



January 4, 2024

VIA ECF

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

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

Dear Judge Preska,

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

Respectfully,

/s/ Sigrid S. McCawley
Sigrid S. McCawley

cc: Counsel of Record (via ECF)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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

15-cv-07433-RWS

**RESPONSE TO NON-PARTY SHARON CHURCHER'S
MOTION TO QUASH SUBPOENA**

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Defendant Ghislaine Maxwell files this Response to Non-Party Sharon Churcher's Motion to Quash Subpoena, and states as follows:

INTRODUCTION

Ms. Maxwell seeks documents and testimony from Sharon Churcher ("Churcher") that are critical to the defense of this single count defamation case. Churcher is the only person with much of the information that will prove the truth defense.

The alleged defamatory press release at issue in this case states:

"Each time the story is re told it changes with new salacious details about public figures and world leaders and now it is alleged by Ms. Roberts that Alan Dershowitz is involved in having sexual relations with her, which he denies.

Ms. Roberts claims are obvious lies and should be treated as such and not publicized as news, as they are defamatory."

Churcher is the sole source of information regarding the original story told by Plaintiff, and was the author of the first articles publishing Plaintiff's claims. She was actively and personally involved in changing those stories over time and in the creation and addition of new salacious details about public figures, including the fabrication of Alan Dershowitz's alleged sexual relations with Plaintiff.

Sharon Churcher's attempt to avoid the subpoena for deposition and production of documents based on the journalist Shield Law must fail for three reasons. First, much of the discovery sought is unrelated to any news gathering activities. Rather, Churcher was acting as a friend and advisor to Plaintiff in Plaintiff's efforts to write and publish a book, sensationalizing her story in a manner that would best boost the publicity, publication and sales of that work of fiction. In that role, she helped manufacture some of the stories that have been denied and that are the central issues in this case.

Second, in certain instances, Churcher was also acting as a source for information to Plaintiff's counsel and law enforcement agencies, specifically stating that she was not acting in her capacity as a journalist. In these instances, she was not gathering news for publication, she was providing information she had already gathered. Providing this information to third parties waived any qualified privilege that ever arguably existed.

Finally, to the extent that any information sought is covered by the qualified protection of Civil Rights Law § 79-h(c)¹, Ms. Maxwell provides a clear and specific showing that the information is highly material or relevant, critical or necessary to the Ms. Maxwell's truth defense, and not obtainable from any alternative source. As such, the Shield Law requires compliance with the subpoena.

For these reason, the Motion to Quash should be denied, and Churcher should be compelled to comply with the Subpoena, as modified herein.

ARGUMENT

I. CHURCHER IS A MATERIAL FACT WITNESS AND WAS NOT ACTING AS A JOURNALIST

The New York Shield law relied on by Churcher is *only* applicable where a professional journalist is asked to disclose information they have received “*in the course of gathering or obtaining news for publication.*” 79-h(b) &(c). Much of the information sought from Churcher has nothing to do with information she gathered or collected in the course of gathering news for publication. Rather, it relates to advice, information and communications that she had with Plaintiff in her capacity as a friend and advisor. “Section 79-h is not applicable where the journalist is called upon, as other citizens, to testify with respect to personal observations”

¹ As discussed in detail below, the undersigned has informed Churcher's counsel that the Subpoena is not intended to cover any information from confidential sources. Thus, the absolute privilege found in Civil Rights Law § 79-h(c) is inapplicable

Solargen Elec. Motor Car Corp. v. Am. Motors Corp., 506 F. Supp. 546, 551 (N.D.N.Y. 1981); *People v. Dupree*, 88 Misc. 2d 791, 796, 388 N.Y.S.2d 1000, 1003 (Sup. Ct. 1976) (“the privilege does not exist if the newsman is called on to testify what he personally observed.”).

In this single count defamation action, Churcher is being called as a witness to testify regarding events that she personally observed and *in which she participated*. This case is about whether the information included in the December 2014 Joinder Motion that Ms. Maxwell called obvious lies were, in fact, lies. These included allegations about Plaintiff’s alleged sexual interactions with Alan Dershowitz and Prince Andrew, specifically referenced in Ms. Maxwell’s denial statement. Not only is Churcher aware that the allegations were false, she helped Plaintiff concoct the stories.

A. Churcher was acting as a friend and advisor to help Plaintiff publish her book, not as journalist

As set out in Churcher’s Declaration, she first met with Plaintiff in early 2011 and conducted a weeks-long series of extensive interviews in person with Plaintiff, leading to a string of publications in March of 2011. As Churcher stated, her focus in these articles was Prince Andrew. After the interviews and the publication of the March 2011 stories, Churcher continued regular contact with Plaintiff as her friend and business advisor. *See* Menninger Decl. Ex. A, p. 5-7, 10, 12, 19, 24-25, 30, 32, 35, 37-38, 48, 51, 61 & 68. Churcher encouraged Plaintiff to write a book and to begin pursuing publishing contracts as soon as her exclusivity with the Mail on Sunday was over in May 2011. Menninger Decl. Ex. A, p. 2, 5. Churcher recommended a variety of ghost writers and agents to Plaintiff for this purpose, all as Plaintiff’s friend, advisor and advocate. *See* Menninger Decl. Ex. A, p. 5, 9, 10, 12, 15, 25, 30, 32, 35, 37, 38, 42, 48, 50 & 60. Churcher also initiated contact with the US Attorney’s office and FBI on behalf of

Plaintiff, setting up their initial meeting where Churcher planned to be present at that meeting “for support,” not in her capacity as a journalist. Menninger Decl. Ex. A, p. 3.

Plaintiff did begin writing her book and sent versions of her manuscript to Churcher for her review and comment – again, in her capacity as a friend, not as a journalist. Menninger Decl. Ex. A, p. 59. Churcher also had extensive discussion with Plaintiff on the best strategies for getting interest in her book, including determining when to “name names” Menninger Decl. Ex. A, p. 63. She strategized with Plaintiff and Plaintiff’s counsel, Brad Edwards, on how to use a potential Vanity Fair article as book publicity by dropping names of famous politicians, claiming she was sex trafficked, but refusing to provide additional information because she was writing a book. Menninger Decl. Ex. A, p. 51-58.

Through some of these communications between Plaintiff and Churcher, it is obvious that stories in the book – later to become allegation in the Joinder Motion – were created and supported based on the suggestions of Churcher. They were not reported by Plaintiff in her initial interview, or in Churcher’s initial publications, because they did not occur.

B. Churcher prompted Plaintiff to fabricate stories regarding Prince Andrew

In 2011, when Churcher first reported on Plaintiff’s story after having just spent weeks interviewing Plaintiff in Australia, and with a particular focus on reporting Plaintiff’s meeting Prince Andrew, Churcher specifically reported: “[t]here is no suggestion that there was any sexual contact between Virginia and Andrew, or that Andrew knew that Epstein paid her to have sex with his friends.” Churcher Decl., Ex. 2, p. 6/34. Shortly thereafter, on March 20, 2011, Churcher emailed Plaintiff explaining to her how she can corroborate a story to tell the FBI – that she was “given to” Prince Andrew. Menninger Decl., Ex. A, p. 8. Churcher provided an explanation for how Plaintiff can substantiate the claim – a claim not previously made by Plaintiff.

The December 2014 Joinder Motion is the first publication of alleged sexual interaction between Plaintiff and Prince Andrew. At some point between March 2011 and January 2015, Churcher requested that Plaintiff handwrite a diary describing her alleged sexual encounters with Prince Andrew. Attached to the Churcher Declaration at Exhibit 7 is an Article subtitled “Diary Entries Of ‘Teen Sex Slave’ Detail Sorted Hook-Up With Prince Andrew – In Her Own Handwriting.” The article claims to print excerpts of a contemporaneous journal kept by Plaintiff when she was 17, stating “In a bombshell world exclusive, RadarOnline.com has exclusively obtained the secret journal of the then 17-year-old employed to have sex with billionaire pedophile Jeffrey Epstein and his rich and powerful pals — and it’s packed with scandalous claims about her illicit trysts, including with Andrew, the fifth in line to the British throne.” Churcher Decl. Ex. 7. This alleged 24 page “diary” or “journal” was a completely fabricated document handwritten by Plaintiff at the request and direction of Churcher. See Menninger Decl. Ex. B, p. 207-208; 226-231² Plaintiff maintains she did not keep a copy of this handwritten “diary,” leaving the only source of the complete document and information about its creation with the person who asked for the document’s fabrication – Churcher.³

If there was no suggestion of sexual contact with Prince Andrew as of March 2, 2011, how and when was this story first created? From the email correspondence, it appears that Churcher was directly involved in inventing this story during the course of creating stories for a book – stories that would generate the interest of publishers. Churcher’s testimony on how the Prince Andrew allegation was first created is direct evidence in this case.

² In actuality, the only journal Plaintiff ever maintained that might contain relevant information was purposefully destroyed by Plaintiff in a bonfire in 2013, at a time when she was represented by counsel and actively trying to insert herself as a Plaintiff in the CVRA case. Menninger Decl., Ex. B, p. 205-209.

³ To the extent Churcher argues that the creation of this “diary” was somehow part of the news “gathering” process, it was clearly not confidential, and the test requiring production of the non-published portions, discussed below, is met – the information is highly relevant, critical to the defense, and available from no other source.

C. Churcher prompted Plaintiff to invent stories regarding Alan Dershowitz

Churcher's direct involvement in creating the allegations in the Joinder Motion regarding Plaintiff's alleged sexual interactions with Alan Dershowitz – or even the knowledge of Alan Dershowitz' name – is even more apparent. Prior to the December 2014 joinder Motion, there is not a single mention of Mr. Dershowitz in any pleading related to Plaintiff. In Churcher's March 2011 publications, directly after she interviewed Plaintiff, there was not a single mention of Mr. Dershowitz. It is quite apparent that Plaintiff had never met Mr. Dershowitz or reported that he was a person with whom she had had sexual relations.

In the May/June 2011 timeframe, Plaintiff and Churcher's communications relate primarily to Plaintiff's draft of her novel, hiring a ghostwriter, and requests for advice on how to manage agent and book publication deals. Menninger Decl. Ex. A. As a part of those communications, on May 10, 2011, Plaintiff writes Churcher:

“Hello gorgeous, I hope this message comes to you on a bright, sunny day!!! I took your advice about what to offer Sandra [a ghostwriter] and she accepted. We're drawing up a contract through her agent right now and getting busy to meet my deadline. Just wondering if you have any information on you from when you and I were doing interviews about the J.E. story. I wanted to put the names of these assholes, oops I meant to say, pedo's, that J.E. sent me to. With everything going on my brain feels like mush and it would be a great deal of help!...”⁴

In an e-mail dated May 11, 2011, Churcher replies to Plaintiff:

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

Menninger Decl. Ex. A, p. 26-28.

⁴ This email raises its own issues. If Plaintiff was providing her own personal information regarding what allegedly happened to her, why would she require information from Churcher from their interviews about whom she had been “trafficked” to. What information did Churcher provide to Plaintiff that was the basis for Plaintiff's various allegations, as opposed to being factual information based on events that happened to Plaintiff?

Sometime thereafter, Plaintiff did insert Mr. Dershowitz's name in her book manuscript but she did not allege therein that she had any sexual relations with him, rather she simply referred to him as a business acquaintance of Mr. Epstein's. It was not until the Joinder Motion in December 2014 that she claimed she engaged in sexual relations with Mr. Dershowitz, something he adamantly and publicly denied.

At the heart of this case is the question of whether Ms. Maxwell defamed Plaintiff by calling her a liar. Of course, if Plaintiff is a liar, then there is no defamation. Churcher had direct and actual knowledge that Plaintiff is a liar and helped orchestrate specific and incredible public lies in concert with Plaintiff relating to Prince Andrew and Alan Dershowitz. In both of these instances, Churcher is not acting as a journalist – she is acting as a friend and advisor to Plaintiff on how to drop names – truth be damned – to try to sell Plaintiff's book. As Churcher puts it, the only incentives are “deadlines and/or cash”. Menninger Decl., Ex. A, p. 12. Churcher is not a journalist; she is a co-conspirator in Plaintiff's publication of false statements regarding numerous people including Prince Andrew, Alan Dershowitz and Ms. Maxwell. It is the denial of the defamatory claims Churcher helped create that is the basis of this defamation suit. There is no reporter shield over these factual matters that are not related to new gathering.

D. Churcher's communications with Plaintiff's Counsel and Law Enforcement are not news-gathering activities

Churcher also admits to communicating regularly with Bradley Edwards, now Plaintiff's counsel, and other agents for Plaintiff, which communications continue through the present day. *See* Churcher Decl., ¶¶ 9-10. Churcher is the person who initially put Plaintiff in contact with Edwards. *See* Menninger Decl., Ex A, p. 7. Churcher coached Plaintiff on how to use Edwards to provide information to reporters in a manner that would best help her book sales. *See* Menninger Decl., Ex A, p. 51-58. According to Plaintiff, she regularly shared information from

Edwards with Churcher, although she could not specify the attorney-client privileged information she shared. Menninger Decl. Ex. B, p. 297-300. None of the communications or correspondence with Edwards, or any of Plaintiff's other attorneys, are in a news gathering capacity, and are not covered by the Shield Law.

Likewise, Churcher apparently corresponded with the FBI and US Attorney's office regarding Plaintiff, and specifically states she is not acting in her journalistic capacity. Menninger Decl. Ex A, 3. Communications that occurred that were not forwarded or copies to Plaintiff have not been produced. Churcher specifically states that she would like to be treated as a confidential *source* of information. *Id.*, p. 8. She is not *gathering* news, she is attempting to assist law enforcement and providing them with information she has gathered. First, this is not news gathering activity, and clearly not related to confidential source. Even if there was some claim of qualified privilege, having shared information with the FBI or other law enforcement, there is a waiver of any protection of the Shield Law. *See Guice-Mills v. Forbes*, 12 Misc. 3d 852, 857, 819 N.Y.S.2d 432, 436 (Sup. Ct. 2006) (professional journalist waived the exemption of the Shield Law if they voluntarily disclose or consent to disclosure of otherwise covered information to third parties).

None of the documents or information described above is covered by the New York Shield Law because Churcher was not engaged in the news-gathering process. Regardless, there is no proof that *any* of the information sought by Ms. Maxwell in the subpoena is confidential information from a confidential source, nor was it intended kept confidential. The requested information must be produced and Churcher deposed as her testimony is critical to the truth defense in this case.

II. THE ABSOLUTE PRIVILEGE OF THE SHIELD LAW IS NOT APPLICABLE BECAUSE THERE WAS NO EXPECTATION OF CONFIDENTIALITY

As with all attempts to block the discovery of relevant information “[t]he burden rests upon the [party invoking privilege] to demonstrate that the material is privileged.” *People v. Wolf*, 39 A.D.2d 864, 864, 333 N.Y.S.2d 299, 301 (1972). “To successfully raise a claim of privilege under this statute, the information must be imparted to the reporter under a ‘cloak of confidentiality’. There had to be an understanding, express or implied, that the information will not be disclosed” *People v. Bova*, 118 Misc. 2d 14, 19, 460 N.Y.S.2d 230, 233 (Sup. Ct. 1983); *Hennigan v. Buffalo Courier Express Co., Inc.*, 85 A.D.2d 924, 446 N.Y.S.2d 767 (“The confidential relationship with the source must first be established in order to determine the interest to be balanced against that of a civil litigant. Full disclosure is the general rule and the burden of showing immunity from disclosure is on the party asserting it”); *People v. LeGrand*, 67 A.D.2d 446, 415 N.Y.S.2d 252; *Matter of WBAI-FM v. Proskin*, 42 A.D.2d 5, 344 N.Y.S.2d 393; *Matter of Wolf*, 39 A.D.2d 864, 333 N.Y.S.2d 299; *Davis v. Davis*, 88 Misc.2d 1, 386 N.Y.S.2d 992).

Churcher admits that her conversations and communications with Plaintiff were not made with any expectation of confidentiality. Indeed, quite the opposite. The express reason for the communication was to obtain press coverage and to cause the publications of the series of articles written and published by Churcher. Plaintiff was paid over \$140,000 to go “on record.”

With respect to any other “source” of information over which Churcher claims an “absolute” privilege, there is no issue. Ms. Maxwell is not seeking this information. Ms. Maxwell recognizes that there are occasions in which Churcher attributes information to a confidential source. Ms. Maxwell does not seek to compel documents relating to these limited individuals, to the extent the information and source was not later revealed, and will not question

Churcher on these sources except to determine if they have later been identified with their permission. The undersigned informed Ms. Churcher's counsel in their conferral that she would not seek information relating to confidential sources.

Respecting identified sources, Churcher fails to carry the burden of showing that there was an expectation of confidentiality, which is her burden to carry. Indeed, in her declaration she admits that she had conversations with Plaintiff's attorney, Bradley Edwards, and law enforcement agencies *that were not intended to be kept confidential*. See Churcher Decl. ¶¶ 9 & 11. In her articles, she specifically identifies the sources of her information, demonstrating the lack of confidentiality. Plaintiff simply cannot carry the burden of claiming any absolute privilege under 79-h(b).

III. THERE IS A COMPELLING NEED FOR CHURCHER'S DOCUMENTS AND TESTIMONY

Having failed to establish the essential element of confidentiality, Churcher attempts to claim a qualified protection. *Matter of Sullivan*, 167 Misc. 2d 534, 538, 635 N.Y.S.2d 437, 440 (Sup. Ct. 1995) (source "had no understanding or expectation of confidentiality with either Mr. Hurley or the police detectives regarding the viewing of the interrogation. Consequently, there is no *absolute* privilege which protects the movant's materials, *see* Civil Rights Law § 79-h(b), and therefore any protection that might be afforded to the journalistic material can only be of a qualified nature."). Churcher relies on qualified protection relating to non-published news gathering information, which requires Ms. Maxwell make a clear and specific showing that the information is: (1) highly material and relevant; and (2) critical or necessary to the litigant's claim or defense; and (3) not obtainable from any alternative source. *Matter of Sullivan*, 167 Misc. 2d 534, 537-38, 635 N.Y.S.2d 437, 440 (Sup. Ct. 1995); [Civil Rights Law 79-h](#) (c). As discussed above, this provision is only applicable where a journalist is acting in a news gathering

capacity. Ms. Maxwell proffers the following clear and specific showing establishing each of these elements, requiring production of the information sought and deposition of Churcher.

A. The Information Sought from Churcher is Highly Material and Directly Relevant

This is a case about whether or not allegations in the Joinder Motion were lies, in particular the claims about Ms. Maxwell, Prince Andrew and Alan Dershowitz, which are the specific items that were denied in Ms. Maxwell's press release. The information sought from Churcher is highly material in proving that that each time the story is told, new salacious details are added – the alleged defamatory statement. Indeed, it could be the most probative evidence in this case.

“In determining whether the defendant has made a clear and specific showing that the information sought is critical or necessary to [her] defense, this court should not ‘substitute its judgment for a defendant's on the question whether such evidence is ‘necessary and critical’ to a defense.” *Matter of Sullivan*, 167 Misc. 2d 534, 540, 635 N.Y.S.2d 437, 441 (Sup. Ct. 1995) (quoting *United States v. Sanusi*, 813 F.Supp. 149, 160 (U.S.Dist.Ct.E.D.1992)).

Starting with Ms. Maxwell, Churcher's articles directly conflict with the allegations in the Joinder Motion and Plaintiff's testimony in this case. First, Churcher's original article reports the following regarding Plaintiff's first visit to Mr. Epstein's mansion:

“I'd get training and be paid well. Virginia's father gave his blessing, believing his daughter was being handed the opportunity to learn a skill and to work for a wealthy and respectable employer.
He drove her to Epstein's pink mansion on the Palm Beach waterfront . . .

Virginia says: ‘Ghislaine said I was to start immediately and that someone would drive me home.

My father left and I was told to go upstairs.’ ***She was led by another woman*** through Epstein's bedroom into a massage room where he lay face down naked on a table.

He started to interview Virginia. This was unconventional, but Virginia had no suspicions. Presumably, she thought, this was how the wealthy conducted their business.

Epstein elicited the information that Virginia had been a runaway, and was no longer a virgin. Virginia was then told to start massaging Epstein, *under the instructions of the woman who had shown her in*. The massage quickly developed into a sexual encounter.

Churcher Decl., Ex. 2, p. 4/34; See also Churcher Decl., Ex. 5, p. 3/13.

Churcher later reports that Ms. Maxwell hired girls for Epstein. In this story, she alleges Ms. Maxwell escorted Plaintiff to meet Mr. Epstein, but nowhere claims that Ms. Maxwell engaged in any sexual interaction with Plaintiff at any time. See Churcher Decl., Ex. 4, p.1-6.

The Joinder Motion alleges that it was Ms. Maxwell that took Plaintiff to Mr. Epstein's room on her first visit to the mansion, and allegedly participated in a sexual interaction – a claim never before made. Ex. C. Obviously, Churcher's notes, interviews and recordings are directly relevant to Plaintiff's original story about Ms. Maxwell, and how it has changed and morphed over time, as well as the motivation for those changes.

The next allegation that has mutated with time in Churcher's stories and in the Joinder Motion relates to Plaintiff's age when she first met Epstein and the amount of time she spent working for him. In Churcher's first story, she published that Plaintiff first met Epstein in 1998, soon after her 15th birthday, and worked for him for four years. Churcher Decl., Ex. 1, p. 3/34; Ex. 5, p. 2/31. The Joinder Motion alleges that Plaintiff met Epstein in 1999, when she was 15. Both the year and the time of year are material to this case.

Plaintiff now admits that she did not meet Epstein in 1999, but rather met him in 2000 which was the year she worked at the Mar-A-Lago. Plaintiff's claims about meeting Epstein in 1998 or 1999, and her claim of being 15, are lies. Plaintiff still claims, however, that she was 16 years old at the time she met Epstein. Menninger Decl., Ex. B, p. 104. Despite efforts to obtain

records from the Mar-A-Lago, they have no records of Plaintiff's dates of employment to establish the timeframe. Churcher is a witness with information fixing the month when Plaintiff claims to have met Epstein, i.e. soon after her birthday in August. In light of the now admitting year – 2000 – Plaintiff would have been 17 at the time.

