]. And it was my

6 information that there was a [REDACTED]

7 [REDACTED].

8 Q. How old was she at the time this alleged
9 offense occurred?

10 A. I don't know. [REDACTED]

11 [REDACTED]

12 [REDACTED]. To my knowledge, I -- I recall a case
13 where a 14-year-old boy was sentenced as an adult
14 for --

15 MR. SCAROLA: Mr. Scott --

16 A. -- a serious --

17 MR. SCAROLA: -- did my question ask
18 anything about a 14-year-old boy?

19 A. You asked if --

20 MR. SCAROLA: Do we really need to listen
21 to this?

22 MR. SCOTT: You're asking questions, my
23 client is providing his response.

24 MR. SCAROLA: No, your client is not
25 responding. Your client is filibustering.

1 Your client is doing everything he can to avoid
2 giving direct answers to these questions.

3 I would appreciate it if you would take a
4 break, counsel your client that the speeches
5 are not helpful to anyone, and especially not
6 helpful to him.

7 MR. SCOTT: If you want to take a break,
8 I'll take a break and I will advise my client
9 whatever I feel is appropriate, not what you
10 instruct me to do.

11 MR. SCAROLA: Okay. Well, if you think it
12 might help at all in the progress of this
13 deposition, then I do want to take a break. If
14 you don't think taking a break would be
15 helpful, I don't want to take a break.

16 MR. SCOTT: Do you want to take a break or
17 not?

18 THE WITNESS: I'm going to leave it to
19 your judgment. I'm happy to proceed --

20 MR. SCOTT: Okay. I'll be glad to take a
21 break.

22 MR. SCAROLA: Thank you.

23 MR. SCOTT: I can't say --

24 MR. SCAROLA: Five minutes.

25 MR. SCOTT: -- it will help you or

1 anything but --

2 MR. SCAROLA: I can understand that you
3 don't -- you don't have that control, but if
4 there's any reasonable --

5 MR. SCOTT: You know, Counsel --

6 MR. SCAROLA: -- prospect that it might
7 help, let's give it a try.

8 MR. SCOTT: You know, I really don't
9 appreciate the comments about my abilities as
10 an attorney, like I don't have that control and
11 things of nature. It really is --

12 MR. SCAROLA: I don't have the control
13 either.

14 MR. SCOTT: It's not --

15 MR. SCAROLA: I'm not trying to disparage
16 you at all in any respect. I'm just suggesting
17 that --

18 MR. SCOTT: Okay.

19 MR. SCAROLA: -- there is reason to doubt
20 that it will do any good. But I want to give
21 it a try.

22 MR. SCOTT: Okay. Fine. Thank you.

23 MR. SCAROLA: Thank you.

24 VIDEOGRAPHER: Going off the record. The
25 time is approximately 9:49 a.m.

1 (Recess was held from 9:49 a.m. until 10:01 a.m.)

2 VIDEOGRAPHER: Going back on the record.

3 The time is approximately 10:01 a.m.

4 MR. SCOTT: If you've finished your bagel,
5 we're ready to proceed, I think.

6 MR. SCAROLA: I think we are. I was
7 actually ready to proceed a little bit earlier,
8 but we'll proceed now.

9 BY MR. SCAROLA:

10 Q. Mr. Dershowitz, do you agree with the
11 basic concept that one is presumed to be innocent
12 until proven guilty?

13 A. Yes.

14 Q. Has [REDACTED]
15 [REDACTED] at any time, anywhere, at any
16 age?

17 A. I don't know the answer to that question,
18 but I do know that she was [REDACTED]

19 [REDACTED] and [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. To the extent that anyone might interpret
23 your comment that [REDACTED] was ever
24 [REDACTED], they would be drawing a false
25 conclusion as far as you know, correct?

1 A. As far as I know, I don't know of her
2 having convicted of any crime. But I do know that
3 [REDACTED].
4 And I don't think she contested that. I don't think
5 there's any dispute about the fact that [REDACTED]
6 [REDACTED].

7 **Q. When did you find out about this alleged**
8 **[REDACTED]?**

9 A. As soon as the false allegation against me
10 was made public, I got call after call after call
11 from people telling me about [REDACTED], about
12 your 22 clients. The calls just kept coming in
13 because there was such outrage at this false
14 allegation being directed against me.

15 MR. SCAROLA: Move to strike the
16 unresponsive portion of the answer.

17 BY MR. SCAROLA:

18 **Q. You found out as soon as the CVRA**
19 **complaint was -- the CVRA allegations referencing**
20 **you were filed; is that correct?**

21 A. I didn't say that. I said as soon as they
22 were made public and as soon as the newspapers
23 carried these false stories, I received phone calls
24 and I learned about -- I learned about her encounter
25 with the criminal justice system.

1 Q. That would certainly have been prior to
2 February 23rd of 2015, correct?

3 A. Yes.

4 MR. SCOTT: Are you going back to the
5 exhibit now with the newspapers and --

6 MR. SCAROLA: Not yet.

7 MR. SCOTT: Okay.

8 BY MR. SCAROLA:

9 Q. Having reviewed the available airplane
10 flight logs, you are aware that Bill Clinton flew on
11 at least 15 occasions with Jeffrey Epstein on his
12 private plane, correct?

13 A. Yes.

14 Q. Have you ever attempted to get flight log
15 information with regard to Former President
16 Clinton's other private airplane travel?

17 A. No.

18 Q. Never made a public records request --

19 A. Yes.

20 Q. -- under the Freedom of Information Act
21 with regard to those records?

22 A. Well, we have made a Freedom of
23 Information request. My -- my attorney in New York,
24 Louis Freeh, the former head of the FBI, has made a
25 FOIA request for all information that would

1 conclusively prove that Bill Clinton was never on
2 Jeffrey Epstein's island, yes.

3 Q. And you were denied those records,
4 correct?

5 A. No, no, no.

6 Q. Oh, you got them?

7 MR. SCOTT: Well, wait a minute. Let's
8 take it slow. Ask a question.

9 A. As any lawyer knows, FOIA requests take a
10 long, long period of time. So they were neither
11 denied nor were they given to us. They are very
12 much in process.

13 BY MR. SCAROLA:

14 Q. When was --

15 A. While we're talking about -- may I
16 complete -- I want to amend one answer I gave
17 previously.

18 While we're talking about the plane logs,
19 I must say that during the recess, my wife Googled
20 [REDACTED] and found out that she was, in fact, [REDACTED]
21 years old in [REDACTED], at the time she flew on that
22 airplane. So that my characterization of her as
23 about [REDACTED] years old is absolutely correct.

24 And the implication that you sought to
25 draw by showing me those pictures was not only

1 demonstrably false, but you could have easily
2 discovered that the implication you were drawing was
3 demonstrably false by simply taking one second and
4 Googling her name as my wife did.

5 BY MR. SCAROLA:

6 Q. And so at 25 years old, she wasn't a young
7 woman?

8 A. She was not the kind of woman that I was
9 describing as underage. She was a mature, serious,
10 I think I said in my public statements a model. I
11 wasn't aware at the time that she was working for
12 [REDACTED], but Google demonstrates that.
13 And I described her exactly, in exactly the right
14 terms, a serious person.

15 I always saw her dressed when I saw her --
16 I saw her maybe on two or three occasions, dressed
17 appropriately. She was a serious adult worker and I
18 think you insult and demean her when you suggest
19 that anything other than that she was a serious
20 adult when she flew on that airplane.

21 Q. You were asked on the occasion of that
22 same [REDACTED] interview what possible motive
23 the attorneys, Brad Edwards and Paul Cassell, could
24 have had to have identified you in the pleading that
25 was filed in the Crime Victim's Rights Act case.

1 **Do you remember that?**

2 A. That's right, yes.

3 **Q. And your response was, quote --**

4 MR. SCOTT: Here's your transcript if you
5 need to refer to it.

6 BY MR. SCAROLA:

7 **Q. -- "They want to be able to challenge the**
8 **plea agreement and I was one of the lawyers who**
9 **organized the plea agreement. I got the very good**
10 **deal for Jeffrey Epstein."**

11 Did you make that response?

12 A. Yes.

13 **Q. So, you recognized as of [REDACTED],**
14 **that the reason why the statements were filed in the**
15 **Crime Victim's Rights Act case was because the Crime**
16 **Victim's Rights Act case had, as an objective,**
17 **setting aside the plea agreement that you had**
18 **negotiated for Jeffrey Epstein, correct?**

19 MR. SCOTT: Objection, form. Go ahead if
20 you can answer it.

21 A. There were multiple motives. One of the
22 motives was crassly financial. They were trying to
23 line their pockets with money. But as I also said,
24 and I said this over and over again, they profiled
25 me. They sat down with their client, knowing that

1 she has a history of lying, knowing that she is
2 easily suggestible, and they basically pressured
3 her, according to my sources, into including me when
4 she didn't want to include me, because by including
5 me, they could make a claim, false as it was, could
6 make a false claim that a person who negotiated the
7 NPA was also criminally involved with her.

8 They also lied -- lied unethically and
9 unprofessionally by saying that I negotiated that
10 provision of the NPA, which gave me, myself, any
11 kind of immunity from prosecution had I had improper
12 sex with [REDACTED], which, of course, I did
13 not. And that was one of the bases on which I was
14 certain that they had engaged in unprofessional,
15 disbarable and unethical conduct by including that
16 provision, as well as including a provision that
17 Prince Andrew was included because he, Prince
18 Andrew, pressured a United States attorney to try to
19 get a good deal for Jeffrey Epstein.

20 That is so laughable. How any lawyer
21 could put that in a pleading, it doesn't pass even
22 the minimal giggle test. And I'm embarrassed for
23 Professor Cassell that he would have signed his name
24 to a pleading that alleges that Prince Andrew would
25 pressure the United States attorney for the Southern

1 District of Florida into giving Jeffrey Epstein a
2 good deal.

3 MR. SCAROLA: Move to strike the
4 unresponsive portions of the answer. And
5 obviously the break didn't do any good.

6 MR. SCOTT: Let's proceed.

7 MR. SCAROLA: We're going to.

8 BY MR. SCAROLA:

9 Q. You stated, quote: "If they," referring
10 to Bradley Edwards and Paul Cassell, "could find a
11 lawyer who helped draft the agreement" --

12 A. Right.

13 Q. -- "who also was a criminal having sex,
14 wow, that could help them blow up the agreement."

15 Did you make that statement on --

16 A. Yes. I just repeated it now, yes, under
17 oath, yes.

18 Q. Did you state the following in that same
19 interview: "So they," referring to Bradley Edwards,
20 Paul Cassell and [REDACTED], "sat down
21 together, the three of them, these two sleazy,
22 unprofessional disbarable lawyers" --

23 A. Uh-huh, uh-huh.

24 Q. -- "they said" --

25 MR. SCOTT: Let him ask the question.

1

2 BY MR. SCAROLA:

3 Q. -- "who would fit into this description?

4 They and the woman got together and contrived and

5 made this up."

6 Did you make that statement on national

7 television?

8 A. Yes, and I just repeated it under oath. I

9 believe that to be the case. I think that's exactly

10 what happened. And I think that my source has

11 corroborated that.

12 By the way, can I add at this point -- I

13 don't mean to distract you, but I think the record

14 would be more complete if I indicated that I did get

15 a phone call last night from [REDACTED], who told me

16 that he had received numerous phone calls and texts

17 from [REDACTED] trying to persuade her not to

18 talk to me or cooperate with me and offering the

19 help of a lawyer.

20 And I also -- although you didn't ask the

21 question, Mr. Scarola, I think for completeness and

22 fullness, I do want to say that you asked me whether

23 or not I knew about what could be taped and what

24 couldn't be taped. I did tape record some of what

25 [REDACTED] [sic.] told me, with her

1 permission, and I have those tape recordings.

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

5 A. Did I say [REDACTED]?

6 Q. You misspoke.

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

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

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

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

19 BY MR. SCAROLA:

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

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

1 who made transcripts of them.

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

4 MR. SCOTT: The transcripts --

5 BY MR. SCAROLA:

6 **Q. -- in the course of discovery?**

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

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

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

14 BY MR. SCAROLA:

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

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

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

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

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

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

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

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

1 MR. SIMPSON: The flash drive is the same
2 as the document production.

3 MR. SCAROLA: So the answer is no, they're
4 not there; is that correct?

5 MR. SIMPSON: Correct.

6 MR. SCAROLA: Okay. And what's the
7 explanation for that?

8 MR. SIMPSON: I'm not going to debate this
9 on the record with you, Mr. Scarola.

10 MR. SCAROLA: All right. Thank you.

11 BY MR. SCAROLA:

12 **Q. Which conversation with [REDACTED] did you**
13 **tape record?**

14 A. I tape recorded a conversation with her
15 permission where she told me that she was pressured,
16 she didn't -- where [REDACTED] told me that [REDACTED]
17 was pressured and that she didn't want to name me
18 but she was pressured to name me, that she had never
19 previously named me.

20 By the way, I told this to [REDACTED]
21 [REDACTED]' lawyer.

22 [REDACTED]: Objection. To the extent
23 you're going to reveal anything that was said
24 during settlement discussions, I'm moving for
25 sanctions, period. We're not doing this today.

