

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.

\_\_\_\_\_ /

VIDEOTAPE CONTINUED DEPOSITION OF

ALAN M. DERSHOWITZ

VOLUME 6  
Pages 782 through 909

Wednesday, January 13, 2016  
1:05 p.m. - 3:06 p.m.

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Stenographically Reported By:  
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14 ALSO PRESENT:

15 Edward J. Pozzuoli, Special Master

16 Sean D. Reyes, Utah Attorney General Office

17 Marcy Martinez, Videographer

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## I N D E X

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## PLAINTIFF EXHIBITS

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1 Thereupon, the proceedings continued at 1:04 p.m.

2 VIDEOGRAPHER: Going back on the record.

3 The time is 1:04 p.m.

4 BY MR. EDWARDS:

5 Q. Sir, before we move on to the next topic,  
6 I want to make sure that we have finished the  
7 previous topic.

8 Is there anyone else who gave you  
9 information about Paul Cassell who you can identify  
10 at this time and did not otherwise this morning  
11 identify?

12 A. Yes. So, immediately upon hearing of the  
13 false accusation against me, I recall now that I  
14 Googled Paul Cassell and discovered that he was  
15 called a zealot at least three times on easily  
16 accessible published materials.

17 So, the term "zealot" in addition to  
18 coming from individuals -- and you can get them on  
19 Google as easily as I can --

20 MR. SCAROLA: The question was, was there  
21 anyone else.

22 BY MR. EDWARDS:

23 Q. I'm asking is there a person's name?

24 A. These people wrote articles. They have  
25 names.

1           **Q.    What are their names?**

2           A.    I don't recall them.  You can get them.  
3    You can just Google "Paul Cassell" and you will find  
4    names of people who call him a zealot.

5           **Q.    I think maybe my question wasn't clear, so**  
6    **I'm going to make it crystal clear.**

7           A.    Yes.

8           **Q.    Have you remembered the name of any**  
9    **individual who you did not identify by name or**  
10   **description this morning that provided you**  
11   **personally with information about Paul Cassell?**

12          A.    A man named Hobbs, H-O-B-B-S.

13          **Q.    Is that a first or last name?**

14          A.    That's a last name.  And he -- my  
15    recollection is -- I don't know if he testified  
16    against Paul Cassell or he just wrote an article,  
17    but he wrote an article calling him a dangerous  
18    zealot.

19          **Q.    Did you speak with Hobbs?**

20          A.    I don't recall if I spoke to him, but I do  
21    recall reading his article or reading excerpts at  
22    least from the article.

23                And then I remember reading another  
24    article, may have been on Slate or -- there are a  
25    number of articles calling Paul Cassell a zealot.

1 So the name just didn't pop into my head. It was  
2 something, as I said earlier, that was part of his  
3 reputation.

4 Q. Okay. I will break this into two  
5 questions. One, what information did you have other  
6 than human interaction that may have included  
7 articles or other things that you read?

8 But before I get to that question, my  
9 question is, have you recalled the identity of any  
10 person that you did not tell us about or describe  
11 earlier this morning that provided you information  
12 about Paul Cassell?

13 A. I want to wait for the --

14 MR. INDYKE: Outside the privilege.

15 SPECIAL MASTER POZZUOLI: Excuse me?

16 A. Not that I can recall at this time.

17 BY MR. EDWARDS:

18 Q. Okay. Are there other materials that you  
19 have not yet disclosed during this deposition that  
20 you read, that provided you additional bases for  
21 your opinions about Mr. Cassell?

22 A. Yes.

23 MR. INDYKE: Objection.

24 BY MR. EDWARDS:

25 Q. And are these materials that --

1                   SPECIAL MASTER POZZUOLI: Hang on one  
2                   second.

3                   MR. EDWARDS: Outside of the privilege.

4                   MR. INDYKE: Okay. Sorry.

5                   BY MR. EDWARDS:

6                   **Q. Are these materials that have been**  
7                   **provided already in discovery in this case?**

8                   A. I don't know the answer to that. I don't  
9                   know what has been provided and what hasn't. I can  
10                  just tell you that in the course of my career, I had  
11                  read -- I had never met Mr. Cassell, but I had read  
12                  his articles, and they are aptly described as  
13                  zealous. He once -- he was once described as  
14                  somebody who misused -- I think misused or uses  
15                  family values to hide his zealotry. But I was  
16                  familiar with his what are regarded as very extreme  
17                  writings. And that formed part of my opinion about  
18                  his zealotry, yes.

19                  **Q. What was the timing of your reading these**  
20                  **articles that helped to form a part of your opinion**  
21                  **about Mr. Cassell?**

22                  A. Very soon after the allegation was made.  
23                  Not only did I independently read, but people called  
24                  me and alerted me to read this, read that. People  
25                  sent me briefs and asked me to read them.



1           Q.    So one of the things that you took into  
2   consideration in assessing the reputation or  
3   credibility of Paul Cassell were various things that  
4   he had written or that had been written about him?

5           A.    Yes, and what people had said about him.

6           Q.    Okay.

7           A.    I mean, just to give you an example, if  
8   you don't mind me just elaborating one second, as I  
9   was getting lunch today downstairs, three people  
10   came over to me. One of them said, I can't believe  
11   those, and then he used the F word, scrupulous --  
12   unscrupulous, unethical lawyers who have done this  
13   to you, this is horrible, get them, they have to pay  
14   a price, they ought to be disciplined.

15                   And I said, do you know me?

16                   No, but I've been following this story.  
17   This is just unbelievable.

18                   And then two other people, one of whom  
19   overheard it, said, I just want to join in on that.  
20   I don't know you, but I just want you to know that  
21   the lawyers who did this are beyond -- they're just  
22   horrible. No decent lawyer would ever do this.

23                   This happens to me all the time. People  
24   come over to me all the time and tell me what they  
25   think of you and Paul Cassell.

1           **Q.    Okay.   Where were you eating lunch today?**

2           A.    In a Wrap [sic] around restaurant.

3           **Q.    Where is it located geographically?**

4           A.    Right in the building.   In the building.

5           **Q.    And are these individuals that spoke to**  
6 **you individuals who told you that they know either**  
7 **myself or Paul Cassell?**

8           A.    I didn't ask that question.   It was just  
9    -- it was quick conversation and one of them said,  
10 I'll do anything to help.

11          **Q.    Okay.   What is the identity of the person**  
12 **who will do anything to help you?**

13          A.    His name is Jeffrey Levy.   He is an  
14 attorney here.

15               SPECIAL MASTER POZZUOLI:   "Here" meaning  
16 where?

17          A.    In Fort Lauderdale.   He's a family lawyer.  
18 Just out of the blue, I don't know him from Adam.  
19 But this happens to me all the time.   When I go to  
20 Miami tomorrow, I'll be walking down Lincoln Road,  
21 people will come over to me and tell me about you.

22          BY MR. EDWARDS:

23          **Q.    Okay.   Can you give me the cards of the**  
24 **other people that have given you these cards all the**  
25 **time so that we can --**

1           A.    No.   The only reason I asked for this card  
2   today, I asked him for the card because I said, I  
3   want to be able to mention this if I'm asked about  
4   it in the deposition.   Would you mind giving me the  
5   card?

6                   He said, "I'm thrilled."   He went to his  
7   car, he got the card, and he said --

8           MR. EDWARDS:   I would like to attach the  
9   card of Jeffrey Levy to the deposition as the  
10   next consecutive exhibit, which I believe is  
11   26.

12                   (Thereupon, marked as Plaintiff  
13   Exhibit 26.)

14           MR. EDWARDS:   Can I see the exhibit?

15           SPECIAL MASTER POZZUOLI:   Sure.

16           MR. SCOTT:   Can I see the exhibit, too,  
17   when you're done?

18           MR. EDWARDS:   Yes.

19   BY MR. EDWARDS:

20           **Q.    On the back of this card, there is some**  
21 **writing.   Whose writing is that?**

22           A.    Mine.

23           **Q.    The writing, I think, says "Scarola**  
24 **unethical e-mail"?**

25           A.    That's right.

1 Q. And does that scribbling of "Scarola  
2 unethical e-mail" relate at all to this card?

3 A. Not directly, no. Not directly.

4 Q. Did this lawyer, Jeffrey Levy, discuss  
5 with you Jack Scarola at all?

6 A. No. He just discussed just the lawyers  
7 generically and their unethical conduct.

8 Q. And the lawyers generically, he's talking  
9 about the lawyers who believe [REDACTED]?

10 A. No. The lawyers who pretend to believe  
11 [REDACTED]. None of us think you believe her.  
12 Nobody I know thinks you believe her.

13 Q. Nobody you know thinks --

14 A. That's right.

15 Q. Any of the people you described yesterday,  
16 which is now inclusive of Brad Edwards, Paul  
17 Cassell, Jack Scarola, Sigrid McCawley and David  
18 Boise, believe [REDACTED]; that's your  
19 testimony?

20 A. That's right, and Sigrid McCawley told me  
21 that.

22 MS. McCAWLEY: I'm sorry, I'm going to  
23 object. This again -- so I have no idea what  
24 context, or if you're referring to a context  
25 where we were having settlement discussions,

1           that violates the seal order that's already in  
2           place. There's a motion for sanctions pending.  
3           We will be supplementing with this.

4           You know, how many times do we have to go  
5           over this, Alan? It's not appropriate. First  
6           of all, you're misrepresenting things. And  
7           I'll state for the record, I did not say that.  
8           But secondly --

9           THE WITNESS: She's waiving privilege.

10          MS. McCAWLEY: No, I'm not waiving the  
11          privilege.

12          THE WITNESS: Yes, you are.

13          MS. McCAWLEY: I'm denying the allegation  
14          that you just made on the record. I'm making  
15          my record that you are not entitled to discuss  
16          anything that deals with confidential  
17          settlement discussions. Misrepresenting those  
18          is a violation of that, and I'll go back to the  
19          judge and get another order if I need to.

20          THE WITNESS: I was asked a question --

21          MR. SIMPSON: Don't --

22          SPECIAL MASTER POZZUOLI: Hang on.

23          MR. SCAROLA: Could we have --

24          SPECIAL MASTER POZZUOLI: Is there  
25          anything else, Ms. McCawley?

1 MS. McCAWLEY: No, not right now.

2 MR. SCAROLA: Could we have the question  
3 and the answer read back, please.

4 SPECIAL MASTER POZZUOLI: Let's go ahead  
5 and do that, just for purposes of --

6 COURT REPORTER: "Any of the people you  
7 described yesterday, which is now inclusive of  
8 Brad Edwards, Paul Cassell, Jack Scarola,  
9 Sigrid McCawley and David Boise, believe  
10 [REDACTED]; that's your testimony?

11 "That's right, and Sigrid McCawley told me  
12 that."

13 A. That's absolutely responsive.

14 MR. SCAROLA: We move to strike the "and  
15 Sigrid McCawley told me that" comment as  
16 unresponsive to the question that was asked.  
17 And we agree that it is clearly violative of  
18 the Court order that has been entered with  
19 respect to this matter.

20 MR. SIMPSON: The question on its face  
21 asked about Ms. McCawley. It was Mr. Edwards  
22 that injected her views into the question. It  
23 was not the witness.

24 SPECIAL MASTERPOZZUOLI: Go back up to the  
25 question.

1 THE WITNESS: I'm happy to have it sealed  
2 if you want.

3 SPECIAL MASTER POZZUOLI: Hold on a  
4 second. Go back up to the question.

5 COURT REPORTER: "QUESTION: Any of the  
6 people you described yesterday, which is now  
7 inclusive of Brad Edwards, Paul Cassell, Jack  
8 Scarola, Sigrid McCawley and David Boise,  
9 believe [REDACTED]; that's your  
10 testimony?

11 "ANSWER: That's right, and Sigrid  
12 McCawley told me that."

13 MR. SCAROLA: The responsive answer ends  
14 with "and that's right." Excuse me. "That's  
15 right," period.

16 SPECIAL MASTER POZZUOLI: Give me a  
17 second. I'll grant the Motion to Strike from  
18 "and" all the way to the end.

19 A. I'm also happy to have it sealed, if they  
20 choose to.

21 SPECIAL MASTER POZZUOLI: Well, I don't  
22 know what is going to come up, but it will be  
23 dealt with one way or another.

24 MR. SIMPSON: The witness said we would be  
25 happy to have it sealed, given that ruling.

1 BY MR. EDWARDS:

2 Q. This attorney, Jeffrey Levy, did he  
3 elaborate upon the basis for his offer to help you  
4 against the generically described unscrupulous  
5 lawyers, question mark?

6 A. Yes, he basically said these are lawyers  
7 who are willing to make these outrageous charges,  
8 and lawyers shouldn't be making these kinds of  
9 outrageous charges against other lawyers, especially  
10 when they're irrelevant. And basically he seemed to  
11 know a little bit about -- not much, but a little  
12 bit about the case.

13 But I use it as an illustration of people  
14 coming to me all the time making these statements to  
15 help amplify my answer. It's why I can't remember  
16 names. Normally I wouldn't have asked him his name.  
17 I only asked him his name because of your questions  
18 of me today. But every -- virtually every week --  
19 in the beginning, it was every day, people would  
20 come over to me with these kinds of statements.

21 SPECIAL MASTER POZZUOLI: Okay.

22 BY MR. EDWARDS:

23 Q. But is this lawyer's opinion, am I  
24 understanding that that -- that's something you  
25 weigh in to support your public statements that you



1     **have made?**

2           A.    I look at the totality of circumstances.  
3    I look at my professional opinion, I look at what  
4    I've read, I look at what I've told, I try to  
5    calibrate, weigh everything for what it's worth and  
6    then I come to an opinion.

7           And my opinion that I arrived at was based  
8    at the totality of the circumstances that I was  
9    aware of at the time I made this statement. And the  
10   statement turns out to be true.

11          **Q.    And Jeffrey Levy, whatever his opinion is,**  
12   **is one of the things that you're factoring in at**  
13   **this point?**

14          A.    No, of course not. Of course not.

15          **Q.    Okay.**

16          A.    Not now, I don't have to factor anything  
17    in. I now know the truth. I now know from other  
18    people that this was all part of an extortion plot  
19    and that the object of the extortion was Leslie  
20    Wexner. But I'm aware of that now, so I don't have  
21    to base the opinion on anything else.

22               MR. EDWARDS: Objection. Move to strike.

23               SPECIAL MASTER POZZUOLI: I'm going to go  
24    ahead and move -- grant the Motion to Strike.

25               Go back up. Let me just see where -- because I

1           wanted to find -- so from "I now know from  
2           other people this is all part of an extortion  
3           plot," from there down, we'll strike.

4                     So what will remain is "not now, I don't  
5           have to factor anything in. I now know the  
6           truth." That will remain.

7       BY MR. EDWARDS:

8           **Q.    Okay. What are the identities of the**  
9           **other two individuals that you encountered during**  
10          **your lunch break?**

11          A.    One of them is a woman, a lawyer and --

12                     MR. SCAROLA: He asked for a name.

13          A.    I don't know the names. I didn't ask the  
14          names from anybody.

15       BY MR. EDWARDS:

16          **Q.    Is there a description that would help me**  
17          **learn the identity of this person?**

18          A.    She was in her 40s, probably. She had  
19          short, cropped hair.

20          **Q.    Is this somebody who knew the lawyers who**  
21          **had accused you by reputation?**

22          A.    I don't know. I don't know. I'm just  
23          giving you an illustration of what people tell me  
24          all the time.

25          **Q.    Okay. During the lunch break, did you**

1    have a chance to consider whether you were willing  
2    to waive the attorney-client privilege with respect  
3    to the identities of the individuals with whom you  
4    share a privilege in the circumstance where you are  
5    the client, that provided you information that  
6    helped form the basis of your opinions about Paul  
7    Cassell and Brad Edwards?