Other highly relevant information in Churcher's sole possession is the identification of what documents and information Plaintiff was shown *by Churcher*, including flight logs, pictures, or other witness statements. For instance, based on email correspondence, it appears that Churcher was in possession of Epstein's flight logs. There is no indication that Plaintiff had seen those flight logs prior to meeting Churcher. Plaintiff never mentions certain names that appear in the flight logs prior to Churcher's meeting with her in February 2011. By way of example, Bill Clinton is referenced in the flight logs. Before 2011, Plaintiff never mentioned or references President Clinton. Yet, suddenly and out of thin air, Plaintiff allegedly reports to Churcher in 2011 that she met Bill Clinton twice, and that Ms. Maxwell flew President Clinton on a helicopter to Mr. Epstein's Island – a story which has since been fully discredited as a lie. This is simply one example of names and stories that were mysteriously added to Plaintiff's story, likely through Churcher's suggestive questioning and presentation of documents to Plaintiff. The only person who can testify on this highly relevant matter, including what documents were shown to Plaintiff, is Churcher.

Churcher also reported that Plaintiff was sent by Epstein (and Epstein alone) to meet with men including “a well-known businessman (whose pregnant wife was asleep in the next room), a world-renowned scientist, a respected liberal politician and a foreign head of state.” Churcher Decl., Ex. 2, p. 5/34. By contrast, the Joinder Motion alleges “Epstein also trafficked Jane Doe #3 [Plaintiff] for sexual purposes to many other powerful men, including numerous prominent

American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders.” Menninger Decl., Ex. C. Notably, Plaintiff has not identified any foreign presidents, a prime minister, a foreign head of state, a world-renowned scientist or numerous “prominent American Politicians” in her Rule 26 disclosures in this case. So the question is, who did Plaintiff identify to Churcher in 2011, and how has that list changed and expanded over time. Only Churcher can provide this information.

Churcher’s publications in March of 2011 were the first publication containing the now widely publicized picture of Plaintiff with Prince Andrew. Plaintiff was well paid for this picture, and continued to get royalties on the reprints. Despite multiple requests, Plaintiff has not been able to produce or provide the actual native version of the picture, or identify the specific date it was taken. Given that Churcher was the first news source to print the picture, and later worked with the FBI to provide information, she is likely the person who has the photo, or knows the chain of custody of the picture. Either way, information including the date and location where the picture was taken are relevant. Churcher is the only person who may be able to provide the information to track down the picture, or may have it herself.

The interview notes, recordings, memos and other documentation in Churcher’s possession regarding Plaintiff are highly probative, material and directly relevant to Plaintiff’s fabrication and expansion of claims. For instance, if Plaintiff specifically told Churcher that she only met, but did not have sexual relations with, Prince Andrew in early 2001, the statement in the Joinder Motion is a lie. Given that Churcher reported that there is “no indication of sexual interaction with Prince Andrew,” in 2011 only Churcher can provide testimony or notes reflecting the basis for that published statement.

B. Churcher's documents and testimony are critical to Ms. Maxwell's truth defense and Plaintiff's claims

As stated in the Motion to Quash, the “highly relevant” and “critical or necessary to the litigant's claim or defense” prongs of the test for overcoming a qualified privilege largely overlap. In this single count defamation action, this is particularly true. As can be seen by the clear and specific showing above, all of the information sought from Churcher is critical to the defense of substantial truth.

It is well settled that truth is an absolute defense to a claim of defamation. “Under New York law, it is well-settled that truth is an absolute, unqualified defense to a civil defamation action. It is an equally fundamental concept that substantial truth suffices to defeat a charge of libel.” *Jewell v. NYP Holdings, Inc.*, 23 F. Supp. 2d 348, 366 (S.D.N.Y. 1998) (internal quotations and citations omitted). In examining the role of Churcher's testimony and documents to this defense, it is important to look at the actual text of that press statement::

Each time the story is re told it changes with new salacious details about public figures and world leaders and now it is alleged by Ms. Roberts that Alan Dershowitz is involved in having sexual relations with her, which he denies.

Ms. Roberts claims are obvious lies and should be treated as such and not publicized as news, as they are defamatory.

Ex. D

As demonstrated above, Ms. Churcher's documents and testimony are critical to establishing the fact that each time Plaintiff has told her story it changes and new salacious details are added.

Likewise, Churcher admits that her testimony is relevant to Plaintiff's credibility. While a journalist testimony relating to impeachment or credibility of a party may not *normally* be critical, it is here. Plaintiff's credibility, or lack thereof, is the central issue in the case. This is not merely impeachment evidence, it is the crux of the case. If Plaintiff is a “liar” defense of

truth is established. Likewise, it establishes that there can be no damages caused by the alleged defamatory statement. Again, Churcher's documents and testimony are central to this issue.

C. Churcher's information cannot be obtained from an alternative source.

Churcher claims that there are other sources for the information sought, citing almost exclusively the Plaintiff as the potential source of information. This argument is flawed for two reasons. First, Plaintiff claims that she does not have much of the information sought, or simply can't remember. In her deposition, she said she cannot remember where the photograph is, where the contract is, what she told Churcher, and she refused upon advice of counsel, to state what stories Churcher "got wrong." See Motion to Re-Open Deposition of Plaintiff. Second, as the direct adversary in this case, Plaintiff is not a reliable source for information, and thus cannot be deemed an alternative source. *Matter of Sullivan*, 167 Misc. 2d 534, 541, 635 N.Y.S.2d 437, 442 (Sup. Ct. 1995) (compelling journalist notes, records, and videotapes of interrogation where claimed alternative source of information – detectives conducting the interrogation – were adversaries and thus could not be deemed the reliable source for information)

For most information, Churcher is the *only* source of the information sought. She is the only person who can provide the following information and documents:

- The 24 page fabricated diary, and testimony on when and why it was created⁵
- Notes, transcriptions, tape recordings, and memorandum from her interviews with Plaintiff, including her week long interviews in Australia;⁶
- Churcher's communications with law enforcement or the FBI concerning Plaintiff;⁷

⁵ Plaintiff contends that she gave the original to Churcher, and did not maintain a copy. Ex B, p. 229.

⁶ Plaintiff has produced some email communications with Churcher, although in light of Plaintiff's statements concerning the regular deletion of emails, there are likely email communications that were not captured by Plaintiff in Ms. Churcher's possession or control. Nevertheless, to minimize the burden, Ms. Maxwell will voluntarily limit documents containing communication with Plaintiff by eliminating email communications between Plaintiff and Churcher using Plaintiff's [REDACTED] address. Because Plaintiff did not produce documents from her hotmail account and only recently produced documents from her iCloud account, Ms. Maxwell requests that Churcher search for documents to or from Plaintiff at these two email addresses.

⁷ Ms. Maxwell has filed a FOIA request and had not received a response.

- Plaintiff's contract with the Mail on Sunday, which Plaintiff claims she no longer has;⁸
- The original Prince Andrew picture, or information on its chain of custody;
- Communications with Brad Edwards and other attorneys for Plaintiff⁹

From a testimonial standpoint, only Churcher can testify about the deviations in the stories she has heard from Plaintiff because only Churcher was there. Plaintiff herself claims she cannot remember what she told Churcher at various points in time, and herself asked Churcher for the notes from her interview so Plaintiff could remember what she said. Menninger Decl., Ex. A, p. 26. Plaintiff further refused to testify about what information Churcher printed that was untrue or varied from what Plaintiff told Churcher. Menninger Decl., Ex. B, p. 215-226. Thus, the only person who can testify or provide documentary evidence about Plaintiff's stories to Churcher is Churcher.

In light of the critical nature of the documents and testimony in establishing the truth defense and the fact that the information simply is not available from other sources, Churcher is not entitled to claim qualified privilege over her news-gathering materials or non-published non-confidential information.

IV. MS. MAXWELL'S COUNSEL AGREED TO EXTEND THE RETURN DATE FOR COMPLIANCE WITH THE SUBPOENA

Churcher's final argument for a Protective Order – that there was not a reasonable time to respond – is defeated by the admission in her own pleading. It is true that the original response date was twelve days after service – two days less than is considered presumptively “reasonable.” Ms. Maxwell's counsel readily agreed that if Churcher intended to respond and comply with the subpoena rather than moving to quash, that the response date would be extended

⁸ Ex. 247-248

⁹ This information had been requested in discovery to Plaintiff, but no documents have been produced. Ms. Maxwell has also subpoenaed the information from Plaintiff's attorneys, each of whom has moved to quash. There can be no question that Ms. Maxwell has exhausted every possible source for obtaining this information.

and the deposition would be scheduled at a mutually agreeable time. As such, there is no basis for quashing the subpoena based on the “unreasonable time” argument, as Churcher was on notice that she would be given the time needed to obtain the documents requested. In light of the discovery cut-off in this case, however, if a motion to quash was forthcoming, the matter needed to be resolved to permit completion of discovery.

WHEREFORE, for the forgoing reasons, Ms. Maxwell requests that the Court deny the Motion to Quash, and compel deposition and the Production of Documents by Sharron Churcher pursuant to the subpoena, as modified by footnote 6 herein.

Dated: June 22, 2016

Respectfully submitted,

/s/ Laura A. Menninger

Laura A. Menninger (LM-1374)
Jeffrey S. Pagliuca (*pro hac vice*)
HADDON, MORGAN AND FOREMAN, P.C.
150 East 10th Avenue
Denver, CO 80203
Phone: 303.831.7364
Fax: 303.832.2628
lmenninger@hmflaw.com

Attorneys for Ghislaine Maxwell

CERTIFICATE OF SERVICE

I certify that on June 22, 2016, I electronically served this *RESPONSE TO NON-PARTY SHARON CHURCHER MOTION TO QUASH SUBPOENA* via ECF on the following:

Sigrid S. McCawley
Meredith Schultz
BOIES, SCHILLER & FLEXNER, LLP
401 East Las Olas Boulevard, Ste. 1200
Ft. Lauderdale, FL 33301
smccawley@bsfllp.com
mschultz@bsfllp.com

Bradley J. Edwards
FARMER, JAFFE, WEISSING, EDWARDS,
FISTOS & LEHRMAN, P.L.
425 North Andrews Ave., Ste. 2
Ft. Lauderdale, FL 33301
brad@pathtojustice.com

Paul G. Cassell
383 S. University Street
Salt Lake City, UT 84112
cassellp@law.utah.edu

J. Stanley Pottinger
49 Twin Lakes Rd.
South Salem, NY 10590
StanPottinger@aol.com

/s/ Nicole Simmons

Nicole Simmons

EXHIBIT A

To: Sharon.Churcher@mailonsunday.co.uk[Sharon.Churcher@mailonsunday.co.uk]
From: Jenna
Sent: Mon 3/7/2011 10:55:59 AM
Importance: Normal
Subject: RE: Re:
Received: Mon 3/7/2011 10:55:59 AM

Hi again,
Thanks alot for understanding, I appreciate all that you are helping me with. It's going to be splendid weather tomorrow! :-) We should meet at the kids water gym next to where you went to watch the pelicans feed.
See you then...
Take care,
Jenna

-----Original Message-----
From: Sharon.Churcher@mailonsunday.co.uk
Sent: Monday, 7 March 2011 8:46 PM
To: Virginia Giuffre
Subject: Re:

All understood. A lot of people are rooting for you.
You must do what is best for you and your family.
Where shall we meet? (Glorious weather....)

|----->
|From: |
|----->
>-----|
>-----|
|----->
|To: |
|----->
>-----|
|Sharon Churcher |
>-----|
|----->
|Date: |
|----->
>-----|
|07/03/2011 09:28 GMT |
>-----|
|----->
|Subject: |
|----->
>-----|
|RE: |
>-----|

Hi shazza,
That will be great if we can arrange the wire tomorrow, much appreciated buddy! If you don't mind my husband and I would like to be alone with the phone conversation taking place tomorrow, we just have some serious things to think about and our families well being comes first. I'll fill you in over lunch tomorrow. We were thinking of meeting you at The entrance instead. There's really nice alfresco dining and great for the kids to play. What do you think? See you then...
Take care,
Jenna

-----Original Message-----
From: Sharon.Churcher@mailonsunday.co.uk
Sent: Monday, 7 March 2011 6:22 PM
To: Virginia Giuffre

We'll get your money going asap. You earned it babe!!! The book next...

See you tomorrow,

Hugs,

S

X0x0

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To: Villafana, Ann Marie C. (USAFLS)[Ann.Marie.C.Villafana@usdoj.gov]
From: Jenna
*Sent: Mon 3/7/2011 9:14:33 PM
Importance: Normal
Subject: RE: Confidential contact information
Received: Mon 3/7/2011 9:14:33 PM

Hi Mrs. Villafana,
I am unable to be contacted by Skype for the next few days as my laptop had a fight with my 3 year old and lost, its in the repair shop now, but I am still contactable by phone. When you are ready, feel free to give me a call anytime.

Sincerely,
Mrs. Virginia Roberts
[REDACTED]

—Original Message—

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, 8 March 2011 4:06 AM
To: Virginia Giuffre
Cc: Bardfeld, Wende E. (FBI)
Subject: FW: Confidential contact information

Dear Virginia:

Please treat this as a confidential communication.

Thank you for contacting me. Special Agent Wende Bardfeld and I would like to speak with you at 9:00 a.m. your time, Tuesday, Mar 8, 2011. According to my calculations, that is 5:00 p.m., Monday, March 7, 2011 here in West Palm Beach.

We would prefer to speak with you via Skype, if possible. We feel that a video-conference would put you a bit more at ease, and would be a better way for us to introduce ourselves to you. Wende has set up a Skype account with user name Wende.Bardfeld@ic.fbi.gov.

If you are unable to sign in to Skype, or if you cannot locate Special Agent Bardfeld's log-in, please send me an email. In the alternative, if we do not hear from you on Skype by 5:10, we will call you on the telephone number that you provided.

Thank you again.

A. Marie Villafaña
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
561-209-1047
Fax 561-802-1787

—Original Message—

From: Sharon.Churcher@mailonsunday.co.uk [mailto:Sharon.Churcher@mailonsunday.co.uk]
Sent: Sunday, March 06, 2011 10:06 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Virginia Giuffre
Subject: Confidential contact information

Dear Ms. Villafana:

(I am sending you this email on a strictly background, not for attribution basis.) will not disclose it nor any future communications between us without your explicit permission.

Virginia Roberts has asked me to give you her cell phone number.

She is in Australia, [REDACTED]

I am copying her in by email but she will be grateful any initial contact with her is by phone. She is 16 hours ahead of EST. A good time for her to speak is nine am her time tomorrow (Monday your time).

Virginia would prefer me to be present when you initiate communication with her. We both realize that any such communication must be in confidence. I will be there for support, not as a journalist.

I am sure you understand that it has been a big step for her coming forward. She has 3 young children and a husband and has concerns about whether she is compromising their well-being.

I am a former investigative reporter for New York Magazine where my colleagues included Nick Pileggi. I understand the sensitivity of this situation.

Frankly, if I still worked there, I would publish everything that I believe happened to Virginia and that now may be happening to a new generation of minors.

But I now run the NY bureau for a UK paper and I am restrained because of the UK's libel laws.

So Virginia and I are putting our trust in you.

Best regards,
Sharon Churcher

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To: Sharon.Churcher@mailonsunday.co.uk[Sharon.Churcher@mailonsunday.co.uk]
From: Jenna
Sent: Tue 3/15/2011 10:55:12 PM
Importance: Normal
Subject: RE: Here is contact info for NY literary agency u might like
Received: Tue 3/15/2011 10:55:12 PM

Thanks so much shazza! This sounds so amazing! What a good team we make, see you in Sydney!
Xoxo
Jenna

-----Original Message-----

From: Sharon.Churcher@mailonsunday.co.uk
Sent: Tuesday, 15 March 2011 8:00 PM
To: Virginia Giuffre; Sandra White
Subject: Here is contact info for NY literary agency u might like

They are called Objective Entertainment. Top guy is Jarred. I think he will be intrigued because you could spin off a TV miniseries Jenna Will be happy to introduce u.

I also am attaching info on a more traditional agent I know, Irene Goodman. She has had several successes with new authors. Maybe talk to both of them as well as Sandra's agency.

[REDACTED]

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To: Sharon.Churcher@mailonsunday.co.uk[Sharon.Churcher@mailonsunday.co.uk]
From: Jenna
Sent: Wed 3/16/2011 8:16:47 PM
Importance: Normal
Subject: RE: Your money
Received: Wed 3/16/2011 8:16:47 PM

Hi buddy,

You must be looking forward to getting back home today, I'm just really happy I got to work with you on this! Many more great times to come. Sorry went to bed early last night, we should meet at the newsstand on martin pl and George st. Call me when you get there. Also I don't need Sandra to come this a.m, I've spoken to Jason who sounds nice and she's only a phone call away if I need some support. I'll call her a little later anyways. See ya soon
Jenna

-----Original Message-----

From: Sharon.Churcher@mailonsunday.co.uk
Sent: Wednesday, 16 March 2011 7:51 PM
To: Virginia Giuffre
Subject: Your money

Hotel found a 19-29 Martin Place -- US consulate there. If I get a cab to there, will I find the newstand?

Shazza
X0

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To: Sharon.Churcher@mailonsunday.co.uk[Sharon.Churcher@mailonsunday.co.uk]
From: Jenna
Sent: Thur 3/17/2011 8:11:42 PM
Importance: Normal
Subject: RE:
Received: Thur 3/17/2011 8:11:42 PM

Hi shazza,
You'd still be in the air but hopefully near home by now! We had a wonderful time with you and know this is only a new beginning of a wonderful friendship. Next time bring your hubby and rob can show him a real Aussie BBQ. Yesterday went well, I set some guideline and helped in every way I could, needless to say it took a long time! I would like you to give Brad Edwards my phone number or email so that I may speak with him regarding the victims suit and start that off. You have been so amazingly informative, thank you for everything! Lets speak when your back and relaxed. Take care buddy!
Xoxo
Jenna

-----Original Message-----
From: Sharon.Churcher@mailonsunday.co.uk
Sent: Thursday, 17 March 2011 12:23 PM
To: Virginia Giuffre

Darling Jenna and Rob,

Thank you so much for breakfast...and for finally getting me into downtown Sydney. It makes NY look a bit shabby! I loved the old buildings. And did you see the little black dresses in the Chanel window display near Martin Place??

Seriously, I am so blessed to have you as friends. It is a wrench leaving you --despite everything Jenna has been through, there is a sphere of peace around you and your family and going back into the brash world of New York isn't going to be easy.

I do hope today is going well and that Jeffrey gets the vibes of what's coming to him and his evil empire.

I leave at 3.25pm and get in around 11pm NY time on Thursday.

Sandra is around if you need her. And I will look forward to catching up Friday.

With a very, very big hug,
Shazza
X0x0

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To: Sharon.Churcher@mailonsunday.co.uk[Sharon.Churcher@mailonsunday.co.uk]
From: Jenna
Sent: Sat 3/19/2011 11:45:51 PM
Importance: Normal
Subject: RE:
Received: Sat 3/19/2011 11:45:51 PM

Hi shazza,

I just got off the phone with Jason and he confirmed that he does infact have your flight logs and journal. I told him you must remain a confidential source and the way he explained it was that all of the info you pass through me will not be used in court, only as a lead fo investigation, but he cannot use you as a direct source. He would like your help with the contact information for the following people: Teala Davis, miles and Kathy, Emmy taylor, and Sarah kellan. If there is anyone else you can think of that may be viable, please let m know and I will be happy to pass it on.

Take care buddy,
Jenna

-----Original Message-----

From: Sharon.Churcher@mailonsunday.co.uk
Sent: Sunday, 20 March 2011 9:22 AM
To: Virginia Giuffre

Hi there Detective Jenna...

Can you ask Jason to regard me as a confidential source. He may be afraid of media...I can't be seen to be helping him either.

Re his question: I am told the FBI have the flight logs. They also have the journal. It's the document they confiscated from a houseman called Alfredo Rodríguez. Maybe Jason means that he wants to know how they corroborate the flight to London when you were 'given' to Andrew. Here's how: you had photos from that trip -- taken in Granada and London -- and you recalled going to Paris as well and Morocco. I found that itinerary in the logs (you landed at Luton airport near London) . Also Johanna had recalled being groped by Andrew one Easter at the NY mansion and that Ghislaine sat both of you on his knee. You had an identical memory and there was a flight to NY just before Easter in 01 that I found in the logs.

Love,
Sharon
X0

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To: Irene Goodman [REDACTED]
From: Virginia Giuffre
Sent: Fri 3/25/2011 8:32:51 PM
Importance: Normal
Subject: Re: Virginia Roberts-Jane Doe 102- Jeffrey Epstein & Prince Andrew Story
Received: Fri 3/25/2011 8:32:51 PM

Hi Irene,

Sorry about the confusion, maybe I misunderstood. So you are a lit agent? I am going to be selling my book soon after Ju maybe we will be in touch then. I hope you are well and thank you for your time.

Regards,
V. Roberts

--- On Thu, 24/3/11, Irene Goodman <irene@irenegoodman.com> wrote:

From: Irene Goodman [REDACTED]
Subject: Re: Virginia Roberts-Jane Doe 102- Jeffrey Epstein & Prince Andrew Story
To: "Virginia Giuffre" [REDACTED]
Received: Thursday, 24 March, 2011, 2:51 PM

Virginia,

I don't publish books--I represent them and sell them to publishers. If you have a proposal, I'd be happy to take a look at it.

Irene

On Wed, Mar 23, 2011 at 7:53 PM, Virginia Giuffre <[REDACTED]> wrote:

Hello Irene,

You came highly recommended from my good pal Sharon Churcher, a journalist who works for Sunday Mail. She mentioned to me that you publish books back in N.Y and thought it would be a great idea to contact you talk about "The Billionaires Playboy Club" a book that I am currently writing, including names of the rich, fam and always in trouble. If you are interested in speaking further about this I would love to chat with you sometime. I am still under a contract until May 20th, so it could only be off the record for now.

Please keep this email strictly confidential
Sincerely,
Virginia Roberts

--

Irene Goodman Literary Agency
27 West 24th St. Suite 700B
New York, NY 10010
(212) 604-0330

To: Sharon.Churcher@mailonsunday.co.uk[Sharon.Churcher@mailonsunday.co.uk]
From: Jenna
Sent: Sat 3/26/2011 12:52:38 AM
Importance: Normal
Subject: RE: Solo query from Virginia Giuffre
Received: Sat 3/26/2011 12:52:38 AM

Hi shazza,
How's it going in snowy n.y? I am using your gift the thesaurus, thanks again buddy its really come in handy! I am doing some writing and its real good stuff, putting alot of heartfelt memoirs down for the first time. Hopefully meeting Sandra today and I can really get started! I sent an email to Irene and jarred to let them know I will be interested in using them after my contract is up and jarred asked me to call him but gave me no number. Crazy, huh? Anyways I would love to catch up over the phone when you get a sec. Take care buddy!
Jenna

-----Original Message-----
From: Sharon.Churcher@mailonsunday.co.uk
Sent: Thursday, 24 March 2011 12:23 AM
To: Virginia Giuffre
Subject: Fw: Solo query from Virginia Giuffre

Hi Jenna
Let me know if you hear from this guy.
S
X0

----- Original Message -----
From: John Wellington
Sent: 23/03/2011 13:11 GMT
To: Sharon Churcher
Subject: Re: Solo query from Virginia Giuffre
I have asked Paolo Silva in Solo to contact Virginia.