1 Please instruct the witness.

2 MR. SCOTT: Avoid that. We discussed that
3 yesterday.

4 THE WITNESS: That's fine.

5 BY MR. SCAROLA:

6 Q. What was the date of the phone
7 conversation that you tape recorded?

8 A. I don't recall. But it's on the
9 transcript.

10 Q. And does it also reflect that the
11 recording is being made with her permission?

12 A. Uh-huh.

13 Q. That's a yes?

14 A. Yes. Yes, that's a yes.

15 Q. What is [REDACTED] last name?

16 A. You know [REDACTED] last name and she has
17 asked me not to reveal it to the press. And so I
18 would like to comply with that -- with that request.
19 For purposes of discovery, you know her name, you
20 know her husband's name, you know her phone number,
21 and she has been called. But there's no reason for
22 me to reveal it so that it appears in the press that
23 she would be called by newspapers and by the media.

24 Q. Mr. Dershowitz, how do you know what I
25 know if you haven't told me?

1 A. I know what you know because I'm a logical
2 person and I know that [REDACTED] -- I know that
3 [REDACTED] repeatedly called this -- this
4 woman and her husband, repeatedly text her, and
5 knows her name. And you and [REDACTED]
6 lawyers are operating in privity here. You're
7 whispering to each other, you're passing notes. You
8 are part of a joint legal team.

9 And if you want to know her name, all you
10 have to do is ask [REDACTED] and she'll tell
11 you her name. I'm sure you know her name. And if
12 you don't know her name, it's because you haven't
13 asked.

14 **Q. Okay. Well, I'm asking you --**

15 A. I'm not going to tell you --

16 **Q. -- and I'm telling you I don't know her**
17 **name.**

18 A. Okay.

19 **Q. Okay? As an officer of the court, I am**
20 **telling you I don't know her name. And you are**
21 **under oath and obliged to answer material and**
22 **relevant questions, and I want to know what her name**
23 **is.**

24 MR. SCOTT: I will provide you the name
25 off the record, but I'm not -- if he feels it's

1 inappropriate because of what -- he's not going
2 to answer the question. I will provide you the
3 name.

4 BY MR. SCAROLA:

5 **Q. Okay. She has still insisted that her**
6 **name not be revealed; is that correct?**

7 A. Her husband asked me to do whatever I
8 could not to put her name in front of the press, in
9 front of the media.

10 **Q. There's no -- there's no one from the**
11 **press here today.**

12 MR. SCOTT: Yeah, but they're going to
13 order the transcript and they're going to see,
14 so that's the same thing. And I've already
15 told --

16 A. You will have her name in five --

17 MR. SCOTT: I will give you her name --

18 A. -- minutes. All you have to do is --

19 MR. SCOTT: And, Jack, if you want to take
20 a break now --

21 THE REPORTER: Hold on. Hold on,
22 gentlemen. You can't talk at the same time.

23 MR. SCOTT: Let me do the talking at this
24 point.

25 THE WITNESS: Please.

1 BY MR. SCAROLA:

2 Q. What's her phone number?

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

15 MR. SCOTT: We'll provide that.

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

18 BY MR. SCAROLA:

19 Q. You just swore under oath that lawyers
20 contacted [REDACTED]; is that correct?

21 A. I swore under oath that I was told by
22 [REDACTED] that lawyers contacted [REDACTED], yes.

23 Q. Which lawyers?

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

25 Q. Did you ask him?

1 A. I did.

2 Q. And he said, I --

3 A. He wouldn't answer that.

4 Q. -- refuse to tell you?

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

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

10 A. Because they left messages, presumably.

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

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

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

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

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

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

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

1 more accomplished.

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

3 BY MR. SCAROLA:

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

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

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

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

17 A. I did not.

18 Q. Why not?

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

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

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

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

3 Q. You told [REDACTED] on [REDACTED] that the flight
4 manifests would exonerate you, prove that you were
5 not in the same place at the same time as [REDACTED]
6 [REDACTED], correct?

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

8 Q. You also told [REDACTED], quote, "I am
9 waiving the statute of limitations or any immunity."

10 A. That's right.

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

13 A. Absolutely false.

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

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

1 limitations, yes.

2 **Q. You refused to waive the statute of**
3 **limitations with regard to sexual crimes, correct?**

4 A. I didn't refuse anything. I didn't feel I
5 had any obligation to respond to you. And I did
6 not.

7 **Q. So, you were asked to waive the statute of**
8 **limitations with regard to your sexual crimes and**
9 **you refused to respond?**

10 A. I was asked by you, utterly
11 inappropriately, and what I had said -- and if you
12 check what I said, I said if any reasonable
13 prosecutor were to investigate the case and find
14 that there was any basis, I would then waive the
15 statute of limitations. I didn't waive the statute
16 of limitations because you, a lawyer, for two
17 unprofessional, unethical lawyers asked me to do so,
18 what obligation do I have to respond to you?

19 **Q. Well, you have no obligation to respond to**
20 **me at all, Mr. Dershowitz, except now while you are**
21 **under oath and I am asking you questions and I would**
22 **greatly appreciate you responding to the questions**
23 **that I ask.**

24 MR. SCOTT: I think he's trying.

25

1 BY MR. SCAROLA:

2 Q. You made the further statement in that
3 same interview, "They dropped the dime on the media
4 when they filed it," referring to the CVRA
5 pleading --

6 A. Right.

7 Q. -- in which were you named?

8 A. Right.

9 Q. What is the basis for that statement?

10 A. The basis for that statement was that the
11 filing was done virtually on the eve of New Year's
12 on a day that the press was completely dead. And
13 nonetheless, immediately upon the filing, I got a
14 barrage of phone calls that led me to conclude, and
15 led many, many, many other lawyers who called me to
16 conclude that obviously somebody tipped somebody off
17 that they didn't just happen to file -- to find in
18 the middle of an obscure pleading which didn't even
19 have a heading that indicated that I was involved or
20 anybody else was involved.

21 So, I'm certain that a dime was dropped to
22 somebody saying, by the way, you want an interesting
23 story, there's -- Prince Andrew of Great Britain and
24 Alan Dershowitz have been accused of sexual
25 misconduct. I still believe that.

1 Q. And by dropping the dime on the media when
2 they filed it, you intended to convey the message
3 that Paul Cassell and Bradley Edwards intentionally
4 generated the focus of press attention on that
5 filing; is that correct?

6 A. Absolutely. Absolutely without any doubt.
7 Why else would they have brought Prince Andrew into
8 this filing? Prince Andrew had no connection to the
9 NPA, no relevance at all. But they knew that by
10 including Prince Andrew, this would drag my name
11 into every single newspaper and media outlet in the
12 world.

13 It was outrageous for them to do this.
14 Particularly because they did so little, if any,
15 investigation, which will, of course, be determined
16 when they're deposed. And -- and --

17 Q. Well, you've already made that
18 determination, right?

19 MR. SCOTT: Wait.

20 A. I'm convinced that -- that they did little
21 or no investigation. They never even bothered to
22 call me. That would have been --

23 BY MR. SCAROLA:

24 Q. We'll get to that in just a moment.

25 A. -- a simple basic thing.

1 Q. But right now -- right now could you
2 please tell us was there anything other than your
3 inferring that they must have contacted the media to
4 support your conclusion that either Paul Cassell or
5 Brad Edwards did, in fact, alert the media at the
6 time of the filing of this pleading?

7 A. Yes.

8 Q. What else besides your inference?

9 A. When the BBC came to see me, the BBC
10 reporter showed me an e-mail from Paul Cassell,
11 which urged him, the BBC reporter, to ask me a
12 series of questions. So I knew that Paul Cassell
13 was in touch with the British media and was trying
14 to stimulate and initiate embarrassing questions to
15 be asked of me.

16 And when I spoke to a number of reporters,
17 they certainly -- obviously reporters have
18 privilege, but they said things that certainly led
19 me to infer that they had been in close touch with
20 your clients or representatives on their behalf.

21 Q. What was the date of the e-mail --

22 A. I don't know.

23 Q. -- that you referenced in that response?

24 A. I don't know.

25 Q. Well --

1 A. It was whenever -- I'm not sure I ever saw
2 the date. He just quickly showed me the e-mail and
3 I quickly looked at it.

4 **Q. The e-mail that you are referencing, in**
5 **fact, occurred after you had begun all of your media**
6 **appearances with respect to this filing --**

7 A. Let me be very clear about --

8 **Q. -- didn't it, sir?**

9 A. Let me be very clear about my media
10 appearances so that I --

11 **Q. How about just answering the questions?**

12 A. I'm trying to answer the question. All of
13 my media appearances --

14 **Q. The question is: Did it occur before or**
15 **after your media -- your media appearances? That**
16 **doesn't call for a speech --**

17 A. It came --

18 **Q. -- it calls for before or after.**

19 A. It came before some and after some. It
20 came, for example, before my appearance on the BBC
21 because they showed me the e-mail before they
22 interviewed me for the BBC. So some occurred -- it
23 occurred before some and it occurred after some.

24 **Q. All right. So it is your assertion that**
25 **this single e-mail that you have made reference to**

1 where Paul Cassell says "asks Dershowitz these
2 questions" occurred before your -- your media
3 appearances and after your media appearances; is
4 that correct?

5 MR. SCOTT: Objection, form, argumentative
6 and repetitious.

7 A. It occurred before some of the media
8 appearances, and it occurred after some of media
9 appearances, yes.

10 BY MR. SCAROLA:

11 Q. Did it occur before your first media
12 appearances?

13 A. My first media appearances came as the
14 result of phone calls I received from --

15 Q. That's nonresponsive to my question, sir.

16 A. -- newspapers --

17 Q. I didn't ask you anything about what your
18 first media appearances occurred --

19 A. Yes, you did.

20 Q. -- as a result of. I asked you --

21 MR. SCOTT: Let him ask his question.

22 BY MR. SCAROLA:

23 Q. -- whether the e-mail that you claimed to
24 have seen was sent before or after your first media
25 appearance?

1 MR. SCOTT: I think he's answered that
2 twice.

3 A. It came after. It came after.

4 BY MR. SCAROLA:

5 Q. Thank you, sir. On [REDACTED], you made
6 another [REDACTED] Live appearance in an interview with
7 [REDACTED]. Do you recall that?

8 A. I do not recall the name of the person --

9 Q. Take a look at the transcript, if you
10 would, please, page 15.

11 MR. SCOTT: Take a moment to review the
12 transcript, please, Mr. Dershowitz.

13 THE WITNESS: Page 15.

14 MR. SCOTT: Take your time to review that.

15 A. Yeah, that name is not familiar to me but,
16 of course, I remember doing an interview, yes.

17 BY MR. SCAROLA:

18 Q. All right, sir. And during the course of
19 that interview, you said: "There are flight
20 manifests. They will prove I was never on any
21 private airplane with any young woman." Correct?

22 A. Yes.

23 Q. Go to page 17, if you would.

24 A. Uh-huh.

25 Q. At line 4 of transcript of that same

1 interview, you said: "She made the whole thing up
2 out of whole cloth. I can prove it by flight
3 records. I can prove it by my travel records."

4 Did you make those statements?

5 A. Yes, and they're absolutely true.

6 Q. Okay. I am going to hand you every flight
7 record that has been produced in connection with
8 this litigation.

9 A. Uh-huh.

10 MR. SCAROLA: Could we mark that as the
11 next composite exhibit, please?

12 (Thereupon, marked as Plaintiff
13 Exhibit 6.)

14 MR. SCAROLA: And mark this as the next
15 composite exhibit, which will be 7.

16 MR. SCOTT: These are all the flight
17 manuals?

18 MR. SCAROLA: As far as I know.

19 MR. SCOTT: Okay.

20 MR. SCAROLA: They're the only ones that
21 have been produced in discovery. If there are
22 more, I'm going to be interested to hear about
23 it.

24 (Thereupon, marked as Plaintiff
25 Exhibit 7.)

1 (Discussion off the record.)

2 THE WITNESS: What's Number 6 then? I'm
3 confused, there were two.

4 BY MR. SCAROLA:

5 Q. Have you ever seen Exhibit Number 6
6 before?

7 A. Exhibit Number 6. I don't believe so. It
8 doesn't look familiar to me.

9 Q. No?

10 A. It does not look familiar to me.

11 Q. Did you bother at any time to review
12 discovery that was produced by Bradley Edwards and
13 Paul Cassell responding to requests for information
14 that supported the allegations of [REDACTED]?

15 A. I'm not clear what you're asking.

16 Q. I want to know --

17 A. In which case? In which case are we
18 talking?

19 Q. This case. This case.

20 A. Right.

21 Q. Did you ever bother to review the
22 discovery produced in this case responding to
23 requests for all of the information that supported
24 their belief in the truthfulness of [REDACTED]
25 [REDACTED]' allegations against you?

1 A. I don't know if I reviewed everything.
2 But I certainly, in preparation for this deposition,
3 reviewed some of the documents that were produced in
4 discovery. But I can't say I reviewed them all.

5 **Q. Well, having placed such substantial**
6 **emphasis during the course of your public**
7 **appearances on the flight logs exonerating you, it**
8 **would certainly seem logical that one of the things**
9 **that you would want to review would be all of the**
10 **available -- all of the available flight logs,**
11 **right?**

12 A. No.

13 MR. SCOTT: Objection, argumentative.

14 A. No.

15 BY MR. SCAROLA:

16 **Q. No?**

17 A. No. Look, I knew I was never on a plane
18 with any underage females under any circumstances.
19 I knew that. I knew that as certainly as I'm
20 sitting here today. So, I knew absolutely that if
21 the manifests and the flight logs were accurate,
22 they would, of course, exonerate me because I am
23 totally, completely, unequivocally innocent of any
24 of these charges.

25 So of course I knew that I would be

1 exonerated by any flight logs that were innocent --
2 that were complete and accurate, of course.