8           MR. SCOTT: We've instructed my client not  
9           to waive the privilege.

10          MR. SCAROLA: Both privileges?

11          MR. SCOTT: Yes.

12          MR. SCAROLA: And by "both," I mean both  
13          attorney-client and work product.

14          MR. SCOTT: Yes, sir.

15          MR. SCAROLA: Thank you.

16    BY MR. EDWARDS:

17          Q.    Isn't another reason that you have given  
18    publicly that you could not have -- that anybody who  
19    knows you would know that you could not have and  
20    would not have committed such an offense, you're not  
21    that kind of person?

22          A.    That's right.

23          Q.    And similar to what you did with respect  
24    to Paul Cassell and reading about what is public out  
25    there about him to form the basis of your belief in

1 his credibility and reputation, you would agree that  
2 it's also fair to have done the same thing with  
3 respect to you, correct?

4 A. Yes.

5 Q. Okay. Is it -- do you or have you in the  
6 past enjoyed getting naked at clothing-optional  
7 beaches in Martha's Vineyard?

8 A. When I was --

9 MR. SCOTT: Objection, relevancy to that.  
10 Invasion of privacy. Has no relevancy  
11 whatsoever. I would like a ruling.

12 MR. EDWARDS: It is reasonably calculated  
13 to lead to the discovery of admissible  
14 evidence.

15 SPECIAL MASTER POZZUOLI: I'm going to  
16 deny the objection, but give you -- latitude is  
17 not unlimited.

18 MR. EDWARDS: I understand.

19 A. Would you give me a time frame?

20 BY MR. EDWARDS:

21 Q. Sure. At around October 15, 2001, which  
22 is a time period we have agreed falls within the  
23 relevant time period of this case.

24 A. So I have to give a lengthy answer to  
25 this. There is a beach on Martha's Vineyard which

1 has traditionally been a clothing-optional beach.  
2 Rumors are that Eleanor Roosevelt use to skinny dip  
3 there. Many prominent people have skinny dipped on  
4 that beach, and my wife and I have occasionally  
5 skinny dipped on that beach. Yes. Not in recent  
6 years.

7 Q. Were you asked at some point to represent  
8 a woman by the name of Nikki Craft?

9 A. Yes.

10 Q. And with respect to that representation or  
11 attempted representation, have you read the  
12 statement that she has put out publicly regarding  
13 you?

14 A. I don't recall, but I can tell you what  
15 the facts of the case were and why I turned down  
16 representation, if you would like to hear it.

17 SPECIAL MASTER POZZUOLI: Let him ask his  
18 question.

19 MR. EDWARDS: Sure.

20 SPECIAL MASTER POZZUOLI: Sure?

21 MR. EDWARDS: No, no.

22 SPECIAL MASTER POZZUOLI: Oh, okay. Go  
23 ahead.

24 BY MR. EDWARDS:

25 Q. Have you -- do you know that she has said

1     **that she has written "Does there exist for**  
2     **Dershowitz an overpowering thrill of seeing the**  
3     **female nude such as to prevent him from seeing the**  
4     **issues from a woman's viewpoint?"**

5           A.    I think she also called me Mengele in the  
6     article. She compared me to Mengele, the nazi  
7     killer. She was furious that I wouldn't take her  
8     case because she wanted to walk topless down the  
9     middle of the city in the middle of the street, and  
10    I don't believe in that.

11           I had represented the nude beach in Truro,  
12    Massachusetts, where people want to go skinny  
13    dipping in private areas, but I do not believe that  
14    anybody has the right to be nude or topless in  
15    public. I turned down her case. I never met her.  
16    She wrote to me, and I wrote back turning down her  
17    case.

18           And she just went on a rampage against me.  
19    As far as I know, she's never met me. She's never  
20    seen me. And she has just written, I remember, and  
21    attacked me. She went on the radio and attacked me  
22    all because I refused to represent her walking  
23    topless through the city.

24           **Q.    Okay. And part of that rampage was her**  
25    **understanding of your "eager response to naked women**

1     **could be compared with that of a little boy let**  
2     **loose in a candy store"?**

3           A.     She doesn't know me. That was something  
4     she just made up.

5           MR. SCOTT: I need a ruling on relevancy.  
6           But, I mean, reading statements from people  
7           from articles and asking him about them is  
8           totally irrelevant. Goes to nothing in this  
9           case.

10          SPECIAL MASTER POZZUOLI: Ask your -- I'm  
11          hoping that you're going to tie this up to  
12          something.

13          MR. EDWARDS: Sure.

14          BY MR. EDWARDS:

15          Q.     Can you -- well, let's go back first.

16                 Can you provide me the articles -- all of  
17     **the articles on Paul Cassell that you have testified**  
18     **about today?**

19          A.     I'm sure I can.

20          Q.     Can you provide them to me now?

21          A.     No. I told you I looked at them a year  
22     ago.

23          Q.     But it's fair for you to review those  
24     **articles and tell me what is in them, correct?**

25          A.     At some point, but I'm not going to do it

1 right -- I can't do it now. I don't have it in  
2 front of me.

3 Q. On your Harvard website, is there a  
4 compilation of articles which you've written in the  
5 past?

6 A. I haven't looked at my website, but I've  
7 written, I think, over a thousand articles.

8 Q. At some point in time, did you write for  
9 Hustler magazine?

10 A. No.

11 Q. Did you publish in Hustler magazine?

12 A. No.

13 Q. None of your articles were published in  
14 Hustler magazine?

15 A. No. I was once called the "asshole of the  
16 month" by Hustler magazine because I refused to  
17 represent Mr. Flint, and he had a picture of my face  
18 coming out of the rectum of a donkey, calling me  
19 "asshole of the month." But I didn't publish that,  
20 I assure you.

21 SPECIAL MASTER POZZUOLI: Tell me that  
22 we're going to get somewhere with this, because  
23 this is -- you know, see if we can tie this up  
24 in some form.

25 MR. EDWARDS: Okay. Let me just put on



1           the record why this is reasonably calculated is  
2           the statement was made by Mr. Dershowitz that  
3           he's not the kind of person to have done this.

4           THE WITNESS: To have raped a 16-year-old.

5           MR. EDWARDS: Our client -- our client has  
6           described certain things about Mr. Dershowitz,  
7           and if those certain things that she has  
8           described are consistent with things that he  
9           does believe in or has done in the past, then  
10          that would add credibility to our client.

11          THE WITNESS: Would you tell me what your  
12          client --

13          SPECIAL MASTER POZZUOLI: Hang on a  
14          second.

15          MR. EDWARDS: I don't have to do that. I  
16          can just discover on this subject matter.

17          SPECIAL MASTER POZZUOLI: I'm going to let  
18          you. But the idea that he might have skinny  
19          dipped with his wife is slightly different. So  
20          I would -- I mean, I don't see that as  
21          relevant, but I'm going to let you continue. I  
22          mean, because it's not my role here to decide  
23          that.

24          But I'm just saying to you that I get  
25          where you're going. So, proceed through this,

1 but let's get to -- this is going to be  
2 forever. I mean, because he's got a thousand  
3 articles published, you can go through each of  
4 them and pick out whatever or whatever it is.  
5 So let's --

6 MR. EDWARDS: There are two other things  
7 at issue here. One is at the time that these  
8 pleadings were placed, what was our -- what was  
9 Paul Cassell and Brad Edwards' mind state. The  
10 other thing is Mr. Dershowitz has a claim for  
11 damages to his sterling reputation. So to the  
12 degree that there is some damage to reputation  
13 caused by some other source, then that is  
14 something else that should be -- we should have  
15 discovery into.

16 SPECIAL MASTER POZZUOLI: That's why I'm  
17 allowing the latitude.

18 MR. EDWARDS: Thank you.

19 MR. SCOTT: There is certain relevance to  
20 some of that. I mean, going into a lot of  
21 these different things is -- you know, it's  
22 years ago into the past and things like that.  
23 It's just ridiculous. It's irrelevant.

24 And I think you get -- we're going to ask  
25 you to make a decision on these things as they

1           come up if this is going on to go on for hour  
2           after hour asking things over a man's life of  
3           70-some years.

4           THE WITNESS:   Seventy-seven.

5           SPECIAL MASTER POZZUOLI:   Ask your next  
6           question.

7           BY MR. EDWARDS:

8           **Q.    Sure.  Did you write articles on behalf of**  
9           **Penthouse magazine?**

10          A.    I was Robert Guccione's lawyer on First  
11       Amendment issues, and he asked me to do a column  
12       every month on First Amendment and justice issues,  
13       and I did that for 25 years, virtually every month  
14       writing an article on justice and the First  
15       Amendment.

16          **Q.    Have you ever written an article about the**  
17       **idea that viewing child pornography should not be a**  
18       **crime?**

19          A.    I can tell you my position.  My position  
20       is that creating child pornography should be a  
21       crime, but that viewing -- I think I wrote about  
22       viewing virtual child pornography; that is,  
23       contrived images that are not real.  And the Supreme  
24       Court supported me on that position.

25                Supreme Court has ruled consistent with my

1 position that when you have computer-generated  
2 pictures of children that the focus should be on  
3 making of the pornography, which is a crime, but not  
4 on the viewing of the pornography.

5 And I have a view, a scientific view that  
6 I've published about, written many articles about,  
7 that there is no relationship between the viewing of  
8 pornography and commission of violent crimes. And I  
9 have the data to support that. And I think I'm one  
10 of the leading authorities on that issue. It's an  
11 academic issue of some considerable interest me.

12 **Q. You're one of the leading authorities on**  
13 **the issue that --**

14 A. Of the causation -- the relationship  
15 between viewing pornography and crimes of violence.

16 **Q. Viewing child pornography?**

17 A. I would say in general. I don't know that  
18 I distinguish between that in the scientific  
19 research that I've done.

20 **Q. I'm going to go ahead and show you what's**  
21 **been marked as Exhibit 27. I'll show it to your**  
22 **lawyer first. Ask if you recognize it.**

23 MR. SIMPSON: Do you have a copy for us?

24 MR. EDWARDS: That's my only copy. We'll  
25 use it --

1           MR. SCOTT: You know, I asked -- I'm going  
2           to put this on. I asked yesterday to have  
3           copies of exhibits.

4           MR. SCAROLA: I think we do have a copy,  
5           before you get all exorcized over this.

6           MR. SCOTT: By the way --

7           MR. SCAROLA: I think we do have a copy.

8           MR. SCOTT: Okay. And by the way, the  
9           thing you published from the Bench & Bar,  
10          it's -- you said it was in the exhibits. It's  
11          not.

12          MR. SCAROLA: I told you if it's not  
13          there, we'll get it for you.

14          MR. SCOTT: Yeah. I'd like it today, if  
15          you could get it, because that's what you said  
16          yesterday.

17          (Thereupon, marked as Plaintiff  
18          Exhibit 27.)

19          MR. SCAROLA: I said tell us what else you  
20          need, and we'll get it for you.

21          THE WITNESS: So not only is my --

22          MR. SIMPSON: Wait a minute. Hang on.  
23          That's the witness's.

24          MR. SCOTT: Is this the witness's copy?

25          MR. SIMPSON: You can have this one, Tom.

1 MR. SCOTT: There's some notes on there.  
2 I don't know if you want them, but --

3 MR. EDWARDS: I'll take it.

4 MR. SCOTT: I think they're your  
5 questions. I could be wrong. I could have  
6 handed it to him, it would have probably  
7 expedited it.

8 MR. EDWARDS: I doubt it.

9 A. Okay. I remember writing this article.  
10 It grew out of a pro bono case that I did  
11 representing a student.

12 BY MR. EDWARDS:

13 Q. Does that article limit the opinion of  
14 that viewing child pornography or children  
15 fornicating should not be criminal to virtual child  
16 pornography?

17 A. I think I say in the article -- I asked  
18 the question: But should it be a crime for someone  
19 who has never and would never molest a child to view  
20 child pornography?

21 I think I raised that question. And I  
22 talk about the dangers to the values of the  
23 democracy. I say there is a potential here for a  
24 real witch hunt. Child molestation is a serious  
25 problem. The creation of child pornography is also

1 a serious problem. We don't know whether the  
2 viewing of child pornography is or is not a serious  
3 problem, but many people think it is.

4 So, I don't think I take a definitive  
5 view. I am an academic. You're trying not only to  
6 put my ideas on trial here today, what I've written  
7 about on trial; you're trying to put my advocacy on  
8 behalf of defendants on trial, you're putting the  
9 Sixth Amendment on trial, you're putting the First  
10 Amendment on trial. You're inviting the American  
11 Civil Liberties Union, the National Association of  
12 Criminal Defense Lawyers to intervene in this case,  
13 because they will not stand by and tolerate an  
14 academic having his ideas put on trial or an  
15 advocate -- I was going to say a zealous advocate,  
16 and I claim that, I am a zealous advocate, putting  
17 his representation on trial. That is unAmerican.  
18 That is McCarthyite and is beneath contempt.

19 MR. EDWARDS: Object and move to strike.

20 SPECIAL MASTER POZZUOLI: Denied. Denied.

21 Move forward.

22 BY MR. EDWARDS:

23 Q. Is Paul Cassell also an academic?

24 A. Paul Cassell teaches and uses the  
25 stationery of law school as part of his --

1                   SPECIAL MASTER POZZUOLI: Answer the  
2                   question.

3                   A. He is an academic.

4                   BY MR. EDWARDS:

5                   **Q. When was that article that has now been**  
6                   **marked as 27 written?**

7                   A. Copyrighted 2002.

8                   **Q. Is 2002 within the relevant time period**  
9                   **that we've defined in this case?**

10                  A. Yes, but I've written articles like this  
11                  as far back as probably as 1967, and I've written  
12                  them probably as recently as the last couple of  
13                  years. I have a book which deals with the subject.  
14                  I have a long Law Review article called "Why  
15                  Pornography?"

16                         So to focus on that year seems to me as to  
17                  wrench out of context the fact that this has been my  
18                  view. I had a debate with William Buckley about it  
19                  at Harvard University. I had a debate with --  
20                  interestingly enough, I had a debate with Ginsberg,  
21                  the poet, in which I took the opposite view in which  
22                  I was very, very tough on child pornography, talking  
23                  about how much I despise it and hate it and think  
24                  it's immoral and improper.

25                         But just because I think something is



1 immoral and horrible doesn't mean I necessarily  
2 think it should be criminal. Unlike some people, I  
3 don't necessarily associate my personal views of  
4 conduct with what I think should be illegal or who I  
5 would represent.

6 **Q. Have you ever had any of your articles**  
7 **that you have written removed from your Harvard**  
8 **website?**

9 A. Not that I know of. That would be a  
10 violation of academic freedom.

11 **Q. Is there any reason why the article that**  
12 **is now number 27 is, as of February of 2015, no**  
13 **longer on your website?**

14 A. I doubt that that's true. I doubt that it  
15 was removed. I don't think every article -- let me  
16 tell you, unequivocally, I did not remove it, order  
17 it to be removed or know it was removed. I doubt it  
18 was removed. I can't imagine why anybody would ever  
19 remove any article. I'm very proud of this article.

20 **Q. Is there any explanation for that**  
21 **particular article being within the articles on your**  
22 **website at some point and later no longer appearing**  
23 **on your website?**

24 A. I don't think that's true. And if it is,  
25 I have no idea how it happened or why it happened.

1 It's not something I would ever tolerate being done.  
2 There isn't a single article I would remove from my  
3 website. I'm proud of every article I've written.  
4 And I'm sure you will find many other articles.

5 I don't know what my website includes.  
6 But there is a book that's been written that honors  
7 me by University of Albany Law School and contains  
8 in the back all of my articles. I don't know that  
9 my website does more than have a selection of my  
10 articles. So I would have to look. But I'm not  
11 aware of it. I don't handle my website.