John

(Embedded image moved to file: pic06618.jpg)

From John Wellington
Managing Editor
The Mail on Sunday
2 Derry Street
London W8 5TS

Telephone: (+44) 20 7938 7012
Fax: (+44) 20 7795 6696.

To
[Redacted]
cc
"Virginia Giuffre"
[Redacted]
Sharon Churcher/Feat/TMO S/ANL
Subject
Solo query from Virginia Giuffre
22/03/11 22:49

Hi John

Virginia has not received an accounting. Can you ask Solo please?
(Virginia's email is above)

Sharon

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To: Sharon.Churcher@mailonsunday.co.uk[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Sun 3/27/2011 5:15:33 AM
Importance: Normal
Subject: RE: Solo query from Virginia Giuffre
Received: Sun 3/27/2011 5:15:33 AM

Hi Shazza,,

Just got the house sprayed so were saying "bye-bye" to all the redbacks and other vermon..lol!!

I had a meeting with Sandra and it went really well, thanks for the connection!! The book is going really well, everytime rewrite it, my memories only reflect more and more!!!

I will try and contact Jarred on the number you gave me, thanks for that, and let him know that I am interested in speaking with him but he's gonna have to wait... with the rest of them...bc he... until my contract finishes.

I haven't heard anything back yet from the people regarding syndicates, maybe there's just too many :))! well let me know when you have an idea when you hear something, thank-you buddy.

Take Cares,
Jenna

--- On Sat, 26/3/11, Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk>
Subject: RE: Solo query from Virginia Giuffre
To: "Jenna" <[REDACTED]>
Received: Saturday, 26 March, 2011, 1:15 AM

Hey that's great. You are a real writer.....I think I told you the only incentives that get me going are deadlines and/or cash! Just remember to put me in the acknowledgments!!!! Jarred is moving offices. His number is or was [REDACTED].

Did you hear from Solo, the syndication agency?

And how are the redbacks and roos treating y'all?

S
xo

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To: [REDACTED]
From: Jenna
Sent: Tue 4/5/2011 11:08:09 PM
Importance: Normal
Subject: RE: Virginia Roberts- Jane Doe 102- Jeffrey Epstein and Prince Andrew Story
Received: Tue 4/5/2011 11:08:09 PM

Hi Jarred,
I have no idea how you could've been on hold, I didn't get any messages or missed calls are you sure you dialled the right number, if so I am really sorry. I will call you today, my apologies again.
Regards,
Jenna

From: Jarred Weisfeld
Sent: Wednesday, 6 April 2011 2:21 AM
To: 'Virginia Giuffre'
Subject: RE: Virginia Roberts- Jane Doe 102- Jeffrey Epstein and Prince Andrew Story

I called and was on hold for like 30 mins and had to go

Thanks,
Jarred Weisfeld
Objective Entertainment
[REDACTED]

Please note our new address as of April 15th, 2010
609 Greenwich St. 6th floor
New York, New York 10014

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From: Virginia Giuffre [REDACTED]
Sent: Monday, April 04, 2011 8:24 PM
To: Jarred Weisfeld
Subject: RE: Virginia Roberts- Jane Doe 102- Jeffrey Epstein and Prince Andrew Story

Hi Jarred,

I tried to give you a call today and left a message for you. Is there a good time I should try to call you or alternatively you can call me on my mobile.

MOB: [REDACTED]

Warmest Regards,
Jenna

--- On Tue, 29/3/11, Jarred Weisfeld [REDACTED] wrote:
From: Jarred Weisfeld [REDACTED]
Subject: RE: Virginia Roberts- Jane Doe 102- Jeffrey Epstein and Prince Andrew Story
To: "'Virginia Giuffre'" [REDACTED]
Received: Tuesday, 29 March, 2011, 3:15 PM

[REDACTED]

Thanks,

- Jarred Weistfeld
- Objective Entertainment

██████████

Please note our new address as of April 15th, 2010

609 Greenwich St. 6th floor

New York, New York 10014

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From: Virginia Giuffre [██████████]
Sent: Wednesday, March 23, 2011 7:47 PM
To: ██████████
Subject: Virginia Roberts- Jane Doe 102- Jeffrey Epstein and Prince Andrew Story

G'day Jarred,

You came highly recommended from my good pal Sharon Churcher, a journalist who works for Sunday Mail. She mentioned to me that you produce miniseries back in N.Y and thought it would be a great idea to contact you to talk about "The Billionaires Playboy Club" a book that I am currently writing, including names of the rich, famous and always in trouble. If you are interested in speaking further about this I would love to chat with you sometime. I am still under a contract until May 20th, so it could only be off the record for now.

Please keep this email strictly confidential.. Thanks Mate!!

Sincerely,

Virginia Roberts

To: Jarred Weisfeld [REDACTED]
From: Virginia Giuffre
Sent: Wed 4/6/2011 11:02:49 PM
Importance: Normal
Subject: RE: Virginia Roberts- Jane Doe 102- Jeffrey Epstein and Prince Andrew Story
Received: Wed 4/6/2011 11:02:50 PM
[J.E Article.webarchive](#)
[J.E Jailtime.webarchive](#)
[Local News West Palm Beach, Palm Beach County, Martin & St. Lucie Counties The Palm Beach Post.webarchive](#)
[Prince Andrew may be quizzed as FBI reopen Jeffrey Epstein sex case Mail Online.webarchive](#)

Hi Jarred,

Really sorry again about the other day, I questioned my husband and father-in-law and nobody knew anything, and it's really weird because nobody calls me Virginia at home, so anyways it's a mystery unsolved. lol

Here are some of the articles pertaining to the J.E case and i.e "The Story" as requested.

I look forward to speaking with you again shortly!!!

Take Care,
Jenna

— On Tue, 5/4/11, Jarred Weisfeld [REDACTED] wrote:

From: Jarred Weisfeld [REDACTED]
Subject: RE: Virginia Roberts- Jane Doe 102- Jeffrey Epstein and Prince Andrew Story
To: "Virginia Giuffre" [REDACTED]
Received: Tuesday, 5 April, 2011, 4:21 PM

I called and was on hold for like 30 mins and had to go

Thanks,
Jarred Weisfeld
Objective Entertainment
[REDACTED]

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New York, New York 10014

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From: Virginia Giuffre [REDACTED]
Sent: Monday, April 04, 2011 8:24 PM
To: Jarred Weisfeld
Subject: RE: Virginia Roberts- Jane Doe 102- Jeffrey Epstein and Prince Andrew Story

Hi Jarred,

I tried to give you a call today and left a message for you. Is there a good time I should try to call you or alternatively you can call me on my mobile.

MOB: [REDACTED]

Warmest Regards,
Jenna

--- On Tue, 29/3/11, Jarred Weisfeld [REDACTED] wrote:

From: [REDACTED]
Subject: RE: Virginia Roberts- Jane Doe 102- Jeffrey Epstein and Prince Andrew Story
To: "Virginia Giuffre" [REDACTED]
Received: Tuesday, 29 March, 2011, 3:15 PM

212-431-5454

Thanks,

Jarred Weisfeld

Objective Entertainment
[REDACTED]

Please note our new address as of April 15th, 2010

609 Greenwich St. 6th floor

New York, New York 10014

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From: Virginia Giuffre [REDACTED]
Sent: Wednesday, March 23, 2011 7:47 PM
To: [REDACTED]
Subject: Virginia Roberts- Jane Doe 102- Jeffrey Epstein and Prince Andrew Story

G'day Jarred,

You came highly recommended from my good pal Sharon Churcher, a journalist who works for Sunday Mail. She mentioned to me that you produce miniseries back in N.Y and thought it would be a great idea to contact you to talk about "The Billionaires Playboy Club" a book that I am currently writing, including names of the rich, famous and always in trouble. If you are interested in speaking further about this I would love to chat with you sometime. I am still under a contract until May 20th, so it could only be off the record for now.

Please keep this email strictly confidential.. Thanks Mate!!

Sincerely,

Virginia Roberts

To: Sharon.Churcher@mailonsunday.co.uk[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Mon 5/2/2011 11:28:30 PM
Importance: Normal
Subject: Re:
Received: Mon 5/2/2011 11:28:30 PM

Hi Buddy,

So much has been happening lately, I haven't even had the chance to catch up with you, my apologies!!! I have been working really hard on "The Story" and loving it! Only 17 days until the contract is finished with Mail On Sunday and I am so excited I will soon be selling my book to a publisher and who knows from there...YEAH!!!!

I was sent a message by Brad Edwards who suggested that maybe it could be a good idea to speak with the gentleman from Vanity Fair when my contract is finished as it is a great way to gain publicity for my book and the case, as long as I can ensure that the writer brings the story out in a classy way and does not spill the beans on the major parts of the story. I am considering it as long as my needs and conditions are met. Do you have any major concerns that could see this potentially hindering anything? If so please let me know as I do trust in you as my wonderful confidante.

Sandra is still in England covering the wedding, hopefully she'll be back soon to start some serious work with me. I have received her version of the raw synopsis and so far so good. I look forward to seeing the finale!!

Much Love xoxoxo
Jenna

--- On Mon, 2/5/11, Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk>
Subject:
To: "Virginia Giuffre" [REDACTED]
Received: Monday, 2 May, 2011, 3:34 PM

Hi sweetheart

How is the book going?

I thought I should catch up with you because Vanity Fair are doing an Andrew piece and Brad says their writer, Ed Klein, wants to interview you.

My strong instinct is not to help him -- not to even take his calls -- as there is no upside in giving away one of THE selling points of the book. (This crazy wedding hoopla should be great timing in terms of getting publishers interested..).

See you in June!

Love,
Shaza
X0x0

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EXHIBIT 23
Giuffre
AGREN BLANDO REPORTING
5/3/14 KAM

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To: Sharon.Churcher@mailonsunday.co.uk[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Tue 5/3/2011 1:01:39 AM
Importance: Normal
Subject: Re: Re: Do you recognize this girl?
Received: Tue 5/3/2011 1:01:39 AM

My God that sounds just like your cup of tea...NOT!! You poor thing, at least it can't be as bad as the customer service at the Crown Plaza..he..he..he!! Have fun buddy
Take Care,
Jenna

--- On Tue, 3/5/11, Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re: Re: Do you recognize this girl?
To: "Virginia Giuffre" [REDACTED]
Received: Tuesday, 3 May, 2011, 12:54 AM

Excellently said, Jenna. Now let's just hope he does a GREAT pr job.

I am off to the UK tonight -- to see my mom and for a company "war zone" training course. Idea of the latter is that ex Special Forces guys teach us what to do if we are shot at or kidnapped....dumbest thing I ever heard of unless they plan to arm us with machine guns.

I will be on my usual email and cell phone. Get back to NY on May 17th.
Hugs to you all,
Shazza
Xcxc

|----->
|From: |
|----->
>
|Virginia Giuffre [REDACTED] |
>
|----->
|To: |
|----->
>
|Sharon Churcher |
>
|----->
|Date: |
|----->
>
|03/05/2011 01:42 GDT |
>
|----->
|Subject: |
|----->
>
|Fw: Re: Do you recognize this girl? |
>
|----->

GIUFFRE004870
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Shazza,

I LOVE YOUR WORK!!!! Read below this is what I also just sent him, I can't thank my lucky stars enough to count you as one of my friends...my deepest appreciation for your concern!!!

Warmest Regards,Jenna

--- On Tue, 3/5/11, Virginia Giuffre [REDACTED] wrote:

From: Virginia Giuffre [REDACTED]
Subject: Re: Do you recognize this girl?
To: "Brad Edwards" <brad@pathtojustice.com>
Received: Tuesday, 3 May, 2011, 12:36 AM

Hi Brad,

I am so sorry to hear the news of Ruslana, and my condolences are with her family and friends. I can say that I have never had any meetings with her, sorry not to be of any help there.

With the Vanity Fair piece, I spoke to Sharon Churcher who had some great pointers about why I shouldn't give him an exclusive about the case. First of all "The Story" is full of names of people involved in my years spent with J.E and I wouldn't want to spoil the details in my book. Secondly If J.E finds out that I am doing a book he may try to stop me from publishing it,

Im sure he has his ways through his many various contacts, and thirdly I want to have this book on the shelves for the audience to go buy the second that my publicity starts. In saying that I still believe it is great publicity for our case and probably a good idea for you to speak with him about the case instead of me. If written the right way and brought out as you having a key witness now speaking with authorities or what not, they could even use a simple picture of me to spice it up. I just don't want my last name "Giuffre" mentioned or the fact that there is a book in the makings. What do you think about all of this? It will be very helpful to hear your opinion tomorrow when we speak.

I hope you have been doing well and staying busy fighting one scandal at a time!!

Best Regards,Jenna --- On Mon, 2/5/11, Brad Edwards <brad@pathtojustice.com>

wrote:

From: Brad Edwards <brad@pathtojustice.com>
Subject: Do you recognize this girl?
To: "'Virginia Giuffre'" [REDACTED]
Received: Monday, 2 May, 2011, 2:09 PM

I think it is a long shot that you would recognize her, but read the article I attached and then look at the pictures and see if you recognize her. I will call you tomorrow.

<http://www.newsweek.com/2011/05/01/the-lost-girl.html> Ruslana Korshunova

<http://www.bittenandbound.com/2008/06/29/model-ruslana-korshunova-dies-after-nine-story-fall/>

Brad Edwards Civil Justice Attorney Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L. 425 North Andrews Avenue, Suite 2 Fort

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Lauderdale, Florida 33301 Telephone: 954-524-2820 Facsimile:
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To: sharon.churcher[sharon.churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Wed 5/4/2011 4:46:50 AM
Importance: Normal
Subject: Fw: RE: Virginia Roberts- How's the wedding?
Received: Wed 5/4/2011 4:46:50 AM

Hi Shazza,

I just got this message in from Sandra and was wondering what you think about her increase in percentages. I'm not sure what to respond, when you get this message do you mind giving me a holler, **as I would appreciate your advice.**

As Always Appreciative,
Jenna

— On Tue, 3/5/11, Sandra White [REDACTED] wrote:

From: Sandra White [REDACTED]
Subject: RE: Virginia Roberts- How's the wedding?
To: [REDACTED]
Received: Tuesday, 3 May, 2011, 4:18 PM

Hi Jenna

Good to hear from you - so nice to get an email that wasn't connected to work! I have been doing seven days a week on this wedding and I even wrote five pages yesterday!

However, that will probably be the last of the heavy workload I should think.

As far as the mid June deadline goes, nothing is impossible but you don't want to sell yourself short. All you need for any meetings with agents is a strong proposal (which ours is, though not complete) and a sample chapter or two.

But, as you mentioned before, we need to get things on a more formal footing between us before we progress much further.

I have been in touch with agents here to confirm what I thought and ghost writers' percentages vary from 50-50. Seeing as though you are doing a lot of the initial work yourself, I thought it would be fairer if we worked on a 7-30 split, in your favour.

Let me know what you think, then we can get an agreement written up between us and move on. bring it on!

Hope you are feeling well and that Robbie and the kids are well.

Yours
Sandra

Date: Mon, 2 May 2011 17:59:05 -0700
From: [REDACTED]
Subject: Virginia Roberts- How's the wedding?
To: [REDACTED]

Hi Sandra,

I am glad for you the big wedding is now over, and we can start looking at getting this book up and running. I have had some big named mag's trying to contact me for some pieces on "the story" and some one else from an editing agency wanting to do a story themselves, so need to get busy. I have done a lot of work and when you are ready, I'd love for us to coincide our writing. Mid-June is when I am going to in the States, and would be my deadline to have this book nearly finished, if not completed. Do you see this as a possibility? I am looking forward to speaking with you soon, and only 17 more days until my contract is up with Mail On Sunday...Yeah!! Take Care Buddy.

Warmest regards,
Jenna

To: Sharon.Churcher@mailonsunday.co.uk[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Fri 5/6/2011 1:20:10 AM
Importance: Normal
Subject: Re:
Received: Fri 5/6/2011 1:20:10 AM

Hi again buddy,

I thank you for looking into the percentages of Ghostwriters. I honestly don't know what to do regarding her offer. What do you think about her status compared to another Ghostwriter that charges the same rate? I just want to know she's worth in the end. She said she conferred with her agents in London and they supposedly said it's normally 50% cut between both writers but because I'm doing most of the work she will generously give me 70% and she'll take 30%. I guess the advantage of hiring her is that she is local and can help get INT'L coverage, but should I be waiting to sign with an agent before her and I agree to anything? I haven't responded back to her yet hoping you could advise me on the best route to take her. **I know you have a wealth of experience in this field and I completely trust in your guidance.**

How is it on the front line? I hope your having a good vacation/training and enjoying time with your Mother. Take care of yourself and I look forward to hearing from you soon.

Warmest Regards,
Jenna

--- On Wed, 4/5/11, Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk>
Subject:
To: "Virginia Giuffre" [REDACTED]
Received: Wednesday, 4 May, 2011, 9:18 PM

Hi Jenna

Thirty percent is the going rate, at least for top ghost writers. I checked with my friend. Having said which, my advice would be to negotiate since you are doing so much of the work. I would offer 30 percent of your "net" advance

(the advance is an upfront fee from the publisher...

The net advance is the money you receive after the agent takes his or her percentage which is usually 10 to 15pc.)

S
X0

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To: sharon churcher[sharon.churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Tue 5/10/2011 10:00:56 PM
Importance: Normal
Subject: Good News!!
Received: Tue 5/10/2011 10:00:56 PM

Hi Sharon,

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

Having fun sweetie?

Thanks,
Jenna

To: Sharon.Churcher@mailonsunday.co.uk[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Thur 5/12/2011 2:21:43 AM
Importance: Normal
Subject: Re: Good News!!
Received: Thur 5/12/2011 2:21:43 AM

Thanks again Shazza, I'm bringing down the house with this book!!!
xoxo Jenna

--- On Wed, 11/5/11, Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re: Good News!!
To: "Virginia Giuffre" [REDACTED]
Received: Wednesday, 11 May, 2011, 4:17 PM

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

|----->
|From: |
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>
|----->
|Virginia Giuffre [REDACTED] |
>
|----->
|To: |
|----->
>
|Sharon Churcher |
>
|----->
|Date: |
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>
|10/05/2011 23:00 GDT |
>
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|Subject: |
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|Good News!! |
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|----->
|Hi Sharon, |
| |
|Hello gorgeous, I hope this message comes to you on a bright, sunny day!!!
|I took your advice about what to offer Sandra and she accepted. Were |
|drawing up a contract through her agent right now and getting busy to meet

|my deadline. Just wondering if you have any information on you from when |
|you and I were doing interviews about the J.E story. I wanted to put the |
|names of some of these assholes, oops, I meant to say, pedo's, that J.E |
|sent me to. With everything going on my brain feels like mush and it would|
|be a great deal of help!
|Having fun sweetie?

|Thanks,
|Jenna

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To: sharon churcher[sharon.churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Fri 5/13/2011 10:03:54 PM
Importance: Normal
Subject: Fw: Re: Solo Syndication
Received: Fri 5/13/2011 10:03:54 PM

Hi Shazza,

We are starting to freeze out here in Australia as winter closes in fast...burr!!
How are things for you? Are you still out in the U.K or back in N.Y.C?
I was hoping I could confide in your advice again. Paulo sent me the below messages regarding the syndicates and from the last time him and I emailed and I have actually lost \$300- If you look at the long list of big named companies that would mean my story/picture was only sold for \$600 each. I am only looking out for my best interests and know you would do the same. I haven't told anyone that I am asking you this, not wanting to rock the boat, I just know your experience in the field far exceeds mine and would love your input! I hope all is well for you and your own and taking care, as always!!

xoxo Jenna

-- On Fri, 13/5/11, Paulo Silva <psilva@solo syndication.com> wrote:

From: Paulo Silva [REDACTED]
Subject: Re: Solo Syndication
To: "Virginia Giuffre" [REDACTED]
Received: Friday, 13 May, 2011, 12:49 PM

Hi Virginia,
I have now spoken to our accounts. This is how it stands:

Total amount owed to you - £ 4,175
Amount ready to be paid to you - £ 1,825
Amount still to be received - £ 2,350

Obviously we are still chasing the outstanding amount. I know you requested that the whole payment be made to you when ready, but if you wish I am happy to arrange for the initial amount to be paid, and the remaining amount to be paid once received from our clients? Let me know your thoughts.

Regards,
Paulo Silva
Senior Sales Executive, Photos
Solo Syndication
Tel: +44 (0)207 566 0364
[REDACTED]

From: Virginia Giuffre [REDACTED]
Date: Thu, 12 May 2011 22:52:13 -0700 (PDT)
To: Paulo Silva [REDACTED]
Subject: Re: Solo Syndication

Hi Paulo,
Were only a week off from my contract finishing with the Mail On Sunday and I was wondering if you have received the full amount owed f the syndicates. I thought it'd be a good idea to check in and see how it was all tying up. I hope you and yours are well, and taking care.

Sincerely,
Virginia Roberts

-- On Fri, 1/4/11, Paulo Silva [REDACTED] wrote:

To: sharon churcher[sharon.churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Fri 5/20/2011 2:20:09 AM
Importance: Normal
Subject: How ya doing??
Received: Fri 5/20/2011 2:20:09 AM

Hi Buddy,

I hope you are stopping to smell the daffodils once in a while and having a good day!! I am so excited today because I can go sign with an agent as my contract is finished with "Mail On Sunday"...YEAH!! Sandra and I have been working really hard to get me ready for my trip to the U.S in a few weeks and I was wondering if I could use your advice again. She has got an INT'L agent who is interested in speaking with me and I don't want to say "Yes" to the first bite because I'm not sure what to look for in an agent. What could you recommend (that I do? I will) send Jarred and Irene (your recommended agent) a copy of the synopsis and sample chapters but how do I choose the right one for "The Story"? Do you know anyone else that might be interested in this as well? If so, I am keen on speaking with anyone who might be. I am soooooo excited about this and will keep you updated with the progressing events. When I am in New York we have to meet up for some city shopping and take the kids to Central Park to see the Zoo, given there will be no masturbating kangaroo's for you to make friends with, but who knows? I am looking forward to showing Robbie around and he's got some family out there as well we have to catch up with. Such busy times, but I'm loving it!! Anyways I hope your taking care and catch me up on your fun times!!