3 **Q. So you made the public statements**
4 **repeatedly that the flight logs would exonerate you**
5 **without having examined the flight logs to see**
6 **whether they were accurate or not; is that correct?**

7 A. Well, I knew -- I knew that --

8 **Q. Did you say those things without having**
9 **examined the flight logs?**

10 A. I said those things having looked at some
11 of the flight logs at some point in time. But I
12 knew for sure that the flight logs would exonerate
13 me because I knew I was never on Jeffrey Epstein's
14 plane with [REDACTED] or any other young
15 underage girls. So, I knew that to an absolute
16 certainty. And I was prepared to say it. I'm
17 prepared to say it again under oath here.

18 And if your clients had simply called me
19 and told me they were planning to do this, we
20 wouldn't be here today because I could have shown
21 them in one day that it was impossible for me to
22 have had sex with their client on the island, in the
23 ranch, on the airplanes, in Palm Beach. And they
24 would have, if they were decent and ethical lawyers,
25 not filed that.

1 And there are cases, legal ethics cases
2 that say that lawyers are obliged to make that phone
3 call. Lawyers are obliged to check if it's easy to
4 check. Lawyers are obliged to, particularly when
5 they're making extremely heinous charges against a
6 fellow lawyer, do very, very, detailed
7 investigations. And they didn't do that in this
8 case.

9 **Q. I will represent to you that I have handed**
10 **you all of the available flight logs produced in the**
11 **discovery of this case. Could you show me, please,**
12 **which of these flight logs exonerates you?**

13 A. The absence of evidence is evidence of
14 absence. None of the flight logs have me on an
15 airplane with [REDACTED]. None of the flight
16 logs have me on an airplane during the relevant
17 period of time when [REDACTED] claims that she
18 had sex with me in the presence of another woman.

19 So, the flight logs clearly exonerate me.
20 There's absolutely no doubt about that.

21 **Q. Well, the flight logs, in fact, confirm**
22 **that you were in the same places at the same time as**
23 **[REDACTED], don't they?**

24 A. No, they do not.

25 **Q. Do you -- do you deny that they confirm**

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

2 A. First --

3 **Q. -- as [REDACTED]?**

4 MR. SCOTT: Let him ask the question.

5 THE WITNESS: Okay.

6 MR. SCOTT: Then you answer the question.

7 And Mr. Scarola will try to, you know, keep the
8 emotion down, I'm sure, so we can get through
9 this with less acrimony between everybody here.

10 A. Your client has adamantly refused, as well
11 as the lawyer --

12 BY MR. SCAROLA:

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

15 MR. SCOTT: Wait a minute.

16 BY MR. SCAROLA:

17 **Q. My question is: Do you deny that the**
18 **flight logs corroborate that you were in the same**
19 **place at the same time as [REDACTED]?**

20 A. So the question includes the word "time"
21 and, therefore, I must answer in this way. Your
22 client --

23 **Q. How to build a watch?**

24 MR. SCOTT: Wait a minute, you're cutting
25 him off. He's been trying to answer the

1 question.

2 A. Your client has adamantly refused, and her
3 lawyers and your clients have refused to give me any
4 timeframes, any timeframes when your client claims
5 that she had improper -- falsely claims,
6 perjurally claims that she had improper sexual
7 encounters with me.

8 So how can you possibly ask me a question
9 that includes the word "timeframes" when your client
10 has refused -- when [REDACTED] has refused to
11 give any timeframes? How can it be possible that
12 the flight logs show me being in the same time and
13 same place with her when she has refused to describe
14 any of the times that she claims to have been in
15 those places?

16 So the answer to the question is
17 categorically no, sir.

18 BY MR. SCAROLA:

19 Q. What is the question that you are
20 answering no to?

21 A. Whether or not the timeframe shows that I
22 could have been in the same place at the same time
23 as your client. Absolutely not. Because we don't
24 know what times your client -- now, if you know
25 that, you should have produced them in discovery and

1 I would be very anxious to see any timeframes when
2 [REDACTED] claims she was with me on the
3 island, claims she was with me on -- at the ranch,
4 claims she was with me on the airplanes, claims she
5 was with me in Palm Beach. And they will all
6 conclusively --

7 Q. You forgot --

8 A. -- prove --

9 Q. -- New York. Didn't you mean New York
10 also?

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

12 Q. Oh, okay.

13 A. -- because New York is very different. I
14 was, in fact, in New York for large periods of time.
15 I was not, in fact, on the island during the
16 relevant timeframe. I was not in the airplane in
17 the relevant timeframe. I was not in Jeffrey
18 Epstein's Palm Beach home in the relevant timeframe.
19 And I was once in the ranch but under circumstances
20 where it would have been absolutely impossible for
21 me to have had any contact with her.

22 So if you will give me the timeframe, I
23 will be happy to answer your question. But without
24 timeframes, that question is an absolutely
25 inappropriate question. And the answer to it is no.

1 Q. Well, Mr. Dershowitz, it might be
2 inappropriate if you had not repeatedly made the
3 public statements that the flight logs exonerate
4 you.

5 A. They do.

6 Q. So what I am attempting to find out is the
7 basis upon which you can contend that the flight
8 logs exonerate you if you are now telling us you
9 don't even know when it is that you are alleged to
10 have been in the same place at the same time as
11 [REDACTED].

12 A. Okay.

13 Q. So how -- how can you make both those
14 statements?

15 A. Very simple, because I know the timeframe
16 that [REDACTED], A, knew Jeffrey Epstein. And
17 during that timeframe, I can conclusively prove that
18 I was never on Jeffrey Epstein's island where she
19 claimed to have sex with me. That the only time I
20 was at the ranch was with my wife, with the Ashe
21 family, with my daughter, the house was under
22 construction, we just simply stayed outside the
23 house and looked around. That the manifests show I
24 was never on Jeffrey Epstein's plane during that
25 period of time. And the manifests show that I never

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

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

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

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

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

16 MR. SCOTT: Objection.

17 BY MR. SCAROLA:

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

19 A. Let me be --

20 MR. SCOTT: Objection.

21 BY MR. SCAROLA:

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

1 MR. SCOTT: Objection, argumentative --

2 A. Let me be --

3 MR. SCOTT: -- mischaracterization.

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

7 BY MR. SCAROLA:

8 Q. Flew down to where?

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

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

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

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

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

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

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

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

1 **Q. Who else --**

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

5 THE WITNESS: Okay.

6 BY MR. SCAROLA:

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

9 MR. SCOTT: Objection, work product.

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

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

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

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

1 BY MR. SCAROLA:

2 Q. Who told you that the manifests confirm
3 the accuracy of your public statements?

4 MR. SCOTT: If it involves lawyer-client
5 privilege, don't answer it.

6 THE WITNESS: Okay.

7 BY MR. SCAROLA:

8 Q. You're refusing to answer?

9 A. No, I would like --

10 MR. SCOTT: Instruct you not to answer.

11 A. -- to answer. But I've been instructed
12 not to answer. I would like to answer.

13 You've made a statement --

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

15 THE WITNESS: But he made a statement --

16 MR. SCOTT: But there's no question
17 pending, sir.

18 BY MR. SCAROLA:

19 Q. What does it mean to make something up out
20 of whole cloth?

21 A. It means that [REDACTED] and your
22 clients --

23 Q. No, sir, I haven't asked you anything
24 about [REDACTED]. I haven't asked you
25 anything about my clients.

1 I want to know what the words "making
2 something up out of whole cloth" mean.

3 A. I said those words in the context of
4 [REDACTED].

5 MR. SCOTT: That's -- that's fine. Go
6 ahead.

7 BY MR. SCAROLA:

8 Q. What do the words mean?

9 A. That there was absolutely no basis for
10 [REDACTED] ' claim that she had any sexual
11 contact with me. That the story was entirely false.
12 I don't know where the metaphor derives about whole
13 cloth, but certainly that's the common
14 understanding. And I repeat under oath that
15 [REDACTED] made up the entire story about
16 having sexual contact with me out of whole cloth.

17 Q. During the course of the same interview
18 that we have been referencing with [REDACTED] --
19 for the record, that's [REDACTED].

20 A. What page?

21 Q. Page 19.

22 You were asked: "I'm wondering, have you
23 spoken to Jeffrey Epstein about this since these
24 allegations came out in this suit in the United
25 States? Have conversations happened there?"

1 MR. INDYKE: Objection. This is Darren.
2 Anything that relates to your conversations
3 with Jeffrey --

4 THE REPORTER: He's going to have to speak
5 up.

6 MR. SCOTT: You're going to have to speak
7 up a little bit more, Counsel.

8 MR. INDYKE: Objection. This is Darren
9 Indyke. Anything that Alan might have to say
10 to that, to the extent they are covered under
11 conversations with Jeffrey Epstein, privileged
12 under attorney-client privileges as well as
13 common interest privileges.

14 MR. SCOTT: Do you understand?

15 THE WITNESS: I do.

16 BY MR. SCAROLA:

17 Q. To which your response was: "Sure, sure,
18 certainly I have been his lawyer and I did speak to
19 him about it. I wanted to make sure that his memory
20 and mine coordinated about when I was at his island.
21 He was able to check. I was able to check. I
22 checked with my friends who went with me."

23 Did you make that answer to that question?

24 A. Yes.

25 Q. Disclosing the contents of your

1 **communication with Jeffrey Epstein, correct?**

2 A. I disclosed that I had spoken to him to
3 find out whether he had any records of when I was on
4 his island. And, yes.

5 MR. INDYKE: Again, this is Darren Indyke.

6 Jeffrey does not waive any attorney-client
7 privileges here.

8 BY MR. SCAROLA:

9 Q. Well, the reason why you were able to
10 answer that question and discuss with the press what
11 Jeffrey Epstein was telling you was because you
12 weren't his lawyer at that time, right?

13 A. No, I was his lawyer at that time. I'm
14 still his lawyer.

15 Q. Oh, what were you representing him on
16 then --

17 A. The ongoing --

18 Q. -- that is, on January --

19 MR. SCOTT: Whoa.

20 BY MR. SCAROLA:

21 Q. -- on [REDACTED] ?

22 A. The ongoing --

23 MR. INDYKE: My objection stands.

24 MR. SCOTT: You can answer what you were
25 representing him on, I think.

1 A. The ongoing issues --

2 MR. SCOTT: But nothing about
3 communications.

4 A. Right. The ongoing issues relating to the
5 NPA, which continue to this day. And I regard
6 myself as his lawyer basically on all those -- all
7 those issues.

8 BY MR. SCAROLA:

9 Q. So, when the pleadings were filed in the
10 Crime Victims Rights Act regarding your conduct in
11 relationship to [REDACTED] and Jeffrey
12 Epstein, you were and still are his lawyer in the
13 Crime Victim's Rights Act case; is that correct?

14 A. I certainly am bound by lawyer-client
15 privilege and communications, yes.

16 Q. Okay. You go on to say in that same
17 interview: "Only once in my life have I been in
18 that area," referring to New Mexico.

19 A. Yes.

20 Q. "Only once in my life did my travel
21 records show I was in New Mexico."

22 A. Uh-huh.

23 Q. Is that an accurate statement?

24 A. To the best of my knowledge. I have no
25 recollection of being in New Mexico other than

1 during that visit to the Ashes, which was not during
2 the -- the narrower timeframe.

3 The narrower timeframe, remember, is
4 [REDACTED] meets Jeffrey Epstein in the late
5 summer, the summer just before she's turning [REDACTED], of
6 [REDACTED]. She says she didn't commence having sexual
7 activities with any of Epstein's friends until nine
8 months later. That would put it in March or April
9 of 2000. This visit occurred in January of 2000.
10 It's the only time I recall having been in
11 New Mexico.

12 Q. Okay. I want to be sure now. You're not
13 just saying that you were only at Jeffrey Epstein's
14 ranch in New Mexico once; you are confirming your
15 statement on national television that you have only
16 been in New Mexico one time?

17 A. My recollection right now is that I was
18 only there once. I have no -- no other recollection
19 of -- it's conceivable when I was a very young man,
20 I could have been there. But I have no recollection
21 of having been there. It certainly -- certainly I
22 haven't been there recently. And during the
23 relevant time period, I know I haven't been there.

24 Q. "Recently" means --

25 A. Fifteen --

1 Q. -- the last 10 years?

2 A. I would say 15 --

3 Q. Last 15 --

4 A. -- years.

5 Q. -- how about the last 20 years?

6 A. I have -- I don't think so.

7 Q. Okay.

8 A. As I stand here today, I have no
9 recollection of ever being in New Mexico except to
10 visit the Ashes in January of 2000.

11 I'm 77 years old. I've lived a long life.
12 It is certainly possible that at some earlier point
13 in my life -- I mean, I've been in most of the
14 states. But I have no recollection of ever being in
15 New Mexico.

16 And I can tell you unequivocally the only
17 time I was ever at Jeffrey Epstein's ranch was that
18 one time with my wife with the Ashes, with my
19 daughter. And we only stayed there for an hour and
20 the house was not completed. It was under
21 construction. And I certainly did not have any
22 sexual encounter or any encounter with [REDACTED]
23 [REDACTED] during that visit.

24 MR. SCAROLA: Move to strike the
25 unresponsive portions of the answer.

1 MR. SCOTT: We don't agree on that point,
2 so let's go ahead.

3 MR. SCAROLA: It's of any help, I can
4 agree that you don't agree to any of my
5 objections.

6 MR. SCOTT: No, that's not true. I mean,
7 I'm trying to work with you, sir.

8 I have to tell you, this -- this is
9 obviously one of the most acrimonious
10 depositions I've sat through in my 40 plus
11 years because of the personalities involved
12 here and because of the personal issues. And
13 it's quite difficult for everybody in this
14 room.