12 **Q. Who decides which articles are placed on**  
13 **the website and which are taken off of the website?**

14 A. My assistant, Sarah Neely.

15 **Q. Is Sarah Neely somebody who has been**  
16 **involved in any aspect of the defense of this**  
17 **particular case?**

18 A. She's just my assistant, she's my  
19 secretary. She does all of my typing and does  
20 everything that I do. So she's been involved in  
21 every aspect of my life since she worked for me  
22 about eight years ago.

23 **Q. Is there anyone other than Sarah Neely who**  
24 **would put an article up on the website or remove the**  
25 **article from the website?**

1           A.    Not that I know of.

2           **Q.    And is she permitted to remove any**  
3 **articles from the website without your permission?**

4           A.    I have no idea. I've never ever read my  
5 website. I am not a web person. I don't know  
6 what's on my website. And she also does tweeter or  
7 Twitter. I have no idea. She circulates some  
8 articles, she doesn't do anything, I have no control  
9 over that. And I had nothing to do, nothing, zero,  
10 with either placing the article or if it was  
11 removed, removing the article. Zero percent.

12          **Q.    Okay. Have you ever called for a complete**  
13 **overhaul of rape laws in Massachusetts?**

14          A.    One of my academic subjects that I've been  
15 interested in for many, many years has been the  
16 definition of rape and the idea of consent.

17                And I recently wrote an article calling  
18 for affirmative consent to be required in all rape  
19 cases, making the point that it's far better than  
20 ten consented-to rapes don't -- that ten  
21 consented-to acts of sexuality do not occur rather  
22 than even one unconsented-to act of sexuality occur.

23                So in other words, I've flipped the  
24 Blackstonian notion and say it's far, far better  
25 that voluntary sex not occur in questionable

1 situations than even one act of unconsented-to sex.  
2 I'm very much a hawk on the issue of consent and  
3 want to make sure that no sexual encounter ever  
4 occurs. And I teach that to my students. And I  
5 lecture my students about that. I think the laws of  
6 Massachusetts and the laws of many, many other  
7 states are in a complete state of messiness, and I  
8 would be thrilled to have an -- overall rape laws  
9 all over the country.

10 **Q. Have you included within your request for**  
11 **a complete overhaul lowering the age of consent**  
12 **considerably?**

13 A. I know I argued in Florida -- we produced  
14 some data in Florida that the age of consent is 18.  
15 And, by the way, this all happened way, way after  
16 the events at issue. But that the average age of  
17 commencing sex in the state of Florida is well below  
18 that. And, therefore, there is a substantial  
19 disparity in California, which has 18, and Florida,  
20 which has 18, between the actual activities that  
21 occur -- many, many acts of sexual conduct occur  
22 between the ages of 17 and 18, but the acts are  
23 illegal.

24 I have for years, basically since the  
25 Vietnam War when I argued this, said that when you

1 have tremendous disparity between the law in action  
2 and the law on the books, that creates disrespect  
3 for the law. And so what I want to see is a change  
4 that reflects the actual pattern of sexuality  
5 community by community, state by state. That's been  
6 my academic position.

7 **Q. Have you, as far back as 1997, advocated**  
8 **for lowering the age of consent to 15, as something**  
9 **that would seem like an appropriate compromise,**  
10 **given that reasonable people might disagree on**  
11 **whether it should be as low as 14?**

12 A. I don't recall that. If you could show me  
13 what you claim I said, I would be happy to look at  
14 it. I don't recall that. I do not believe the age  
15 of consent should be 15.

16 **Q. Okay. Have you ever believed that age of**  
17 **consent should be 15?**

18 A. I have no recollection of that. But if  
19 you could show me what you claim I said, I will be  
20 happy to look at it and read it in context.

21 **Q. That's not a belief that you have today?**

22 A. That's not a believe that I have today,  
23 no.

24 **Q. Do you currently have a place at 1500**  
25 **Ocean Drive, Miami Beach?**

1           A.    I do.

2           **Q.    And is that near a clothing-optional**  
3 **beach?**

4           A.    No.  Not that I know of.  I'm not aware of  
5 any.

6           **Q.    Is there instances where you have seen**  
7 **women lying out nude on the beach near your condo?**

8           MR. SCOTT:  You know, really the relevancy  
9 of this is so strained.

10          SPECIAL MASTER POZZUOLI:  You really are  
11 straining the relevancy.  But go ahead.  It's  
12 your time.  Go ahead.  I'm not going to --

13          A.    Any human being who is not blind who has  
14 walked on any part of South Beach has seen a vast,  
15 vast, vast, vast majority of men and women are  
16 dressed in totally appropriate bathing suits, and  
17 occasionally there are some who are not.

18          BY MR. EDWARDS:

19          **Q.    Have you, at your condominium complex,**  
20 **earned the reputation as somebody who goes out onto**  
21 **the beach anytime there is a nude girl?**

22          A.    No.  What you're talking about is last  
23 year my wife ran for the condo board, and she ran  
24 against another group of people, and they were  
25 exchanging insults.  And one of the women whose

1 husband was running against or -- Caroline made an  
2 absurd allegation that everybody -- everybody in the  
3 condo building not only booed her but virtually  
4 threw her out of the building. It was a totally,  
5 totally made-up lie.

6 And the fact that you are relying on that  
7 kind of nonsense really confirms everything I  
8 thought about you. It really confirms everything I  
9 thought about you.

10 SPECIAL MASTER POZZUOLI: Let's move on.

11 MR. SCAROLA: Not before we move to strike  
12 that last comment.

13 SPECIAL MASTER POZZUOLI: You know, I  
14 would normally agree, but I'm going to let it  
15 stand. Go ahead and move forward.

16 BY MR. EDWARDS:

17 Q. Okay. Was there a circumstance, then,  
18 that this individual named Wendy Dawson confronted  
19 your wife and specifically told your wife that  
20 you're a pervert -- is that something that you  
21 know --

22 A. Yes.

23 Q. -- to have happened?

24 A. Let me finish. That happened, and my wife  
25 told her what she thought of that, and everybody in

1 the condo, and she is now a completely ostracized  
2 person. She also claims that I called her a slut.  
3 And her husband threatened to beat me up. And this  
4 caused a lot of tension in the building. But I  
5 think if you ask -- there are 104 tenants in the  
6 building. I think 103 of them would tell you she's  
7 a complete nutcase.

8 Q. Well, did she in response to -- well, did  
9 you confront her and specifically say, "I'm going to  
10 ruin your life. You don't know what I'm capable of.  
11 You're going to be sorry that you said that to my  
12 wife"?

13 A. No.

14 MR. SCOTT: Can I ask what you are reading  
15 from?

16 MR. EDWARDS: Sure. It's a Miami-Dade  
17 police report that was made in 2014 by somebody  
18 at the condominium against Alan Dershowitz.

19 A. Not somebody at the condominium. This  
20 woman.

21 MR. SCOTT: Can we mark this as an  
22 exhibit, please.

23 A. And it was totally ignored, and the police  
24 said they didn't believe her.

25 MR. EDWARDS: Sure.



1 (Thereupon, marked as Plaintiff  
2 Exhibit 28.)

3 BY MR. EDWARDS:

4 Q. Did you know that this police report was  
5 made against you?

6 A. I think I was told that it was, yeah. You  
7 know, I also had a report made --

8 SPECIAL MASTER POZZUOLI: Hang on a  
9 second.

10 A. Okay. But I want to illustrate how many  
11 reports were made against me. I was charged with  
12 harassing students at Johns Hopkins University  
13 because I refused to acknowledge that Israel commits  
14 war crimes. And as a result of my silence on  
15 whether Israel commits war crimes, I was charged  
16 with harassing students. Do you want to ask me  
17 about that as well or other kinds of allegations?

18 BY MR. EDWARDS:

19 Q. When did that happen?

20 A. This happened about three months ago.

21 Another Arab group accused -- filed a Bar  
22 complaint against me at one point because I support  
23 Israel, I am therefore a war criminal.

24 A professor at Ohio University named --  
25 oh, God, I can't remember his name now -- Boyle, I

1 think, accused me of being a war criminal.

2 Do you want to go down the list of things  
3 that I've been accused of? I acknowledge I am a  
4 very controversial person. I'm a lightening rod for  
5 controversy and criticism. That bears nothing on my  
6 personal conduct and integrity.

7 SPECIAL MASTER POZZUOLI: Go ahead and  
8 move forward.

9 MR. SCOTT: Did we mark that as an  
10 exhibit?

11 MR. EDWARDS: Twenty-eight.

12 MR. SCOTT: Thank you, ma'am.

13 BY MR. EDWARDS:

14 Q. Are you also familiar with somebody named  
15 Noam Chomsky?

16 A. Yes. He was my counselor at Camp Massad  
17 in 19-- or counselor in my division at Camp Massad  
18 in 1948, so I've known him for 67 years.

19 Q. This is somebody who was voted the world's  
20 leading public intellectual, whatever that title --

21 A. He wasn't voted. He was named that.  
22 Nobody voted on it.

23 Q. And is this somebody who has repeatedly  
24 and publicly labeled you as a dedicated liar?

25 A. He and I have had an enormous and public

1 controversy that's gone on for -- since 1970 when I  
2 first debated him. And the controversy is well  
3 known. I've debated him on many occasions, and I  
4 think beaten him on every such occasion.

5 He is a radical anti-American, hard left,  
6 American hater. Virtual anti-Semite. And we have  
7 very little respect for each other's views. That's  
8 in the form of public controversy, yes. But he has  
9 never pinpointed -- in fact, in a recent debate, I  
10 gave the students list of ten -- a bunch of things  
11 that he said, and I challenged the students to  
12 Google him for accuracy, and I got back dozens and  
13 dozens of responses saying that clearly he had  
14 misstated all the facts, and they had checked my  
15 facts, and my facts were accurately stated.

16 **Q. Can you tell me each of the days during --**  
17 **between the period of 1999 and 2002 when you were in**  
18 **the presence of Jeffrey Epstein?**

19 MR. SCOTT: Objection. Overly broad,  
20 asking him to comment about every time he's  
21 been with someone in three years.

22 MR. INDYKE: Objection.

23 SPECIAL MASTER POZZUOLI: Darren, go ahead  
24 and make your objection for the record so the  
25 court reporter can get it.

1 MR. INDYKE: Objection based upon  
2 attorney-client, work product, and instruct not  
3 to answer.

4 SPECIAL MASTER POZZUOLI: Can you answer  
5 outside the privilege?

6 A. I can describe to my memory the times that  
7 I was in his presence without describing the  
8 reason --

9 SPECIAL MASTER POZZUOLI: The nature --

10 A. -- I was in his presence.

11 SPECIAL MASTER POZZUOLI: That's fine. Go  
12 ahead. You can, because the question was --  
13 and go back and read the question so we can get  
14 your question answered.

15 COURT REPORTER: "Can you tell me each of  
16 the days during -- between the period of 1999  
17 and 2002 when you were in the presence of  
18 Jeffrey Epstein?"

19 A. And that will require a lengthy answer.

20 SPECIAL MASTER POZZUOLI: Well, he's asked  
21 the question, and if you can answer it outside  
22 the privilege, because really all we're talking  
23 about now is can you tell me the days.

24 BY MR. EDWARDS:

25 Q. Just the days.

1           MR. SCOTT: If you can remember. Can you  
2           remember specific days?

3           A. I can remember some, yeah. So let me  
4           first say that I was never with Jeffrey Epstein  
5           during that relevant time period on his island.

6           BY MR. EDWARDS:

7           **Q. I'm not asking that question.**

8           SPECIAL MASTER POZZUOLI: No, no, no.  
9           Listen, the question is, "Can you tell me each  
10          of the days during -- between the period of  
11          1999 and 2002 when you were in the presence of  
12          Jeffrey Epstein?"

13          MR. SCOTT: He wants specific dates for  
14          three years.

15          SPECIAL MASTER POZZUOLI: That is the  
16          question verbatim, because I'm reading it from  
17          the transcript.

18          A. Okay. During that period of time, we had  
19          lunch at Joe's Stone Crab. We have an entry in the  
20          calendar, which they have. That was during that  
21          period of time. It was in Miami Beach.

22          My recollection is each summer during that  
23          period of time, he flew up to Martha's Vineyard and  
24          spent a part of the day with us at my home on  
25          Martha's Vineyard with me and my wife and my

1 children, who were there, with -- at least on one of  
2 those occasions with Ghislaine, maybe more.

3 I think during that period of time, we  
4 attended a birthday party for Lord Evelyn Rothschild  
5 at which Prince Andrew was in attendance and Lady  
6 Rothschild was in attendance. Those are the ones  
7 that I can think of right now.

8 BY MR. EDWARDS:

9 Q. Between 1999 and 2002, did you ever visit  
10 Jeffrey Epstein's home in Manhattan?

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

13 A. It's possible. I know I visited his  
14 office. He had an office at -- on Fifth -- Madison  
15 Avenue, I think, and he would call me periodically  
16 to come over to the office to discuss a matter and I  
17 would go to his office.

18 I'm trying to remember if I was at his  
19 home during that period of time. It's very  
20 possible. But I have no distinct recollection of  
21 whether I was at his home during that period of time  
22 or when it might have been.

23 BY MR. EDWARDS:

24 Q. How many times have you been to Jeffrey  
25 Epstein's home in Manhattan?

1           SPECIAL MASTER POZZUOLI: During what  
2           period of time? During the relevant of time,  
3           or are you expanding it?

4           BY MR. EDWARDS:

5           Q.   Well, to the extent you can tell me,  
6           between 1999 and 2002, which I think you just told  
7           me, I'm not sure whether I was there or not, right?

8           A.   I don't -- I'm not sure whether I was  
9           there or not.

10          Q.   So let's just broaden it, then. How many  
11          times have you been to Jeffrey Epstein's home in  
12          Manhattan ever?

13          MR. SCOTT: Objection. I think that's  
14          overly broad.

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

17          A.   I'm remembering a time. I think I was at  
18          a party at his house with Vera Wang and another  
19          famous designer, and probably a hundred people. I  
20          think that may have been during that period.

21                I would say I've been at his home less  
22          than a dozen times throughout. Could be a few more  
23          than that, a few less. But it's in that range. It  
24          would be, you know, once a year, maybe twice a year.

25                It stopped once I finished representing

1 him. Once I finished representing him, our nature  
2 of our relationship changed, and I was there only in  
3 specific connection with particular legal questions  
4 that he had for me.

5 BY MR. EDWARDS:

6 Q. When did you stop representing him?

7 A. Well, I wouldn't say stop representing  
8 him. I'm still representing him, but when the case  
9 was actively over was when he -- we made the plea  
10 bargain and he went to jail.

11 Q. Let me make it clear. When is the date  
12 that you just described as the date when you stopped  
13 representing him but that was the date when your  
14 relationship changed and you no longer went to  
15 Jeffrey Epstein's home?

16 A. On a social basis.

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

19 MR. SCOTT: Well, I didn't understand the  
20 question, to be honest with you. If the  
21 witness did, fine.

22 SPECIAL MASTER POZZUOLI: You mixed the  
23 timeframe.

24 Did you understand the question about the  
25 timeframe he was asking about?



1           A.    I think I do, yeah.  There came a time  
2   when we made the deal --

3           BY MR. EDWARDS:

4           **Q.    "The deal" being the nonprosecution**  
5   **agreement?**

6           A.    The nonprosecution agreement.  At that  
7   point, my relationship with Jeffrey Epstein changed.  
8   It was no longer primarily a social -- my  
9   relationship with Jeffrey Epstein fit into three  
10  categories.  I was an acquaintance, an academic  
11  acquaintance, somebody who I met with him on  
12  academic matters.  On occasion, he would ask my  
13  advice about legal matters.  And that was between  
14  the time I first met him in the summer of Leslie  
15  Wexner's 59th birthday, whatever that year is, and  
16  the time that he told me that he had a legal -- that  
17  he was being investigated by the Palm Beach police.

18                   So that's phase one.

19                   Phase two, I'm then primarily involved as  
20  his lawyer between the time the investigation begins  
21  and the time the deal is struck.