Take care,
Jenna

To: sharon churcher[sharon.churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Sat 5/21/2011 8:42:10 PM
Importance: Normal
Subject: What do you think of this?
Received: Sat 5/21/2011 8:42:10 PM

Hi Sharon,

Sandra and I are just about to start sending prologues out when she finally got back to me with a contract. After our last discussion to take 30% off the net advance for her being the ghostwriter, and no electronic rights, she has now sent me that any advance, royalties, serialisation rights, book club rights, film rights and TV rights will be split between them 70 – 30, Virginia Giuffre's favour, after any agent's commission.

She has got all of the info to write a story by herself if she wanted too, can she legally?

Please give me a call or let me know a good time to reach you, I don't know how to respond back to this when we are so close to the end.

Much Thanks,
Jenna

To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Mon 5/23/2011 10:20:27 PM
Importance: Normal
Subject: Re: What do you think of this?
Received: Mon 5/23/2011 10:20:27 PM

Hi Shazza,

I replied back to Sandra, in a very nice but business like way, and have not heard from her since, insinuating that she mig be offended that I am not paying her what she wants. I need to start looking at alternative ghostwriters and was hoping yc could point me in the right direction and what their financial interests are. Once again you always come through, Thanks Matey!!

xoxox
Jenna

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From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re: What do you think of this?
To: [REDACTED]
Received: Saturday, 21 May, 2011, 8:47 PM

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From: Virginia Giuffre [REDACTED]
Sent: Monday, May 23, 2011 11:20 PM
To: Sharon Churcher
Subject: Re: What do you think of this?

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GIUFFRE003973

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To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Tue 5/24/2011 11:07:04 PM
Importance: Normal
Subject: Re: Book!
Received: Tue 5/24/2011 11:07:04 PM

I thank my mucky stars to have a good friend like you!!...Jenna

--- On Tue, 24/5/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Book!
To: "Sandra White"
Cc: "Virginia Giuffre"
Received: Tuesday, 24 May, 2011, 10:48 PM

Hi Sandra

How's it all going?

Virginia just emailed me asking suggestions about agents. I assume you guys plan to share one as that will keep the commission and collaborations agreement costs down? She also wasn't sure about the norm with splits on electronic rights....I think the agent can advise you both on the latest industry norms as it all has changed so much with the Internet.

A pal of mine (David Heymann) has said to use his name with his agent, Mel Berger, who is the top guy at William Morris in NY.

Is that OK with you? I know you have your own rep so thought I should check.

Love,

Sharon

PS We are out of contract with Virginia but are hoping to buy first serial to the book of course...did she tell you Vanity Fair are trying to find her? We aren't helping them and have refused to tell them her married name...I am not going to give it to Mel as he tends to be a bit of a gossip and knows the VF crowd.

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Registered No 84121 England.

To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
 From: Virginia Giuffre
 Sent: Tue 5/24/2011 10:15:28 PM
 Importance: Normal
 Subject: Re: What do you think of this?
 Received: Tue 5/24/2011 10:15:28 PM

Hi Shazza,

This is her final reply, I am not very hopeful about using her anymore.

Do you know of any other reputable Ghostwriters in N.Y.C, I just don't think she is going to be in my best interests. See below email from her this a.m...

Thanks Buddy!!

Hi Jenna

I am not offended by your comments and I agree with you that this is business but I must say I don't know where you are getting your information from. All the research I have done here tells me that ghost writer's are usually working on a 50-50 basis. That is the figure quote in the 2011 edition of the Writers and Artists Year Book. I have never worked on less than 40% but because you were doing a lot of the init writing I thought it would be much fairer if my percentage reflected that, that's why I went down to 30%

I do not know of any ghost writer who relinquished screen rights and serialisation rights. The main reason for that is, obviously, it is the gho writer's writing and input that has been sold on for screen or serialisation.

If you want to find someone esle, that is entirely up to you, but those are my terms.

As for Grant, there is no need to get him to sign a confidentiality agreement because there is no need for him to see the manuscript. He on needs to know who you are and that has been in the paper!

As for sending out to agents, I was going to advise you nearer the time, but I'll do it now. In my opinion your first step should be to make appointments to see the people in New York when you go there, taking with you the proposal and first chapter. They know what the story is and they have expressed an interest. You have got your foot in the door to sell yourself and your book. If you send it to them beforehand you are giving them the opportunity to say no without having met you. And you have a lot going for you personality and intelligence wise so we want them to see that!

If those meetings don't produce anything, then we send it to other agents.

I'll get Grant to call you but I have left your phone number at home, so email it to me and I'll pass it on.

Hope all is well.

Sandra

— On Tue, 24/5/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>

Subject: Re: What do you think of this?

To: [REDACTED]

Received: Tuesday, 24 May, 2011, 11:57 AM

There are 2 top agents who rep writers I know. Let me see what I can do. Did y check on "Grant"?

From: Virginia Giuffre [REDACTED]

Sent: Tuesday, May 24, 2011 03:12 AM

To: Sharon Churcher

Subject: Re: What do you think of this?

Hi Shazza,

She did send back a message after I asked if we were still on, but very blunt and to the point. She said she has been very busy and that it. I don't know what that means but i am meeting with an entertainment lawyer on Friday who is going to write me up an official collaborati agreement in hopes to get the ball rolling.I do think I should have a backup plan and appreciate all of your assistance!! I am compiling list reputable agents, is there anyone else you can think of besides Jared and Irene? Hope you are all well and your Mother is improving. Tak care my friend..

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From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>

Subject: Re: What do you think of this?

To: [REDACTED]

Received: Tuesday, 24 May, 2011, 12:42 AM

I would phone Sandra and suggest meeting to talk about agents (including Grant, about whom you have every reason to ask questions). At this stage you have enough to sell the book...and she needs you so I think will be reasonable.

S

X0x0

To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Tue 5/24/2011 2:12:09 AM
Importance: Normal
Subject: Re: What do you think of this?
Received: Tue 5/24/2011 2:12:09 AM

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From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re: What do you think of this?
To: [REDACTED]
Received: Saturday, 21 May, 2011, 8:47 PM

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To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Tue 5/24/2011 9:49:22 PM
Importance: Normal
Subject: Re: What do you think of this?
Received: Tue 5/24/2011 9:49:22 PM

Hi Shazza,

I appreciate your assistance, and look forward to any help that you can offer I haven't heard back from her yet with any details re Grant. I will send you a message when I know more too!! Much Love...

Jenna

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To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Tue 5/24/2011 10:15:28 PM
Importance: Normal
Subject: Re: What do you think of this?
Received: Tue 5/24/2011 10:15:28 PM

Hi Shazza,
This is her final reply, I am not very hopeful about using her anymore.
Do you know of any other reputable Ghostwriters in N.Y.C, I just don't think she is going to
in be in my best interests. See below email from her this a.m...

Thanks Buddy!!

Hi Jenna

I am not offended by your comments and I agree with you that this is business but I must say I don't know where you are getting your
Information from. All the research I have done here tells me that ghost writer's are usually working on a 50-50 basis. That is the figure quoted
in the 2011 edition of the Writers and Artists Year Book. I have never worked on less than 40% but because you were doing a lot of the initial
writing I thought it would be much fairer if my percentage reflected that, that's why I went down to 30%

I do not know of any ghost writer who relinquished screen rights and serialisation rights. The main reason for that is, obviously, it is the ghost
writer's writing and input that has been sold on for screen or serialisation.

If you want to find someone else, that is entirely up to you, but those are my terms.

As for Grant, there is no need to get him to sign a confidentiality agreement because there is no need for him to see the manuscript. He only
needs to know who you are and that has been in the paper!

As for sending out to agents, I was going to advise you nearer the time, but I'll do it now. In my opinion your first step should be to make
appointments to see the people in New York when you go there, taking with you the proposal and first chapter. They know what the story is
and they have expressed an interest. You have got your foot in the door to sell yourself and your book. If you send it to them beforehand you
are giving them the opportunity to say no without having met you. And you have a lot going for you personality and intelligence wise so we
want them to see that!

If those meetings don't produce anything, then we send it to other agents.

I'll get Grant to call you but I have left your phone number at home, so email it to me and I'll pass it on.

Hope all is well.

Sandra

— On Tue, 24/5/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re: What do you think of this?
To: [REDACTED]
Received: Tuesday, 24 May, 2011, 11:57 AM

There are 2 top agents who rep writers I know. Let me see what I can do. Did y check on "Grant"?

From: Virginia Giuffre [REDACTED]
Sent: Tuesday, May 24, 2011 03:12 AM
To: Sharon Churcher
Subject: Re: What do you think of this?

Hi Shazza,

She did send back a message after I asked if we were still on, but very blunt and to the point. She said she has been very busy and that was
it. I don't know what that means but I am meeting with an entertainment lawyer on Friday who is going to write me up an official collaboration
agreement in hopes to get the ball rolling. I do think I should have a backup plan and appreciate all of your assistance!! I am compiling list of
reputable agents, is there anyone else you can think of besides Jared and Irene? Hope you are all well and your Mother is improving. Take
care my friend..

xoxox
Jenna

— On Tue, 24/5/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re: What do you think of this?
To: [REDACTED]
Received: Tuesday, 24 May, 2011, 12:42 AM

I would phone Sandra and suggest meeting to talk about agents (including Grant, about whom you have every reason to
ask questions). At this stage you have enough to sell the book...and she needs you so I think will be reasonable.

S
X0x0

To: sharon churcher[sharonchurcher@hotmail.com]
From: Virginia Giuffre
Sent: Sun 5/24/2015 1:40:53 AM
Importance: Normal
Subject: Re: RE:
Received: Sun 5/24/2015 1:40:53 AM

Hi there,

Yeah lots of good things happening, right now just have to stay tight lipped but I hope you're doing well and take care!!

xoxo Jenna

Sent from my iPhone

On May 23, 2015, at 3:07 PM, sharon churcher <sharonchurcher@hotmail.com> wrote:

Just was reading about David Boies taking your case. How fantastic, Jenna! Have you asked him how he'd feel about you reviving your book? It would be an incredible shame if the other project lifts your story, which it could at least somewhat. Jarred still is very keen to represent you. am afraid I screwed up by steering you to Mimi.

I just had a great week in LA on a celebrity story. Got to go to Rodeo Drive!!!!

Much love,

Shazza xoxo

Sharon Churcher
New York Correspondent
Telephone: +1 (914)-319-1838
Email: sharonchurcher@hotmail.com

From: Virginia Giuffre
Sent: 5/9/2015 1:46 PM
To: sharon churcher
Subject: Re:

Hi Shazza!!

Who is this writer? Don't know anything about it.

Hope all has been well lately!!

Jenna

Sent from my iPhone

On May 9, 2015, at 2:10 PM, sharon churcher <sharonchurcher@hotmail.com> wrote:

Hi there

A NY writer is doing a book on Jeffrey. The writer claims you are on side and if that is so, that is fantastic. But if for any reason you are not on that contract, this would be the time to sell your own book. I believe it will be a bestseller. You write very well.

Love to all,
Shazz

To: sharon.churcher[sharon.churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Wed 5/25/2011 11:29:40 PM
Importance: Normal
Subject: Hello...
Received: Wed 5/25/2011 11:29:40 PM

Hi again buddy,

Just wondering if Sandra got back to you with a reply to your message. I don't think she's gonna budge on the final cuts, but I'll give it a few days to see what comes of this. I will keep writing, but should I still see the lawyer on Friday to draft a collaboration agreement if no reply from her. How are you settling back in N.Y.C? I hope you are doing well and I look forward to chatting again soon!!

Take Care,
Jenna

To: Sharon Churcher [Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Thur 5/26/2011 12:15:04 AM
Importance: Normal
Subject: Re: Hello...
Received: Thur 5/26/2011 12:15:04 AM

Hi,

Okay, so my next step is to look for an agent, don't I need to send them a synopsis and sample chapters, or how do I approach one and ask them to represent me? **I'm sorry to bombard you with these questions but I take your word upon oth and know that you actually know what your talking about!!**

As far as Sandra goes I am not willing to pay her what she wants, could you please give me the names and contact info t any other ghostwriters who might be interested. Are you sure you don't want a piece of this story??? ha, ha.

As always xoxoxo Jenna

-- On Wed, 25/5/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re: Hello...
To: [REDACTED]
Received: Wednesday, 25 May, 2011, 11:37 PM

I think u should call her and say you cannot agree to give her more than 30pc of the book advance at this v early stage of things. If she balks I would say to her that you are going to look for an agent and will have him/her talk to Sandra or her agent about hammering out an agreement with her. I don't think paying a lawyer is worth it unless she goes for the 30pc. If she does he can do up an agreement.

From: Virginia Giuffre [REDACTED]
Sent: Thursday, May 26, 2011 12:29 AM
To: Sharon Churcher
Subject: Hello...

Hi again buddy,

Just wondering if Sandra got back to you with a reply to your message. I don't think she's gonna budge on the final cuts, I'll give it a few days to see what comes of this. I will keep writing, but should I still see the lawyer on Friday to draft a collaboration agreement if no reply from her. How are you settling back in N.Y.C? I hope you are doing well and I look forward to chatting again soon!!

Take Care,
Jenna

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- it for viruses as we can take no responsibility for any computer virus which may be transferred by way of this e-mail. Use
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To: Sharon Churcher [Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Thur 5/26/2011 9:38:46 PM
Importance: Normal
Subject: Re:
Received: Thur 5/26/2011 9:38:46 PM

Hi Shazza,

Sounds like a good plan but I haven't heard back from Sandra yet re the money I will pay her for synopsis and sample chapters, If I don't hear back from her soon, I will send you what I've got and maybe you can judge whether or not it is ready to go to an agent. I hope you're enjoying Boston and try to not work so hard all the time!!

xoxox
Jenna

--- On Thu, 26/5/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: [REDACTED]
To: [REDACTED]
Received: Thursday, 26 May, 2011, 5:28 PM

My ghostwriter pal says 30pc of all rights is norm. But also says Sandra doesn't sound right for u...u need someone more reliable. I suggest u first look for an agent and then they hook u up with a tested writer.

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To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Mon 5/30/2011 2:01:32 AM
Importance: Normal
Subject: Re:
Received: Mon 5/30/2011 2:01:32 AM

Hi Shazza,

No news from Sandra yet, not even a reply back. So now my next plan of action is to get an agent and get my book sold by a publisher. Sandra's professional approach towards this matter isn't suffice, I need someone who will take this very serious. **In other news I got another message from Brad Edwards who passed on another request from VF, offering to pay me for my pic with P.A. I know they are putting together a piece on P.A and I would like to find out exactly what that entitles about myself.** I hope you are enjoying the festivity of the weekend and look forward to your next email.

Take Care,
Jenna

--- On Sat, 28/5/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject:
To: [REDACTED]
Received: Saturday, 28 May, 2011, 8:00 PM

Before you make a final decision on Sandra, I would ask her for titles and publishers of other books she has ghosted and titles of any films. That's is a legit request since she wants 30pc of everything. Let's see what experience she has.
S
X0x0

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To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Mon 5/30/2011 10:43:19 PM
Importance: Normal
Subject: Re: VF
Received: Mon 5/30/2011 10:43:19 PM

Hi Shazza,

Good points, all of them. I am looking at both sides to the picture. On the upside it will give exposure to build up publicity for the case and the story but like you said, It must be carefully written and not give any notions about the upcoming book and or any new info. When i was doing some research into VF yesterday, it does concern me what they could want to write about me considering that B.Clinton walked into VF and threatened them not to write sex-trafficking articles about his good friend J.E. Should I be asking what is this story their writing pertaining to? I wouldn't want to give the public a bad image or anything like that. I don't know, it's all such a gamble. I just thank goodness for having a friend like you on the inside who knows how to deal with the viciousness of todays world!! I will let Brad know what you have recommended. Thanks Again!!!!

xoxoxoxo Jenna

--- On Mon, 30/5/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: VF
To: [REDACTED]
Cc: "'brad@pathtojustice.com'" <brad@pathtojustice.com>
Received: Monday, 30 May, 2011, 1:48 PM

I would let VF buy your picture via Brad. The big gamble would be to let him also give them a statement saying your interviews with us were accurately reported and you have no more to say at this time about how you were "sex trafficked to PA and other men including two of the world's most respected politicians ([REDACTED] and [REDACTED] as well as women (the scenes with Ghislaine etc) because you are writing a book. The reason this is a gamble is Jeffrey knows some of the most powerful people in publishing and, once alerted, will inevitably try to scare off potential buyers. But the upside is it should help you get a good agent. I would have Brad use the phrase "sex trafficked" as that is a heads up about the book revealing more than we printed.

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and or any new info. When i was doing some research into VF yesterday, it does concern me what they could want to write about me considering that B.Clinton walked into VF and threatened them not to write sex-trafficking articles about his good friend J.E. Should I be asking what is this story their writing pertaining to? I wouldn't want to give the public a bad image c anything like that. I don't know, it's all such a gamble. I just thank goodness for having a friend like you on the inside who knows how to deal with the viciousness of todays world!! I will let Brad know what you have recommended. Thanks Again!!!!

xoxoxoxo Jenna

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From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>

Subject: VF

To: [REDACTED]

Cc: "brad@pathtojustice.com" <brad@pathtojustice.com>

Received: Monday, 30 May, 2011, 1:48 PM

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I would have Brad use the phrase "sex trafficked" as that is a heads up about the book revealing more than we printed.

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To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Wed 6/1/2011 12:05:04 AM
Importance: Normal
Subject: Re: VF
Received: Wed 6/1/2011 12:05:04 AM

Hi Shazza,

I am going to ask Brad to inquire what the piece is about firstly and see what it is they want to write about before I sell VF any pic, not sure if it will even be financially viable or good publicity. What do you think a good price to sell this to VF should be? Also I am concluding my Synopsis today and was wondering If I could send it to you to read over before I start sending them out to agents. I know you know what they would be looking for and would be good to have you approve of my writing. I just cant believe that Sandra hasn't gotten back to me at all. It is a shame but it goes to show that her professional approach and seriousness towards the book were not the enthusiasm I was looking for anyways. How was your Memorial Day? I hope you had the day off to relax for once!! Let me know what you are thinking about all this...

Take Good Care,
Jenna

--- On Tue, 31/5/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re: VF
To: [REDACTED]
Received: Tuesday, 31 May, 2011, 1:00 PM

PS their piece is about PA -- but u are right to be concerned whose side they are taking. I think it is anti PA. Either way I'd go for a Brad statement.

From: Virginia Giuffre [REDACTED]
Sent: Monday, May 30, 2011 11:43 PM
To: Sharon Churcher
Subject: Re: VF

Hi Shazza,

Good points, all of them. I am looking at both sides to the picture. On the upside it will give exposure to build up publicity for the case and the story but like you said, It must be carefully written and not give any notions about the upcoming book and or any new info. When i was doing some research into VF yesterday, it does concern me what they could want to write about me considering that B.Clinton walked into VF and threatened them not to write sex-trafficking articles about his good friend J.E. Should I be asking what is this story their writing pertaining to? I wouldn't want to give the public a bad image or anything like that. I don't know, it's all such a gamble. I just thank goodness for having a friend like you on the inside who knows how to deal with the viciousness of todays world!! I will let Brad know what you have recommended. Thanks Again!!!!

xoxoxoxo Jenna

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From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: VF
To: [REDACTED]
Cc: "brad@pathtojustice.com" <brad@pathtojustice.com>
Received: Monday, 30 May, 2011, 1:48 PM

EXHIBIT 24
Giuffre
AGREN BLANDO REPORTING
5/31/11 KAM

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interviews with us were accurately reported and you have no more to say at this time about how you were "sex trafficked to PA and other men including two of the world's most respected politicians ([REDACTED] and [REDACTED] [REDACTED] as well as women (the scenes with Ghislaine etc) because you are writing a book. The reason this is a gamble is Jeffrey knows some of the most powerful people in publishing and, once alerted, will inevitably try to scare off potential buyers. But the upside is it should help you get a good agent. I would have Brad use the phrase "sex trafficked" as that is a heads up about the book revealing more than we printed.

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To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Wed 6/1/2011 12:34:25 AM
Importance: Normal
Subject: Re: VF
Received: Wed 6/1/2011 12:34:25 AM

Thanks Buddy, I will send it to you shortly!!!

--- On Wed, 1/6/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re: VF
To: [REDACTED]
Received: Wednesday, 1 June, 2011, 12:11 AM

Darling sell them "one time usage" to the photo. It has been everywhere so no downside. They will offer you a price tied to their circulation. I would hold out for US2k minimum. I will be honored to read the synopsis!
Shazza
X0

From: Virginia Giuffre [REDACTED]
Sent: Wednesday, June 01, 2011 01:05 AM
To: Sharon Churcher
Subject: Re: VF

Hi Shazza,

I am going to ask Brad to inquire what the piece is about firstly and see what it is they want to write about before I sell VF any pic, not sure if it will even be financially viable or good publicity. What do you think a good price to sell this to VF should be? Also I am concluding my Synopsis today and was wondering If I could send it to you to read over before I start sending them out to agents. I know you know what they would be looking for and would be good to have you approve of my writing. I just cant believe that Sandra hasn't gotten back to me at all. It is a shame but it goes to show that her professional approach and seriousness towards the book were not the enthusiasm I was looking for anyways. How was your Memorial Day? I hope you had the day off to relax for once!! Let me know what you are thinking about all this...

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xoxoxoxo Jenna

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From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: VF
To: [REDACTED]
Cc: "brad@pathtojustice.com" <brad@pathtojustice.com>
Received: Monday, 30 May, 2011, 1:48 PM

I would let VF buy your picture via Brad. The big gamble would be to let him also give them a statement saying your interviews with us were accurately reported and you have no more to say at this time about how you were "sex trafficked to PA and other men including two of the world's most respected politicians [REDACTED] and [REDACTED] [REDACTED] as well as women (the scenes with Ghislaine etc) because you are writing a book. The reason this is a gamble is Jeffrey knows some of the most powerful people in publishing and, once alerted, will inevitably try to scare off potential buyers. But the upside is it should help you get a good agent. I would have Brad use the phrase "sex trafficked" as that is a heads up about the book revealing more than we printed.

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To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Thur 6/2/2011 4:26:51 AM
Importance: Normal
Subject: Re: VR- Synopsis
Received: Thur 6/2/2011 4:26:51 AM

Thanks buddy!! Glad to hear it...
xoxox Jenna

--- On Wed, 1/6/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re: VR- Synopsis
To: [REDACTED]
Received: Wednesday, 1 June, 2011, 11:48 PM

Just dipped into this. It is BRILLIANT.