15 MR. SCAROLA: I agree.

16 MR. SCOTT: And all I'm saying, and my
17 client is -- who's 77, is trying to defend his
18 life. And I understand you're trying to
19 vigorously -- and you're a great lawyer --
20 represent your clients. And it's -- this is
21 not the typical deposition. And we're trying
22 our very best, both of us.

23 MR. SCAROLA: Thank you. And you're
24 right, you and I do agree on something.

25 MR. SCOTT: As you said yesterday, more

1 often than we usually say.

2 MR. SCAROLA: Yes, sir.

3 BY MR. SCAROLA:

4 Q. In interviews on January 4 and January 5,
5 you claim to have completed the necessary work to
6 identify documents exonerating you within an hour
7 after learning of the accusations that were made,
8 correct?

9 A. I don't remember having said that. But
10 within a minute, I had clear knowledge that every
11 document in the world would exonerate me because I
12 knew for absolute certainty that every aspect of her
13 allegation was totally false. That's why I
14 challenged the other side to produce videos, to
15 produce photographs. I knew that there could be no
16 evidence inculcating me because I knew I was
17 innocent. So I knew that all of my records would
18 prove that.

19 Facts are facts. And I just wasn't in any
20 contact or any sexual contact with [REDACTED],
21 and I knew with absolute certainty that the facts
22 would completely exonerate me. And if your clients
23 had just called me, at the courtesy of simply
24 calling me, I would have been able to point them to
25 Professor Michael Porter of the Harvard Business

1 School. I would have been able to -- to alert them
2 to the Ashes. I would have been able to tell them
3 that I keep little black books which have all of my
4 travel information. Although they were in the
5 basement of Martha's Vineyard, I would have been
6 happy to go up and get them.

7 If they had just simply called me, I would
8 have been able to persuade them without any doubt
9 that these allegations were false. If they needed
10 any persuading because I believe, as I sit here
11 today, that they knew they were false at the time --
12 certainly should have known, but I believe knew they
13 were false at the time that they leveled them.

14 **Q. My question related to your gathering**
15 **documents that you claim exonerated you --**

16 A. That's right.

17 **Q. -- and your public statements were that**
18 **within an hour, you --**

19 A. Can you --

20 **Q. -- had gathered the documents --**

21 MR. SCOTT: Listen to the question.

22 BY MR. SCAROLA:

23 **Q. -- you had gathered the documents that**
24 **exonerated you, correct?**

25 MR. SCOTT: You can refer.

1 A. Where? Where? Can you point to that?

2 BY MR. SCAROLA:

3 Q. Well, I'm asking you, sir, based upon your
4 superb memory whether you remember having said --

5 MR. SCOTT: No, we're going to do --

6 BY MR. SCAROLA:

7 Q. -- on Jan --

8 MR. SCOTT: He's going to take a moment to
9 review the transcript and -- and that's -- any
10 witness is entitled to do that. So why don't
11 we take a break, he'll review transcript and
12 we'll come back? We've been going an hour --

13 MR. SCAROLA: Because I haven't asked him
14 a question about the transcript.

15 MR. SCOTT: You've asked --

16 MR. SCAROLA: I'm asking him a question
17 about his recollection.

18 MR. SCOTT: Based upon what he said in the
19 transcript.

20 MR. SCAROLA: No, I'm asking him whether
21 he has a recollection of having made public
22 statements that within an hour, he had gathered
23 the documents that proved his innocence,
24 exonerated him.

25

1 BY MR. SCAROLA:

2 Q. Do you remember having made those
3 statements?

4 A. I do not, but it's true. I was able to
5 gather documents literally within an hour. I was
6 able to call Tom Ashe. He was able to access his
7 daughter's journal notes that I had taught his
8 daughter's class. I was able to find out where my
9 other documents were.

10 My wife made some phone calls immediately.
11 We called the Canyon Ranch. We called and
12 determined the dates of when I was in Florida. We
13 called the Porters. We very, very, very quickly
14 were able to gather information that conclusively
15 would prove that she was lying about me having had
16 sex with me on the island, in the ranch,
17 particularly those two I was able to prove
18 conclusively.

19 And when a woman lies deliberately and
20 willfully about two instances where she in great
21 detail claims she had had sex, I think you can be
22 clear that you should discount any other -- any
23 other false allegations.

24 MR. SCOTT: We've been going for an hour.

25 Let's take a break for a few minutes. Then we

1 have another hour.

2 MR. SCAROLA: I'm almost ready to take a
3 break.

4 MR. SCOTT: Okay.

5 MR. SCAROLA: Could you read back the last
6 question, please?

7 First of all, I move to strike the
8 unresponsive speech.

9 And now read back the last question, if
10 you would.

11 (Requested portion read back as follows:)

12 THE REPORTER: "Do you remember having
13 made those statements?"

14 Do you want me to read prior to that?

15 MR. SCAROLA: No, that's fine. That's the
16 question that I asked.

17 BY MR. SCAROLA:

18 **Q. Is the answer yes?**

19 A. I don't remember specifically. I do
20 generally remember having said that your clients
21 could have easily discovered conclusive proof that
22 [REDACTED] was lying about me and that I
23 had -- because I knew, of course, it was false --

24 MR. SCAROLA: Tom --

25 A. -- been able to uncover such proof.

1 MR. SCAROLA: That has nothing to do with
2 the question I asked --

3 MR. SCOTT: Let's take -- let's take a
4 break like I suggested and we'll come back and
5 then you can ask your question and -- okay?

6 MR. SCAROLA: Well, while the question is
7 pending, I would like an answer to the question
8 before we break.

9 MR. SCOTT: Did you answer the question?

10 THE WITNESS: I thought I did.

11 A. But what -- could you repeat the question?
12 I'll try to answer it in a yes or no if I can.

13 BY MR. SCAROLA:

14 **Q. Did you make the statement that within an**
15 **hour of learning of these allegations, you had**
16 **gathered documents that completely exonerated you?**

17 A. I don't recall those specific words --

18 **Q. Thank you, sir.**

19 A. -- but the truth --

20 MR. SCOTT: That's it, and I think he
21 indicated that before.

22 MR. SCAROLA: That would be very helpful
23 if we said that and then we stopped and we can
24 take a break.

25 MR. SCOTT: He previously had said that

1 and then explained it but now you have it
2 directly answered. So we're -- we're at a
3 break point.

4 MR. SCAROLA: Thank you.

5 VIDEOGRAPHER: Going off the record. The
6 time is approximately 11:01 a.m.

7 (Recess was held from 11:01 a.m. until 11:23 a.m.)

8 VIDEOGRAPHER: Going back on the record.
9 The time is approximately 11:23 a.m.

10 BY MR. SCAROLA:

11 Q. When did you last travel from outside the
12 State of Florida to arrive in Florida?

13 A. The day before yesterday, I think.

14 Q. And where did you travel from?

15 A. New York.

16 Q. When were you last in Boston, in the
17 Boston area?

18 A. About two weeks ago.

19 Q. So, if anyone had represented that you
20 were going to be traveling from Boston to Florida
21 this past weekend, that would have been a
22 misrepresentation; is that correct?

23 A. I have no idea what you're talking about.

24 Q. Well, I'm talking about your personal
25 travels. If anyone had represented that you were

1 going to travel from Boston to Florida and canceled
2 travel arrangements from Boston to Florida this past
3 weekend, that would have been a misrepresentation,
4 correct?

5 A. I have no idea what you're talking about.
6 I'm sorry.

7 Q. Well, what is it that you don't understand
8 about that question? Either you were in --

9 A. The basis --

10 Q. -- Boston and were planning on traveling
11 from Boston to Florida this past weekend or the last
12 time you were in Boston was two weeks ago, so you
13 couldn't have been planning --

14 A. I --

15 Q. -- on traveling from Boston to Florida.

16 A. I was actually in Boston -- now that I
17 checked my calendar, I was actually in Boston --
18 here, I have -- aha. It says -- and my calendar
19 says I was in Boston. Then it says leave for
20 Florida, but that got changed. Yes, that got
21 changed, right.

22 Q. May I see that, please?

23 A. No, this is my personal calendar.

24 Q. Yes, I'm sorry, but if you refer to
25 anything to refresh your recollection --

1 A. I have --

2 **Q. -- during the course of the deposition, I**
3 **am permitted to examine it.**

4 A. I have lawyer-client privileged
5 information in here, so I can't give it to you. I
6 can give it to you in a redacted form. I have a
7 quote from David Boies in here, which I'm sure --

8 MR. SCOTT: Don't --

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

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

12 MR. SCAROLA: Thank you. Would you hand
13 it to your counsel, please?

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

15 THE WITNESS: But I need that back.

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

17 MR. SIMPSON: Hold on to it.

18 MR. SCOTT: That's why I gave it to him
19 because I'd lose it.

20 BY MR. SCAROLA:

21 **Q. Before January 21, 2015, what information**
22 **did you have regarding what Bradley Edwards and Paul**
23 **Cassell had gathered in the course of investigating**
24 **the accuracy of [REDACTED] ' accusations**
25 **against you?**

1 A. Well, first, I knew that anything they
2 gathered --

3 MR. INDYKE: Objection to the extent that
4 requires --

5 MR. SCOTT: Whoa.

6 [REDACTED]: -- you to disclose anything
7 you gave --

8 THE COURT REPORTER: I can't hear.

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

11 MR. SCOTT: Can you say that a little
12 louder?

13 MR. INDYKE: Darren Indyke. I would
14 object to the extent that your answer would
15 disclose anything you -- you obtained or
16 learned or any knowledge you gained in
17 connection with your representation of Jeffrey
18 Epstein.

19 MR. SCOTT: Do you understand that
20 instruction?

21 THE WITNESS: I do, yes.

22 Could you repeat the question?

23 BY MR. SCAROLA:

24 **Q. Yes, sir. I want to know what information**
25 **you had regarding what Bradley Edwards and Paul**

1 **Cassell had done in the course of their**
2 **investigation of the credibility of the accusations**
3 **made by [REDACTED] against you?**

4 A. Well, first and foremost, the most
5 important piece of information I had was my firm and
6 complete knowledge and memory that I had never had
7 any sexual contact with [REDACTED] ever under
8 any circumstances or any other underage girls. So I
9 knew --

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

11 A. -- this information --

12 **Q. -- focuses on what knowledge you had**
13 **regarding what Bradley Edwards and Paul Cassell did**
14 **in the course of their investigation of the**
15 **credibility of the accusations against you made by**
16 **[REDACTED]?**

17 A. That was the first and most important bit
18 of information; namely, that I couldn't have done it
19 and didn't do it. So I knew for sure that they
20 could not have conducted any kind of valid
21 investigation.

22 Second, I knew from -- that they also had
23 a letter from Mr. Scarola that said that multiple
24 witnesses had placed me in the presence of Jeffrey
25 Epstein and underage girls and I knew that

1 Mr. Scarola's letter was a patent lie. And they had
2 access to that letter and that information.

3 I also knew they were relying on
4 depositions of two house people of Jeffrey Epstein.
5 And I've read these two depositions. And I'm sure I
6 knew of other -- other information as well.

7 I knew that they had stated -- I knew that
8 they had stated publicly, or you had stated publicly
9 on their behalf as a witness, that you had stated
10 publicly that you had tried to depose me on these --
11 on this subject. I knew that that was a blatant lie
12 and unethical conduct because nobody ever tried to
13 depose me on this subject.

14 I had never been accused, nor did I have
15 any knowledge that anybody had ever falsely accused
16 me of having any sexual encounters. And I had a
17 great deal of information about the paucity or
18 absence of any legitimate investigation. And I also
19 knew that they hadn't called me, they hadn't tried
20 to call me, there was no record of an attempt to
21 call me or e-mail me. My e-mail is available on my
22 website. My phone number is available on my
23 website.

24 The most basic thing they could have done,
25 as courts have said, when you're accusing somebody

1 of outrageous, horrible, inexcusable misconduct, at
2 least call the person and ask them if they can
3 disprove it before you file a -- a statement. Not
4 even asking for a hearing on it, not even basically
5 seeking to prove it, just -- just putting it in a
6 pleading as if scrolling on a bathroom stall.

7 So, yes, I had -- I had a great basis for
8 making that kind of statement and I repeat it here
9 today. And we will find out in depositions what
10 basis they actually had. And I'm anxiously awaiting
11 Mr. Cassell's deposition this afternoon.

12 MR. SCAROLA: Move to strike the
13 non-responsive portion of that answer.

14 Could I have a standing objection to
15 unresponsive --

16 MR. SCOTT: Sure.

17 MR. SCAROLA: -- answers? That would be
18 helpful. Thank you. I appreciate that. That
19 will save us --

20 MR. SCOTT: Absolutely. No, any time.

21 MR. SCAROLA: -- save us some time.

22 MR. SCOTT: Thank you, sir.

23 BY MR. SCAROLA:

24 Q. The one portion of what you just said that
25 directly responded to my question was you knew in

1 early January of 2015 that Bradley Edwards and Paul
2 Cassell had the sworn testimony of two -- did you
3 refer to them as house --

4 A. House people.

5 Q. House staff?

6 A. House staff.

7 Q. House staff of Jeffrey Epstein's --

8 A. That's right.

9 Q. -- correct?

10 And those two individuals are Juan Alessi
11 and Alfredo Rodriguez, correct?

12 A. That's right.

13 Q. And you, in fact, were aware of the
14 existence of that testimony from shortly after the
15 time that the testimony was given, weren't you?