22                   Once the deal is struck, we get into phase  
23  three, and during that phase, I rarely see him.  
24  It's only when he calls me and asks me for advice  
25  about the case, something about -- I can't get into

1    what it is. But just general advice about the case.  
2    I think that's a fair assessment of the three phases  
3    of my relationship with him.

4           **Q.    Just so that I understand when phase two**  
5    **ended, is it when the nonprosecution agreement was**  
6    **signed in late 2007 or when Jeffrey Epstein pled**  
7    **guilty in -- June 30, 2008?**

8           A.    I think once the non- --

9                   MR. INDYKE: Objection. Same instruction.

10          A.    I think once the nonprosecution agreement  
11    was reached in theory, once we had a handshake with  
12    Sloman and with U.S. Attorney, and recall that the  
13    deal was not only struck with Sloman and the U.S.  
14    Attorney, but my recollection is it went all the way  
15    up to Maine Justice in Washington that had  
16    involvement in the case as well, once this deal was  
17    struck in principle, my role changed dramatically.

18                   I did not have a major role in drafting  
19    the agreement, in implementing the agreement, in the  
20    civil aspects of the agreement. At that point, my  
21    relationship changed.

22          BY MR. EDWARDS:

23           **Q.    Were you one of the attorneys that was**  
24    **communicating directly with Maine Justice?**

25          A.    I think I had.

1           MR. INDYKE: Same objection, same  
2           instruction. Adding in any settlement  
3           conversations objection from yesterday as well.

4           BY MR. EDWARDS:

5           Q.    Okay. So the degree to which -- haven't  
6           you publicly made statements about what your role  
7           was on behalf of Jeffrey Epstein with regard to the  
8           nonprosecution agreement?

9           A.    I don't have any current recollection that  
10          I made any such statements. I said I thought we  
11          got -- we negotiated very hard, that it was a very  
12          tough negotiation. There was a series of  
13          negotiations first with the State Attorney, then  
14          with the Assistant U.S. Attorney, and then with the  
15          head of criminal division and then with the U.S.  
16          Attorney himself, Maine Justice, and ultimately a  
17          deal was struck. And I may have described my role.

18          Q.    A deal that you categorized as an arm's  
19          length --

20          A.    Definitely arm's length.

21          Q.    -- negotiation?

22          A.    Yeah, very tough negotiation.

23          Q.    Are you unable to tell me, then, what role  
24          that you particularly played with respect to that  
25          deal?

1           A.    Yes, I can tell you.

2           **Q.    You can or cannot?  I can't hear you**  
3           **because your hand is in front of your mouth.**

4           A.    Well, I need to know whether I'm entitled  
5   to, but I can --

6           MR. SIMPSON:  Darren?  Are you instructing  
7   him not to answer?

8           MR. INDYKE:  Yes.  Yes.

9           MR. SCAROLA:  What is the basis of the  
10   instruction not to answer about communications  
11   with an adversary?

12          MR. INDYKE:  Settlement conversations,  
13   settlement discussions.

14          MR. SCAROLA:  So the privilege that you  
15   are asserting is a confidential settlement  
16   discussion privilege that precludes discovery  
17   of the conversations, correct?

18          MR. INDYKE:  Correct.

19          MR. SCAROLA:  And you are instructing  
20   Mr. Dershowitz not to answer on the basis of  
21   that assertion?

22          MR. INDYKE:  Yes, as well as  
23   attorney-client --

24          MR. SCAROLA:  And as Mr. Dershowitz's  
25   counsel --

1           SPECIAL MASTER POZZUOLI: Could you speak  
2 up, Darren, again.

3           MR. INDYKE: Yes. And as well as  
4 attorney-client privilege and work product to  
5 the extent it requires -- a response requires  
6 him to invade any of those.

7           MR. SCAROLA: Well, our position clearly  
8 is that communications with an adversary cannot  
9 be attorney-client privileged communications.  
10 Communications with an adversary cannot be work  
11 product communications. And we don't  
12 believe -- we don't believe any valid privilege  
13 can be asserted to preclude Mr. Dershowitz from  
14 answering the question about communications  
15 with an adversary.

16           So, I want to know whether in addition to  
17 the objection that is being asserted on behalf  
18 of Mr. Epstein, Mr. Dershowitz's counsel is  
19 instructing Mr. Epstein [sic] not to answer  
20 those questions.

21           MR. SCOTT: Say that again.

22           MR. SCAROLA: Yes. We know --

23           MR. SCOTT: I'm sorry, I was reading an  
24 exhibit.

25           MR. SCAROLA: We know what Mr. Epstein's

1 position is. I don't believe it to be well  
2 founded.

3 I want to know whether you are instructing  
4 Mr. Dershowitz that he is not to answer the  
5 questions; and, if so, the basis of your  
6 instruction.

7 MR. SCOTT: I'm not. He's following the  
8 instructions of Mr. Epstein's counsel.

9 MR. SCAROLA: Well, he's not obliged to  
10 follow the instructions of Mr. Epstein's  
11 counsel.

12 MR. SCOTT: Well, I think he --

13 MR. SCAROLA: Those instructions have no  
14 basis in the law, and our position is they have  
15 no basis in the law. You are not obliged to  
16 instruct him not to answer if you believe they  
17 have no basis in the law.

18 MR. SCOTT: I'm taking no position on  
19 this.

20 MR. SCAROLA: Okay. So is he going to  
21 answer the questions or not?

22 MR. SCOTT: He's not going to answer --

23 SPECIAL MASTER POZZUOLI: Hang on, hang  
24 on, hang on a second.

25 So I would say the following: We can put

1           this in the category of the issues that have to  
2           be dealt with subsequent, and I will overrule  
3           the objection.

4           However, I will share that I have had an  
5           opportunity to read the 11th Circuit opinion,  
6           and I would suggest that the -- particularly  
7           the negotiation and the settlement privilege as  
8           asserted runs contrary to that opinion as I've  
9           read it.

10          So, at least to preserve the privilege for  
11          now, I'll overrule the objection and place it  
12          in those -- that set of issues that you will  
13          have to address later and will reserve. But I  
14          would suggest to the lawyers --

15          MR. EDWARDS: Overrule or sustain?

16          SPECIAL MASTER POZZUOLI: I'm going to  
17          overrule the objection.

18          MR. INDYKE: Your Honor, if I may respond.

19          SPECIAL MASTER POZZUOLI: Go ahead.

20          MR. INDYKE: That 11th Circuit decision is  
21          a decision regarding -- I believe regarding  
22          federal rules, not Florida rules.

23          SPECIAL MASTER POZZUOLI: Yeah, I'm aware  
24          of the distinction. And that's why I'm going  
25          to allow you not -- I'm going to allow the

1 witness not to answer and allow that to be  
2 reserved for later on for the decision around  
3 the set of privilege issues that have been  
4 raised in the last day and a half.

5 THE WITNESS: Including the privilege  
6 issue raised by Sigrid McCawley.

7 SPECIAL MASTER POZZUOLI: Hang on one  
8 second. Including -- there are four or five  
9 privilege issues that have been raised  
10 throughout the series of this deposition, and I  
11 want to preserve it for the Plaintiffs so they  
12 can deal with that either in front of me or in  
13 front of the judge. And -- after more fully  
14 briefed.

15 THE WITNESS: Your Honor, can we add to  
16 that the McCawley privilege?

17 MR. INDYKE: Your Honor, just one other  
18 thing for the record.

19 SPECIAL MASTER POZZUOLI: Hang on one  
20 second. Darren, hang on one second.

21 MR. INDYKE: Yes, sir.

22 SPECIAL MASTER POZZUOLI: That is --  
23 either party can raise whatever they want,  
24 including Ms. McCawley. I'll let that stand on  
25 its own.



1           Darren, go ahead. You were going to say  
2 something.

3           MR. INDYKE: The only point I wanted to  
4 raise in response to Mr. Scarola's point that  
5 disclosure to an adversary would never be  
6 privileged is that in any settlement  
7 communication, the settlement is with an  
8 adversary.

9           SPECIAL MASTER POZZUOLI: I understand the  
10 distinction and I understand Mr. Scarola's  
11 point. And so since I am going to basically  
12 move forward with the deposition without having  
13 the witness provide an answer to the question  
14 right now, pending a future decision on these  
15 set of issues, so we can move forward with the  
16 deposition.

17          MS. McCAWLEY: And I just want to state on  
18 the record that the sanction motions that we  
19 have relating to the seal that's already been  
20 granted is set for February 2, so the Court  
21 will be hearing this issue on that date.

22          SPECIAL MASTER POZZUOLI: And that -- I'll  
23 await Judge Lynch's direction if it impacts  
24 anything within my role.

25          MS. McCAWLEY: Thank you.

1 BY MR. EDWARDS:

2 Q. I may be able to shortcut a portion of  
3 this, then, because given that this litigation  
4 arises out of a pleading filed in the Crime Victims  
5 Rights Act case and relating to any role that  
6 Mr. Dershowitz played in the negotiation of the  
7 nonprosecution agreement, I have a long series of  
8 questions regarding what exactly he did, what  
9 exactly he did not do, who exactly he communicated  
10 with at Maine Justice, the U.S. Attorney's Office,  
11 meetings that he attended, the positions that he  
12 took, all of those things, and rather than waste our  
13 time going through every one of those questions to  
14 be met this objection, if that's what the objection  
15 is going to be, I'll skip to another portion.

16 Is that what I'm hearing? In terms of are  
17 we taking that whole section of questions that is  
18 going to lead to a privilege objection and putting  
19 it in this basket to take up with the judge and see  
20 if that's an issue to comment on later?

21 SPECIAL MASTER POZZUOLI: I would say it  
22 this way, I can only rule on the question that  
23 is pending, first of all.

24 Second of all, as practical matter, the  
25 answer is probably yes, considering that the

1 deposition is not going to conclude today and  
2 so you're going to have to reset Mr. Dershowitz  
3 for a time in the future that is likely to be  
4 after you've received some other guidance on  
5 these issues. Fair enough?

6 MR. EDWARDS: Yes, fair enough. Thank  
7 you.

8 SPECIAL MASTER POZZUOLI: As a  
9 practical -- you know.

10 MR. EDWARDS: Okay. I'll test out a  
11 couple and see where we are and move on.

12 SPECIAL MASTER POZZUOLI: There you go.

13 BY MR. EDWARDS:

14 Q. Who were the people at Maine Justice that  
15 you communicated with on behalf of Jeffrey Epstein  
16 at any stage during the negotiations?

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

19 BY MR. EDWARDS:

20 Q. Who were the targets of the  
21 U.S. Attorney's investigation, as you understood,  
22 during the negotiation that you participated in on  
23 behalf of Jeffrey Epstein?

24 A. Not me. I was not one of them.

25 MR. INDYKE: Same objection, same

1 instruction.

2 A. I can tell you one who was -- it's not me.

3 MR. SCOTT: He's making an objection.

4 MR. EDWARDS: To the extent that he's  
5 answering that question by excluding anyone, I  
6 am making the argument right now that he has  
7 waived any privilege objection whatsoever to  
8 that question, and I'm asking him now to  
9 disclose the names of all of the individuals  
10 who were -- not were not -- were targets of the  
11 investigation.

12 MR. INDYKE: I said Mr. Epstein has not  
13 waived any objection --

14 COURT REPORTER: Mr. Indyke, I can't hear  
15 you.

16 MR. INDYKE: I said, I'm sorry, but  
17 Mr. Epstein has not waived his objection  
18 despite any statements Mr. Dershowitz may have  
19 made.

20 MR. SCAROLA: And can we assume that on  
21 all occasions when the instruction is coming  
22 from Mr. Epstein's counsel that Mr. Epstein  
23 [sic] is not to answer, that you are joining in  
24 those objections?

25 MR. SCOTT: You know, you've characterized

1 me twice incorrectly, Mr. Scarola. All I'm  
2 doing is this: He represents this gentleman.  
3 This gentleman's lawyer is telling him not to  
4 answer. Okay? I'm telling him follow that  
5 lawyer's advice until there is a ruling.

6 You put me in a Catch-22. What am I  
7 supposed to do? Rule on it and say you can  
8 answer it and overrule this man telling him  
9 this?

10 MR. SCAROLA: Well, there may be  
11 occasion --

12 MR. SCOTT: I'm not joining in their  
13 position. I'm merely saying follow the  
14 lawyer's instructions until there's a legal  
15 ruling on February 2nd, and then we'll be glad  
16 to come back and answer them, depending on what  
17 Judge Lynch says. That's all I'm saying to  
18 you.

19 SPECIAL MASTER POZZUOLI: Hang on one  
20 second. Before we go back to --

21 MR. SCOTT: I've said it twice.

22 SPECIAL MASTER POZZUOLI: And there has  
23 been -- there have been times when I found the  
24 objection to be -- I overruled the objection,  
25 and the witness answered regardless. And so we

1           need to take them one question at a time. You  
2           can either deal this in the subsequent sitting  
3           of Mr. Dershowitz or we could do it now. It's  
4           up to you.

5           MR. SCAROLA: Well, let me explain the  
6           concern that I have and the reason why I want  
7           the record to be clear in this regard.

8           There are -- there is a party that is  
9           Professor Cassell and there is an attorney,  
10          General Reyes, who are here from Utah today at  
11          some considerable expense. And there may very  
12          well be a motion for sanctions that will  
13          include a request that expenses associated with  
14          the retaking of Mr. Dershowitz's deposition be  
15          assessed against those responsible for having  
16          raised improper objections requiring the  
17          continuation of the deposition.

18          If you are not joining in what I consider  
19          to be spurious objections that have no  
20          reasonable basis, then it would not be  
21          appropriate to seek sanctions against you. But  
22          if you are joining in those objections, then it  
23          would be appropriate to seek sanctions in the  
24          form of costs.

25          I'm only trying to make sure that the

1 record is clear as to whether you are joining  
2 in the objections or you are aren't joining in  
3 the objections.

4 MR. SCOTT: I thought I had made that  
5 clear before, and I've now made it clear a  
6 second time.

7 MR. SCAROLA: That is that you are not  
8 joining in the objections?

9 SPECIAL MASTER POZZUOLI: Let me stop you.  
10 The way people make objections, Mr. Scarola, as  
11 you understand it, and I understand it, and  
12 everybody in the room, is when any lawyer  
13 objects, they put it on the record. If there  
14 is not an objection made by a particular  
15 lawyer, then we -- I don't think there's an  
16 assumption that could be made one way or  
17 another that they're joining or not.

18 MR. SCAROLA: Well, the problem is that  
19 the witness is not responding to the question.

20 THE WITNESS: That's a lie. I'm  
21 responding to every question that the special  
22 master has asked me to respond to.

23 SPECIAL MASTER POZZUOLI: Guys, guys, let  
24 me stop you. I understand the Catch-22. I  
25 understand that this issue should be flushed

1 out at a hearing, likely in front of Judge  
2 Lynch, and then we'll get clarity on this  
3 issue.

4 I will also suggest to the parties that  
5 from where I sit, you've asked me to come in as  
6 special master. I appreciate the delicacies of  
7 the issue of the privileged communication,  
8 however it is asserted, whatever privilege  
9 particularly is being asserted, and I want to  
10 be careful and as considerate as I can.

11 And so -- but unlike you, I have not lived  
12 with this case. And so I'm trying to make the  
13 best calls I can and also preserve the record  
14 for you to take up at a later hearing where  
15 these issues can get flushed out either by  
16 brief and argument in a more fuller fashion.

17 MR. SCAROLA: And I apologize if anything  
18 that I have said suggests that you have done  
19 anything except properly fulfill your  
20 responsibilities.

21 SPECIAL MASTER POZZUOLI: No, no, no.

22 MR. SCAROLA: So I want to be clear that  
23 my purpose is to be sure we have as clear a  
24 record as possible as to who is asserting which  
25 objections.