From: Virginia Giuffre [REDACTED]
Sent: Wednesday, June 01, 2011 11:41 PM
To: Sharon Churcher
Subject: VR- Synopsis

Hi Shazza,
Hope all is well for you today!! Here is my synopsis, I need your honest opinion and look forward to your feedback!!!

Thanks for this...
Jenna

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To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Thur 6/2/2011 9:48:27 PM
Importance: Normal
Subject: RE: VR- Synopsis
Received: Thur 6/2/2011 9:48:27 PM

Hi Shazza,

I cant believe I didn't pick up that error...Thank-You!!! Glad to hear that you think this is ready, I will compile a list of articles and let you know when I can send it all out. **Yes, please let Jarred know I am ready and anyone else you might thi**
bc interested in this story. I am so stoked...we are on our way!!! YEAH..

xoxox Jenna

--- On Thu, 2/6/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: RE: VR- Synopsis
To: "Virginia Giuffre" [REDACTED]
Received: Thursday, 2 June, 2011, 4:18 PM

Playboy club....spelling error! Anyway I think u have enough here to pitch agents. I would download and attach every article you can find about you and Jeffrey .

Shall I mention to Jarred Weisfeld that the synopsis is ready?

From: Virginia Giuffre [REDACTED]
Sent: 01 June 2011 18:41
To: Sharon Churcher
Subject: VR- Synopsis

Hi Shazza,

Hope all is well for you today!! Here is my synopsis, I need your honest opinion and look forward to your feedback!!!

Thanks for this...

Jenna

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Importance: Normal
Subject: Re:
Received: Sat 6/4/2011 2:51:41 AM
VR-Cover Letter & Resume.docx

Hi Shazza,

Back from the E.R and [Personal] has got a torn ligament, could be much worse...phew!!! Anyways, I wasn't to sure exactly what to put in my profile so I included what I thought would be informative, but if this is not what you had in mind, let me know and I will fix it up. Thanks again for doing so much for me and my family!!

Sincerely,
Jenna

--- On Sat, 4/6/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re:
To: [Redacted]
Received: Saturday, 4 June, 2011, 12:37 AM

Poor poor [Personal] Hope it isn't a break
Shazza
Xoxox

From: Virginia Guffre [Redacted]
Sent: Saturday, June 04, 2011 01:14 AM
To: Sharon Churcher
Subject: Re:

Great stuff! I will send you it as soon as I get back home, just at hospital with [Personal] who may have broken his arm. Neve dull moment around here! Lol! Anyways, thanks so much... Your incredible!
Xoxoxo and many thanks,
Jenna

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>;
To: [Redacted]
Sent: Fri, Jun 3, 2011 11:05:07 PM

Jarred would like to see the package when u have it ready. I can send him our stories. U should write up a pit about yourself...a pen portrait like the author bios u see on book jackets.

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importance: normal
Subject: Re:
Received: Sat 6/4/2011 3:27:53 AM

Shazza,
Big compliments coming from such a great writer like you!!! Thank you so much, you have lit up my day!!! I look forward to hearing back from you this weekend...have a good one!!

xoxoxxo
Jenna

--- On Sat, 4/6/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re:
To: [REDACTED]
Received: Saturday, 4 June, 2011, 3:08 AM

This is grabbing. Spot on. The one aspect of this you need to address is how many names to name (of men) and when. I will go through your synopsis carefully over the weekend and then let's chat. One strategy would be to add in some examples with xxxx instead of names.

And thank goodness Personal is OK!
S
X0

From: Virginia Giuffre [REDACTED]
Sent: Saturday, June 04, 2011 03:51 AM
To: Sharon Churcher
Subject: Re:

Hi Shazza,
Back from the E.R and Personal has got a torn ligament, could be much worse...phew!!! Anyways, I wasn't to sure exactly what to put in my profile so I included what I thought would be informative, but if this is not what you had in mind, let n know and I will fix it up. Thanks again for doing so much for me and my family!!

Sincerely,
Jenna

--- On Sat, 4/6/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re:
To: [REDACTED]
Received: Saturday, 4 June, 2011, 12:37 AM

Poor poor Personal Hope it isn't a break
Shazza
Xoxox

From: Virginia Giuffre [REDACTED]
Sent: Saturday, June 04, 2011 01:14 AM
To: Sharon Churcher
Subject: Re:

Great stuff! I will send you it as soon as I get back home, just at hospital with Personal who may have broken his arm. Nev dull moment around here! Lol! Anyways, thanks so much... Your incredible!

Xoxoxo and many thanks,
Jenna

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>;
To: [REDACTED]
Sent: Fri, Jun 3, 2011 11:05:07 PM

Jarred would like to see the package when u have it ready. I can send him our stories. U should write up a pi about yourself...a pen portrait like the author bios u see on book jackets.

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To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Tue 6/7/2011 11:35:48 PM
Importance: Normal
Subject: Re:
Received: Tue 6/7/2011 11:35:48 PM

Hi Shazza,

Hope you had a great weekend!! **We are ready to send it all away...fingers crossed Jarred loves it!!** Thanks again for all o
your help and I will keep you informed of anything new. I hope you and hubby are doing well and I look forward to
speaking with you soon.

xoxoxoxo
Jenna

-- On Tue, 7/6/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject:
To: [REDACTED]
Received: Tuesday, 7 June, 2011, 12:56 PM

Why don't u send Jarred your synopsis, bio and some of the Australian and US pickup? I can send him our stuff.

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To: jarred lit agent/ producer [REDACTED]
From: Virginia Giuffre
Sent: Wed 6/8/2011 12:06:45 AM
Importance: Normal
Subject: Virginia Roberts- Synopsis & Profile
Received: Wed 6/8/2011 12:06:47 AM
[FINAL DRAFT-SYNOPSIS.docx](#)
[VR-Cover Letter & Resume.docx](#)
[Convicted paedophile Jeffrey Epstein is facing a new criminal investigation and is involved in a civil suit with a lawyer - Tel.dat](#)
[daily telegraph June 02 2011.docx](#)
[Local News West Palm Beach, Palm Beach County, Martin & St. Lucie Counties The Palm Beach Post.webarchive](#)
[Prince Andrew's link to sex offender Jeffrey Epstein taints royalty in US UK news The Observer.webarchive](#)
[Prince Andrew He's just trying to massage export figures - Home News, UK - The Independent.webarchive](#)
[Secret Sex Lives.docx](#)
[The Total Collapse.docx](#)
[A unique resemblance....docx](#)

Dear Jarred Weisfeld,

We spoke on the phone going back a couple months ago regarding the story I am writing called, The Billionaires Playbook Club. I am no longer under any contract and would like to ask you to review my synopsis and if you are interested I would love for you to represent me as my literary agent. I have included some of the press that has covered the ongoing case of Jeffrey Epstein, the worlds richest pedophile, and my good friend and journalist Sharon Churcher has a few from her article that she has written to send to you as well. I am very serious about getting my book published and believe this story will cover many genres of interest, not only by those following the lengthy case, but it is also a Woman's story of glitz, glamour, sorrow, compassion, and true love. I hope you enjoy....

Sincerely,
Virginia Roberts

To: Sharon Churcher[Sharon.Churcher@mailonsunday.co.uk]
From: Virginia Giuffre
Sent: Wed 6/8/2011 6:27:15 AM
Importance: Normal
Subject: Re: Virginia Roberts
Received: Wed 6/8/2011 6:27:15 AM

Dearest Shazza,

Once again you have really outdone yourself...MANY, MANY, THANKS!!!

I took the kids to the Australian Walkabout Park today and enjoyed the scenic walks and many kangaroos. Rob and I had good chuckle about our adventures at the Reptile Park with you and Mike ...good times!!! Have you heard from Mike? I hope he is well and if you ever speak, tell him I sent a BIG hello.

I really appreciate everything you have helped with, as a friend you have gone beyond the call of duty!!!

I hope we hear back from Jarred soon!!

xoxoxo Jenna

--- On Wed, 8/6/11, Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon Churcher <Sharon.Churcher@mailonsunday.co.uk>
Subject: Virginia Roberts
To: "jarred halperin agent" [REDACTED]
Cc: "Virginia Giuffre" [REDACTED]
Received: Wednesday, 8 June, 2011, 2:31 AM

Hi Jarred

Hopefully you have Virginia's book pitch by now.

She has some amazing names which she can share with you in confidence and I think she also has a human interest story that could appeal to the Oprah/female set as well as the Wall Streeters who follow Epstein – a hedge fund king.

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

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

Best regards,

Sharon

<http://www.dailymail.co.uk/news/article-1361039/Prince-Andrew-girl-17-sex-offender-friend-flew-Britain-mect-him.html>

<http://www.dailymail.co.uk/news/article-1363452/Bill-Clinton-15-year-old-masseuse-I-met-twice-claims-Epsteins-girl.html>

http://www.nypost.com/p/news/local/manhattan/pervy_mogul_lcmt_me_out_Balv1IrcQq9ADFIOXcwyoJ

http://blogs.villagevoice.com/runninscared/2011/02/virginia_robert.php

<http://billionaires.forbes.com/article/03rxgl12IP9nv> (This one, in Forbes Magazine, seems to require subscribing but you get the gist)

<http://www.telegraph.co.uk/news/uknews/theroyalfamily/8362690/Prince-Andrew.html>

<http://www.dailytelegraph.com.au/news/the-prince-a-paedophile-and-the-sex-slave-teen/story-e6freuy9-1226013783994>

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EXHIBIT C

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-80736-Civ-Marra/Johnson

JANE DOE #1 and JANE DOE #2

v.

UNITED STATES
_____ /

**JANE DOE #3 AND JANE DOE #4’S MOTION PURSUANT TO RULE 21 FOR
JOINDER IN ACTION**

COME NOW Jane Doe #3 and Jane Doe #4 (also referred to as “the new victims”), by and through undersigned counsel, to file this motion pursuant to Federal Rule of Civil Procedure 21 to join this action, on the condition that they not re-litigate any issues already litigated by Jane Doe #1 and Jane Doe #2 (also referred to as “the current victims”). The new victims have suffered the same violations of their rights under the Crime Victims’ Rights Act (CVRA) as the current victims. Accordingly, they desire to join in this action to vindicate their rights as well. Because the new victims will not re-litigate any issues previously litigated by the current victims (and because they are represented by the same legal counsel as the current victims), the Government will not be prejudiced if the Court grants the motion. The Court may “at any time” add new parties to the action, Fed. R. Civ. P. 21. Accordingly, the Court should grant the motion.¹

¹ As minor victims of sexual offenses, Jane Doe #3 and Jane Doe #4 desire to proceed by way of pseudonym for the same reasons that Jane Doe #1 and Jane Doe #2 proceeded in this

FACTUAL BACKGROUND

As the Court is aware, more than six years ago, Jane Doe #1 filed the present action against the Government, alleging a violation of her rights under the CVRA, 18 U.S.C. § 3771. DE1. She alleged that Jeffrey Epstein had sexually abused her and that the United States had entered into a secret non-prosecution agreement (NPA) regarding those crimes in violation of her rights. At the first court hearing on the case, the Court allowed Jane Doe #2 to also join the action. Both Jane Doe #1 and Jane Doe #2 specifically argued that the government had failed to protect their CVRA rights (inter alia) to confer, to reasonable notice, and to be treated with fairness. In response, the Government argued that the CVRA rights did not apply to Jane Doe #1 and Jane Doe #2 because no federal charges had ever been filed against Jeffrey Epstein.

The Court has firmly rejected the United States' position. In a detailed ruling, the Court concluded that the CVRA extended rights to Jane Doe #1 and Jane Doe #2 even though federal charges were never filed. DE 189. The Court explained that because the NPA barred prosecution of crimes committed against them by Epstein, they had "standing" to assert violations of the CVRA rights. *Id.* The Court deferred ruling on whether the two victims would be entitled to relief, pending development of a fuller evidentiary record. *Id.*

Two other victims, who are in many respects similarly situated to the current victims, now wish to join this action. The new victims joining at this stage will not cause any delay and their joinder in this case is the most expeditious manner in which to pursue their rights. Because the background regarding their abuse is relevant to the Court's assessment of whether to allow them to join, their circumstances are recounted here briefly.

fashion. Counsel for the new victims have made their true identities known to the Government.

Jane Doe #3's Circumstances

As with Jane Doe #1 and Jane Doe #2, Jane Doe #3 was repeatedly sexually abused by Epstein. The Government then concealed from Jane Doe #3 the existence of its NPA from Jane Doe #3, in violation of her rights under the CVRA. If allowed to join this action, Jane Doe #3 would prove the following:

In 1999, Jane Doe #3 was approached by Ghislaine Maxwell, one of the main women whom Epstein used to procure under-aged girls for sexual activities and a primary co-conspirator in his sexual abuse and sex trafficking scheme. In fact, it became known to the government that Maxwell herself regularly participated in Epstein's sexual exploitation of minors, including Jane Doe #3. Maxwell persuaded Jane Doe #3 (who was then fifteen years old) to come to Epstein's mansion in a fashion very similar to the manner in which Epstein and his other co-conspirators coerced dozens of other children (including Jane Doe #1 and Jane Doe #2). When Jane Doe #3 began giving Epstein a "massage," Epstein and Maxwell turned it into a sexual encounter, as they had done with many other victims. Epstein then became enamored with Jane Doe #3, and with the assistance of Maxwell converted her into what is commonly referred to as a "sex slave." Epstein kept Jane Doe #3 as his sex slave from about 1999 through 2002, when she managed to escape to a foreign country and hide out from Epstein and his co-conspirators for years. From 1999 through 2002, Epstein frequently sexually abused Jane Doe #3, not only in West Palm Beach, but also in New York, New Mexico, the U.S. Virgin Islands, in international airspace on his Epstein's private planes, and elsewhere.

Epstein also sexually trafficked the then-minor Jane Doe, making her available for sex to politically-connected and financially-powerful people. Epstein's purposes in "lending" Jane Doe

(along with other young girls) to such powerful people were to ingratiate himself with them for business, personal, political, and financial gain, as well as to obtain potential blackmail information.

One such powerful individual that Epstein forced then-minor Jane Doe #3 to have sexual relations with was former Harvard Law Professor Alan Dershowitz, a close friend of Epstein's and well-known criminal defense attorney. Epstein required Jane Doe #3 to have sexual relations with Dershowitz on numerous occasions while she was a minor, not only in Florida but also on private planes, in New York, New Mexico, and the U.S. Virgin Islands. In addition to being a participant in the abuse of Jane Doe #3 and other minors, Dershowitz was an eye-witness to the sexual abuse of many other minors by Epstein and several of Epstein's co-conspirators. Dershowitz would later play a significant role in negotiating the NPA on Epstein's behalf. Indeed, Dershowitz helped negotiate an agreement that provided immunity from federal prosecution in the Southern District of Florida not only to Epstein, but also to "any potential co-conspirators of Epstein." NPA at 5. Thus, Dershowitz helped negotiate an agreement with a provision that provided protection for himself against criminal prosecution in Florida for sexually abusing Jane Doe #3. Because this broad immunity would have been controversial if disclosed, Dershowitz (along with other members of Epstein's defense team) and the Government tried to keep the immunity provision secret from all of Epstein's victims and the general public, even though such secrecy violated the Crime Victims' Rights Act.

Ghislaine Maxwell was another person in Epstein's inner circle and a co-conspirator in Epstein's sexual abuse. She was someone who consequently also appreciated the immunity granted by the NPA for the crimes she committed in Florida. In addition to participating in the

sexual abuse of Jane Doe #3 and others, Maxwell also took numerous sexually explicit pictures of underage girls involved in sexual activities, including Jane Doe #3. She shared these photographs (which constituted child pornography under applicable federal laws) with Epstein. The Government is apparently aware of, and in certain instances possesses some of these photographs.

Perhaps even more important to her role in Epstein's sexual abuse ring, Maxwell had direct connections to other powerful individuals with whom she could connect Epstein. For instance, one such powerful individual Epstein forced Jane Doe #3 to have sexual relations with was a member of the British Royal Family, Prince Andrew (a/k/a Duke of York). Jane Doe #3 was forced to have sexual relations with this Prince when she was a minor in three separate geographical locations: in London (at Ghislaine Maxwell's apartment), in New York, and on Epstein's private island in the U.S. Virgin Islands (in an orgy with numerous other under-aged girls). Epstein instructed Jane Doe #3 that she was to give the Prince whatever he demanded and required Jane Doe #3 to report back to him on the details of the sexual abuse. Maxwell facilitated Prince Andrew's acts of sexual abuse by acting as a "madame" for Epstein, thereby assisting in internationally trafficking Jane Doe #3 (and numerous other young girls) for sexual purposes.

Another person in Epstein's inner circle of friends (who becomes apparent with almost no investigative effort) is Jean Luc Brunel. Epstein sexually trafficked Jane Doe #3 to Jean Luc Brunel many times. Brunel was another of Epstein's closest friends and a regular traveling companion, who had many contacts with young girls throughout the world. Brunel has been a model scout for various modeling agencies for many years and apparently was able to get U.S.

passports for young girls to “work” as models. He would bring young girls (ranging to ages as young as twelve) to the United States for sexual purposes and farm them out to his friends, especially Epstein. Brunel would offer the girls “modeling” jobs. Many of the girls came from poor countries or impoverished backgrounds, and he lured them in with a promise of making good money. Epstein forced Jane Doe #3 to observe him, Brunel and Maxwell engage in illegal sexual acts with dozens of underage girls. Epstein also forced Jane Doe #3 to have sex with Brunel on numerous occasions, at places including Epstein’s mansion in West Palm Beach, Little St. James Island in the U.S. Virgin Islands (many including orgies that were comprised of other underage girls), New York City, New Mexico, Paris, the south of France, and California.

Epstein also trafficked Jane Doe #3 for sexual purposes to many other powerful men, including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders. Epstein required Jane Doe #3 to describe the events that she had with these men so that he could potentially blackmail them.

The Government was well aware of Jane Doe #3 when it was negotiating the NPA, as it listed her as a victim in the attachment to the NPA. Moreover, even a rudimentary investigation of Jane Doe #3’s relationship to Epstein would have revealed the fact that she had been trafficked throughout the United States and internationally for sexual purposes. Nonetheless, the Government secretly negotiated a non-prosecution agreement with Epstein precluding any Federal prosecution in the Southern District of Florida of Epstein and his co-conspirators. As with Jane Doe #1, and Jane Doe #2, the Government concealed the non-prosecution agreement from Jane Doe #3 – all in violation of her rights under the CVRA – to avoid Jane Doe #3 from raising powerful objections to the NPA that would have shed tremendous public light on Epstein

and other powerful individuals and that would likely have been prevented it from being concluded in the secretive manner in which it was.

Jane Doe #4's Circumstances

If permitted to join this action, Jane Doe #4 would allege, and could prove at trial, that she has CVRA claims similar to those advanced by Jane Doe #1 and Jane Doe #2, based on the following:

As with the other Jane Does, Jane Doe #4 was repeatedly sexually abused by Epstein. In or around the summer of 2002, Jane Doe #4, an economically poor and vulnerable sixteen-year-old child, was told by another one of Epstein's underage minor sex abuse victims, that she could make \$300 cash by giving an old man a massage on Palm Beach. An acquaintance of Jane Doe #4 (also a minor sexual abuse victim of Epstein) telephoned Epstein and scheduled Jane Doe #4 to go to Epstein's house to give him a massage. During that call, Epstein himself got on the phone (a means of interstate communication) with Jane Doe #4, asking her personally to come to his mansion in Palm Beach.

Jane Doe #4 then went to Epstein's mansion and was escorted upstairs to Epstein's large bathroom by one of Epstein's assistants. Shortly thereafter Jeffrey Epstein emerged and lay face down on the table and told Jane Doe #4 to start massaging him. Epstein asked Jane Doe #3 her age and she told him she had recently turned sixteen. Epstein subsequently committed illegal sexual acts against Jane Doe #4 on many occasions.

Epstein used a means of interstate communication (i.e., a cell phone) to arrange for these sexual encounters. Epstein also frequently travelled in interstate commerce (i.e., on his personal jet) for purposes of illegally sexually abusing Jane Doe #4.

January. In the meantime, however, counsel for the victims believe that it is no longer appropriate to delay filing this motion and accordingly file it at this time. Because the Government is apparently opposing this motion, Jane Doe #3 and Jane Doe #4 have described the circumstances surrounding their claims so that the Court has appropriate information to rule on the motion.

CONCLUSION

Jane Doe #3 and Jane Doe #4 should be allowed to join this action, pursuant to Rule 21 of the Federal Rules of Civil Procedure. Their joinder should be conditioned on the requirement that they not re-litigate any issues previously litigated by Jane Doe #1 and Jane Doe #2. A proposed order to that effect is attached to this pleading.

DATED: December 30, 2014

Respectfully Submitted,

/s/ Bradley J. Edwards
Bradley J. Edwards
FARMER, JAFFE, WEISSING,
EDWARDS, FISTOS & LEHRMAN, P.L.
425 North Andrews Avenue, Suite 2
Fort Lauderdale, Florida 33301
Telephone (954) 524-2820
Facsimile (954) 524-2822
E-mail: brad@pathtojustice.com

And

Paul G. Cassell
Pro Hac Vice
S.J. Quinney College of Law at the
University of Utah
332 S. 1400 E.
Salt Lake City, UT 84112
Telephone: 801-585-5202

Facsimile: 801-585-6833
E-Mail: cassellp@law.utah.edu

Attorneys for Jane Doe #1 and Jane Doe #2

CERTIFICATE OF SERVICE

I certify that the foregoing document was served on December 30, 2014, on the following using the Court's CM/ECF system:

Dexter Lee
A. Marie Villafaña
500 S. Australian Ave., Suite 400
West Palm Beach, FL 33401
(561) 820-8711
Fax: (561) 820-8777
E-mail: Dexter.Lee@usdoj.gov
E-mail: ann.marie.c.villafana@usdoj.gov

Attorneys for the Government

/s/ Bradley J. Edwards

EXHIBIT 4

(Filed Under Seal)

Sigrid McCawley

From: Sigrid McCawley
Sent: Tuesday, May 17, 2016 3:53 PM
To: Laura Menninger; Meredith Schultz; Jeff Pagliuca
Cc: 'brad@pathtojustice.com' (brad@pathtojustice.com); Paul Cassell (cassellp@law.utah.edu)
Subject: RE: Notice of Subpoena
Attachments: May-June 2016 Deposition Calendar.pdf

Hello Laura – We are working on the calendar and I have it almost complete but I was awaiting confirmation on a date from Mr. Rizzo's counsel so I didn't want to send it out prematurely and that was delaying me.