16 A. Well, I was certainly aware of it at the
17 time I made these statements.

18 Q. Yes, sir. But you also knew as far back
19 as 2009, when this sworn testimony was given, that
20 you were specifically identified by name in the
21 sworn testimony of Jeffrey Epstein's house staff
22 members, right?

23 A. I was identified by name in a manner that
24 completely exculpated me, yes.

25 Q. Okay. Well, let's -- let's take a look at

1 **your assertion that the testimony of these two**
2 **individuals completely exculpates you.**

3 A. Uh-huh.

4 **Q. The following question was asked of --**

5 MR. SCOTT: What you are reading from?

6 MR. SCAROLA: I'm reading from the
7 deposition transcript.

8 BY MR. SCAROLA:

9 **Q. The following question was asked of --**

10 MR. SCOTT: The deposition transcript --

11 BY MR. SCAROLA:

12 **Q. -- of Mr. Juan -- Mr. Juan Alessi and --**

13 MR. SCOTT: Let me object to the -- first
14 of all, let me object to this format because he
15 has not been provided a part of the deposition.
16 You're reading portions from the deposition --

17 MR. SCAROLA: Yes, I am.

18 MR. SCOTT: -- which can be taken out of
19 context. He has not had the ability to review
20 the deposition. This is improper.

21 MR. SCAROLA: Okay.

22 MR. SCOTT: Cross-examination.

23 BY MR. SCAROLA:

24 **Q. Do you recall the following questions**
25 **having been asked of Mr. Alessi and the following**

1 answers have been given during the course of this
2 deposition which you contend completely exonerates
3 you?

4 "Question: Do you have any recollection
5 of [REDACTED], referring to [REDACTED], coming to
6 the house when Prince Andrew was there?

7 "Answer: It could have been, but I'm not
8 sure.

9 "Question: When Mr. Dershowitz was
10 visiting --

11 "Answer: Uh-huh.

12 "Question: -- how often did he come?

13 "Answer: He came pretty -- pretty often.
14 I would say at least four or five times a year.

15 "Question: And how long would he stay
16 typically?

17 "Answer: Two to three days.

18 "Question: Did he have massages sometimes
19 when he was there?

20 "Answer: Yes. A massage was like a treat
21 for everybody. If they wanted, we call the
22 massage, and they get -- excuse me -- and they
23 have a massage.

24 "Question: You said that you set up the
25 massage tables, and would you also set up the

1 oils and towels?

2 "Answer: Yes, ma'am.

3 "Question: And did you ever have occasion
4 to go upstairs and clean up after the massages?

5 "Answer: Yeah, uh-huh.

6 "Question: Did you ever find any
7 vibrators in that area?

8 "Answer: Yes. I told him yes.

9 "Question: Would you describe for me what
10 kinds of vibrators you found?

11 "Answer: I'm not too familiar with the
12 names, but they were like big dildos, what they
13 call the big rubber things like that
14 (indicating). And I used to go and put my
15 gloves on and pick them up, put them in the
16 sink, rinse it off and put it in Ms. Maxwell --
17 Ms. Maxwell had in her closet, she had like a
18 laundry basket. And you put laundry in. She
19 have full of those toys."

20 Is that testimony that exonerates you,
21 Mr. Dershowitz? Is that what you were referring to?

22 MR. SCOTT: Let me -- objection to the
23 form, improper cross examination by taking
24 excerpts out of depositions of witnesses.

25

1 BY MR. SCAROLA:

2 Q. Is it your contention that that testimony,
3 under oath, of your friend, Mr. Epstein's staff
4 person, exonerates you?

5 A. First, a little background. Mr. Alessi
6 was fired for theft of material from Mr. Epstein, so
7 Mr. Alessi was not on a friendly basis with Jeffrey
8 Epstein.

9 Second, the description of the dildos and
10 sex toys clearly refers to the area of the house
11 that I was never in, the area of Ms. Maxwell's room,
12 rather than the area of the room that I stayed in.

13 Third, he gives no timeframe for the
14 visits.

15 And, fourth, he certainly didn't in any
16 way confirm that I was there while [REDACTED]
17 was there. His answer was simply that I was there
18 from time to time. He's wrong about that. During
19 the relevant timeframe, I was never in the house.

20 And even taking outside the relevant
21 timeframe, the only time I was in the house for more
22 than one day was when my family, my wife, my son, my
23 daughter-in-law, my then probably seven or
24 eight-year-old granddaughter, who just graduated
25 Harvard, and my probably four-year-old grandson, who

1 is a third-year student at Harvard, were all there
2 with me. That was the only time that I stayed over
3 more than one night. And I never stayed even one
4 night during the relevant timeframe.

5 But most importantly, he gives no
6 timeframe. And clearly his reference to the sex
7 toys is a reference to the part of the house that I
8 was never permitted in and never entered.

9 **Q. What is the question that you think you**
10 **were answering?**

11 A. Whether --

12 MR. SCOTT: He was explaining to you
13 exactly why he felt that that was
14 inappropriate, which is exactly what you asked
15 him.

16 MR. SCAROLA: No, it is not.

17 MR. SCOTT: Well, it is my recollection,
18 so I don't know --

19 MR. SCAROLA: Well, then --

20 MR. SCOTT: I think he was defending --

21 MR. SCAROLA: Let me try the same question
22 over again.

23 MR. SCOTT: I think he was defending
24 his -- his position.

25 THE WITNESS: Right.

1 BY MR. SCAROLA:

2 Q. The question was: Is that part of the
3 time that you claim exonerates you?

4 A. Well, I think if you read the whole
5 testimony, it clearly exonerates me and I think that
6 part of the testimony in no way inculpatates me and no
7 reasonable person reading that could use that as a
8 basis for making allegations that I had sexual
9 encounters or misconduct with [REDACTED].

10 So, when -- if that's the best testimony
11 that your unprofessional clients relied on, then
12 clearly that exonerates me.

13 Again, the absence of evidence is evidence
14 of absence. And the very idea that this is seen as
15 some basis for concluding that I had sexual
16 encounters with -- with [REDACTED], why wasn't
17 he asked did he ever see me have a massage by
18 [REDACTED]? Did he ever see me have a sexual
19 encounter with [REDACTED]? Did he ever go to
20 the room I was staying in and find any sex toys?

21 The answers to all those questions, if
22 truthful, would be no.

23 Q. What was Mr. Alessi's motive against you?
24 You've told us he was fired by Jeffrey Epstein, so
25 he may have had some motive against Mr. Epstein.

1 **What was his motive against you?**

2 A. I was Jeffrey Epstein's friend and lawyer
3 and, in fact -- well, I can't get into this. But I
4 can say this, I gave advice --

5 MR. SCOTT: Be careful about anything
6 involving --

7 THE WITNESS: Okay.

8 MR. SCOTT: -- Mr. Epstein, please.

9 A. He could easily have believed that I was
10 one of the causes of his firing.

11 BY MR. SCAROLA:

12 Q. So, he was -- he may have been angry at
13 you because you assisted in getting him fired?

14 A. It's --

15 MR. SCOTT: Objection,
16 mischaracterization.

17 A. It's conjecture. It's possible. But in
18 any event, even --

19 BY MR. SCAROLA:

20 Q. It's conjecture, is that what you were
21 about to say?

22 A. I'm saying I have -- I don't know what he
23 was thinking, but there is a basis for him believing
24 that. But most -- most important, even if you take
25 everything he says as true, which it's not, it's

1 exculpatory because it has no suggestion that I ever
2 had any sexual encounter with [REDACTED].

3 And if I were a lawyer reading that --

4 MR. SCOTT: It's okay?

5 A. -- I certainly would not base this heinous
6 accusation on that flimsy read.

7 BY MR. SCAROLA:

8 Q. You know the context in which that
9 deposition was taken, don't you?

10 A. I don't recall it as I'm sitting here
11 today.

12 Q. Do you remember that the lawsuit in which
13 that deposition was taken was a lawsuit in which
14 [REDACTED] was being represented by [REDACTED]
15 [REDACTED]?

16 A. No.

17 Q. You know [REDACTED], don't you?

18 A. We -- we were classmates at law school.

19 Q. You know [REDACTED] to be an extremely
20 ethical, highly professional and extraordinarily
21 well-respected lawyer, right?

22 A. Absolutely, yes.

23 Q. Absolutely?

24 A. Yeah.

25 Q. A man of impeccable honesty and integrity?

1 A. Yes.

2 Q. A man who would never undertake to advance
3 the cause of a client whom he believed to be
4 incredible, right?

5 A. Yes. And a man who told me and a man
6 who --

7 MR. SCOTT: That's it.

8 A. Okay. And a man who believes I'm
9 innocent.

10 BY MR. SCAROLA:

11 Q. You know that [REDACTED] would never
12 file charges on behalf of a client alleging that she
13 was lent out by Jeffrey Epstein for purposes of
14 sexual abuse while she was a minor to academicians
15 unless he absolutely had confidence that those
16 statements were true --

17 MR. SCOTT: Let me object --

18 BY MR. SCAROLA:

19 Q. -- right?

20 MR. SCOTT: -- that this is completely
21 irrelevant to the issues in this case.

22 Whatever [REDACTED] thinks has nothing to
23 do with this lawsuit. This is all your effort
24 to try to put [REDACTED] into this case to try
25 to give some justification to your position.

1 A. I'll answer that question.

2 BY MR. SCAROLA:

3 Q. Thank you.

4 A. And I also know [REDACTED] and know
5 that he would never maintain a friendship, as he has
6 with me, if he believed that I was one of the,
7 quote, academicians --

8 Q. Well, how about --

9 A. -- with whom --

10 Q. -- answering my question --

11 MR. SCOTT: Wait a minute. No, no, no.

12 A. You're going to let me finish.

13 BY MR. SCAROLA:

14 Q. I know I'm going to go, but I don't have
15 to like it --

16 MR. SCOTT: Yeah, but --

17 BY MR. SCAROLA:

18 Q. -- when you're not being responsive to the
19 questions that are being asked.

20 MR. SCOTT: Yeah, but you're
21 interjecting --

22 BY MR. SCAROLA:

23 Q. And --

24 MR. SCOTT: You're interjecting questions
25 that are irrelevant utilizing [REDACTED]

1 relationship with him and he has an ability to
2 justify and explain his position in response --

3 MR. SCAROLA: If it's responsive to the
4 question.

5 A. It's responsive. And as far as the
6 filibustering is --

7 BY MR. SCAROLA:

8 Q. Do you remember what the question is?

9 A. -- is concerned, I was here --

10 Q. Do you remember what the question was?

11 A. Yes. Yes.

12 Q. What is the question?

13 A. The question is -- no, why don't you
14 repeat the question.

15 Q. Yes, sir.

16 A. So --

17 Q. You know that [REDACTED] would not
18 advance allegations on behalf of a client that that
19 client had been lent out by Jeffrey Epstein to
20 satisfy the sexual desires of friends of Jeffrey
21 Epstein, including academicians, unless [REDACTED]
22 [REDACTED] believed those allegations to be true,
23 right?

24 A. I believe that -- I know that [REDACTED]
25 [REDACTED] would never maintain a friendship with

1 me, as he has, if he believed that I was one of
2 those academicians. [REDACTED] knows that I was
3 not one of those academicians, and the inference of
4 your question is beneath contempt, sir.

5 **Q. Could we try to answer the question now?**

6 A. The answer is that [REDACTED] would
7 never maintain a friendship with me if he believed
8 that there was any possibility that I was among the
9 academicians who she was accusing of sexual
10 misconduct. I do not believe that she ever accused
11 me of sexual misconduct to [REDACTED], to the
12 FBI, to the U.S. attorney, or even, sir, to you and
13 Bradley Edwards, as she says in 2000, I think, '11.
14 I think she made up this story on the eve of the
15 filing in [REDACTED].

16 **Q. You do agree that [REDACTED] would not**
17 **have advanced the claims that he advanced if he did**
18 **not have confidence that they were true, correct?**

19 A. I have no idea what he believed or knew at
20 the time. I would say this: I know [REDACTED]
21 is an extraordinarily ethical lawyer. I don't know
22 what his responsibilities were in the case. I don't
23 know whether his responsibilities were to make those
24 kinds of judgments or whether his responsibility was
25 simply to make sure that money was paid to each of

1 the people who the FBI had put on the -- the list.
2 I just don't know what his responsibility was.

3 I can say with confidence that he would
4 only act ethically and would, A, not represent --
5 not make any false statements the way your clients
6 made them, and that I wish your clients had the
7 ethics of [REDACTED].

8 Q. You then agree that if [REDACTED]
9 advanced the claims that I have described in a
10 complaint on behalf of a client, he would not have
11 done so unless he believed those allegations to be
12 true, having conducted a fair and reasonable
13 investigation, correct?

14 MR. SCOTT: Objection, asked and answered
15 several times.

16 A. I don't know the answer to that question
17 because I don't know the context in which he made
18 these arguments. All I do know is that he never
19 would maintain a friendship with me if he believed
20 in any way that I was one of the people that she had
21 accused.

22 BY MR. SCAROLA:

23 Q. Did Alfredo Rodriguez, another one of your
24 friend's staff persons, have a motive to lie against
25 you?

1 A. Alberto Rodriguez --

2 Q. No, sir, Alfredo Rodriguez.

3 A. Alfredo Rodriguez, I never knew him by
4 name. He was, of course, there out -- well outside
5 of the timeframe of the alleged events in this case.
6 And so anything that he would be able to testify to
7 would bear no relationship whatsoever to the -- the
8 allegations here.