1           And it's my position that if Mr. Epstein's  
2           counsel raises an objection that Mr. Scott or  
3           Mr. Simmons considers to be baseless, then they  
4           have an obligation to tell their client, this  
5           is a question that you should answer.

6           If they're not telling their client, this  
7           is a question you should answer, I think it's  
8           reasonable to assume that they are recognizing  
9           at least the colorable validity of the  
10          objection. That's the only point I'm trying to  
11          make. I made my statement, and we can move on  
12          from here.

13          MR. SCOTT: And I will repeat my position.  
14          My client has been instructed by the lawyer  
15          representing a man he continues to represent  
16          that he should not answer these questions, and  
17          I believe that he should not answer them until  
18          the Court gets a ruling.

19          And the special master himself has  
20          indicated that we need to get this resolved and  
21          it's delicate issues. That's all I'm saying,  
22          Jack.

23          This is going to be done on the  
24          2nd anyway. You're coming back for another  
25          depo. We all know that, so let's get it

1 flushed out, let's get it ruled on, and then we  
2 can come back and finish it off if the judge  
3 says that. That's all I'm saying.

4 SPECIAL MASTER POZZUOLI: You're going to  
5 need extra time with him anyway.

6 MR. SCOTT: You're putting me in a  
7 Catch-22. You actually need a rule as a judge.  
8 I can't do that.

9 SPECIAL MASTER POZZUOLI: Let's understand  
10 the practicality of it that I'm not so sure  
11 that you're going to get done today. In fact,  
12 I'm fairly certain now that you're not.  
13 Notwithstanding these open issues around  
14 privilege.

15 So, to that extent, let's see if we can  
16 continue to plow through as best we can.

17 MR. SCAROLA: Thank you.

18 MR. EDWARDS: Okay. Thank you.

19 BY MR. EDWARDS:

20 Q. You have defined your relationship with  
21 Jeffrey Epstein using three categories that I wrote  
22 down as, No. 1, academic; No. 2, lawyer; and No. 3,  
23 subsequent to nonprosecution agreement, rarely see  
24 him.

25 A. Sure.

1           Q.    Is it fair -- is a reasonable presumption  
2   that in the category No. 3, subsequent to Jeffrey  
3   Epstein pleading guilty and that case resolving, the  
4   criminal case resolving, that you have not been to  
5   his New York, Manhattan mansion since then?

6           A.    No, that's not the case. I have been,  
7   yeah. Yeah.

8           Q.    How many times in category 3, then, have  
9   you been to Jeffrey Epstein's Manhattan mansion?

10          A.    I would say maybe twice, maybe -- maybe  
11   twice. Maybe three, in that range. It's been how  
12   many years now? It's been nine years or eight  
13   years. Could be a little bit more than that.  
14   Certainly no more than once a year. Certainly no  
15   more than that. Probably less than that.

16          Q.    And when you were at Mr. Epstein's  
17   New York home subsequent to his guilty plea, were  
18   you there in the capacity as his lawyer discussing  
19   attorney-client information or were you there in a  
20   nonlawyer capacity?

21          A.    As a lawyer.

22          Q.    Okay. Was any of your communications with  
23   Jeffrey Epstein during that period of time we just  
24   defined non-privileged communications?

25          A.    Yes.

1           **Q. Can you share with me the nonprivileged**  
2           **communications that you have had with Jeffrey**  
3           **Epstein since his guilty plea in June 2008?**

4           A. We discussed the Middle East. There was a  
5           map on his blackboard that had been drawn in chalk  
6           by Ehud Barak, who had visited his home, and we  
7           discussed the potential for how the Middle East  
8           conflict could be settled.

9           **Q. When was that discussion?**

10          A. Probably six or seven -- six, seven, eight  
11          years ago, something like that.

12          **Q. So are we talking about 2009, 2010 is this**  
13          **discussion?**

14          A. No, I don't remember exactly what year it  
15          would be. It could be around there. Ehud Barak was  
16          no longer in office. So we'd have to figure out  
17          when he was not in office.

18          **Q. Does it help if I can tell you that**  
19          **Jeffrey Epstein pled guilty June 30, 2008, was**  
20          **confined for a year and then was placed on**  
21          **probation? Was it during the time that he was**  
22          **supposed to be confined? Was it during the time of**  
23          **his probation? Or is it sometime after all of that**  
24          **was over?**

25          A. I don't remember. I do remember that he

1     called me to come over for a legal reason. We had a  
2     legal discussion, and then he showed me the  
3     blackboard and we had a discussion that was not  
4     privileged. Had nothing to do with this case.

5           **Q.     Was Ehud Barak at his house as well during**  
6     **this discussion that you were having with Jeffrey**  
7     **Epstein?**

8           A.     He had been at his house. I don't recall  
9     specifically if he was there at the time. We may  
10    have said hello in passing. I don't recall.

11           I think -- I can tell you this. Part of  
12    the discussion occurred when he was not there  
13    because we were referring to his map and discussing  
14    what this meant and what that meant. But I think we  
15    may have crossed paths, him going out and me coming  
16    in.

17           MR. SCOTT: At some point, we'd like to  
18    take a break.

19           MR. EDWARDS: I'm just going wrap up on  
20    this particular meeting, and then we'll take a  
21    break.

22           MR. SCOTT: Okay.

23           BY MR. EDWARDS:

24           **Q.     The time when that you're discussing where**  
25     **you and Jeffrey Epstein were reviewing a map, is**

1     **this a map that was drawn by Ehud Barak?**

2           A.    Yes.

3           **Q.    And is this on a blackboard --**

4           A.    Yes.

5           **Q.    -- that is Jeffrey Epstein's blackboard?**

6           A.    That's right.

7           **Q.    Where in the home is this blockboard**  
8     **located?**

9           A.    Okay. As you walk into his house, there's  
10   a little office on the left side. And generally  
11   I've been called by his secretary, I go and I sit in  
12   the office, and then she tells me that Jeffrey's  
13   ready to see me and I walk in through the hallway  
14   into a dining room. And he's usually sitting at the  
15   desk in the dining room and there's a waiter person  
16   sitting there, hovering around. And that was the  
17   room where this blackboard was.

18                   And that's where he used to have his  
19   academic seminars where he would invite Nobel  
20   Prize-winning scientists and professors and other  
21   people to have sessions. I didn't attend any of  
22   those once the -- once the deal been made, once I  
23   terminated my role as his lawyer.

24           **Q.    This visit to Jeffrey Epstein's house**  
25     **where you discussed the drawing on the blackboard,**

1 do you know whether Ehud Barak was staying at  
2 Jeffrey Epstein's house?

3 A. I don't. I don't.

4 Q. Do you know whether Ehud Barak, in the  
5 days just preceding that, had been staying at  
6 Jeffrey Epstein's house?

7 A. I don't. I have no idea.

8 Q. Do you know how long Ehud Barak had been  
9 at Jeffrey Epstein's house?

10 A. I don't know that he had been. All I know  
11 that he had been there for enough time to draw the  
12 map, and I may have -- I've known him for a long  
13 time. I may have said hello to him on the way in  
14 and out. I don't remember that specifically. I  
15 just remember that he had been there and I had asked  
16 about the map and we had the conversation.

17 MR. EDWARDS: You want to take a break?

18 VIDEOGRAPHER: Going off the record. The  
19 time is 2:22 p.m.

20 (Recess was held from 2:22 p.m. until 2:36 p.m.)

21 VIDEOGRAPHER: We are back on the record.  
22 The time is 2:36 p.m.

23 MR. EDWARDS: I'm going to go ahead and  
24 put this on the record that I'm turning over  
25 the video transcript from the Miami Bench

1           & Bar.

2           MR. SCOTT: Thank you, Mr. Edwards.

3           MR. SIMPSON: Thank you.

4           A. Can I correct one of my answers on the  
5 record? You asked me if I was aware of a police  
6 report, and I had no chance to read it. I've now  
7 had a chance to read it, and it is noncriminal, and  
8 it says she simply wanted to document the incident.

9           BY MR. EDWARDS:

10          **Q. Were you aware of that?**

11          A. I was not aware of that.

12          **Q. Okay.**

13          A. And I am now aware of that. It's a  
14 noncriminal report and she wants it for the record.

15          SPECIAL MASTER POZZUOLI: Are you  
16 referring to Exhibit 28?

17          MR. EDWARDS: Exhibit 28, which is Miami  
18 Beach Police Case Report Detail.

19          A. But not a criminal report.

20          BY MR. EDWARDS:

21          **Q. Okay. Either way, you were not aware of**  
22 **that report having been made?**

23          A. No, no, no, I was aware that there was a  
24 police report being made. I never saw the police  
25 report. I looked at it now for the first time --



1           **Q.     Understood.**

2           **A.     -- during the recess.**

3           **Q.     Okay.   Going back to the meeting we were**  
4           **just discussing between yourself and Jeffrey Epstein**  
5           **in Jeffrey Epstein's home, what year -- what's your**  
6           **best approximation for the year that that happened?**

7           **A.     It would just be a guess.   I would --**

8           **Q.     Okay.   You don't know?**

9           **A.     I don't think I know.   I could probably**  
10          **find out.**

11          **Q.     Okay.   How long you were at Jeffrey**  
12          **Epstein's home during that meeting?**

13          **A.     My general meetings with Jeffrey Epstein**  
14          **in the post deal period were about half an hour.**

15          **Q.     And --**

16          **A.     They were business; in, out, done.**

17          **Q.     Was there anyone else in the room with you**  
18          **and Jeffrey Epstein during this meeting?**

19          **A.     Yes.**

20          **Q.     And who was that?**

21          **A.     There was a wait person who would bring**  
22          **coffee and refill my coffee and ask if there was**  
23          **anything I needed, and then periodically a secretary**  
24          **would come in and hand Jeffrey a note and he would**  
25          **look at the note and scribble a note or decide to**

1 make a phone call back.

2 **Q. Do you know the name of the waiter or the**  
3 **secretary?**

4 A. Waiter, I never knew the name. The  
5 secretary, I would know the name if it were given to  
6 me, but I don't know it offhand. I can describe her  
7 to you.

8 **Q. Okay. What's the description?**

9 A. She's a very attractive 45-year-old.  
10 She's been his secretary for quite some time. And  
11 I'm guessing the age, but it's in that range. Thin,  
12 blondish hair.

13 **Q. Is it Lesley Groff?**

14 A. It could be. It could be, yes. Probably  
15 was, yeah.

16 **Q. And did you speak with Lesley Groff while**  
17 **you were there?**

18 A. I would usually go in, I would say hi, and  
19 she'd say Jeffrey's busy, wait. And I would wait in  
20 the little office. There would be books. I would  
21 peruse a book. And then she would say, Jeffrey's  
22 ready to see you, and I would go into his -- he used  
23 it kind of as an office, an office-dining room area.

24 **Q. Was Lesley Groff also a target of the**  
25 **federal criminal investigation?**

1 A. Not to my knowledge.

2 MR. INDYKE: Objection.

3 MR. SIMPSON: Darren?

4 MR. INDYKE: Yes.

5 MR. SIMPSON: Are you instructing on that  
6 question?

7 MR. INDYKE: I am, on the same basis.

8 BY MR. EDWARDS:

9 Q. And --

10 MR. SCOTT: If you have a hard time  
11 hearing, please speak and let us know, will  
12 you? Because you got to tell my client what  
13 your position is so he can understand it before  
14 he responds.

15 MR. INDYKE: I understand.

16 MR. EDWARDS: Just so I am clear on what  
17 privilege is --

18 MR. INDYKE: I would be objecting on  
19 several projects, including attorney-client,  
20 work product, I think probably those two, yes.  
21 On those two. And I would instruct not to  
22 answer.

23 MR. EDWARDS: As to the question of was  
24 Lesley Groff also a target of the criminal --  
25 federal investigation, the objection is

1 attorney-client privilege and the witness is  
2 being instructed not to answer?

3 MR. INDYKE: And work product, because  
4 Mr. Dershowitz would not have discovered any  
5 such information unless it was in connection  
6 with his representation of Jeffrey.

7 A. And I'm also not sure --

8 MR. SCOTT: Just --

9 BY MR. EDWARDS:

10 Q. Is Lesley Groff one of the named  
11 coconspirators in the nonprosecution agreement that  
12 is now a public document?

13 A. I don't remember. I remember only [REDACTED]  
14 [REDACTED]. I don't remember the other names. I  
15 remember there were four of them and, of course, I  
16 was not one of them.

17 Q. Was there anyone else at the home for this  
18 meeting you are describing other than yourself,  
19 Jeffrey Epstein, the waiter whose name you do not  
20 know, and the secretary who we believe is Lesley  
21 Groff?

22 A. There was also a guy, a big guy who I  
23 think may have been a security guy, because I  
24 remember he came to the door once and greeted me and  
25 he looked to me like a security guy. And he was

1 kind of on the opposite side of where the office  
2 was, and I would see him from time to time.

3 VIDEOGRAPHER: Let me interrupt for one  
4 second. Professor, could you put your mic on.

5 THE WITNESS: Oh, I am so sorry. I  
6 apologize.

7 VIDEOGRAPHER: No problem.

8 BY MR. EDWARDS:

9 Q. Okay. Do you know the name of this person  
10 you are describing as security?

11 A. I don't.

12 Q. Would you know it if I said it?

13 A. Try me.

14 Q. Igor Zinoviev?

15 A. No.

16 Q. It's not Igor?

17 A. No, no. And there was also a driver,  
18 whose name if you give me, I will remember. I think  
19 it has -- I think it's a Latino name.

20 Q. Jojo Fontenelle?

21 A. That's it. I have the ethnicity wrong,  
22 but it was Jojo, yes. I never knew his last name.

23 Q. Is Jojo Fontenelle someone that you  
24 understand worked for Jeffrey Epstein for a very  
25 long time?

1           A.    I don't know for a very long time. I know  
2   that on occasion when it was raining or something,  
3   Jeffrey would ask Jojo to drive me back to my house  
4   or something like that. So I was driven on maybe  
5   one or two occasions by Jojo somewhere. That's  
6   really all I know about.

7           **Q.    Have you ever talked with Jojo about**  
8   [REDACTED]?

9           A.    Of course not. I've never talked to  
10   anybody about [REDACTED] until --

11           MR. INDYKE:  Objection.

12           A.    -- until these false accusations.

13           MR. SCOTT:  Is there an objection?

14           MR. INDYKE:  There is an objection. To  
15   the extent that response to that question would  
16   require Alan to disclose anything in connection  
17   with his representation of Jeffrey Epstein,  
18   then I would instruct Alan not to answer the  
19   question.

20           MR. SCOTT:  So if it's a nonprivileged  
21   area, please answer it.

22           SPECIAL MASTER POZZUOLI:  How would a  
23   conversation with Jojo be privileged?

24           MR. INDYKE:  It might be privileged if  
25   Alan is investigating, for example, what Jojo

1           recalls about [REDACTED] or something  
2           like that. I don't know.

3           A. I had no privileged conversations.

4           SPECIAL MASTER POZZUOLI: Okay.

5           BY MR. EDWARDS:

6           **Q. After these allegations were made, haven't**  
7           **you already testified as recently as yesterday that**  
8           **you did call Jeffrey Epstein?**

9           A. Yes, but I had no contact with Jojo. I  
10          have no idea whether Jojo still works for him or  
11          anything. I've not been to his -- I've not had any  
12          contact with him, no.

13          **Q. When is the first time you met Jojo?**

14          A. I have no idea.

15          **Q. Do you remember if Jojo was working for**  
16          **Jeffrey Epstein the first time that you met Jeffrey**  
17          **Epstein?**

18          A. I have no idea. I may have seen him three  
19          times in my life, Jojo.

20          **Q. Okay. We're right now still in what**  
21          **you've placed as category No. 3, which would place**  
22          **time period of June 2008 through present.**

23          A. I would put it a little back further than  
24          2008. Probably at the time the handshake deal was  
25          struck with the U.S. Attorney's Office is when the

1 nature of my relationship changed.