We were serving subpoenas on dates that we thought are grouped within the locations/date ranges we discussed during the meet and confer and since we have been having an extraordinarily difficult time serving witnesses who appear to be attempting to evade service we need to keep that process moving.

We do intend to work with you on dates as we discussed. Attached is the proposed calendar with the caveat that dates may shift if witnesses make change requests but we are doing our best to group locations together where possible.

Again – this is not final as I noted I believe you had some dates you were gone but were checking with Jeff to determine his availability.

Finally, we are writing to confer whether you will stipulate that we may exceed the 10 deposition limit to complete discovery in this case or whether we need to file a motion with the Court on that issue.

Thank you,
Sigrid

Sigrid S. McCawley
Partner

BOIES, SCHILLER & FLEXNER LLP

401 East Las Olas Blvd., Suite 1200

Fort Lauderdale, FL 33301

Phone: 954-356-0011 ext. 4223

Fax: 954-356-0022

<http://www.bsflp.com>

From: Laura Menninger [mailto:lmenninger@hmflaw.com]
Sent: Tuesday, May 17, 2016 3:19 PM
To: Meredith Schultz; Jeff Pagliuca
Cc: Sigrid McCawley; 'brad@pathtojustice.com' (brad@pathtojustice.com); Paul Cassell (cassellp@law.utah.edu)
Subject: Re: Notice of Subpoena

Sigrid and Brad -

We had a conferral last week in which you promised to provide for conferral purposes a proposed schedule for depositions we both had requested in various locations. Rather than provide any such schedule, you have instead sent us notices for approximately 7 depositions in NY and Florida, one for an individual who you did not mention deposing and who does not appear among the extensive list of witnesses in your Rule 26 disclosures.

If you do not intend to abide by the representations you made in our conferral, then please advise and we will once again be forced to seek intervention of the Court. See Local Rule 26.4.

-Laura

From: Meredith Schultz <mschultz@BSFLLP.com>
Date: Tuesday, May 17, 2016 at 1:08 PM
To: Laura Menninger <lmessenger@hmflaw.com>, Jeff Pagliuca <jpagliuca@hmflaw.com>
Cc: Sigrid McCawley <smccawley@bsfllp.com>, Brad Edwards <brad@pathjustice.com>, Paul Cassell <cassellp@law.utah.edu>
Subject: Notice of Subpoena

Laura,

Please see the attached documents.

Thanks,

Meredith

Meredith L. Schultz
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, FL 33301
Phone: 954-356-0011 ext. 4204
Fax: 954-356-0022
<http://www.bsfllp.com>

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Virginia Giuffre v. Ghislaine Maxwell

Case no. 15-cv-07433-RWS

MAY 2016

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--------|---|---|--|---|----------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 Deposition of Johanna Sjoberg Ft. Lauderdale, FL (confirmed) | 19 | 20 Deposition of Sky Roberts Oxford, FL (confirmed) | 21 |
| 22 | 23 | 24 Deposition of Lynn Miller Denver, CO (confirmed although location may change per Menninger) | 25 | 26 Deposition of Dr. Steven Olson Denver, CO (confirmed) | 27 | 28 |
| 29 | 30 | 31 Deposition of Juan Alessi Ft. Lauderdale, FL (subpoena served) | | | | |

Virginia Giuffre v. Ghislaine Maxwell

Case no. 15-cv-07433-RWS

June 2016

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|---|---|--|---|---|---|
| | | | 1 Deposition of Maria Alessi Ft. Lauderdale, FL (subpoena served) and/or Jean Luc Brunel | 2 Deposition of James Michael Austrich Ocala, FL (subpoena served but Maxwell's counsel needs to confirm date change with witness) | 3 Deposition of David Rodgers Ft. Lauderdale, FL (subpoena served) | 4 Deposition of ██████████ Ft. Lauderdale, FL (served) |
| 5 | 6 | 7 Deposition of Jean Luc Brunel New York, NY (possible date) | 8 Deposition of ██████████ New York/New Jersey | 9 Deposition of JoJo Fontanella New York, NY | 10 Deposition of Rinaldo Rizzo Armonk, NY (confirmed) | 11 |
| 12 | 13 | 14 Deposition of Jeffrey Epstein New York, NY | 15 Deposition of Jared Weisfeld/ Sharon Churcher (or find additional date if they will be too long) | 16 Deposition of Nadia Marcinkova Armonk, NY | 17 | 18 |
| 19 | 20 Deposition of Detective Joe Recarey Ft. Lauderdale, FL | 21 Deposition of ██████████ Ft. Lauderdale, FL | 22 Deposition of Sarah Kellen New York, NY | 23 | 24 | 25 |

Virginia Giuffre v. Ghislaine Maxwell

Case no. 15-cv-07433-RWS

| | | | | | | |
|----|----|---|--|--|--|--|
| 26 | 27 | 28 Deposition of Emmy Taylor California or London (possible date not served with subpoena yet) | 29 (Other California witnesses if needed) | 30 Deposition of Ross Gow (possible date) | | |
|----|----|---|--|--|--|--|

***Week of June 20 – 24 may be bad for Maxwell’s counsel (please confirm)

****Week of June 27 – July 1st may be bad for Maxwell’s counsel (please confirm)

*****Need to confirm Maxwell will accept service for her agent Ross Gow.

There may be a few other witnesses that we may need to add if they can’t confirm attendance at trial.

EXHIBIT 13

(Filed Under Seal)

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

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**PLAINTIFF, VIRGINIA GIUFFRE'S THIRD REVISED DISCLOSURE
PURSUANT TO FED. R. CIV. P. 26**

COMES NOW the Plaintiff, Virginia L. Giuffre, by and through her undersigned counsel,
and serves this revised disclosure pursuant to Fed. R. Civ. P. 26 and states as follows:

A. Witnesses:

1. Virginia L. Giuffre
c/o Sigrid S. McCawley, Esq.
Boies, Schiller & Flexner LLP
401 East Las Olas Boulevard, Suite 1200
Miami, Florida 33301
Tel: (954) 356-0011
Email: smccawley@bsfllp.com

Plaintiff - Information regarding Defendant, Ghislaine Maxwell's conduct that is
the subject of this action.

2. Ghislaine Maxwell
c/o Laura A. Menninger, Esq.
HADDON, MORGAN & FOREMAN, P.C.
150 East 10th Avenue
Denver, Colorado 80203
Tel: (303) 831-7364
Email: lmenninger@hmflaw.com

Defendant in this action.

CONFIDENTIAL

3. Juan Alessi

[REDACTED]
Boynton Beach, FL 33472
Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

4. Maria Alessi

[REDACTED]
Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

5. Kathy Alexander

Address unknown at this time.
Telephone number unknown at this time.
Believed to be in South Africa.

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

6. Miles Alexander

Address unknown at this time.
Telephone number unknown at this time.
Believed to be in South Africa.

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

7. Doug Band

President of Teneo Holdings, 601 Lexington Avenue, 45th Floor,
New York, NY 10022, Tel: (212) 886-1600

Was present on flights with Jeffrey Epstein and Ghislaine Maxwell and President Clinton and may have knowledge of Jeffrey Epstein and Ghislaine Maxwell's sexual trafficking conduct and interactions with minors.


8. Gwendolyn Beck

[REDACTED]
[REDACTED]


May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

9. Sophie Biddle

[REDACTED]


May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.


10.


Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and Virginia Guiffre and may have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

11. Fary Bjorlin
Address Unknown
Telephone Number Unknown

May have information relating to Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

12.


May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

13. Jean Luc Brunel
c/o Joe Titone, Esq.
621 South East 5th Street, Pompano Beach, FL 33060
Tel: (954) 729-6490

Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and Virginia Guiffre and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

14. Ron Burkle
Address unknown at this time
Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

15.



Worked for Ghislaine Maxwell and has information about Ghislaine Maxwell's recruiting of girls for Jeffrey Epstein.

16. Carolyn Casey
Address unknown at this time.
Telephone number unknown at this time.

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

17. Alyson Chambers
c/o Marshall Dore Louis, Esq.
Sinclair, Louis & Zavertnik, P.A.
40 N.W. 3rd Street, Suite 200, Miami, FL 33128
Tel: (305) 374-0544

Worked for Jeffrey Epstein as a masseuse during the time that Virginia Giuffre was living and traveling with Jeffrey Epstein and Ghislaine Maxwell, and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

18. William Jefferson Clinton
55 West 125 Street
New York, NY 10027

Travelled with Jeffrey Epstein and Ghislaine Maxwell and may have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

19. Maximilia Cordero
Address unknown at this time
Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

20. Valdson Cotrin
Address unknown at this time
Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

21. Chauntae Davies
[REDACTED]
Telephone number unknown at this time

Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and may have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

22. Teala Davies

[REDACTED]

Telephone number unknown at this time

Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and may have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

23. Anouska DeGeorgieou

[REDACTED]

Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

24. Alan Dershowitz
c/o Richard A. Simpson, Esq.
WILEY REIN, LLP
1776 K Street NW
Washington, D.C. 20006
Tel: (202) 719-7000

Has knowledge of Defendant's conduct that is the subject of this action.

25. Ryan Dionne
Address unknown at this time
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

26. Eva Anderson Dubin

[REDACTED]

Telephone number unknown at this time

Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

27. Glen Dubin

[REDACTED]

Telephone number unknown at this time

Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

28.



May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

29. Prince Andrew Albert Christian Edward, Duke of York
Buckingham Palace Rd, London SW1A 1AA
Tel: 020 7766 7300

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors, including Virginia Giuffre.

30. Records Custodian for Travel for Prince Andrew Albert Christian Edward, Duke of York
Buckingham Palace Rd, London SW1A 1AA
Tel: 020 7766 7300

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors, including Virginia Giuffre.

31. Jeffrey Epstein
c/o Marty Weinberg, Esq.
20 Park Plaza, Suite 1000, Boston, MA 02116
Tel: (617) 227-3700

Has knowledge of Defendant's conduct that is the subject of this action and knowledge of his sexual trafficking operation and other co-conspirators.

32. Tatiana Espinoza
Address unknown at this time
Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

33. Annie Farmer
Address unknown at this time.
Telephone number unknown at this time.

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors, including Virginia Giuffre.

34. Marie Farmer
Address unknown at this time.
Telephone number unknown at this time.

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors, including Virginia Giuffre.

35. Vicky Ward
Address unknown at this time
Telephone unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors, including Virginia Giuffre.

36. Frederic Fekkai
Address unknown at this time
Telephone number unknown at this time

Has knowledge of Defendant's conduct that is the subject of this action.

37. Tony Figueroa
[REDACTED]
Telephone number unknown at this time

Has knowledge of Defendant's conduct that is the subject of this action.

38. Luciano "Jojo" Fontanilla
[REDACTED]
[REDACTED]

Jeffrey Epstein's staff member in his various homes and may have knowledge of Defendant and Jeffrey Epstein's inappropriate conduct with underage girls.

39. Lynn Fontanilla
[REDACTED]
Telephone number unknown at this time

May have knowledge of Defendant's conduct that is the subject of this action.

40. Michael Friedman
[REDACTED]
Telephone number unknown at this time

Former house staff and may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with minors.

41. Rosalie Friedman
[REDACTED]

Telephone number unknown at this time

Former house staff and may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with minors.

42. Ross Gow
Acuity Representation
23 Berkeley Square
London W1J 6HE

[REDACTED]
[REDACTED]

Defendant's press agent who has knowledge of the defamatory statements in this case.

43. Tiffany Kathryn Gramza

[REDACTED]

Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors

- 44.

[REDACTED]
[REDACTED]
[REDACTED]

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

45. Amanda Grant
Address unknown at this time
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

46. Lesley Groff
Address unknown at this time
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

- 47.

[REDACTED]



Has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and abuse and interaction with underage minors.

48. Claire Hazel
Address unknown at this time
Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

49. Shelly Harrison
Address unknown at this time
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

50. Gina Ignatieva
Address Unknown
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

51. Brett Jaffe
Address noted on Defendant's Rule 26 disclosures

Defendant's attorney.

- 52.



Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

53. Sarah Kensington Vickers formerly Sarah Kellen

c/o Bruce Reinhart, Esq.
McDonald Hopkins LLC
505 S Flagler Dr Ste 300
West Palm Beach, FL 33401-5942
Tel: 561- 472-2121

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interactions with minors.

54. Tatiana Kovylna

[REDACTED]

Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

55.

[REDACTED]

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

56. Adam Perry Lang

Address unknown at this time

Telephone number unknown at this time

Traveling chef for Jeffrey Epstein and Ghislaine Maxwell and may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

57.

[REDACTED]

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

58. Michael Liffman

Address unknown at this time

Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

59. Peter Listerman

Address unknown at this time

Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

60. Cindy Lopez

Address unknown at this time

Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

61. Melinda Lutz
Address unknown at this time
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

62. Cheri Lynch
Address unknown at this time
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

63. Nadia Marcinko formerly Nadia Marcinkova
c/o Jack Goldberger, Esq.
Atterbury, Goldberger, & Weiss, P.A.
250 Australian Ave South, Ste 1400
West Palm Beach, FL 33401-5012
Tel: (561) 659-8300

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

64. Bob Meister

[REDACTED]
[REDACTED]

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

65. Todd Meister

[REDACTED]
[REDACTED]

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

66. Brahakmana Mellawa
Address unknown at this time
Telephone number unknown at this time

House staff who may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

- 67. Jayarukshi Mellawa
Address unknown at this time
Telephone number unknown at this time

House staff who may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

- 68. 


Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

- 69. Andrea Mitrovich
Address Unknown
Telephone number unknown at this time.

Knowledge of Defendant's conduct that is the subject of this action.

- 70. Bill Peadon


House staff that may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

- 71. Francis Peadon

Telephone number unknown at this time

House staff that may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

- 72. 

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

- 73. Dara Preece
Address Unknown
Telephone Unknown at this time

May have knowledge of Defendant's conduct in this action.

74. Louella Rabuyo
Address unknown at this time
Telephone unknown at this time

House staff that may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

75. Joseph Recarey



Detective Recarey was the chief investigator of the crimes committed at Jeffrey Epstein's Palm Beach mansion and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

73. Chief Michael Reiter



Police Chief Reiter oversaw the investigation of the crimes committed at Jeffrey Epstein's Palm Beach mansion and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and abuse of underage minors.

74. Bill Richardson
Address unknown at this time
Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

75. Rinaldo Rizzo
c/o Robert Lewis, Esq.
Freeman Lewis LLP
228 E. 45th Street, 17th Floor
New York, NY 10017
Tel: 212-980-4084

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

76. Haley Robson
Address unknown at this time
Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

77. David Rodgers

[REDACTED]

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

78. Adriana Ross formerly Adriana Mucinska

[REDACTED]

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

79. Johanna Sjoberg

[REDACTED]

Worked for Jeffrey Epstein during the time when Virginia Giuffre was living and traveling with Jeffrey Epstein and Ghislaine Maxwell. Johanna Sjoberg was also present at an occasion with Prince Andrew, Ghislaine Maxwell, and Virginia Giuffre when Ms. Giuffre was a minor.

80. Kelly Spamm

Address unknown at this time
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

81. Cecilia Stein

Address unknown at this time
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

82. Emmy Taylor

Address unknown at this time
Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

- 83. Evelyn Valenzuela
Address unknown at this time
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

- 84. Larry Visosky
[REDACTED]
[REDACTED]
[REDACTED]

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

- 85. Leslie Wexner
[REDACTED]
[REDACTED]
[REDACTED]

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

- 86. Courtney Wild
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

- 87. Igor Zinoviev
Address unknown at this time
Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

- 88. All females identified in the police reports or identified through the United State's Attorney's office during or through the criminal investigation of Jeffrey Epstein and his co-conspirators.

89. All other then-minor girls, recruited by Ghislaine Maxwell, whose identities Ms. Giuffre will attempt to determine, with whom Defendant, Ghislaine Maxwell and Jeffrey Epstein, have engaged in sexual activity.
90. All pilots, chauffeurs, chefs, and other employees of either Defendant Maxwell or Jeffrey Epstein with knowledge of Defendant and Jeffrey Epstein's inappropriate conduct with underage girls.
91. All staff and employees at the Mar-a-Lago Club during 1999-2002.
92. All other witnesses learned through discovery process.

B. Relevant Documents:

1. All files held by the Palm Beach Police Department or the Palm Beach State Attorney's office which are publically available.
2. All press releases of Ghislaine Maxwell or on her behalf.
3. The video(s) of Ghislaine Maxwell adopting the January, 2015 press statement.
4. All newspaper or other media where Ghislaine Maxwell's press release appears.
5. All evidence obtained by the Federal Bureau of Investigations which relate in any way to Jeffrey Epstein or Ghislaine Maxwell.
6. All 302 statements that relate in any way to Jeffrey Epstein or Ghislaine Maxwell.
7. All evidence obtained by the FBI or United States Attorney's office by or through the criminal investigation of Alfredo Rodriguez.
8. All documents relating to the previous subpoenas served on Defendant for her deposition and all documents related in any way to that deposition.
9. All documents evidencing visitors or passengers at any of Jeffrey Epstein owned or controlled property or aircraft.
10. All documents demonstrating the relationship between Bill Clinton and Jeffrey Epstein or Ghislaine Maxwell.
11. All photos of Ghislaine Maxwell at Chelsea Clinton's wedding.
12. All documents or information refuting statements made by Ghislaine Maxwell.
13. All documents and information relating to Prince Andrews travel, including travel to New York City and the Caribbean, in 1999 to 2002.

C. Exhibits:

1. Palm Beach Police Department report and documents contained within Jeffrey Epstein's criminal files, attached hereto as Exhibit 1.
2. March 10, 2011 Statement on behalf of Ghislaine Maxwell by Media agent Ross Gow, attached hereto as Exhibit 2.
3. September 3, 2008 Victim Notification Letter, attached hereto as Exhibit 3.
4. May 1, 2009 Complaint in Jane Doe No. 102 v. Jeffrey Epstein, CIV-09-80656, in the Southern District of Florida, attached hereto as Exhibit 4.
5. FBI 302 Statement, attached hereto as Exhibit 5.
6. Flight Logs, attached hereto as Composite Exhibit 6.
7. Message Pads from Law Enforcement from trash pull of Jeffrey Epstein's Palm Beach home, attached hereto as Exhibit 7.
8. Jeffrey Epstein's Phone Book, also referred to as his "Black Book," attached hereto as Exhibit 8.
9. Deposition of Sarah Kellen, attached hereto as Composite Exhibit 9.
10. Deposition Transcripts of Juan Alessi, attached hereto as Exhibit 10.
11. Deposition Transcripts of Alfredo Rodriguez, attached hereto as Exhibit 11.
12. January 2, 2015 Corrected Joinder Motion [DE 280] filed in the CVRA action pending in the Southern District of Florida, attached hereto as Exhibit 12. **[All paragraphs between "The Government then concealed from Jane Doe No. 3 the existence of the NPA (pg. 3) and "The Government was well aware of Jane Doe No. 3 when it was negotiating the NPA" (pg. 6) were stricken by Judge Marra.]**
13. January 21, 2015 Declaration of Jane Doe No. 3 filed in the CVRA action pending in the Southern District of Florida, attached hereto as Exhibit 13. **[Paragraphs 4, 5, 7, 11, 13, 15, 19-53, and 59 were stricken by Judge Marra]**
14. February 6, 2015 Declaration of Jane Doe No. 3 filed in the CVRA action pending in the Southern District of Florida, attached hereto as Exhibit 14. **[Paragraphs 7-12, 16, 39 and 49 were stricken by Judge Marra.]**
15. November 25, 2015 Affidavit of Virginia Giuffre, filed in the *Bradley Edwards and Paul Cassell v. Alan Dershowitz* matter, pending in the Seventeenth Judicial Circuit, Broward County, Florida, attached hereto as Exhibit 15.
16. Virginia Roberts' passport, attached hereto as Exhibit 16.

17. Judge Thomas Lynch's January 12, 2016 Confidentiality Order regarding Virginia Giuffre's deposition, attached hereto as Exhibit 17.
18. Documents produced and bates labelled Non-Party VR 000001 – Non-Party VR 000644, in the *Bradley Edwards and Paul Cassell v. Alan Dershowitz* matter, pending in the Seventeenth Judicial Circuit, Broward County, Florida, attached hereto as Exhibit 18.
19. Victims Refuse Silence Articles of Incorporation and Amendment, attached hereto as Composite Exhibit 19.
20. Victims Refuse Silence By-laws, attached hereto as Exhibit 20.
21. Victims Refuse Silence 2016 Annual Report, attached hereto as Exhibit 21.
22. January 3, 2015 Daily Mail article: "Harvard Law Professor Named Alongside Prince Andrew in 'Sex Slave' Case Accuses Alleged Victim of 'Making Up Stories,'" attached hereto as Exhibit 22.
23. January 3, 2015 Press Statement issued by Ross Gow to Express set forth in "Ghislaine Maxwell: I was not a madam for paedophile," attached as Exhibit 23.
24. January 4, 2015 Statement by Ghislaine Maxwell to New York Daily News Reporter "Alleged Madam Accused of Supplying Prince Andrew With Underage Teen for Sex Spotted in NYC – As He's Seen Cutting Swiss Vacation Short to Face Queen," attached hereto as Exhibit 24.
25. February 1, 2015 Mirror article: "Prince Andrew's Pal Ghislaine Maxwell May Sue Over Madam Allegations," attached hereto as Exhibit 25.
26. September 23, 2007 Red Ice Creations Article "Prince Andrew's Friend, Ghislaine Maxwell, Some Underage Girls, and A Very Disturbing Story," attached hereto as Exhibit 26.
27. Photographs, attached hereto as Exhibit 27.
28. April 13, 2010 Deposition Transcript of Nadia Marcinkova, attached hereto as Exhibit 28.

D. Computation of Damages:

- I. Physical, psychological and psychiatric injuries and resulting medical expenses – in an amount of approximately \$ 102,200 present value.
 - a. **Computation Analysis:**
 - i. Giuffre has had to receive treatment for the psychological harm as a result of Maxwell's conduct towards Giuffre.

- ii. The average annual expenditures for mental health services for adults 18-64 in the United States is \$1,751.
- iii. Giuffre needs continuing care as a result of the harm she has suffered. Ms. Giuffre was born August 9, 1983 and was 31.4 years old at the beginning of 2015 when the alleged harm occurred. The average remaining life expectancy for a 31 year old female is 51.1 years.
- iv. Based on a remaining life expectancy of 51.1 years, annual healthcare cost growth of 3.3% and a discount rate of 2.7%, the present value of expected treatment costs is \$102,200 as of 1/1/2015.

b. **Supporting Evidence:**

- i. Ms. Giuffre is in the process of collecting records from her physicians
- ii. Ms. Giuffre's testimony
- iii. Ms. Giuffre is in the process of retaining an expert to calculate damages, and will provide further information through expert disclosure.