9 He was criminally prosecuted, to my
10 memory, for having stolen material and turned it
11 over to Bradley Edwards is my recollection. And as
12 the result of that clearly had a motive to lie. And
13 the same with Mr. Alessi, clearly would have a basis
14 for believing that I may have played a role as
15 Jeffrey Epstein's lawyer in seeking to do harm to
16 him.

17 But again, there's nothing in
18 Mr. Rodriguez's testimony which is in any way
19 inculpatory of me. I think he has me sitting and --
20 and reading a book and drinking a glass of wine.

21 Q. In the presence of young women?

22 A. No.

23 Q. No?

24 A. I don't --

25 Q. Do you --

1 A. -- believe that.

2 Q. -- recall the following testimony --

3 A. It wouldn't be true if he said it.

4 Q. Yes, sir. Well, do you recall the
5 following testimony having been given by Mr. Alfredo
6 Rodriguez in a deposition that was taken on
7 August 7, 2009?

8 "Question: Mr. Rodriguez, you stated last
9 time that there were guests at the house,
10 frequent guests from Harvard. Do you remember
11 that testimony?

12 "Answer: Yes, ma'am.

13 "Question: Was there a lawyer from
14 Harvard named Alan Dershowitz?

15 "Answer: Yes, ma'am.

16 "Question: And are you familiar with the
17 fact that he's a famous author and famous
18 lawyer?

19 "Answer: Yes, ma'am.

20 "Question: How often during the six
21 months or so that you were there was
22 Mr. Dershowitz there?

23 "Answer: Two or three times.

24 "Question: And did you have any knowledge
25 of why he was visiting there?

1 "Answer: No, ma'am.

2 "Question: You don't know whether or not
3 he was a lawyer acting as a lawyer or whether
4 he was there as a friend?

5 "Answer: I believe as a friend.

6 "Question: Were there also young ladies
7 in the house at the time he was there?

8 "Answer: Yes, ma'am.

9 "Question: And would those have included,
10 for instance, [REDACTED], [REDACTED]?

11 "Answer: Yes, ma'am.

12 "Question: Were there other young ladies
13 there when Mr. Dershowitz was there?

14 "Answer: Yes, ma'am.

15 "Question: Do you have any idea who those
16 young women were?

17 "Answer: No, ma'am.

18 "Question: Were there any of these --
19 excuse me. Were any of these young women that
20 you have said came to give massages?

21 "Answer: Yes, ma'am."

22 Do you recall that testimony having been
23 given --

24 A. Yes.

25 Q. -- and those answers having been given to

1 **that testimony?**

2 A. Yes.

3 MR. SCOTT: Objection. This is totally
4 improper cross examination of a witness by
5 trying to use a deposition. The only purpose
6 of doing this is to interject this into the
7 record, which has no relevance and would not be
8 admissible at trial. And in any case, he never
9 actually has my client doing any of the things
10 that you've accused him of.

11 Go ahead, let's go ahead and do it.
12 Answer the question. Answer the question.

13 MR. SCAROLA: He did.

14 A. Yes, I remember that.

15 MR. SCAROLA: He said yes.

16 A. Yes, I remember that, yes.

17 BY MR. SCAROLA:

18 Q. And do you know why it was that back in
19 19 -- excuse me, back in 2009, August of 2009, four
20 and a half years before you allege that this story
21 about you was being made up out of whole cloth, that
22 lawyers representing Jeffrey Epstein's victims,
23 including [REDACTED], [REDACTED] from [REDACTED]
24 [REDACTED] office, who had filed the complaint
25 alleging that you had -- excuse me, that [REDACTED]

1 [REDACTED] had been lent out for sexual purposes to
2 academicians, were asking specific questions about
3 you? Do you know why it was in 2009 they were doing
4 that?

5 A. I have no idea that it happened. And I
6 imagine that they had a list of every academic that
7 was in the house. Probably included --

8 MR. SCOTT: I want to object to this whole
9 procedure because you're taking pieces out of
10 the record and not reading other pieces that
11 totally absolve my client. For example,
12 there's testimony by him that says --

13 MR. SCAROLA: Is this an objection?

14 MR. SCOTT: Yes, it's a statement into the
15 record just like you're putting into the
16 record. There's -- I want to show this to my
17 client and refresh his memory as to some other
18 testimony by this witness --

19 MR. SCAROLA: There's no question pending
20 as to what you can -- as to what you can
21 refresh your client's memory. What you are
22 doing is coaching him.

23 MR. SCOTT: No, I'm not.

24 MR. SCAROLA: Improperly.

25 MR. SCOTT: And you are improperly reading

1 excerpts out of a deposition to try to imply
2 something when there's other parts that totally
3 are inconsistent with that. And if you're
4 going to do that, then he has the ability under
5 our rules to review the entire transcript of
6 the deposition and that's what I'm permitting
7 him to do, just like when we're in court.

8 MR. SCAROLA: What I am doing,
9 Mr. Scott -- what I am doing, Mr. Scott --

10 MR. SCOTT: Have you read that now, sir?

11 MR. SCAROLA: -- is reviewing the evidence
12 that was relied upon by Bradley Edwards and by
13 Paul Cassell in coming to the conclusion that
14 the allegations that had been made by [REDACTED]
15 [REDACTED] were, in fact, credible allegations.

16 MR. SCOTT: And I'm --

17 MR. SCAROLA: Because your own client has
18 acknowledged that this is information that was
19 available to both him and to them back in 2009.

20 MR. SCOTT: And what I am doing is showing
21 him portions of the same deposition that
22 totally take a different position from this
23 witness from what you have read, so that this
24 record is a complete record and not a partial
25 record with your inference only. And I feel

1 that that's totally appropriate. If we were in
2 a courtroom, a judge would permit him to do it.

3 So you have your position and I have mine.

4 MR. SWEDER: Can we have the witness read
5 that?

6 BY MR. SCAROLA:

7 Q. Do you recall the following testimony
8 having been given in that same deposition?

9 "Question: All right. This is follow-up
10 to questioning by [REDACTED]. [REDACTED] asked
11 you about Mr. Dershowitz being present in
12 Mr. Epstein's home, and I think you said -- I
13 think you said Mr. Epstein and he and
14 Mr. Dershowitz were friends?

15 "Answer: Yes.

16 "Question: She also, I think, asked was
17 Mr. Dershowitz ever there when one of the young
18 women who gave a massage was present in the
19 home.

20 "Answer: I don't remember that.

21 "Question: That's where I want to clear
22 up. Is it your testimony that Mr. Dershowitz
23 was there when any of the women came to
24 Mr. Epstein's home to give a massage?

25 "Answer: Yes."

1 **Do you remember that testimony having been**
2 **given?**

3 A. I assume that when your clients used the
4 transcript as a basis for their false conclusion
5 that I was guilty, they read the whole transcripts,
6 not just the --

7 BY MR. SCAROLA:

8 **Q. Every word.**

9 MR. SCOTT: Don't interrupt him.

10 BY MR. SCAROLA:

11 **Q. You don't need to assume that. I will**
12 **stipulate they read every word.**

13 MR. SCOTT: Mr. Scarola, he's speaking.

14 You don't have a right to do this.

15 A. And if you read every word, you will see
16 that it's totally exculpatory, that I have no idea
17 whether there were any young women in one part of
18 the house when I was in another part of the house.
19 It's completely consistent with my testimony that I
20 have never seen any underage women. Let's see.

21 And if you read the whole transcript,
22 you'll see, I think:

23 "Was Dershowitz ever there when one of the
24 woman gave a massage?

25 "I don't remember that.

1 "Were you in -- were you in any way
2 attempting in your response to imply that
3 Mr. Dershowitz had a massage by one of these
4 young ladies?

5 "I don't know, sir.

6 "You have no knowledge?

7 "No, sir.

8 "And you certainly weren't implying that
9 that occurred; you just have no knowledge,
10 correct?

11 "Answer: I don't know."

12 And I would hope that your clients would
13 be reading the whole thing in context, unlike what
14 you've tried to do to try to create a false
15 impression that this testimony in any way exculpates
16 me.

17 I have to say if this is what they relied
18 on, my confirmation of their unethical and
19 unprofessional conduct has been strongly
20 corroborated by that and you're helping my case.

21 BY MR. SCAROLA:

22 **Q. Would it have been reasonable for Bradley**
23 **Edwards and Paul Cassell to have relied upon the**
24 **detailed reports of Palm Beach police department?**

25 A. I don't know. I don't know what the Palm

1 Beach police department says.

2 **Q. You never read those reports?**

3 A. I don't know which reports you're
4 referring to.

5 **Q. All of the reports about Jeffrey Epstein.**

6 MR. SCOTT: Asked and answered yesterday
7 on this whole line.

8 A. I probably did not read all the reports on
9 Jeffrey Epstein. I'm sure I've read some of them.
10 I do not recall --

11 MR. SCOTT: Be careful about any work --
12 attorney-client privilege.

13 THE WITNESS: Right.

14 A. I don't remember my name coming up. I was
15 the lawyer during that period of time.

16 BY MR. SCAROLA:

17 **Q. To the extent that Bradley Edwards and**
18 **Paul Cassell relied upon detailed reports from the**
19 **Palm Beach police department in order to assess the**
20 **credibility of [REDACTED], would it be**
21 **reasonable for them to rely upon police reports?**

22 A. I would hope that they would rely on all
23 the police reports, including the ones that showed
24 that [REDACTED]

25 [REDACTED]

1

2 I would hope they would look at all the
3 reports, not just selected portions of those
4 reports.

5 Q. Would that include the reports of the
6 Federal Bureau of Investigation?

7 A. I would hope so.

8 Q. Would that include the information
9 provided by the U.S. Attorney's Office?

10 A. I would sure hope so, and I could tell you
11 that the --

12 Q. Would that include --

13 A. Let me just say that the U.S. Attorney's
14 Office has told me unequivocally that my name never
15 came up in any context of any accusation against me
16 during the negotiations.

17 Q. Is this part of your work product that
18 you're waiving right now?

19 MR. SWEDER: No, no.

20 A. My conversation with [REDACTED] is not
21 work product.

22 MR. SCOTT: Here's a --

23 BY MR. SCAROLA:

24 Q. What is the work product --

25 MR. SCOTT: Excuse me. Please review

1 this.

2 A. Excuse me one second.

3 MR. SCOTT: You know, you think this is
4 funny and I think this man's -- and I think
5 this man's --

6 MR. SCAROLA: I think it's improper for
7 you to be coaching the witness in the middle of
8 examination. If you think that there's
9 something that needs to be brought out, you do
10 that in cross examination. You don't feed him
11 information that you want him to be reading in
12 the middle of my examination of this witness.

13 MR. SCOTT: No. But it's also true that
14 under our rules, when you read portions of a
15 deposition, he has the ability to read other
16 portions of the deposition which clarify the
17 answers. That's done in every courtroom on
18 every time a witness -- you have selected
19 portions of it that are not accurate based on
20 other portions and I am having him review them
21 since you did not offer him the deposition to
22 review.

23 MR. SCAROLA: And that's what you do --

24 MR. SCOTT: And I think that's totally
25 proper --

1 MR. SCAROLA: -- in cross examination. It
2 is --

3 MR. SCOTT: -- to do. No --

4 MR. SCAROLA: -- improper.

5 MR. SCOTT: No.

6 MR. SCAROLA: There's no question pending
7 as to which that's relevant. But let's take a
8 look at what you're showing him.

9 MR. SCOTT: Sure. Why don't you read it
10 into the record?

11 THE WITNESS: I've read it.

12 MR. SCOTT: Read it into the record so
13 that Mr. Scarola is advised.

14 A. "Okay. When Alan Dershowitz was in the.
15 house, I understand you to say that these local
16 Palm Beach girls would come over to the house
17 while he was there, but you're not sure if he
18 had a massage from any of these girls?

19 "Exactly.

20 "And what would he do while these girls
21 were in the house?

22 "He would read a book with a glass of
23 wine by the pool, stay inside.

24 "Did he ever talk to any of the girls?

25 "I don't know, sir.

1 "Certainly he knew they were there?

2 "I don't know, sir."

3 That's the best you can do? That's really
4 the best you can do? You think a professional
5 lawyer would make these allegations based on "I
6 don't know, sir."

7 MR. SCAROLA: Is there a question pending,
8 Mr. Scott?

9 MR. SCOTT: He's reading -- you asked him
10 what he was reading --

11 MR. SCAROLA: Yes, sir.

12 MR. SCOTT: -- from and I had him publish
13 it.

14 MR. SCAROLA: Yeah, I know, and then he
15 went on to make a speech. So I know I don't
16 have to do it, but I'm compelled to move to
17 strike the unresponsive speeches.

18 MR. SCOTT: And I consider these to be a
19 response to the interrogation that you did
20 taking excerpts improperly and not having the
21 entire record in front of him, which he's
22 entitled to do to make that the record is
23 complete. And I intend to protect him in that
24 way.

25

1 BY MR. SCAROLA:

2 Q. So we have agreed that it was reasonable
3 for Bradley Edwards and Paul Cassell, in assessing
4 the credibility of [REDACTED], to rely upon
5 police reports, FBI reports, U.S. Attorney's Office
6 information, and information from the Palm Beach
7 County State Attorney's Office, correct?