2 Q. I'm going to describe some events for you  
3 just from what I know.

4 A. Okay.

5 Q. And only so that you can help me to  
6 understand when the date actually is.

7 A. Okay.

8 Q. Here are the things that I know. In late  
9 September -- September 27, 2007, the nonprosecution  
10 agreement is signed.

11 A. Okay.

12 Q. In December there's an addendum to it that  
13 was signed but later not attached. In January  
14 there's an appeal to CEOS in Washington. So I'm  
15 wondering --

16 A. In January?

17 Q. Right. So I'm wondering if it is that  
18 January 2008 period --

19 A. That's probably pretty close, yeah.  
20 That's probably pretty close. I would have been  
21 involved in any appeal.

22 Q. Okay. Okay. So at least to the last  
23 point of an appeal -- I call it appeal, for lack of  
24 a better word, but taking it up to Washington,  
25 you're involved through whatever that point is?



1           A.    Yeah.  I mean, my role is primarily to  
2   provide legal work.  I did the legal part of  
3   everything.  I wrote the law part of all the briefs.  
4   I was not in charge of the factual investigation.  
5   That's not my expertise.  My expertise is on  
6   statutory construction, constitutional law and  
7   precedence, and I wrote all the parts of all the  
8   pleadings pretty much that dealt with any of those  
9   issues.

10           **Q.    Don't you agree, though, that you made**  
11 **presentations to the State Attorney's Office and**  
12 **perhaps others about some of the underlying facts**  
13 **for the victims and their credibility?**

14           A.    At the first phase when it was just me and  
15   local lawyers, and it was regarded as --

16           MR. INDYKE:  Objection.  Sorry, guys, I  
17   just got back to my desk.  Are we talking about  
18   discussion with the U.S. Attorney's Office,  
19   with the U.S. Attorney?

20           MR. SCOTT:  No.  I don't know if we are or  
21   not.

22           MR. INDYKE:  Can you repeat the question,  
23   please.

24           MR. EDWARDS:  Sure.  The statement was  
25   made that he was only involved -- at least my

1           understanding of the comment was that he was  
2           only involved in the legal aspects of it, and  
3           so --

4           THE WITNESS: I said primarily involved.

5           MR. EDWARDS: So my question was, wouldn't  
6           you agree that at some point in time, you met  
7           with the State Attorney's Office and discussed  
8           with them the factual background of some of the  
9           victims?

10          MR. INDYKE: Same objection regarding work  
11          product and also regarding settlement  
12          communications. And instruct not to answer.

13          BY MR. EDWARDS:

14          **Q.    Okay. And I assume at this point in time,**  
15          **we're going along with that instruction?**

16          SPECIAL MASTER POZZUOLI: I don't -- I  
17          don't -- based on the question, I'm not so sure  
18          he could answer the question outside of the  
19          privileged information that's being claimed, so  
20          yeah.

21          BY MR. EDWARDS:

22          **Q.    Okay. In addition to the one occasion**  
23          **that you've already described for us, in phase**  
24          **three, which we've described as sometime in 2008**  
25          **through present, what is the other -- what is the**

1     **next time that you were at Jeffrey Epstein's home in**  
2     **Manhattan?**

3           A.     There were just a couple of times when I  
4     would get a phone call and be asked to come over to  
5     discuss a legal issue, and I did. But I can't give  
6     you times and dates. I might be able to check them.  
7     I might have kept time records, although I don't  
8     think I was billing him at that time. But I might  
9     have time records.

10          **Q.     Within -- after January of 2015 when you**  
11     **contacted Jeffrey Epstein, that was in response to**  
12     **the allegations that were made against you, right?**

13          A.     He contacted -- to my recollection, he  
14     contacted me. What happened is I first got a phone  
15     call from one of his lawyers. And then I got a  
16     phone call from him.

17          **Q.     And your discussions, so that I'm**  
18     **understanding, with Jeffrey Epstein at that time,**  
19     **the purpose of those discussions was for you to**  
20     **gather information from him to assist you in the**  
21     **defense of the allegations against you?**

22          A.     In part.

23                 MR. INDYKE: Objection. Common interest.

24                 And instruct not to answer.

25

1 BY MR. EDWARDS:

2 Q. I'm -- just so that I'm clear, the  
3 objection may stand, but just so that I'm clear, I'm  
4 talking about a circumstance where you are the  
5 client, not you were the lawyer. And I want to know  
6 what the communications are between you and Jeffrey  
7 Epstein where you are the client asking him  
8 information for the purposes of defending yourself  
9 against the allegation.

10 A. I was always both the lawyer and the  
11 client. I think I already said that.

12 MR. INDYKE: The objection stands.

13 A. I was always both the lawyer and the  
14 client.

15 MR. INDYKE: Objection. Common interest,  
16 attorney-client and work product.

17 BY MR. EDWARDS:

18 Q. Can you tell me any other times in phase 3  
19 of your relationship with Jeffrey Epstein, as  
20 previously defined, when you had -- when you met  
21 with Jeffrey Epstein at his New York home and  
22 discussed any other nonprivileged information?

23 A. I can't think of any other nonprivileged  
24 discussion.

25 Q. Are there any other people who were

1 present at Jeffrey Epstein's home when you were  
2 having any of your privileged discussions?

3 A. Waiter, secretary, security, staff.

4 Q. Where was the staff at the times when you  
5 were having these privileged discussions with  
6 Jeffrey Epstein?

7 A. In their various places. The security  
8 person in his place, the secretary in her place, and  
9 a waiter walking in and out. We generally stopped  
10 any substantive discussion when the waiter or the  
11 waitress, the waitperson was pouring my coffee.

12 Q. Was [REDACTED] or [REDACTED] or  
13 Ghislaine Maxwell in the home at any of these times  
14 during phase 3 of your relationship with Jeffrey  
15 Epstein?

16 A. Not that I recall.

17 Q. Were any of Jeffrey Epstein's girlfriends  
18 in the home during that time?

19 A. Not that I recall.

20 Q. What would we describe as the -- or what  
21 would we define as the time period of phase 1 of  
22 your relationship with Jeffrey Epstein?

23 A. From August of the year that Leslie Wexner  
24 turned 59 -- let's see, he's a year older than I am,  
25 and I would have turned 59 in 2007 -- so this is

1     probably the summer of 2006.

2           **Q.     Ninety-six?**

3           A.     Ninety-six.

4           **Q.     I'm with you. I'm keeping track of the**  
5 **math.**

6           A.     Put back a decade. Ninety-six, so it was  
7     probably the summer of '96, and he came to the  
8     Vineyard at the suggestion -- to visit a number of  
9     people, but visited with me at the suggestion of  
10    Lady Rothschild, whose name was then Lynn Forester.

11          **Q.     Is Lynn Forester still a friend of Jeffrey**  
12 **Epstein?**

13          A.     No.

14          **Q.     Was Lynn Forester then in 1996 a friend of**  
15 **Jeffrey Epstein?**

16          A.     Yes.

17          **Q.     Do you have insight into the reason why**  
18 **Lynn Forester is no longer a friend of Jeffrey**  
19 **Epstein?**

20                 MR. SIMPSON: Darren.

21          A.     I'm waiting for an objection. If none  
22     comes --

23                 MR. INDYKE: I'm sorry. Can you repeat  
24     the question? Restate the question, please.

25                 MR. EDWARDS: I'm asking the witness for

1           the reason why Lynn Forester and Jeffrey  
2           Epstein are no longer friends.

3           MR. INDYKE: Oh. Objection on the basis  
4           of attorney-client, work product. And I  
5           instruct him not to answer.

6           BY MR. EDWARDS:

7           **Q. Have you talked to Lynn Forester or anyone**  
8           **other than Jeffrey Epstein about the reason why Lynn**  
9           **Forester and Jeffrey Epstein are no longer friends?**

10          MR. SCOTT: If it's nonprivileged, please  
11          answer.

12          A. Yeah, I have spoken to Lynn Forester about  
13          a number of subjects. I don't recall speaking to  
14          her about that subject.

15          BY MR. EDWARDS:

16          **Q. Do you have the ability to answer the**  
17          **question as to why Lynn Forester and Jeffrey Epstein**  
18          **are no longer friends outside of privileged**  
19          **information?**

20          A. No, I do not, no.

21          **Q. And you've told me --**

22          MR. INDYKE: Hello?

23          MR. EDWARDS: There's no question pending  
24          yet.

25          MR. INDYKE: Sorry.

1 BY MR. EDWARDS:

2 Q. And you've told me of some nonprivileged  
3 communication that you've had with Jeffrey Epstein  
4 and, obviously, you can't tell me of privileged  
5 communication you've had with Jeffrey Epstein  
6 because it relates to your acting as Jeffrey  
7 Epstein's attorney when that communication was had.

8 So am I correct in understanding that the  
9 information that would give you the ability to  
10 answer the question why Lynn Forester is no longer  
11 friendly with Jeffrey Epstein is privileged  
12 communication?

13 A. Yes.

14 Q. The first time that you met Jeffrey  
15 Epstein, was that in Martha's Vineyard?

16 A. Yes.

17 Q. Was that at your place at Martha's  
18 Vineyard?

19 A. Yes. He came to my house on Martha's  
20 Vineyard.

21 Q. And who did he come with the first time?

22 A. Ghislaine Maxwell.

23 Q. What did you understand at that point in  
24 time for Ghislaine Maxwell's role to be in Jeffrey  
25 Epstein's life?



1           A.    I thought she was his girlfriend. That  
2    was my assumption at the time.

3           **Q.    Was your assumption wrong?**

4           A.    I don't know.

5           **Q.    Okay. The way that you said it, I thought**  
6    **maybe --**

7           A.    No. I don't -- I never -- they didn't  
8    hold hands.

9           **Q.    There is nothing since that date that's**  
10   **changed the assumption that you had at that time,**  
11   **which is that she was his girlfriend in 1996?**

12           MR. INDYKE: Objection --

13           A.    Nothing on privilege.

14           MR. INDYKE: -- based upon  
15   attorney-client, work product, common interest.

16   BY MR. EDWARDS:

17           **Q.    Was anybody else with Jeffrey Epstein and**  
18   **Ghislaine Maxwell on this first visit to Martha's**  
19   **Vineyard?**

20           A.    His pilots.

21           **Q.    Who were they?**

22           A.    I don't know.

23           **Q.    Do you know Larry Visosky?**

24           A.    I remember meeting a pilot named Larry.

25           **Q.    Other than his pilots, anybody else?**

1           A.    No.  None that I know of.  He came to my  
2   house.  They had a car at the airport.  They took  
3   the car back to the airport, my recollection, maybe  
4   took a cab, I don't remember, but I know he was  
5   visiting other people.  So I don't know whether he  
6   did or didn't have anybody else with him.  But when  
7   they came to my house, it was just him and  
8   Ghislaine.

9           Q.    Okay.  I'm going to go back to this, but I  
10  wanted to get something before we finished today,  
11  which is can you provide me all the telephone  
12  numbers that you used to call -- not on your end --  
13  that you called to reach Jeffrey Epstein in phase 1;  
14  that is, prior to your representation of Jeffrey  
15  Epstein in the 2005 investigation?

16          A.    I will check to see.

17               MR. INDYKE:  Objection to the extent that  
18   information is privileged, attorney-client  
19   communication or those times where Alan has  
20   testified where Jeffrey has asked him for  
21   specific instances of legal advice.

22          A.    I can tell you this, that early on, like  
23   the first six months of my relationship with Jeffrey  
24   Epstein, there was no privilege.  That is, probably  
25   took at least six months before he asked me any

1 questions that would be legal in nature.

2 The first six months, we talked about  
3 science, we talked about academia, we talked about  
4 Harvard, we talked about Leslie Wexner, we talked  
5 about various subjects.

6 It was only later on in time that, in  
7 retrospect, I think back, and I say these are  
8 questions that were legal in nature and he was  
9 asking me them as a lawyer friend of his.

10 BY MR. EDWARDS:

11 Q. Okay.

12 MR. INDYKE: Then my objection -- to be  
13 clear, my objection is to the extent that you  
14 got that information in communications with him  
15 during the time where he was seeking legal  
16 representation on particular questions for you,  
17 I would object to that information.

18 A. I understand. That's why I wanted to  
19 clarify there was a period of time that that wasn't  
20 true.

21 BY MR. EDWARDS:

22 Q. And I'm just asking for his actual  
23 telephone numbers.

24 A. I'll check. I don't have them --

25 Q. Just so that my record is clear -- my

1 question is clear for the record, I'm only asking  
2 for you to provide Jeffrey Epstein's telephone  
3 numbers that you would call him on during the period  
4 of time prior to your representation in 2005.

5 A. Okay. I would say 99 percent of the time,  
6 he called me. So it was mostly a one-way phone  
7 situation, but I'm sure I have some numbers that I  
8 called or called back, yeah.

9 Q. Did you have his telephone number --

10 A. I had some numbers, yeah, and I can  
11 provide those if I can find them.

12 Q. In fact, I think I've seen a piece of your  
13 journal --

14 A. Probably has the numbers, yeah.

15 Q. It has all of them blacked out, so is  
16 there --

17 A. Okay. That's no secret. I can give them  
18 to you.

19 MR. SIMPSON: Just for the record,  
20 Counsel, anything withheld as privilege would  
21 be on our privilege log, and counsel will  
22 address that.

23 MR. EDWARDS: Okay. Yeah, I'm not asking  
24 about anything on the privilege log.

25

1 BY MR. EDWARDS:

2 Q. All phone numbers with -- what would you  
3 have to do to get me all the phone numbers that you  
4 had for Jeffrey Epstein?

5 A. Almost certainly just have my lawyers  
6 unblank out the pages.

7 Q. Okay.

8 A. I don't keep old phone books.

9 Q. Did you have --

10 MR. INDYKE: Would you be using those  
11 phone numbers for the purpose of publishing  
12 them? Because I would have an objection to  
13 that.

14 MR. EDWARDS: No.

15 MR. INDYKE: Confidential information.

16 MR. EDWARDS: I will agree not to publish  
17 his phone numbers, especially his old phone  
18 numbers from 1997.

19 MR. INDYKE: Thank you.

20 BY MR. EDWARDS:

21 Q. Did you have telephone numbers for  
22 Ghislaine Maxwell?

23 A. No.

24 Q. Did you have a telephone number for [REDACTED]  
25 [REDACTED]?

1 A. No.

2 Q. Did you have a direct telephone number for  
3 [REDACTED]?

4 A. Of course not.

5 MR. INDYKE: Objection. Objection as to  
6 actually all three to the extent that Alan has  
7 that information based upon privileged  
8 information.

9 A. I don't have the information, so it can't  
10 be privileged.

11 BY MR. EDWARDS:

12 Q. Did you have a telephone number for  
13 Jeffrey Epstein in Albuquerque?

14 A. No. There came a point in time -- no, I  
15 never did, no. No, I don't think I ever did.

16 Q. Did you have a telephone number for  
17 Jeffrey Epstein at his residence in the island?

18 MR. INDYKE: Same objection and same  
19 request as to confidentiality, if you do.

20 A. I don't think so. Generally, I recall one  
21 number, I would call his secretary. I did not --  
22 for example, did not have a cell phone number for  
23 him. I would call his secretary if I needed him.  
24 It was very rare that I called. And the secretary  
25 would then call back. So I did not have numbers for

1 his various places that I can remember.

2 BY MR. EDWARDS:

3 Q. Did you have a phone number for Jeffrey  
4 Epstein's cell phone?

5 A. I don't think so, no, I don't. Certainly  
6 during that period, I did not.

7 Q. When you would call Jeffrey Epstein's  
8 secretary, what is the name of the secretary or  
9 secretaries that you would speak to?