2. Past, present and future pain and suffering, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of standing in the community, loss of dignity and invasion of privacy in her public and private life not less than \$30,000,000.00.

a. **Computation Analysis**

- i. Under New York law, defamation per se as alleged in this case presumes damages and special damages do not need to be plead and proven. *See Celle v. Filipino Reporter Enterprises Inc.*, 209 F.3d 163, 179 (2nd Cir. 2000) (Second Circuit holding that "[i]f a statement is defamatory per se, injury is assumed. In such a case 'even where the plaintiff can show no actual damages at all, a plaintiff who has otherwise shown defamation may recover at least nominal damages' and the Second Circuit also confirmed an award of punitive damages). Ms. Giuffre has been severely damaged by the defamation of the defendant, by calling her claims of sexual abuse "obvious lies". The defamation caused Ms. Giuffre to re-live the sexual abuse she previously endured. Ms. Giuffre has suffered and continues to suffer from the pain, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of standing in the community, loss of dignity and invasion of privacy in her public and private life. The computation of this amount is in the province of the jury but Ms. Giuffre contends,

including but not limited to, awards in other similar matters, that the amount is not less than \$30,000,000.00. Ms. Giuffre is in the process of retaining an expert, and will provide further information through expert disclosure.

b. **Supporting Evidence**

- i. Ms. Giuffre's testimony
- ii. Witness testimony
- iii. Awards in similar matters
- iv. Ms. Giuffre is in the process of retaining an expert, and will provide further information through expert disclosure.

3. Estimated lost income of \$180,000 annually. Present value of \$3,461,000 to \$5,407,000.

a. **Computation Analysis**

- i. Ms. Giuffre's estimated compensation capacity is \$180,000 annually. Ms. Giuffre was born August 9, 1983 and was 31.4 years old at the beginning of 2015 when the alleged injury occurred. Her expected remaining work life based on mortality and probability of continued work was 20.2 years. Based on these factors, a 2% annual growth rate and a 2.4% discount rate, the present value of lost compensation is \$3,461,000 as of 1/1/2015.
- ii. Alternatively, if Ms. Giuffre is assumed to work until a normal retirement age of 65, or 33.6 years from her age at the beginning of 2015, and based on an annual growth rate of 2.0% and a discount rate of 2.7%, the present value of lost compensation is \$5,407,000 as of 1/1/2015.

b. **Supporting Evidence**

- i. Materials regarding compensation and work life expectancy
 - 1) 2010 Life Table for Females, *National Vital Statistics Report*, November 6, 2014, U.S. Department of Health & Human Services, Centers for Disease Control & Prevention, National Center for Health Statistics.

- 2) "Calculation of Work life Expectancy Using the Life, Participation, Employment Method," Vocational Econometrics, Inc.
 - 3) Consumer Price Index for Urban Wage Earners and Clerical Workers, United States Department of Labor, Bureau of Labor Statistics.
 - 4) Federal Reserve Statistical Release H.15, 1/5/2015.
- ii. Ms. Giuffre's testimony
 - iii. Ms. Giuffre is in the process of retaining a damages expert and will provide further information through expert disclosures.
4. **Punitive Damages** - to be based upon all relevant factors, including the egregious nature of Defendant, Ghislaine Maxwell's conduct and the need for a large award to punish and deter conduct in view of the vast wealth of Defendant Maxwell, in an amount not less than \$50,000,000.00.
- a. This calculation is in the province of the jury.

Dated: June 1, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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¹ This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the above and foregoing Disclosure Pursuant to Fed. R. Civ. P. 26 has been provided by United States mail and electronic mail to all counsel of record identified below, on this 1st day of June, 2016.

Laura A. Menninger, Esq.
Jeffrey S. Pagliuca, Esq.
HADDON, MORGAN & FOREMAN, P.C.
150 East 10th Avenue
Denver, Colorado 80203
Tel: (303) 831-7364
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Email: jpagliuca@hmflaw.com

By: /s/ Sigrid McCawley
Sigrid McCawley

COMPOSITE
EXHIBIT 14

(Filed Under Seal)

Sandra Perkins

From: Meredith Schultz
Sent: Thursday, June 16, 2016 4:56 PM
To: Laura Menninger (lmenninger@hmflaw.com)
Cc: Sigrid McCawley; Paul Cassell (cassellp@law.utah.edu); 'brad@pathtojustice.com' (brad@pathtojustice.com)
Subject: Proof of Service - Second Email
Attachments: Proof of Services

Laura,

I am writing to follow up on my June 13, 2016, letter and my June 14, 2016 email (attached), where I requested that you provide me with your proofs of service for the subpoenas you issued in this case. I requested that you provide them to me yesterday, but you have not done so. You made the same request of us and we provided our proofs of service to you earlier this week.

We are in the process of making travel arrangements for the depositions you noticed next week and scheduling around other matters and want to confirm that those witnesses have all been served with subpoenas and are attending the depositions set forth below:

Rebecca Boylan – Wednesday, June 22nd 9:00 a.m. – Fort Lauderdale 401 E. Las Olas at Gray Robinson’s office – suite 1000.

Michael Austrich – Thursday June 23rd 9:00 a.m. - Ocala Florida – Owens & Associates – 108 N. Magnolia Ave

Tony Figueroa – Friday June 24th – 9:00 a.m. - 1 Florida Park Drive, U.S. , Suite 214, Palm Coast Florida

Accordingly, kindly provide me – today – your proofs of service for all of the subpoenas you have issued in this case.

Thank you,

Meredith

Meredith L. Schultz
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, FL 33301
Phone: 954-356-0011 ext. 4204
Fax: 954-356-0022
<http://www.bsflp.com>

Sandra Perkins

From: Meredith Schultz
Sent: Tuesday, June 14, 2016 3:15 PM
To: Laura Menninger (lmenninger@hmflaw.com)
Cc: Sigrid McCawley; Sandra Perkins; Deborah Knowlton
Subject: Proof of Services
Attachments: PROOF OF SERVICES.PDF

Laura,

I'm following up on my June 14, 2016, letter, wherein, I agreed, as a courtesy, to provide you with proofs of service. They are attached. In the same letter, I requested that you do the same, and provide me with your proofs of service associated with the subpoenas you have issued in this case. Having made the request of me and having received a response, I am sure you will agree to do so. Please send them to me by tomorrow.

Thanks,

Meredith

Meredith L. Schultz
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Meredith L. Schultz, Esq.
Email: mschultz@bsfllp.com

June 13, 2016

Via CM/ECF

Laura A. Menninger, Esq.
Haddon, Morgan and Foreman, P.C.
150 East 10th Ave.
Denver, CO 80203

Re: ***Giuffre v. Maxwell***
Case no. 15-cv-07433-RWS – Regarding Certificates of Service

Dear Laura,

I have lawfully served the witnesses in this case, and have undertaken great effort to serve Ms. Marcinkova and Ms. Kellen. An affidavit from the process server engaged in that effort documenting such efforts was served upon you and filed with this Court. I'm familiar with Rule 45, and there is no requirement that certificates of service be served upon opposing counsel. Notice is all that is required under the Rules. You, yourself, have not served such certificates of service in this case. I completely reject your arbitrary statement that “[f]ailure to provide them . . . will be understood as an acknowledgement that you have not, in fact, undertaken the good faith efforts.” We have said we did. I acknowledge no such thing, and such a statement is nonsense.

In recognition of your request, I am in the process of gathering the certificates of service. I will serve them on you, merely as a courtesy, as I collect them. Please likewise provide all certificates of services for the witnesses you have noticed.

While we are on the topic of absences of responses, you did not respond to my June 8, 2016, letter requesting a meet and confer call. Therefore, I write again to schedule a meet-and-confer call regarding your grossly deficient production and improper objections in response to Plaintiff's Second Request for Production. I am available for a meet and confer call on this matter any time tomorrow and Wednesday, June 15, 2016, from 10:00 AM EST to 4:00 PM EST. Please advise, by tomorrow, what time such a call works for your schedule.

Thanks,



Meredith Schultz

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

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

_____/

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR
DEFENDANT'S RULE 37(b) &(c) SANCTIONS FOR FAILURE TO COMPLY WITH
COURT ORDER AND FAILURE TO COMPLY WITH RULE 26(a)**

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INTRODUCTION

As more and more witnesses come forward testifying about Defendant's involvement in the sexual abuse of young girls, Defendant's discovery arguments have become more removed from the merits of this case and increasingly strident in their tone. The latest example of this genre is the instant motion in which the Defendant boldly proclaims that Ms. Giuffre is "playing a game of catch and release" by deliberately "withholding information" regarding her medical care. Yet the basis for these strong charges turns out to be nothing more than the fact that, when asked to produce a listing of medical care providers that Ms. Giuffre has seen in the last seventeen years – during a period of time when she lived in Australia, then Florida, then Colorado, finally returning to Australia – she was unable to recall all of the providers. Ms. Giuffre and her attorneys have worked diligently to provide this listing to Defendant and, as new information has become available, or as Ms. Giuffre has been able to recall another provider, the information has been disclosed. Indeed, Ms. Giuffre signed every medical records release that Defendant requested. There has been no deliberate "withholding" of information, much less withholding of information that would warrant the extreme sanction of precluding Ms. Giuffre from presenting her claims to a jury.

Moreover, this baseless motion for sanctions comes on the heels of disturbing testimony corroborating what lies at the core of this case – Defendant was involved in facilitating the sexual abuse of young girls with Jeffrey Epstein. One witness, Rinaldo Rizzo, was in tears as he recounted Defendant bringing a 15-year-old girl to his employer's home who, in utmost distress, told him that Defendant stole the young girl's passport and tried to make her have sex with

Epstein, and then threatened her.¹ [REDACTED]

[REDACTED] Another witness, Joanna Sjoberg, testified that Defendant recruited her from her school campus to have sex with Epstein with lies about being her personal assistant.³

Two other witnesses, one an underage victim ([REDACTED]) and the other, the police detective who ultimately ended up investigating Epstein (Detective Joseph Recarey, Retired), gave testimony about how Epstein used other women to recruit minors to have sex with him.⁴ Most recently, a witness testified that Defendant would call him and ask him to bring over young girls that she would provide to Epstein. *See* McCawley Decl. at Exhibit 9, *ROUGH* Deposition Transcript of Tony Figueroa at 162:8-19. It is against this backdrop that Defendant has filed a motion seeking sanctions. The motion is a transparent effort to deflect attention from the merits of Ms. Giuffre's claim by inventing "willful" discovery violations and should be rejected in its entirety.

FACTUAL BACKGROUND

I. MEDICAL PROVIDER IDENTITIES

As the Court is aware, Defendant has requested that Ms. Giuffre provide the names and medical records of every medical provider she has ever had, for any type of treatment, since 1999. This would be no easy task for anyone, and Ms. Giuffre has had many medical providers

¹ *See* McCawley Decl. at Exhibit 1, Excerpts from the June 10, 2016 Deposition of Rinaldo Rizzo.

² *Id.*

³ *See* McCawley Decl. at Exhibit 2, Excerpts from the May 18, 2016 Deposition of Joanna Sjoberg.

⁴ *See* McCawley Decl. at Exhibits 3 and 4, Excerpts from the June 20, 2016 Deposition of [REDACTED] and Excerpts from the June 21, 2016 Deposition of Joseph Recarey.

in multiple locations. So she and her legal counsel have worked diligently to track them down through a search that has spanned nearly two decades and two continents.

Ms. Giuffre made her initial disclosures on this subject in an answer to an interrogatory that she served on April 29, 2016. Ms. Giuffre listed 15 health care providers that she could recall at the time. Four days later, on May 3, 2016, Defendant deposed Ms. Giuffre. During the deposition, Ms. Giuffre's memory was jogged and she was able to recall two additional providers: Judith Lightfoot and Dr. Christopher Donahue.⁵

Defendant, however, seeks to magnify the innocent recollection of two additional providers at Ms. Giuffre's deposition by misleadingly claiming that "[i]t is only through deposition testimony that Ms. Maxwell became aware of *at least five* - if not more - treating health care physicians." (Mtn. at 1). This claim, too, is inaccurate. Beyond Ms. Lightfoot and Dr. Donahue, Defendant apparently adds to the list of "withheld" doctors by referring to treating physicians who cared for Ms. Giuffre on a one-off basis in the Emergency Room. It is unsurprising that a patient would have trouble remembering an emergency room physician's name. But the real point here is that, in any event, the information was disclosed through documents produced, so there is absolutely no "failure to disclose" as Defendant wrongfully alleges. *See* Centura Health Records (GIUFFRE005498-005569).

Defendant then states that, in her deposition, "Ms. Giuffre claims she was not treated by any other physicians," and then states that other records revealed "three *additional* health care

⁵ Defendant's argument that Ms. Giuffre was trying to "hide" these providers is illogical and wholly contradicted by the fact that Ms. Giuffre disclosed these providers. Defendant never explains how Ms. Giuffre can be "hiding" providers while testifying about them and producing their records.

professionals who treated Plaintiff, including Dr. Scott Robert Geiger, Dr. Joseph Heaney,⁶ and Donna Oliver P.A.” (Mtn. at 4, emphasis original). [REDACTED]

[REDACTED]

Defendant is trying to make it seem as if Ms. Giuffre deliberately hid the names of treating physicians in the Emergency Room. As stated above, Ms. Giuffre produced these records so she is clearly not hiding anything. Not learning, not knowing, or not remembering off the top of one’s head the names of Emergency Room staff encountered during a medical emergency is not only unsurprising and understandable, but is also not a discovery violation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Here, Defendant attempts to make something out of nothing. This is particularly true as *Ms. Giuffre made these records available to Defendant*. As evidenced by the details recounted in Defendant’s brief, Ms. Giuffre produced these Emergency Room records to Defendant, and therefore, she is wholly compliant in her discovery obligations.⁷

⁷ Indeed, Ms. Giuffre did not merely sign releases for the release of these records, but Ms. Giuffre’s counsel spent considerable time and effort in attempts to procure these records for Defendant, as detailed in Ms. Giuffre’s counsel’s correspondence. *See McCawley Decl.* at Composite Exhibit 5, May 2016 Emails from Meredith Schultz to Laura Menninger.

Additionally, Defendant's motion lists 15 providers⁸ Ms. Giuffre gave to Defendants in her interrogatories (Mtn. at 3), but then states that "Plaintiff failed therein to identify any treatment providers prior to the alleged defamation, despite the Court's order concerning 1999-2015." (Mtn. at 4). This statement, too, is wildly incorrect. Of the list of 15 providers, the overwhelming majority of them are providers "prior to the alleged defamation."⁹ For example, Ms. Giuffre produced records from N.Y. Presbyterian Hospital. (GIUFFRE003258-3290). Not only do the dates on the records (e.g., July 9, 2001) demonstrate they are prior to the defamation, but Defendant has independent knowledge that this provider pre-dates Defendant's defamation. Indeed, *Defendant is the one who brought her to that hospital, while she was a minor.* Therefore, Defendant's statement in her brief that "Plaintiff failed therein to identify any treatment providers prior to the alleged defamation, despite the Court's order concerning 1999-2015" (Mtn. at 4) is inaccurate.

Defendant continues with another misleading statement: "As of today's date . . . and 10 days before the end of fact discovery in this case, Ms. Maxwell has learned of at least five additional doctors" (Mtn. at 5), and then, again, names Ms. Lightfoot, Dr. Geiger, Dr. Heaney, Donna Oliver P.A., and Dr. Streeter. Defendant did not learn of these providers 10 days prior to the close of discovery, but much earlier, as the previous page of Defendant's brief recounts.

⁸ (1) Dr. Steven Olson; (2) Dr. Chris Donahue; (3) Dr. John Harris; (4) Dr. Majaliyana; (5) Dr. Wah Wah; (6) Dr. Sellathuri; (7) Royal Oaks Medical Center; (8) Dr. Carol Hayek; (9) NY Presbyterian Hospital; (10) Campbelltown Hospital; (11) SydneyWest Hospital; (12) Westmead Hospital; (13) Dr. Karen Kutikoff; (14) Wellington Imaging Associates; (15) Growing Together.

⁹ Providers from that list that treated Ms. Giuffre *prior to Defendant's defamation* include: (1) Dr. John Harris; (2) Dr. Majaliyana; (3) Dr. Majaliyana; (4) Dr. Wah Wah; (5) Dr. Sellathru; (6) Royal Oaks Medical Center; (7) Dr. Carol Hayek; (8) NY Presbyterian Hospital; (9) Sydney West Hospital; (10) Westmead Hospital; (12) Wellington Imaging Associates; (13) Growing Together.

Defendant's next statement is equally misleading "documents relating to these doctors were not provided until after their identities became known through deposition or other independent investigation by Ms. Maxwell." (Mtn. at 5). Their identities became known to Defendant because Ms. Giuffre disclosed the name of Ms. Lightfoot in her deposition, and because Ms. Giuffre herself produced emergency room records to Defendant – documents bearing the names of the other providers. Accordingly, these five additional names were provided to Defendant by Ms. Giuffre herself, through (1) *her* deposition testimony; and (2) *her* document production.

Defendant is now asking this Court to enter extraordinary sanctions because those names were not provided in response to an interrogatory, *but, instead, were provided through Ms. Giuffre's testimony and Ms. Giuffre's document production*. This is an improper request. It is unsurprising that Defendant cannot cite to a single case in which any type of sanctions were awarded under even remotely similar circumstances. Indeed, the purpose of the various aspects of discovery provided by Rule 26(a)(5), Fed. R. Civ. P., is to provide more fulsome information. *C.f. In re Dana Corp.*, 574 F.3d 129, 150 (2d Cir. 2009) ("the various discovery methods are more complementary than fungible"). Here, Ms. Giuffre provided her medical information through interrogatory response, through testimony, and through document production. Ms. Giuffre has met her obligation under both this Court's Order and Rule 26. There has been no failure to disclose: Ms. Giuffre provided the names and testified about her treatment. Accordingly, this motion should be denied in its entirety.

II. MEDICAL RECORDS

Defendant states that Plaintiff has failed to produce any records from (a) Dr. Donahue, (b) Dr. Hayek, (c) Dr. Kutikoff, (d) Wellington Imaging Assocs., (e) Growing Together, (f) post

2011 records from Ms. Lightfoot, and (g) the remaining documents for treatment by Dr. Olson. (Mtn. at 5). This is also incorrect. There has been no “failure,” as discussed, in turn, below. Moreover, if records from any providers have not been produced, it is not Ms. Giuffre’s “failure,” but rather, the failure of the providers, particularly as Ms. Giuffre has executed releases for her records from all these providers. Ms. Giuffre and her counsel have been diligent in compiling nearly two decades of medical records from various states and countries. The chart below provides an overview the efforts undertaken by Ms. Giuffre and the production to Defendant as a result.

| MEDICAL PROVIDER | HEALTHCARE PROVIDED | ACTION TAKEN | RELATED GIUFFRE PRODUCTION |
|--------------------------------|--------------------------|---|--|
| Dr. Olsen | Primary Care Physician | 3/8/16 Letter Request | Giuffre 005342-005346 St. Thomas More Hospital Records (Dr. Olsen) Giuffre 005492-005496 St. Thomas More Hospital Records (Dr. Olsen) |
| Centura Health | [REDACTED] | 5/23/16 Letter Request | Giuffre 005498 Centura Health Release Form (All Medical Records) Giuffre 005501-005569 Responsive Records (Centura Health) |
| Dr. Carol Hayek | Psychiatrist | 3/8/16 Ltr Request 4/28/16 Ltr Request | Giuffre and counsel contacted physician’s office via telephone and email to follow up. |
| Dr. Chris Donahue | [REDACTED] | 4/5/16 Ltr Request | Giuffre 006631-006635 (Dr. Donahue) |
| Dr. John Harris/Dr. Majliiyana | [REDACTED] | 4/5/16 Ltr Request | Giuffre 005315 005322 The Entrance Medical Centre (Dr. John Harris and Dr. Darshanee Mahaliyana) |
| Dr. Wah Wah | [REDACTED] | 4/5/16 Ltr Request | Giuffre 005339 005341 Central Coast Family Medicine (Dr. Wah Wah) |
| Dr. Sellathuri | [REDACTED] | 4/5/16 Ltr Request | Giuffre 005089 005091 (“Dr. M. Sella”) |
| Royal Oaks | Has no treatment records | 4/5/16 Ltr | Giuffre 005347 005349 Royal Oaks |

| MEDICAL PROVIDER | HEALTHCARE PROVIDED | ACTION TAKEN | RELATED GIUFFRE PRODUCTION |
|--|---------------------|---|--|
| Medical Center | | Request | Medical Center's Response (No Records) |
| NY Presbyterian Hospital | [REDACTED] | Produced | Giuffre 003258 003290 New York Presbyterian Hospital |
| Campbelltown Hospital/ Sydney West Hospital | [REDACTED] | Produced | Giuffre 003193 003241 Camselltown Hospital/Camden Hospital (Dr. Elbeaini) Giuffre 003242 003257 Macarthur Health Service (Dr. Elbeaini) |
| Sydney West Hospital / Westmead Hospital | [REDACTED] | Produced | Giuffre 003291-003298 Sydney West/Westmead Hospital |
| Dr. Karen Kutikoff | | Release Provided to Defendant's Counsel | 04/29/16 Sent via e-mail signed release to Menninger (obtain records directly). |
| Wellington Imaging Associates | | Release Provided to Defendant's Counsel | 04/29/16 Sent via e-mail signed release to Menninger (obtain records directly). |
| Growing Together | | Release Provided to Defendant's Counsel | 04/29/16 Sent via e-mail signed release to Menninger (obtain records directly). |
| Ms. Judith Lightfoot | Psychologists | 5/4/16 Ltr Request | Giuffre 005431-005438 Medical Release Form with documents (Ms. Lightfoot) Giuffre 006636 Correspondence stating no further records available. |
| Dr. Scott Robert Geiger | [REDACTED] | ER Treating Physician | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |
| Dr. Joseph Heaney | [REDACTED] | ER Treating Physician | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |
| Donna Oliver, PA | [REDACTED] | ER Treating Physician Referral ENT | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |
| Dr. Michele Streeter | [REDACTED] | ER Treating Physician | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |

Accordingly, as the Court can see with reference to the Bates labels in the above chart, Ms. Giuffre has been compliant in producing her medical records. Indeed, she has signed releases for all records requested by Defendant, and has produced all records released by the providers. In addition to signing all releases for medical providers requested by Defendant, the work associated with compiling the records and following up with providers (as shown by the above chart) clearly demonstrates Ms. Giuffre's good faith and persistence in her deliberate and thorough pursuit of providing Defendant with her medical records. That is reason alone to deny Defendant's unsupported request for sanctions.