8 A. No.

9 Q. No?

10 A. No. It would not be enough for them to do
11 that --

12 Q. I didn't ask you whether it was enough.

13 A. You said it was --

14 Q. I asked you: Would it reasonable for them
15 to rely upon those sources of information in
16 assessing the credibility of [REDACTED]?

17 A. Not alone, not without looking at --

18 Q. That wasn't my question.

19 A. -- other sources of information.

20 MR. SCOTT: Wait a minute.

21 BY MR. SCAROLA:

22 Q. Well, what he's relying upon --

23 MR. SCOTT: You're not the judge here.

24 Let him -- ask a question and let him answer it
25 and not cut him off, please.

1 A. Let me answer. "Rely" connotes to me that
2 they would place a heavy emphasis on that to the
3 exclusion of other things and that it would be
4 enough. And so my answer is, yes, they certainly
5 should have read all the reports. They certainly
6 should have read all the transcripts. But they also
7 should have called me, they should have made other
8 inquiry, and they should have made sure that they
9 read all of these depositions and reports in
10 context.

11 And if you're implying that there are FBI
12 reports that in any way inculcate me, that's
13 inconsistent with the information I have from Former
14 Chief of Assistant [REDACTED], who was prepared
15 to file an affidavit saying that that wasn't the
16 case but was prevented from doing so by the Justice
17 Department.

18 MR. SCOTT: It's about noon now. So I
19 guess we're heading -- we're wrapping this up?

20 MR. SCAROLA: Not quite yet.

21 BY MR. SCAROLA:

22 **Q. You do agree that the allegations that**
23 **[REDACTED] made against Prince Andrew were**
24 **well-founded allegations, correct?**

25 A. I have absolutely no idea. I've met

1 Prince Andrew on a number of occasions in a public
2 context. He came and spoke in my class at Harvard
3 law school. The dean then had a dinner in his -- or
4 lunch in his honor. I was then invited to a dinner
5 at the British Consulate.

6 I've never seen him in the presence of any
7 underaged women, so I have absolutely no basis for
8 reaching any conclusion whatsoever about
9 Prince Andrew.

10 **Q. So you don't know one way or another**
11 **whether those allegations are true or false?**

12 A. Neither do you. Nobody would know except
13 two people, I imagine. But I don't know. Of course
14 not.

15 **Q. All right.**

16 A. But I presume --

17 **Q. You say you have never seen him --**

18 A. -- people innocent --

19 **Q. -- in the presence of any underaged women,**
20 **but you've seen photographs of him in the presence**
21 **of an underaged woman, correct?**

22 A. I have, yes.

23 MR. SCAROLA: May we mark this as the next
24 numbered exhibit, please.

25 A. And I want to note --

1 THE REPORTER: Hold on. Hold on.

2 A. -- the absence of any --

3 MR. SCOTT: She can't take it down.

4 THE WITNESS: Sorry.

5 (Thereupon, marked as Plaintiff
6 Exhibit 8.)

7 THE REPORTER: It's okay. Go ahead.

8 A. And I want to note the absence of any
9 photograph of me with [REDACTED].

10 BY MR. SCAROLA:

11 Q. That's the photograph that you were
12 referring to?

13 A. I've seen this photograph in the
14 newspapers.

15 Q. Yes, sir. And the woman on the far right
16 of that photograph, who is that?

17 A. Ghislaine Maxwell.

18 Q. The woman that you and your friend Jeffrey
19 Epstein have traveled with repeatedly, correct?

20 A. No. A woman who I may have traveled with
21 on two or three occasions. I can't think of more
22 times than that that I traveled with her, but it's
23 possible. But not -- I wouldn't say repeated
24 occasions. I've --

25 Q. Well --

1 A. -- probably been in her presence fewer
2 than a dozen times.

3 Q. I'm going to hand you --

4 A. But just to be clear, what I knew about
5 Ghislaine Maxwell was that she was the daughter of a
6 prominent British publisher --

7 Q. I haven't asked you what you knew about
8 Ghislaine Maxwell. I asked you --

9 A. Well, you asked --

10 Q. -- whether or not you recognized her in
11 the photograph?

12 A. Yes. Yes.

13 Q. Thank you very much, sir.

14 I'm going to hand you an airport codes log
15 that identifies the airports that are identified by
16 abbreviations in the case -- in case that is of some
17 assistance to you in answering the next series of
18 questions that I'm about to ask you.

19 A. Right.

20 Q. And I'm going to hand you this composite
21 exhibit, which we will mark as the next numbered
22 composite.

23 A. Uh-huh, right.

24 (Thereupon, marked as Plaintiff
25 Exhibit 9.)

1 THE WITNESS: Excuse me, I need to a take
2 a very quick bathroom break.

3 MR. SCAROLA: That's fine.

4 THE WITNESS: Probably be two minutes or
5 less than two minutes.

6 VIDEOGRAPHER: Going off the record. The
7 time is approximately 12:03 p.m.

8 (Sidebar held off the record.)

9 MR. SCAROLA: While we're waiting, let me
10 mark the next numbered exhibits as well. That
11 will save us some time.

12 MR. SCOTT: What is this?

13 MR. SCAROLA: Her calendar, his calendar.

14 MR. SCOTT: Who's calendar is this,
15 Carolyn's?

16 MR. SCAROLA: Okay. This is Number 10.

17 MR. SCOTT: Carolyn's calendar.

18 (Thereupon, marked as Plaintiff
19 Exhibit 10.)

20 MR. SCAROLA: This is Number 11.

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

23 MR. SCAROLA: This is Number 12.

24 (Thereupon, marked as Plaintiff
25 Exhibit 12.)

1 BY MR. SCAROLA:

2 Q. Mr. Dershowitz, I have handed you a
3 composite exhibit that is marked as Number 9.

4 A. Yes.

5 Q. The first document in that composite is a
6 page from --

7 MR. SCOTT: Here's Number 9.

8 BY MR. SCAROLA:

9 Q. -- is a page from your wife's calendar; is
10 that correct?

11 A. Yes.

12 MR. SCOTT: Take a moment to review the
13 exhibit, please.

14 A. Yes, it looks like -- I'm looking at the
15 first page. It looks like my wife's -- my wife's
16 handwriting, yes.

17 BY MR. SCAROLA:

18 Q. And the second page is another page from
19 your wife's calendar; is that correct?

20 A. Looks like it, yes.

21 Q. And --

22 MR. SCOTT: Take the time to review it
23 before you answer questions, please.

24 A. Right.

25

1 BY MR. SCAROLA:

2 Q. And can you determine from the calendar
3 entries here where your wife is during the period of
4 time that's covered by these calendar entries?

5 A. I would have to look at a particular
6 entry. If it describes where she is, yes.

7 Q. Okay. Well, tell me where she is.

8 A. What day?

9 MR. SCOTT: Which one? What point?

10 BY MR. SCAROLA:

11 Q. The period covered by this calendar
12 between December 7 and December 13.

13 A. What year?

14 Q. You know what, I can't tell you what year
15 it is from these calendars. So you tell me.

16 I suggest to you that this is a calendar
17 from December of 2000, since the next two months at
18 the top of the calendar are January 2001 and
19 February 2001. So let's assume that since it is a
20 page from a calendar that appears to be December of
21 2000, that it's December of 2000.

22 That would be a reasonable conclusion,
23 wouldn't it?

24 A. I have no idea.

25 Q. You don't know?

1 A. I don't know. I mean, I don't know -- you
2 said you don't -- you can't tell what the year is,
3 so --

4 **Q. Well, I'm telling --**

5 A. -- I can't tell what the year is.

6 **Q. -- you that it appears to be December 2000**
7 **because the next two months at the top of the**
8 **calendar are January of 2001 and February of 2001.**

9 A. I only see -- I'm sorry, we're probably
10 looking at different things. I see November 2000,
11 December 2000. I don't see January or anything like
12 that. Maybe you can show them to me. Oh, it's on
13 the first page.

14 **Q. First page, yes, sir.**

15 A. So it's in reverse order.

16 Yeah, so the pages are in reverse order.
17 The first page says on top January 2001,
18 February 2001 and the second page says
19 November 2000, December 2000, yeah.

20 **Q. So it appears we're looking at**
21 **December 2000, correct?**

22 A. When we're looking at which page? When
23 we --

24 **Q. Both pages.**

25 A. Well, one is January/February and one is

1 December.

2 Q. One shows the subsequent two months and
3 the --

4 A. Okay.

5 Q. -- other one shows --

6 A. Yes.

7 Q. -- the preceding and following month,
8 correct?

9 A. Yes, that does look like it's December of
10 2000, yes.

11 Q. Okay, sir. So look at the calendar and
12 tell me where it appears your wife is during this
13 period of time.

14 A. The whole period of time?

15 MR. SCOTT: Please read the exhibit, all
16 the pages, thoroughly, so that you have a full
17 context.

18 A. It says, A.D. in Boston. That means I was
19 in -- in Boston.

20 It says Charleston, New York. It says
21 book fair. It says book fair. It says A.D. in
22 Boston.

23 It then says the Halbreiches arrive.
24 They -- they were probably our guests.

25

1 BY MR. SCAROLA:

2 Q. Your guests at home in Cambridge,
3 Massachusetts, right?

4 A. No, I don't know. I don't know.
5 Halbreiches arrive.

6 And I can't really tell from here where
7 Carolyn is. McDonalds -- let's see, this is 2000
8 and what year? 2001. 2000. Yeah, yeah.

9 So tell me what you're looking for. I'll
10 try to --

11 Q. I want to know where your wife was during
12 this period of time if you can tell from the
13 calendar entries.

14 A. Well, she may have been in -- there's
15 something about Charleston. There's something about
16 New York. There's something about me being in
17 Boston. I really can't tell much beyond that.

18 Q. Okay. So you don't know one way or
19 another from these calendar entries where your wife
20 was during this period of time; is that correct?

21 A. I can't tell that from this entry, no.

22 Q. What we can tell from the entry in the
23 bottom right-hand corner --

24 MR. SCOTT: Which page?

25 A. Which page?

1 BY MR. SCAROLA:

2 Q. Of the first page of this composite is
3 that there is a notation that says Alan Dershowitz
4 11:45 a.m., New York City, right?

5 A. Eleven -- A.D. 11:45 and then there's a
6 word that I can't read.

7 Q. How about a.m.?

8 A. Oh, 5:00 a.m., New York City, yes.

9 Q. Okay. Thank you, sir.

10 And the next page, where did -- where did
11 your wife have opera instructions?

12 A. I have no idea. We go to the opera in
13 Boston, we go to the opera in New York, we go to the
14 opera in Florida. We do a lot -- a lot of opera. I
15 don't know what "opera instructions" means.

16 Maybe it would be best if you asked my
17 wife about these things. It's her calendar.

18 Q. I -- I intend to, sir, but --

19 A. Sure.

20 Q. -- these are calendars that you produced
21 as part of the evidence that you contend exonerates
22 you. So, I assumed that you had some knowledge of
23 the meaning of these pages.

24 A. No.

25 Q. But I may be wrong.

1 A. We have --

2 Q. So you're telling me that you don't know
3 where she was and that's --

4 A. We just -- we just gave you everything we
5 had --

6 MR. SCOTT: We provided hundreds and
7 hundreds of pages. You're picking out one.

8 BY MR. SCAROLA:

9 Q. Let's go -- let's go to the next page, if
10 we could, please, the third page in this composite.

11 A. The third, okay. Third, okay.

12 Q. And can we agree that this is a calendar
13 from December of 2000?

14 A. Yes.

15 Q. Can we agree it's your calendar from
16 December of 2000?

17 A. That's right, yeah.

18 Q. And can we also agree that during this
19 period of time, you were making regular appearances
20 in New York on Court TV?

21 MR. SCOTT: Review the document before you
22 answer the question, please.

23 A. It says 12/30, Court TV, yes. There was a
24 period of time where I had a contract with Court TV
25 and I would appear when they asked me to, yeah.

1 BY MR. SCAROLA:

2 Q. And you would appear in New York --

3 A. Well, no --

4 Q. -- for those Court TV appearances --

5 A. I would appear --

6 Q. -- on a regular basis, correct?

7 A. I would appear wherever I was. So when I
8 was in New York, I appeared in New York, but they
9 would do it by remote when I was in a different
10 city. And I clearly did some remotes for Court TV.

11 Q. In fact, you took an apartment in New York
12 for purposes of convenience to facilitate your
13 New York Court TV appearances, correct?

14 A. Totally false.

15 Q. Did you have an apartment in New York
16 during this period of time in December of 2000?

17 A. I had an apartment for -- I've had an
18 apartment in New York for 30 -- 30 years or more.
19 But I certainly didn't take an apartment for
20 purposes of Court TV, no.

21 Q. On Tuesday, December 12, the entry is
22 1:30, Jeff, correct?

23 A. Right. Yeah.

24 Q. And that's a reference to Jeffrey Epstein,
25 correct?

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

1 **Q. December 11, 2000, PBI to Teterboro,**
2 **passengers, Jeffrey Epstein --**

3 A. Wait a second. I have to find it.

4 MR. SCOTT: Well, let him -- let him read
5 the exhibit.

6 A. What -- what's the date?

7 BY MR. SCAROLA:

8 **Q. December 11.**

9 A. December 11. Yes, I see that.

10 **Q. Palm Beach International Airport to**
11 **Teterboro?**

12 A. Right, yeah.

13 **Q. Passengers, Jeffrey Epstein?**

14 A. Right.

15 **Q. GM, a reference to Gislaine -- excuse me,**
16 **Gislaine Maxwell.**

17 A. Uh-huh.

18 **Q. And [REDACTED] and [REDACTED], right?**

19 A. That's what it says, yes, sir.

20 **Q. And then we see three of the same four**
21 **passengers leaving the New York area.**

22 A. Uh-huh.

23 **Q. To fly to another destination three days**
24 **later on December 14, correct?**

25 A. Yes.

1 Q. And let's look at the next page of your
2 wife's diary for December 13, the period of time
3 when the flight log shows Jeffrey Epstein and
4 [REDACTED] in New York --

5 A. Uh-huh.

6 Q. -- at the same time when it would appear
7 that you were in New York. And at the bottom of
8 this calendar, Wednesday, December 13, A.D.,
9 massage, right?