10 A. Don't remember. The Groff person perhaps,  
11 but I'm not positive. I just don't remember.

12 Q. Other than Lesley Groff --

13 A. I had a general number and I would call  
14 that number. It was his business number, and she  
15 would then arrange to have him call. Jeffrey is not  
16 available, he'll call back. And then would call  
17 back. That was the general way in which I got in  
18 touch with him.

19 Q. Is Jeffrey Epstein somebody who,  
20 throughout your relationship, has traveled  
21 frequently?

22 A. Yes.

23 Q. And so did you have a telephone number for  
24 his airplanes?

25 A. No, of course not. I didn't have that

1 kind of a relationship with Jeffrey Epstein. I had  
2 a one-number generally business number and would I  
3 call that and then I would get a call back.

4 **Q. Have you seen your -- the entry that**  
5 **Jeffrey Epstein had for you in his journal?**

6 MR. INDYKE: Objection.

7 A. I looked at all the entries he had --  
8 usually had 25 numbers for everybody. I don't know  
9 where he would have gotten those or how he used  
10 them, but he apparently had numbers for everybody.

11 **Q. That's what I was going to ask you --**

12 MR. INDYKE: Objection. Alan, are you  
13 basing this upon information that you got from  
14 Jeffrey or from information published by --

15 A. No, information that I got through the  
16 discovery.

17 MR. INDYKE: Okay. Thank you.

18 BY MR. EDWARDS:

19 **Q. Have you looked at the entry for yourself,**  
20 **Alan Dershowitz?**

21 A. Do you have it here? I would like to look  
22 at it. But I was always amazed by how many numbers  
23 he had for everybody.

24 (Thereupon, marked as Plaintiff  
25 Exhibit 29.)



1 BY MR. EDWARDS:

2 Q. I'll show you what's 29.

3 A. I have to look at that.

4 MR. INDYKE: If you're going to ask Alan  
5 to pinpoint specific numbers, I would ask that  
6 you not publish them in the deposition, if we  
7 can figure out a way to do that. A telephone  
8 number, not a public record or something --

9 MR. EDWARDS: I'll tell you this, I've  
10 isolated the page so as not to publish any more  
11 numbers than necessary. And I would agree, if  
12 that's something that Mr. Dershowitz wants,  
13 that this entire page be sealed or protected so  
14 as not to unnecessarily disclose private  
15 information of others.

16 A. There are some of these numbers that are  
17 still valid. I notice he has my number, he has my  
18 wife's number, my wife's car number. I mean -- as  
19 to everybody, he has just dozen of numbers. He's  
20 obviously obsessed with keeping everybody's possible  
21 numbers. But it was a one-way street. I think I  
22 only had -- I think I only had one of his numbers.  
23 I used one of his numbers when I wanted to call him.

24 BY MR. EDWARDS:

25 Q. And that one number that you had, can you

1 tell me, was that a New York number, a Florida  
2 number, a Virgin Islands number?

3 A. New York number.

4 Q. New York number?

5 A. Yes, to his office on Madison Avenue.

6 Q. The only number that you had for Jeffrey  
7 Epstein that you remember?

8 A. That's my recollection. I may have had  
9 others.

10 Q. That you remember was a New York telephone  
11 number?

12 A. New York telephone number, yeah.

13 Q. Okay. And looking at the exhibit -- have  
14 you had a chance to review it so I can look at it?

15 A. Yeah, you can have it.

16 Q. I think that you made a statement, I just  
17 want too clarify for the record that he had all  
18 these numbers for everybody?

19 A. Apparently, yeah.

20 Q. But if we look at this page, let's just be  
21 fair and accurate, he doesn't have a lot of numbers  
22 for everybody, does he?

23 A. He has a lot of numbers for Jimmy Kane, I  
24 notice. He has --

25 Q. For instance, let's say for [REDACTED]

1 [REDACTED] [phonetic]?

2 MR. SCAROLA: Do you want another copy?

3 A. I have no idea who she is.

4 BY MR. EDWARDS:

5 Q. I'm not asking you to identify who any of  
6 these people are. I just want the characterization  
7 of the number of numbers that Mr. Epstein has for  
8 people just to be correct.

9 A. I imagine it would depend on how many  
10 numbers people have. I have an office, I have three  
11 homes, I have -- you know, so he would have more  
12 numbers for me. If he has somebody who he buys eggs  
13 from, they might have just a home number and another  
14 number.

15 So my feeling is that Jeffrey had  
16 everybody's number that he possibly could get,  
17 that -- reviewing the whole thing, that's the  
18 impression I certainly got.

19 Q. Well, am I correct in presuming you would  
20 have no idea, at least outside of privilege, how  
21 Jeffrey Epstein obtained the telephone numbers of  
22 anyone else in the book other than perhaps yourself?

23 A. Well, I know that he called -- at some  
24 point, called my secretary -- his secretary called  
25 my secretary and said, I want all of his numbers, so

1 we got -- he probably did that to everybody. He  
2 called assistants and secretaries and got  
3 everybody's numbers. I mean, I don't do that. He  
4 did that.

5 Q. When did Jeffrey Epstein have his  
6 secretary call your secretary to get all of your  
7 numbers?

8 A. I have no idea.

9 Q. Did he do it multiple times?

10 A. I have no idea.

11 Q. Do you know how he got the number for your  
12 car?

13 A. He asked for it from my office, and I'm  
14 sure they gave it to him.

15 Q. Do you see the entry --

16 MR. SIMPSON: Object on relevance. And  
17 we're into our fourth day. This is one reason  
18 we're into our fourth day, so I just object.

19 SPECIAL MASTER POZZUOLI: Overruled.

20 A. Go ahead. What's --

21 BY MR. EDWARDS:

22 Q. Do you see that one of your numbers is  
23 listed as all zeros? Do you know what that means?

24 A. The bottom one?

25 Q. Second to last.

1           A.    Second to last, all zeros. I doubt that  
2   that's a number.

3           **Q.    When Jeffrey Epstein calls, does his**  
4   **number ever come up all zeros?**

5           A.    I have no idea. I have no idea. I think  
6   I do recall that when he calls, at least sometimes,  
7   the number is blocked, so I can't call back.

8           **Q.    Sometimes doesn't it show on the screen as**  
9   **all zeros?**

10          A.    I don't know. That's not familiar to me,  
11   but maybe.

12          **Q.    Okay. But either way, for him slating an**  
13   **entry for you of all zeros, that is meaningless to**  
14   **you?**

15          A.    For him what?

16          **Q.    Him putting an entry for you as all zeros,**  
17   **that's meaningless to you?**

18          A.    Probably means he doesn't want me to have  
19   his numbers to return. Probably means he's not a  
20   close enough friend that he's willing to have me  
21   have his number in return that he wants me to call  
22   him back, but that's just a surmise.

23          **Q.    Okay. After the Martha's Vineyard**  
24   **meeting, when is the next encounter that you had**  
25   **with Jeffrey Epstein?**

1           A.    When he asked me to fly with him to New  
2   Albany outside of Columbus to celebrate Leslie  
3   Wexner's 59th birthday with President Shimon Peres  
4   of Israel, Senator John Glenn, Mr. Taubman of  
5   Sotheby's, Leslie Wexner, Jeffrey Epstein, and maybe  
6   one or two other men. And we sat around his table  
7   and had a very intellectual dinner, he showed us his  
8   art collection. And then we flew home.

9           **Q.   Where was that?**

10          A.    I said New Albany, Ohio, right outside of  
11   Columbus.

12          **Q.   This was at Les Wexner's place?**

13          A.    That's right.

14          **Q.   What did you understand the relationship**  
15   **of Les Wexner and Jeffrey Epstein at that time?**

16          A.    My understanding was that Jeffrey Epstein  
17   was Leslie Wexner's financial advisor. He also had  
18   a home -- Jeffrey Epstein had a home on the property  
19   that at least he used. I assumed it was his, but  
20   I'm not positive.

21          **Q.   Did Jeffrey Epstein ever recruit girls for**  
22   **Victoria's Secret?**

23          A.    I have no idea.

24                MR. INDYKE: Objection. To the extent to  
25   the response to that information might require

1           Alan to invade the attorney-client privilege,  
2           work product privilege, common interest  
3           privilege, I instruct him not to answer.

4           A.    I have no idea.  I don't know.

5                   MR. SCOTT:  His answer is he doesn't know.

6           BY MR. EDWARDS:

7                   **Q.    How is Les Wexner associated with**  
8           **Victoria's Secret?**

9           A.    I think he's the CEO.  Certainly the  
10          owner -- the general -- I don't know if it's a  
11          public company or private company, but he is the  
12          guy, he's the guy who runs it.

13                  **Q.    Were you ever aware of any allegation**  
14          **against Jeffrey Epstein of using -- of holding**  
15          **himself out as a recruiter for Victoria's Secret to**  
16          **sexually assault women?**

17          A.    Absolutely not.

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

20          BY MR. EDWARDS:

21                  **Q.    Have you seen a police report to that**  
22          **effect?**

23          A.    No.  This is the first -- literally right  
24          now is the first I've heard of it.

25                  MR. INDYKE:  Same objection, same

1 instruction.

2 BY MR. EDWARDS:

3 Q. Okay. So, you never represented him in  
4 connection with any such claim; is that right?

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

7 A. I have no recollection. It's possible,  
8 but I have no recollection.

9 BY MR. EDWARDS:

10 Q. Just so you know, I'm not saying that you  
11 did. I'm just making sure it's not privileged.

12 A. I have no recollection, yeah.

13 (Thereupon, marked as Plaintiff  
14 Exhibit 30.)

15 MR. EDWARDS: I'll go ahead and mark this  
16 as Exhibit 30.

17 MR. SCOTT: What are we looking at? Do  
18 you have a copy? No, you don't.

19 MR. EDWARDS: You don't want a copy?

20 MR. SCOTT: Do you have a copy?

21 MR. EDWARDS: Yeah, I have a copy.

22 MR. SCOTT: Thank you.

23 MR. SIMPSON: Can we have it?

24 MR. EDWARDS: You can have it.

25 MR. SCOTT: Oh, I'm not that --



1 MR. EDWARDS: Cheer up.

2 MR. SCOTT: I'm just -- I'm in a great  
3 mood.

4 MR. SCAROLA: Closer we get to 3:30.

5 MR. SCOTT: Mr. Scarola, we finally agree  
6 on something.

7 MR. SCAROLA: I knew we would.

8 A. Can we have a date on this?

9 BY MR. EDWARDS:

10 Q. **There is a date on it. It's, I believe,**  
11 **May of 1997.**

12 A. May of 1997, before any of these things.  
13 I've never ever heard of any such allegation being  
14 made against Jeffrey Epstein. He certainly never  
15 discussed it with me or mentioned it to me.

16 Q. **Okay. So you did not represent him in**  
17 **connection with that allegation, correct?**

18 A. I don't think so.

19 Q. **Okay. When is the next encounter that you**  
20 **had after the meeting in Georgia with Jeffrey**  
21 **Epstein?**

22 A. It wasn't Georgia; it was New Albany,  
23 Ohio.

24 Q. **Oh, sorry. I thought you said Georgia.**

25 A. I did. I then corrected it to Ohio.

1           I think the next one was when he invited  
2 me and my nephew, Adam Dershowitz, who was then an  
3 applicant for the space program, he was trying to be  
4 an astronaut, graduated MIT in robotics and  
5 aeronautics, and Jeffrey invited me and him to go to  
6 the launch of one of the space shuttles. And he  
7 flew us on his airplane along with an art dealer, a  
8 woman who was the art dealer's significant other, a  
9 number of other people, and we flew to -- I think we  
10 flew into one of the airports, maybe the Palm Beach  
11 airport, in the big plane.

12           And then -- maybe -- I'm not sure. We may  
13 have flown directly to Cape Canaveral airport or  
14 something like that. We spent two nights at that  
15 point -- we spent one night and then part of another  
16 night, because we had to get up very early in the  
17 morning. The launch was 4:00 a.m. in the morning.  
18 So I think we spent two nights, one and-a-half  
19 nights, my nephew and I, I think we shared a  
20 bedroom, at Jeffrey's house. We went to the launch  
21 and then we left. We flew back commercially.

22           **Q.   And when was that?**

23           A.   You can check out when the launch was.  
24 But it was, my recollection, around 19, I don't  
25 know, '97, '98, '99. Early in my relationship with

1 Jeffrey Epstein.

2 Q. And who else was at Jeffrey Epstein's home  
3 when you stayed the night on this occasion?

4 A. I think the art dealer was there.

5 Q. Who is that?

6 A. I don't remember his name.

7 Q. Okay.

8 A. I don't remember anybody else. We met  
9 with Mr. Golden, who is the director of the space  
10 program. And --

11 Q. Was Ghislaine Maxwell there?

12 A. I don't remember her being there.

13 Q. Okay. When is the next time that you were  
14 in the presence of Jeffrey Epstein?

15 A. You're talking generally?

16 Q. Yes, going to go through the chronology.

17 A. I don't specifically remember, but I can  
18 tell you that the next time I do remember was when  
19 he lent his house to us, and my grandson, my  
20 granddaughter, my wife, my daughter, my son, my  
21 daughter-in-law, spent five, six days in Jeffrey  
22 Epstein's house in Palm Beach. But now I think  
23 about it, Jeffrey Epstein was not there, but his  
24 staff was there.

25 Q. Do you know what year that was?

1           A.    I think it was Christmas of 1995 -- 2005,  
2   sorry, 2005. Christmas 2005. Over the Christmas  
3   vacation or thereabouts, maybe earlier. It was  
4   probably earlier.

5           **Q.    You told me about what I've written down**  
6   **as the third time that you met with Jeffrey Epstein,**  
7   **which was '97, '98 for the space shuttle. And then**  
8   **the next time that you believe you were in Jeffrey**  
9   **Epstein's presence was 2005?**

10          A.    Oh, I thought you asked about his house.  
11   I'm sorry. I misunderstood.

12                Presence? Oh, I mean, probably a dozen  
13   times at Harvard during that period of time. He had  
14   an office in Brattle Square in which he would hold  
15   seminars. And I would get a call from his  
16   secretaries saying Jeffrey would like you to come to  
17   the seminar, it's at 12 to 2 at 1 Brattle Square.

18                And I would go to offer critiques to  
19   papers. Once I presented a paper. People who would  
20   be there included Larry Summers, the president of  
21   Harvard; and Henry Rosovsky, the provost of Harvard;  
22   Steve Kosslyn, the chairman of the psychology  
23   department; a man named Church who decoded the  
24   genome; and Stephen J. Gould, the well-known  
25   paleontologist.

1           And so we would have those seminars, so I  
2 met with him periodically at Harvard.

3           **Q.    Okay.  Have you looked at the flight logs**  
4 **for the flight that you mentioned with your wife and**  
5 **whoever else went with you to the -- to Cape**  
6 **Canaveral?**

7           A.   My wife was not with me in Cape Canaveral.

8           **Q.    Okay.  Your nephew.**

9           A.   My nephew was with me, yeah.

10          **Q.    Have you looked for that flight on the**  
11 **flight log?**

12          A.   I have not.  It's not within the relevant  
13 time period, so I haven't looked at it.

14          **Q.    Okay.  And that's not really my point.**  
15 **Have you looked for some of these other flights that**  
16 **you've taken on his airplane and not been able to**  
17 **find it?**

18          A.   No.  Absolutely not.  That's not the case.  
19 I've never seen any evidence of any missing logs  
20 myself, any missing flight logs.

21          **Q.    Have you looked for that particular flight**  
22 **that you just discussed?**

23          A.   No, no because it was outside the  
24 timeframe.  Well outside the timeframe, yeah.

25          **Q.    Okay.  But only on the topic of whether or**

1     **not there are missing logs, have you --**

2           A.     That's not been something I've focused on.  
3     I was only looking at whether or not, within the  
4     timeframe, who was with who on what flights, and I  
5     saw that [REDACTED] was on some flights with  
6     other prominent academics, but never on a flight  
7     with me.