10 A. 10:00 a.m. it says? What is it?

11 Q. It says 10, 10-A.D. massage?

12 A. Yeah.

13 Q. Okay.

14 Let's go to the next composite.

15 A. I don't have -- there's another page after
16 that. Oh, the next composite.

17 Q. Yes, sir.

18 A. Yeah.

19 Q. Composite Number 10.

20 A. Uh-huh. But -- but I just want to be
21 clear. So you're saying Carolyn was with me in
22 New York during that period of time.

23 Q. No, I'm not saying that at all, sir. I
24 suggest that when we take a close look at the
25 calendar, it's going to reveal something other than

1 **that, but that you were in New York at the same time**
2 **Jeffrey Epstein --**

3 A. And that Carolyn --

4 Q. -- and [REDACTED] were in New York and you
5 **were --**

6 A. And that Carolyn arranged for a massage.

7 Q. -- having a massage.

8 A. And that my wife arranged for a massage.

9 Q. **No, I didn't say that at all, sir?**

10 MR. SCOTT: Well, that's what he's saying
11 that the record reflects.

12 A. The record --

13 MR. SCOTT: Don't cut him off.

14 A. -- reflects that Carolyn -- Carolyn always
15 wanted me to have massages because she thought it
16 would relax me. I don't like massages particularly,
17 but when Carolyn arranged massages, almost always we
18 had them together at the same time. We would have
19 the same masseuse, sometimes a man, sometimes a
20 woman, come to the house and give us massages
21 together.

22 The idea that my wife would arrange for me
23 to have a massage with an underage girl for sexual
24 purposes is so bizarre and absurd as to defy any
25 kind of credibility, but go on.

1 BY MR. SCAROLA:

2 Q. Yes. Thank you very much, sir.

3 A. Go on.

4 Q. I intend --

5 MR. SCOTT: Since you're both smiling,
6 there seems to be some humor that I'm missing
7 here. I guess I --

8 MR. SCAROLA: Well, I'm missing the humor
9 too.

10 BY MR. SCAROLA:

11 Q. Let's go to Composite Exhibit Number 10.

12 A. Yeah.

13 Q. The first page of that composite exhibit
14 is a photocopy of pages from your personal calendar
15 in January 2001, correct?

16 A. That's right, yes.

17 Q. Another Court TV appearance on January 11,
18 correct?

19 A. January 11.

20 Q. Yes, sir. Thursday, January 11, entry in
21 the left-hand column, Court TV.

22 A. Entry on -- yes, January -- I see it as --
23 I see it on January 12. I don't see it on
24 January 11, but...

25

1 BY MR. SCAROLA:

2 Q. I'm sorry, maybe it is January 12, but
3 some time between the 11th and 12th, either on the
4 11th or on the 12th, it's Court TV, correct?

5 A. No, no, no. You're just totally --

6 Q. It's the 12th --

7 A. -- wrong -- it's the 12th, yes.

8 Q. Okay. Good. Thank you.

9 A. It's clearly stated on the 12, yeah.

10 Q. Okay. And then on Friday, the 19th, a
11 week later, another Court TV appearance, correct?

12 A. 19th. Yes.

13 Q. Okay. And on the 26th on Friday,
14 another Court TV appearance, correct?

15 A. That's what it says, yes. These were
16 all --

17 Q. During this period of time --

18 MR. SCOTT: Whoa. Let -- let him finish
19 his answer.

20 A. These are all scheduled appearances. I
21 assume that I did them. These -- these were -- when
22 they requested me to -- to do them, I would do them,
23 yes.

24 BY MR. SCAROLA:

25 Q. Okay. And it looks like you're appearing

1 **on a scheduled basis every Friday during this period**
2 **of time?**

3 A. I don't think that was right. Yeah, I
4 don't think that was right. I think that they
5 called me when they wanted me. And it may have been
6 several Fridays in a row, but I think it depended on
7 breaking news at the --

8 **Q. What is "scheduled appearance" --**

9 MR. SCOTT: Well, wait a minute. Let him
10 finish his questions [sic].

11 A. It would depend very much on whether there
12 was a particular trial because I would be the
13 commentator on the trial, along with other lawyers.
14 And there were some days when there were trials and
15 some days when there weren't and I would be
16 available because I was living in New York at the
17 time.

18 BY MR. SCAROLA:

19 **Q. On Tuesday, the 16th, there is an entry**
20 **that says Epstein, right?**

21 A. On Tuesday, the 16th?

22 **Q. Yes, sir.**

23 A. Where are we? Which calendar now?

24 **Q. Page 2. Page 2 of the composite, Tuesday,**
25 **the 16th, Epstein.**

1 MR. SCOTT: Wait a minute. Let him get to
2 it.

3 A. 2 of the composite. Page 2, and what --
4 what day are we on?

5 MR. SWEDER: Do we even have it?

6 MR. SCOTT: I'm sorry. Excuse me. Do we
7 have copies of this exhibit?

8 MR. SCAROLA: I've given you copies of
9 everything --

10 THE WITNESS: Were these produced in
11 discovery?

12 MR. SCOTT: I assume.

13 A. Okay. What are we up to? What page?

14 BY MR. SCAROLA:

15 Q. **Page 2 of Composite Exhibit Number 10.**

16 MR. SCOTT: Okay. Now, stop.

17 BY MR. SCAROLA:

18 Q. **Tuesday, the 16th.**

19 MR. SCOTT: What year are we talking about
20 now?

21 MR. SCAROLA: 2001, the only year covered
22 in this composite exhibit.

23 A. Yeah, dinner foreign policy Epstein, that
24 was dinner we had at Jeffrey Epstein's house with a
25 group of very distinguished foreign policy experts,

1 yes.

2 BY MR. SCAROLA:

3 **Q. All right, sir. Let's go to the next**
4 **page. I've just focused on this period of time in**
5 **January 2001 and on Friday, January 12 --**

6 A. So we're going back to Friday, January 12.
7 Yeah.

8 **Q. Your wife is in Cambridge, correct?**

9 A. No, I don't think so. My wife was living
10 in New York with me at the time. I don't see any
11 record of her being in Cambridge.

12 She was -- we were living together in
13 New York at NYU downtown. I was a visiting scholar.
14 Having been appointed by John Sexton of NYU to be a
15 visiting scholar, we were there for the year. And
16 my wife was with me during the year. Our daughter
17 was in school in New York. She went to Little Red
18 Schoolhouse in New York. And we had -- our life was
19 in New York for a period of one year.

20 **Q. And on Friday, January 12, you had another**
21 **massage, right?**

22 A. I don't see anything on my record that --

23 **Q. Massage, A.D.?**

24 A. We must be looking at the different pages.

25 **Q. Friday, January 12, page 4 --**

1 A. Who's --

2 Q. -- of Composite Exhibit 10.

3 MR. SCOTT: Let me see the page you're
4 talking about so he can --

5 MR. SCAROLA: I've given you the entire
6 calendar.

7 MR. SCOTT: Come on, Jack.

8 MR. SCAROLA: I've given you the entire
9 composite --

10 THE WITNESS: So you're talking about my
11 wife's --

12 MR. SCAROLA: Fourth page -- fourth page
13 of Exhibit 10. You have Exhibit 10, I've given
14 a copy of that.

15 MR. SCOTT: I understand it and he has it
16 front of him and I'm trying to get him to the
17 right page. Thank you. Please take it down.

18 BY MR. SCAROLA:

19 Q. Fourth page, Composite Exhibit 10.

20 A. Yes.

21 Q. Friday, January 12.

22 A. Okay. That's very simple. We were both
23 in Cambridge and I had a massage in Cambridge. How
24 do I know that? Because it had basketball. And
25 that's where I play and watch basketball was in

1 Cambridge. So probably I was in Cambridge if it
2 says B ball 3:30, 4:15 and says Cambridge with Ella,
3 so I'm sure I was in Cambridge.

4 **Q. All right. So --**

5 A. But I'm -- I'm looking at my wife's
6 calendar. I can't tell you and nor can you tell me
7 where I was at that period of time.

8 **Q. So, the basketball entries are references**
9 **to your watching basketball in Cambridge?**

10 A. No. They could be playing basketball. I
11 played basketball in those days --

12 **Q. Watching or playing basketball?**

13 MR. SCOTT: Let him finish his answer,
14 please.

15 A. I either watched basketball or played
16 basketball, yeah. I did not go to basketball games
17 in New York, to my recollection, unless the Celtics
18 were in New York and maybe we can check --

19 MR. SCOTT: You've got about five minutes,
20 Counsel.

21 BY MR. SCAROLA:

22 **Q. The Celtics didn't play from 4:15 to 5:00,**
23 **did they?**

24 A. No, but I did.

25 **Q. You did?**

1 A. Uh-huh.

2 Q. Okay. Or from 3:30 to 4:15, that would be
3 a playing time for you in Cambridge; is that
4 correct?

5 A. You'd be asking me to speculate. I can't
6 speculate based on my wife's calendar. It says
7 utility bill, Reservoir address. That suggests
8 Cambridge. Reservoir is our house in Cambridge.

9 Q. So, it would appear that this is another
10 message that you got somewhere?

11 A. But I would like to also say one thing. I
12 don't -- I at least wonder were these records
13 available to your clients at the time they made the
14 false accusations against me or are they
15 after-the-fact constructs designed to simply try to
16 find excuses to justify their false allegations? It
17 seems to me the latter is probably the case.

18 Q. And you are going to have an opportunity
19 through your counsel to ask those questions.

20 A. And we will.

21 Q. And my clients are anxious to be able to
22 answer those questions.

23 A. Not as anxious as I am to hear their
24 answers.

25 Q. Okay.

1 MR. SCOTT: Okay. Let's wrap it up.

2 MR. SCAROLA: Not quite.

3 MR. SCOTT: Yeah, it's 12:30. I'm ending
4 this. That gives you three and a half hours.
5 We take a lunch break and then we have three
6 and a half.

7 MR. SCAROLA: We don't need three and a
8 half hours for lunch.

9 MR. SCOTT: No, I didn't say that. I said
10 we take an hour break and then we have three
11 and a half hours with your client, just like...

12 MR. SCAROLA: If -- if that's what you
13 want to do --

14 MR. SCOTT: That's the fair thing to do
15 because that's why we're dividing it equally
16 and I suggested that --

17 MR. SCAROLA: I will state -- I will state
18 for the record that Exhibits 2, 3 and 4 --
19 excuse me, Exhibits 9, 10, 11 and 12,
20 composite exhibits, directly conflict with the
21 witness's assertion --

22 MR. SCOTT: This is all a speech on your
23 part.

24 MR. SCAROLA: It is a speech.

25 MR. SCOTT: It is a speech and --

1 MR. SCAROLA: I'm giving you notice as to
2 what you can do to do your homework. Okay?
3 They directly conflict with the witness's
4 assertion that the flight logs exonerate him.
5 In fact --

6 MR. SCOTT: Wait a minute.

7 MR. SCAROLA: -- the flight logs -- the
8 flight logs corroborate [REDACTED],
9 assertions.

10 MR. SCOTT: And I thank you very much for
11 that explanation and we look forward to
12 resuming this at the appropriate time and
13 responding to that.

14 THE WITNESS: And that is a false
15 statement.

16 MR. SCOTT: Thank you.

17 VIDEOGRAPHER: Going off the record. The
18 time is approximately 12:26 p.m.

19 (The proceedings ADJOURNED at 12:26 p.m.)
20
21
22
23
24
25

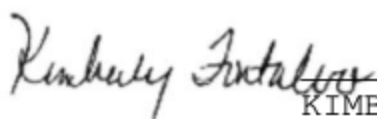
CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF BROWARD

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

Signed this 16th day of October, 2015.



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

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF BROWARD

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

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

Dated this 16th day of October, 2015.

KIMBERLY FONTALVO, RPR, FPR, CLR

October 16, 2015

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

Re: Edwards v. Dershowitz

Please take notice that on the 16th day of October, 2015, you gave your deposition in the above cause. At that time, you did not waive your signature.

The above-addressed attorney has ordered a copy of this transcript and will make arrangements with you to read their copy. Please execute the Errata Sheet, which can be found at the back of the transcript, and have it returned to us for distribution to all parties.

If you do not read and sign the deposition within a reasonable amount of time, the original, which has already been forwarded to the ordering attorney, may be filed with the Clerk of the Court.

If you wish to waive your signature now, please sign your name in the blank at the bottom of this letter and return to the address listed below.

Very truly yours,

KIMBERLY FONTALVO, RPR, FPR, CLR
Phipps Reporting, Inc.
1615 Forum Place, Suite 500
West Palm Beach, Florida 33401

I do hereby waive my signature.

ALAN M. DERSHOWITZ

DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

In Re: EDWARDS V. DERSHOWITZ
ALAN M. DERSHOWITZ
October 16, 2015

[illegible]

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Date _____ ALAN M. DERSHOWITZ