8           **Q.     Do you know who [REDACTED] was lent**  
9     **out to for sex by Jeffrey Epstein?**

10           MR. INDYKE:   Objection based upon  
11           attorney-client privilege, work product.

12           A.     No, I can tell you outside of the  
13     privileged information. I can tell you outside of  
14     the privilege. I can tell you outside of the  
15     privilege that she has claimed to have had sex on  
16     numerous occasions with Leslie Wexner, and was told  
17     by -- by Sigrid McCawley that --

18           MS. McCAWLEY:   I'm going to object to the  
19           line of questioning.

20           MR. SCOTT:   Time out.

21           A.     That is from a statement made to me --

22           MS. McCAWLEY:   No, I just want to be clear  
23     because if we're going to violate the privilege  
24     again, the order of seal.

25           A.     We are not.

1 MS. McCAWLEY: I'm going to stop that  
2 right now because the only conversations I've  
3 had with you are in the context of settlement  
4 discussion in this case.

5 A. It was not a conversation with Sigrid  
6 McCawley. And please let me answer the question. I  
7 had a conversation --

8 BY MR. EDWARDS:

9 Q. Just so we know what the question is, my  
10 question is --

11 A. The question is do I know whether she had  
12 sex --

13 Q. No, it's not.

14 MR. SCOTT: Let's just ask the question.

15 SPECIAL MASTER POZZUOLI: Hang on. And,  
16 court reporter, please reread the question so  
17 we understand.

18 COURT REPORTER: "Do you know who [REDACTED]  
19 [REDACTED] was lent out to for sex by Jeffrey  
20 Epstein?"

21 A. And the answer --

22 MR. SIMPSON: Darren had an objection for  
23 you.

24 A. Okay. I understand the instruction, and I  
25 can answer the question.

1 BY MR. EDWARDS:

2 Q. I just want the names of the individuals.

3 A. I can't just give you that. I can tell  
4 you that --

5 Q. That's what I'm asking for.

6 SPECIAL MASTER POZZUOLI: Hang on one  
7 second. The question is: Do you know who  
8 [REDACTED] was lent out to for sex by  
9 Jeffrey Epstein?

10 MR. EDWARDS: Right. The names of the  
11 individuals is all I'm looking for.

12 SPECIAL MASTER POZZUOLI: There's an  
13 objection. Okay. Go ahead.

14 A. I was told by John Zeiger, who was Leslie  
15 Wexner's lawyer, that Sigrid McCawley claims that  
16 her client, [REDACTED], alleges that she had  
17 sex with [REDACTED] [REDACTED]

18 [REDACTED] -- and she said this, according to  
19 Mr. Zeiger, very aggressively --

20 MS. McCAWLEY: This is revealing  
21 confidential settlement discussions.

22 A. Between who?

23 MS. McCAWLEY: Between -- I'm not going to  
24 reveal what confidential settlement discussions  
25 because that breaches a privilege.



1           So what I'm going to say is that we are  
2           not entitled here to be revealing any  
3           settlement discussions that have happened on  
4           behalf of my client. I'm not going to allow  
5           there to be testimony as to that. To the  
6           extent this involves Mr. Wexner's attorneys,  
7           they are not present at this deposition at this  
8           moment who you are mentioning, John Zeiger,  
9           who's not able to object to this line of  
10          questioning. You've had your client Jeffrey  
11          Epstein's lawyers on the phone the entire time,  
12          he should be entitled to a right to object to  
13          this before there's a revelation of any  
14          settlement discussions.

15          MR. SCAROLA: I want to know for the  
16          record that Mr. Dershowitz has chosen to  
17          disregard the instruction that came from  
18          Mr. Epstein's counsel. And that --

19          A. No, I haven't. I have said this comes  
20          outside the privilege.

21          SPECIAL MASTER POZZUOLI: Stop. Let him  
22          put his -- on the record. Go ahead.

23          MR. SCAROLA: Which is inconsistent with  
24          the position that Mr. Dershowitz's counsel says  
25          they were taking, and that is that they were

1           going to respect those objections without  
2           evaluating whether those objections were or  
3           were not well founded. Only noting it for the  
4           record. Doesn't call for any argument or  
5           discussion.

6           MR. SCOTT: I don't agree with you.

7           SPECIAL MASTER POZZUOLI: Hang on one  
8           second. Go ahead, Mr. Scott.

9           MR. SCOTT: I don't agree with your  
10          characterization at all. I totally disagree  
11          with it. We haven't done anything inconsistent  
12          with what I've said.

13          MR. SCAROLA: Right. What you said is  
14          you're going to honor the objections that have  
15          been raised by Epstein's counsel and allow the  
16          Court to rule on those --

17          MR. SCOTT: I have said that.

18          MR. SCAROLA: -- without independently  
19          evaluating the validity of those objections.

20          MR. SCOTT: Exactly.

21          MR. SCAROLA: But now Mr. Epstein [sic] is  
22          independently evaluating the validity of the  
23          objection and the instruction and attempting to  
24          insert information in the record that he knows  
25          is the subject of an order of the Court.

1           MR. SCOTT: And my observation is that the  
2           witness began to answer the question, the  
3           special master and I both instructed the  
4           witness not to respond until the question is on  
5           the record and we can find out what was  
6           happening. That's all I'm doing. I'm trying  
7           to preserve --

8           MR. SCAROLA: And he continued to answer  
9           anyway.

10          MR. SCOTT: Well, I told him twice, and he  
11          thought -- he believes he has the right to  
12          answer. I've asked him not to answer until we  
13          get a position from the special master on this.  
14          A. I'm answering it outside the privilege.

15          MR. SCOTT: He's trying to say that it's  
16          outside that, and he wants to express his  
17          viewpoint. And I'm saying before he even does  
18          that, Mr. Scarola, let the special master hear  
19          what he wants to do. That's all.

20          MS. McCAWLEY: I want to add to the  
21          record.

22          MR. SCOTT: Ad I'm trying to preserve --

23          SPECIAL MASTER POZZUOLI: Hang on one  
24          second. Hang on. Go ahead, Ms. McCawley.

25          MS. McCAWLEY: I just wanted to add to the

1 record that to the extent this is pulling in a  
2 conversation with Mr. Zeiger, who represents  
3 Mr. Wexner, that he should be entitled to be  
4 present for any objections to revelation of  
5 disclosures of those conversations, the same  
6 way that Mr. Epstein, who has not appeared in  
7 this case, has counsel on the phone objecting  
8 to every single question in this deposition.

9 A. How does she have standing to raise that?

10 SPECIAL MASTER POZZUOLI: Please. So  
11 let's cut through this. First let me deal with  
12 what Mr. Scarola had to say.

13 My understanding of the objection and  
14 the -- to the degree that Mr. Epstein's counsel  
15 objected, it could only be to the privileged  
16 information that he asserts under whatever  
17 privilege.

18 My understanding of what the witness began  
19 to answer would be outside of that privilege,  
20 or nonprivileged information.

21 However, Ms. McCawley raises an issue  
22 based upon a previous order of the Court. Am I  
23 correct?

24 MS. McCAWLEY: Yes.

25 THE COURT: And the scope of that order

1           was? Please share with me.

2           MS. McCAWLEY: Right. The scope of the  
3           order was to seal settlement -- confidential  
4           settlement discussions. And that's the scope  
5           of the order. There's still pending a motion  
6           for sanctions with respect to that, which will  
7           now be --

8           THE COURT: Hang on. And, Ms. McCawley,  
9           you believe that the nature of the answer would  
10          fall under those settlement discussions and,  
11          therefore, are subject to the Court's order?

12          MS. McCAWLEY: I do. I believe that's a  
13          possibility, and that Mr. Zeiger should be  
14          present to the extent that there's going to be  
15          communication of confidential nature to be able  
16          to make his objection, if he has one.

17          SPECIAL MASTER POZZUOLI: Well, I'm not as  
18          concerned with that.

19          Do you want to say anything else?

20          MR. SCOTT: No. I am here to abide by  
21          what you say. I mean, I don't think that the  
22          order by the Court at this point applies to  
23          this conversation, but with that said, if  
24          Mr. Wexler [sic], the attorney, feels like he  
25          wants to make an objection or something, I'm

1 not -- you know. I don't know.

2 SPECIAL MASTER POZZUOLI: There could be  
3 85 lawyers on the phone making all kinds of  
4 objections. I get that point. But I'm more  
5 concerned with the scope of the order, which I  
6 have not seen, and I certainly don't want to  
7 run the witness into an issue that will  
8 ultimately be settled up. And I'm -- here is  
9 where I'm tending to go.

10 Since we have open issues with respect to  
11 the privilege issues that have been raised  
12 here, and Ms. McCawley in good faith has raised  
13 this as a potential issue that would be in  
14 direct contradiction to what she believes is  
15 already a Court order by Judge Lynch, whether  
16 the witness agrees or not, that is subject to  
17 some level of discussion and argument that's  
18 going to be before Judge Lynch, then I will ask  
19 the witness to step down on the answer and let  
20 Ms. McCawley deal with that, if she wishes, in  
21 front of the Court.

22 MR. SCOTT: Okay.

23 SPECIAL MASTER POZZUOLI: Fair enough?

24 MS. McCAWLEY: Thank you. Yes. I do have  
25 to break. It's almost time for me to leave. I

1 don't know if you want to finish up a question,  
2 Brad, but I'm going to need to step out. I'm  
3 just concerned about stepping out, given the  
4 nature of where we are.

5 MR. EDWARDS: Two more short questions,  
6 and then we can break.

7 A. So you don't want me to answer that whole  
8 other question?

9 MR. EDWARDS: It's not that I don't want  
10 you to. I think that are you being instructed  
11 not to answer that. So we'll come back to  
12 that.

13 SPECIAL MASTER POZZUOLI: Well,  
14 Ms. McCawley raised an objection which she  
15 believes is subject to a previous Court order  
16 which I don't have knowledge of, and so given  
17 that, and given the caveat that it was  
18 nonprivileged relative to Mr. Epstein's  
19 counsel's objection, we'll let that be dealt  
20 with subsequent since we have to come back  
21 anyway.

22 BY MR. EDWARDS:

23 Q. Okay. Is Les Wexner a party to a joint  
24 defense agreement?

25 A. No.

1           Q.    Okay.  That card that we've marked as 26,  
2   can you just look at the back of it and tell me what  
3   is the significance of the writing on the back that  
4   says -- can you read what it says?

5           A.    It says "Scarola unethical e-mail."  It's  
6   a reference to the fact that when Mr. Scarola wrote  
7   to me and asked me to waive the statute of  
8   limitations, he engaged in an unethical act by  
9   writing directly to a counseled client.  And my  
10   understanding of legal ethics is that he was not  
11   entitled to write to me asking me to waive a statute  
12   of limitations instead of going through my lawyer.

13               And if I was -- I just made a note to  
14   myself that if I was asked about that again, I would  
15   make a point that that was one of the reasons that I  
16   declined to answer a direct e-mail from a lawyer to  
17   an uncounseled defendant -- to a counseled  
18   defendant.

19               SPECIAL MASTER POZZUOLI:  So I can be  
20   clear with respect to this exhibit that's  
21   marked 26, the back of it contains handwritten  
22   [sic] that is yours?

23               THE WITNESS:  These are my notes that I  
24   took over lunch.

25               SPECIAL MASTER POZZUOLI:  That's all I



1           wanted.

2           THE WITNESS: Just to remind myself.

3           BY MR. EDWARDS:

4           Q.    Okay. Last question. Outside of  
5 privilege, inclusive of the potential  
6 communication -- confidential settlement  
7 communication privilege that we just discussed, are  
8 you able to answer the question: Identify the  
9 individuals that [REDACTED] was lent out to  
10 for the purposes of sex by Jeffrey Epstein?

11           MR. SCOTT: That's the question that we --  
12 just led to this whole thing that Ms. -- that  
13 the young lady down at the end, Sigrid, doesn't  
14 want him to answer. And so you're going to ask  
15 it again and create this whole issue again  
16 after he said no?

17           MS. McCAWLEY: What I don't want -- to be  
18 clear, so the record is clear, what I don't  
19 want him to do is reveal confidential  
20 settlement communications that are already the  
21 subject of a Court order.

22           MR. SCOTT: But he's indicating --

23           MS. McCAWLEY: You heard his answer -- let  
24 me just finish. You heard his implicating me  
25 and another lawyer in discussions, and what I'm

1           saying is those are the subject of an order.  
2           So if he can answer that question without  
3           revealing that information, he can answer it,  
4           but he cannot go on the record and reveal  
5           confidential settlement discussions.

6           MR. SCOTT: Can you answer that without  
7           going to into what the special master does not  
8           want you to do to preserve the record?

9           A. Let me think about that. I can say  
10          that --

11          MR. SCOTT: Well, wait a minute. Tell you  
12          what. Let's take a break for a minute. Let me  
13          talk to him. I promised you that you would  
14          honor all the privileges, and I don't want to  
15          go down this road again. So let's take a break  
16          right now. If that ends up the end of the day,  
17          I think that's where we're at.

18          MR. SCAROLA: Because this is an issue as  
19          to which Sigrid has an obvious interest, we  
20          will wait to get the question answered when we  
21          return.

22          MR. SCOTT: I agree with you. I'm trying  
23          to honor her request, just like I honored this  
24          lawyer's request.

25          SPECIAL MASTER POZZUOLI: I think that's

1 right. Let's go.

2 MR. SCOTT: That's what I'm saying.

3 A. I would like to answer that question,  
4 obviously.

5 SPECIAL MASTER POZZUOLI: I realize that.

6 MR. SCOTT: Okay. We got that.

7 MS. McCAWLEY: And she's only protecting  
8 herself, not her client.

9 SPECIAL MASTER POZZUOLI: Okay. Got it.

10 MR. SCAROLA: Those are entirely --

11 MS. McCAWLEY: Ask that be stricken.

12 MR. SCAROLA: Those are entirely  
13 inappropriate comments, and we move that they  
14 be stricken. They are not responsive to any  
15 pending question. They are self-serving. They  
16 are themselves a waiver of privilege. To the  
17 extent that Mr. Dershowitz has the ability to  
18 waive any privilege, those kinds of comments  
19 waive any personal privilege he has.

20 MR. SCOTT: We don't agree with that as to  
21 any waiver. That's it, then.

22 MR. SCAROLA: I do have a Motion to  
23 Strike.

24 SPECIAL MASTER POZZUOLI: With respect to  
25 the Motion to Strike by itself, notwithstanding

1 all the other argument you made, I'm going to  
2 set that aside, and I will grant the Motion to  
3 Strike for purposes of that.

4 MR. SCOTT: Thank you.

5 THE WITNESS: Thank you.

6 VIDEOGRAPHER: We're going off the record.  
7 The time is 3:34 p.m.

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*Kimberly Fontalvo*



## 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 13th day of  
January, 2016.

Signed this 17th day of January, 2016.

---

KIMBERLY FONTALVO, RPR, CLR  
Notary Public, State of Florida  
My Commission No. FF 226848  
Expires: 7/12/2019

## CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF BROWARD

I, KIMBERLY FONTALVO, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the foregoing videotape continued deposition of ALAN M. DERSHOWITZ; pages 648 through 455; that a review of the transcript was requested; and that the transcript is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 14th day of January, 2016.

---

KIMBERLY FONTALVO, RPR, CLR

January 17, 2016

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

Re: Bradley Edwards, et al., v. Alan M. Dershowitz

Please take notice that on the 13th day of January, 2016, 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, CLR  
Phipps Reporting, Inc.  
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Building 200, Suite E  
West Palm Beach, Florida 33401  
I do hereby waive my signature.

---

ALAN M. DERSHOWITZ

## ERRATA SHEET

DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

In Re: BRADLEY EDWARDS, ET AL., V. ALAN M.  
DERSHOWITZ

ALAN M. DERSHOWITZ

January 13, 2016

PAGE	LINE	CHANGE	REASON
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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