A. Dr. Donahue

Plaintiff dutifully signed a release for medical records and provided it to Dr. Donahue on April 5, 2016, and sent a copy to the Defendant so counsel was on notice of the efforts being taken to secure medical records. *See* McCawley Decl. at Composite Exhibit 6, Dr. Donahue letter and Release Form. Ms. Giuffre's counsel has received records from Dr. Donahue since the Defendant filed the instant motion, and immediately provided those records to Defendant. *See* chart above, GIUFFRE00006631-006635.

B. Dr. Hayek

Dr. Hayek treated Ms. Giuffre over seven years ago. Ms. Giuffre signed a release form for Dr. Hayek's records, sent the release form on March 8, 2016, and provided a copy of the form to Defendant. Having not received any records, the undersigned sent a follow-up letter to Dr. Hayek on April 28, 2016, to request the records. Upon information and belief, Dr. Hayek does not keep patient's medical records for longer than seven years, and, therefore, no longer has any records pertaining to Ms. Giuffre. Ms. Giuffre *and her counsel* have made inquiries to Dr.

Hayek's office via telephone and email, but, to date, have not received any response. Again, Ms. Giuffre has no input on Dr. Hayek's document retention policies, and therefore, the lack of production of records from Dr. Hayek cannot be attributed to Ms. Giuffre.

C. Dr. Kutikoff, Wellington Imaging Associates ("Wellington Imaging"), and Growing Together

Plaintiff provided Defendant's counsel executed medical release forms for Dr. Kutikoff, Wellington Imaging, and Growing Together on April 29, 2016. *See* McCawley Decl. at Composite Exhibit 7. Accordingly, Ms. Giuffre has no direct knowledge as to what, if anything, these three providers produced to Defendant's counsel. Ms. Giuffre has done everything in her power to make them available to Defendant, a fact that Defendant cannot dispute. Again, there has been no "failure" by Ms. Giuffre here, as Ms. Giuffre has signed and sent the necessary release forms for the records *to be sent directly to Defendant*.¹⁰

D. Ms. Lightfoot

Defendant admits that Ms. Giuffre produced Ms. Lightfoot's records in footnote 4 of her brief on page 11, yet on page 16, Defendant wrongfully states Plaintiff has not produced Dr. Lightfoot's records. Despite the self-contradictory briefing, Ms. Lightfoot has produced records. *See* chart above, Giuffre005431-005438, Medical Release Form with documents. As with the other providers, Ms. Giuffre has executed and sent medical records release forms to Ms. Lightfoot, and has thus met her discovery obligations. To follow up on Defendant's wrongful claims that Ms. Giuffre has somehow "withheld" more current records (despite executing a release for *all* records); Ms. Giuffre followed up with Ms. Lightfoot, who provided to Ms.

¹⁰ Upon information and belief, Ms. Lightfoot is not a medical doctor, but an Australian "Consulting Psychologist."

Giuffre's counsel correspondence stating that she has produced all of Ms. Giuffre's records (*see* chart above, Giuffre006636), thereby indicating that she does not keep more current records.

E. Dr. Olson

Defendant claims that Ms. Giuffre failed to produce "the remaining documents for treatment by Dr. Olson," but this is a wild inaccuracy. (And, Ms. Giuffre would refer the Court to a short excerpt from Dr. Olson's deposition in which Dr. Olson explains in his own words his production. *See* McCawley Decl. at Exhibit 10, Dr. Olson Deposition Excerpt.) First, Ms. Giuffre signed a release for *all* records that Dr. Olson had. *See* McCawley Decl. at Composite Exhibit 6, March 8, 2016, Release for Dr. Olson records. Dr. Olson produced records Bates labeled GIUFFRE005342-005346 and GIUFFRE005492-005496. Dr. Olson then testified in his deposition that he kept a record on his laptop that was not a part of the medical records produced by his hospital. *Id.* During the deposition, he printed that record and gave it to Defendant's counsel. *Id.* Now, Defendant's counsel is claiming that this set of facts constitutes a discovery violation that warrants sanctions. There is no failure to produce here. Ms. Giuffre executed a medical release that provided for all of Ms. Giuffre's medical records with regard to Dr. Olson, and records were produced. It was Dr. Olson who failed to include his "laptop records" among the records that were produced.

Ms. Giuffre knew nothing of the "laptop records" until Dr. Olson's deposition, and Dr. Olson provided them at that time, a fact Defendant admits in a footnote in her Motion to Reopen Ms. Giuffre's Deposition. In that brief, Defendant complains that they were not "produced" until after Ms. Giuffre was deposed. That is a distortion. Defendant already had such documents from Dr. Olson himself. Ms. Giuffre included those documents *that both sides received in the deposition* as part of her next production, so that they would bear a Bates label for tracking

purposes. It was a formality since both sides already had the record. Defendant states: “Despite requests, legible copies have not been provided.” Defendant uses the passive voice here, presumably to avoid making clear the fact that the requests for legible copies would need to be made to Dr. Olson, who controls the records, not to Ms. Giuffre, who long ago authorized the release of all records. The existence of a record that a witness failed to produce prior to a deposition is not a discovery violation from Ms. Giuffre.

III. MS. GIUFFRE HAS PROVIDED DISCOVERY IN ACCORDANCE WITH HER DISCOVERY OBLIGATIONS

The fact is that Ms. Giuffre has executed a release form for each and every medical care provides that Defendant asked for. Defendant cannot contradict this statement. Ms. Giuffre produced medical records she had in her possession (such as New York Presbyterian records), early in discovery. From that point, other medical records were sought and obtained, with Ms. Giuffre facilitating their production from the providers by executing and sending release forms and paying all applicable fees for their release. Moreover, counsel for Ms. Giuffre has kept Defendant fully apprised of such efforts, even giving Defendant copies of all releases that have been issued, and providing updates on Ms. Giuffre’s continued efforts to obtain medical records beyond signing releases. *See* McCawley Decl. at Composite Exhibits 5 and 6.

Executing and sending medical release forms to all of the medical providers satisfies Ms. Giuffre’s discovery obligations with regard to her medical records, and Defendant cannot cite to a case that states otherwise. *See, e.g., Candelaria v. Erickson*, 2006 WL 1636817, at *1 (S.D.N.Y. 2006) (requiring the execution of updated medical release forms to satisfy discovery obligations). The fact that Defendant has presented this weak tea to the Court - concerning the actions of third-parties Ms. Giuffre does not control - shows just how baseless the motion is.

IV. DEFENDANT CAN SHOW NO PREJUDICE

Defendant claims to be prejudiced because a small fraction of the medical providers were revealed at Ms. Giuffre's deposition, four days after her interrogatory response. This argument is moot. Ms. Giuffre has agreed to reopen her deposition for Defendant's questions regarding those medical providers. Second, Defendant intimates, but does not actually claim, that she wants to depose Ms. Lightfoot, and states that there is not sufficient time: "arranging for and taking the deposition of Ms. Lightfoot . . . is nearly impossible," suggesting to the Court that there is some prejudice to Defendant there. (Mtn. at 11). However, Defendant's behavior (and a close reading of Defendant's brief) suggests that Defendant doesn't actually want to depose Ms. Lightfoot; instead, she just wants to *appear to the Court* as prejudiced by not taking her deposition. First, Defendant *never noticed her deposition* despite knowing her identity for nearly two months - since May 3, 2016. Second, Defendant is careful not to claim in her brief that she *actually wants to depose Ms. Lightfoot*, all the while suggesting that she has suffered some prejudice with respect to not taking Ms. Lightfoot's deposition. Defendant's lack of actual desire to take her deposition stems from the 2011 records Ms. Lightfoot produced - records predating Defendant's defamation by years. [REDACTED]

[REDACTED] This is the reason Defendant is careful not to claim in her brief that she actually wanted to depose Ms. Lightfoot, and this is the reason why Defendant never noticed her for deposition. [REDACTED]

Defendant's claims concerning deposing Dr. Donahue are similarly specious. First, despite knowing about Dr. Donahue since at least April 29, 2016 (a fact she admits in her brief "Dr. Donahue may have been named" (Mtn. at 16)): Defendant has never issued a Notice of Deposition for Dr. Donahue. Defendant cannot claim any prejudice with respect to Dr. Donahue.

Additionally, Defendant acts in bad faith when she claims that medical records from Dr. Donahue were "purposefully hidden by Plaintiff" (Mtn. at 11) when Defendant knows that Ms. Giuffre executed and sent a medical release for Dr. Donahue on April 5, 2016, for all of his records. *See* McCawley Decl. at Composite Exhibit 6, Dr. Donahue Medical Release. As stated above, this argument is moot because the records concerning Dr. Donahue (and other providers at his practice) have been produced to Defendant.

Finally, though Ms. Giuffre does not control how quickly providers respond to her releases (though her counsel has spent considerable time following-up with providers, urging their speedy release, and paying all applicable fees), Ms. Giuffre has agreed to reopen her deposition for questions concerning provider records that were produced subsequent to her deposition. Therefore, Ms. Giuffre has eliminated any prejudice Defendant could claim to suffer with respect to taking Ms. Giuffre's deposition. *See* Giuffre006631-006635.

A factor relevant to the appropriateness of sanctions under Rule 37 for discovery violations is the "prejudice suffered by the opposing party." *Design Strategy, Inc. v. Davis*, 469 F.3d 284, 296 (2d Cir. 2006). Here, Defendant cannot claim any prejudice resulting from her empty claims of "discovery violations." Accordingly, sanctions are inappropriate.

V. MS. GIUFFRE HAS BEEN FULLY COMPLIANT IN DISCOVERY

It is the Defendant in this case that has failed to comply with discovery at every turn. Defendant has refused to produce any documents whatsoever without this Court entering an Order directing her to do so. The only reason Plaintiff has documents from Defendant at all is because of this Court's denial of Defendant's stay requests and the Court's rulings on Ms. Giuffre's Motion to Compel for Improper Claim of Privilege (wherein Defendant was ordered to turn over documents that did not even involve communications with counsel) and her Motion to Compel for Improper Objections. Even then, Defendant's counsel refused to even take the routine step of looking at Defendant's email and other electronic documents to find responsive documents, but produced, instead, only what Defendant wanted to produce. Ms. Giuffre had to bring a Motion for Forensic Examination and the Court had to order that Defendant's counsel actually produce documents from Defendant's electronic documents, something that has not yet been done to date. Indeed, Defendant did not make her initial disclosure until February 24, 2016 several months *after* the deadline for these disclosures. Additionally, while Ms. Giuffre started her efforts to take the Defendant's deposition in February, 2016, Defendant did not actually sit for her deposition until after being directed to do so by the Court, on April 22, 2016.

Furthermore, during the deposition, Defendant refused to answer a myriad of questions, and therefore, this Court recently ordered Defendant to sit for her deposition again. *See* June 20, 2016, Order resolving eight discovery motions entered under seal and granting Plaintiff's Motion to Compel Defendant to Answer Deposition Questions (D.E. 143).

Ms. Giuffre has had to litigate, multiple times, for Defendant to make any document production, and Ms. Giuffre has had to litigate, also multiple times, for Defendant to be deposed. *See* Plaintiff's Response in Opposition to Defendant's Motion to Stay Discovery (DE 20); Plaintiff's February 26, 2016, Letter Motion to Compel Defendant to Sit for Her Deposition;

Plaintiff's Motion to Compel Documents Subject to Improper Claim of Privilege (DE 33); Plaintiff's Motion to Compel Documents Subject to Improper Objections (DE 35); Plaintiff's Response in Opposition to Defendant's Motion for a Protective Order Regarding Defendant's Deposition (DE 70); Plaintiff's Motion for Forensic Examination (DE 96); Plaintiff's Motion to Compel Defendant to Answer Deposition Questions (DE 143). Ms. Giuffre has had to expend considerable time and resources simply to have Defendant meet her basic discovery obligations in this case.

Now, having completely stonewalled on discovery, making every produced document and even her own deposition the result of extensive and unnecessary litigation, taking positions that are contrary to the Federal Rules and wholly contrary to prevailing case law, Defendant claims that Ms. Giuffre has been "non-compliant since the outset of discovery." (Mtn. at 11). This statement is completely inaccurate.

Defendant makes a number of unsubstantiated claims regarding law enforcement materials, photographs, and email accounts. Most of these issues have been resolved pursuant to this Court's orders. *See* June 20, 2016, Order entered under seal denying Defendant's motion to compel law enforcement materials; June 23, 2016, Minute Entry. Ms. Giuffre merely points out that Defendant not only failed to review, search, or produce Defendant's email, from any of her multiple accounts, but also wholly failed to disclose her terramarproject.org email account or her ellmax.com email account.

Regarding photographs, counsel for Ms. Giuffre has gone to considerable expense to recover boxes that Ms. Giuffre thought may contain photographs, including paying approximately \$600.00 for shipping of the boxes to ensure production of any recent information. Accordingly, Defendant articulates no legitimate complaint in this section of her brief.

LEGAL ARGUMENT

I. DEFENDANT CANNOT SHOW NON-COMPLIANCE, AND HAS PUT FORTH NO COLORABLE LEGAL ARGUMENT FOR SANCTIONS

Sanctions are not appropriate in this case because Defendant cannot show non-compliance. Through the normal course of discovery, Ms. Giuffre produced her medical providers to Defendant, as Defendant admits in her moving brief. Defendant's complaint boils down to the fact that Ms. Giuffre remembered at deposition two providers (Ms. Lightfoot and Dr. Donahue) that she did not recall when compiling her long list of providers in response to Defendant's interrogatory four days prior. That does not constitute non-compliance. That is not sanctionable behavior. And, Defendant cannot cite any case in which a court found differently. Additionally, though Defendant attempts to ascribe blame to Ms. Giuffre for any medical records that have not been sent by providers (or medical records that may not exist), the uncontested fact is that Ms. Giuffre has executed releases for all of the providers Defendant requested. Again, Defendant can point to no case in which sanctions were awarded over medical records where the party signed all applicable releases. Accordingly, Defendant's motion should be denied.¹¹

Even Defendant's own cases cited in her brief are inapposite and do not suggest that sanctions are appropriate in this case. For example, in *Davidson v. Dean*, the plaintiff "refused to consent to the release of mental health records" for periods for which he was seeking damages

¹¹ What *does* constitute sanctionable behavior is testimonial obduracy that includes "denying memory of the events under inquiry," a tactic Defendant took in response to a multitude of questions at her deposition, as more fully briefed in Ms. Giuffre's Motion to Compel Defendant to Answer Deposition Questions (DE 143), granted by this Court on June 20, 2016. *See In re Weiss*, 703 F.2d 653, 663 (S.D.N.Y. 1983) (holding that "the witness's . . . disclaimers of knowledge or memory, has also been dealt with as contemptuous conduct, warranting sanctions that were coercive, punitive, or both. It has long been the practice of courts viewing such testimony as false and intentionally evasive, and as a sham or subterfuge that purposely avoids giving responsive answers, to ignore the form of the response and treat the witness as having refused to answer.").

and for which the Court ordered him to provide releases. 204 F.R.D. 251, 254 (S.D.N.Y. 2001). By contrast, Ms. Giuffre has executed each and every release for medical records requested by Defendant. In *In re Payne*, Rule 37 sanctions were not even at issue: an attorney was reprimanded for “default[ing] on scheduling orders in fourteen cases, resulting in their dismissal . . . fili[ing] stipulations to withdraw a number of appeals only after his briefing deadlines had passed,” etc. 707 F.3d 195, 198-99 (2d Cir. 2013). Similarly, in *Gurvey v. Cowan, Liebowitz & Lathman, P.C.*, 2014 WL 715612, at *2 (S.D.N.Y. 2014), sanctions were awarded because, *inter alia*, “my . . . Order explicitly limited discovery to plaintiff’s malpractice and breach-of-fiduciary duty claims . . . However . . . plaintiff has sought discovery of extraordinary breadth that is far beyond the scope of the two claims . . . [and] disregarded my Order . . . by failing to explain in writing how each of her discovery requests to CLL is relevant to the remaining claims.” Accordingly, as stated above, Defendant has not put forth any colorable legal argument for sanctions under Rule 37.

II. THERE WAS NO INFORMATION “WITHHELD,” AND THEREFORE, NO PREJUDICE

Defendant cannot be taken seriously when she claims that “Plaintiff is obviously trying to hide” her treatment related to domestic violence, [REDACTED]

[REDACTED] Given that fact, Defendant’s incendiary claim defies logic. All these things that Defendant claims were deliberately “withheld” or “hidden” are things that Ms. Giuffre provided to Defendant in the normal course of discovery, as described at length above. Defendant cannot claim any prejudice

regarding the manner in which she received this information, and, indeed, does not.¹²

Accordingly, sanctions are wholly inappropriate.

III. MS. GIUFFRE HAS FULFILLED HER REQUIREMENTS REGARDING HER RULE 26 DISCLOSURES¹³¹⁴

Regarding Ms. Giuffre's computation of damages, Ms. Giuffre has pled defamation *per se* under New York law, where damages are presumed. *Robertson v. Dowbenko*, 443 F. App'x 659, 661 (2d Cir. 2011). Plaintiff provided amounts, damage calculations and supporting evidence required under Rule 26. Plaintiff is retaining experts to support her Rule 26 Disclosures, and expert reports and disclosures are not due at this time. Defendant takes issues with Ms. Giuffre's computation of damages in her Rule 26 disclosures but fails to cite to a single case that requires more from her, let alone more from a Plaintiff claiming defamation *per se*. Indeed, the case law supports that Plaintiff has fully complied with her Rule 26 obligations. *See Naylor v. Rotech Healthcare, Inc.*, 679 F. Supp. 2d 505, 510 (D. Vt. 2009).

In good faith, Ms. Giuffre has produced a multitude of documents and information regarding her damages. Defendant does not cite to a single case that even suggests she is required to do more. What Defendant purports to lack is expert discovery and an expert report on computation of damages. Rule 26(a)(1), governs "initial disclosures," disclosures to be made at

¹² This is particularly true regarding the timing of Ms. Giuffre's deposition, as Ms. Giuffre has agreed to reopen her deposition concerning any medical information that Defendant did not receive in advance of her deposition.

¹³ Defendant references her Motion to Compel Rule 26(a) disclosures (DE 64) that she filed on March 22, 2016, but failed to mention that, after a hearing, this Court denied that motion with leave to refile (DE 106).

¹⁴ Defendant repeatedly attempts to conflate the required disclosures under Federal Rule of Civil Procedure 26(a) and the disclosures ordered by this Court on April 21, 2016, in an apparent effort to 'backdate' those required disclosures.

the beginning of litigation, prior to the completion of expert work. It does not entitle a party to expert discovery at this stage in the case.

Ms. Giuffre has pleaded and will prove defamation *per se*, where damages are presumed. *Robertson v. Dowbenko*, 443 F. App'x at 661 (“As the district court correctly determined, Robertson was presumptively entitled to damages because he alleged defamation *per se*.”). Under New York law, defamation *per se*, as alleged in this case, presumes damages, and special damages do not need to be pled and proven. *See Celle v. Filipino Reporter Enters. Inc.*, 209 F.3d 163, 179 (2d Cir.2000) (Second Circuit holding that “[i]f a statement is defamatory *per se*, injury is assumed. In such a case ‘even where the plaintiff can show no actual damages at all, a plaintiff who has otherwise shown defamation may recover at least nominal damages,’” and confirming an award of punitive damages) (Emphasis added).

Additionally, Ms. Giuffre has claimed punitive damages for the defamation *per se*. “[C]ourts have generally recognized that ... punitive damages are typically not amenable to the type of disclosures contemplated by Rule 26(a)(1)(A)(iii), and have held that the failure to disclose a number or calculation for such damages was substantially justified.” *See Murray v. Miron*, 2015 WL 4041340 (D. Conn., July 1, 2015). *See also Scheel v. Harris*, No. CIV.A. 3:11-17-DCR, 2012 WL 3879279, at *7 (E.D. Ky. Sept. 6, 2012) (finding that a failure to provide a precise number or calculation for their punitive damages claim is substantially justified pursuant to Fed. R. Civ. P. 37(c)(1)).

Accordingly, Ms. Giuffre’s disclosures comply with Rule 26 for the computation of damages. *See Naylor v. Rotech Healthcare, Inc.*, 679 F. Supp. 2d at 510 (“The Court is skeptical of the need for so much additional discovery, since the only open issue on the defamation claim seems to be damages. Miles’s email itself provides evidence of the statement and publication to

a third party. Damages will depend on [plaintiff] Naylor's testimony and perhaps evidence from a few other sources, such as Naylor's family and friends, or Streeter [one of defendant's clients].") Ms. Giuffre has provided the calculations evidencing how she arrived at her damage figures and has provided a myriad of documents upon which she also will rely in proving damages. This includes supporting documents showing average medical expenses computed by her average life expectancy. "[N]on-economic damages based on pain and suffering ... are generally not amenable to the type of disclosures contemplated by Rule 26(a)(1)(A)(iii)." *Scheel v. Harris*, No. CIV.A. 3:11-17-DCR, 2012 WL 3879279, at *7 (E.D. Ky. Sept. 6, 2012) (holding that plaintiff's failure to disclose a number or calculation for such damages was substantially justified).

IV. THIS COURT SHOULD NOT STRIKE MS. GIUFFRE'S CLAIMS FOR MEDICAL AND EMOTIONAL DISTRESS DAMAGES

Defendant cites four cases in support of her request for this Court to strike her claims for medical and emotional distress damages, and each one of them militates against any such relief being awarded in this case. In the first, *Nittolo v. Brand*, sanctions were awarded in a personal injury action because, *inter alia*, the plaintiff went to his physician and took away his medical records before defendant had a chance to use the court-ordered release to access them, and the Court found the plaintiff lied under oath about taking away the records. 96 F.R.D. 672, 673 (S.D.N.Y.1983). By contrast, Ms. Giuffre has signed every medical release form requested by Defendant and provided all medical records that they yielded.

Defendant's second case is equally inapposite. In *Skywark v. Isaacson*, Court found that the plaintiff "began his pattern of lying about at least three matters of extreme significance to his claim for damages;" lied to his experts and lied under oath; and "never provided defendants with the promised [medical release] authorizations." 1999 WL 1489038 at *3, *5, *11 (S.D.N.Y. Oct.

14, 1999). The facts could not be more dissimilar to the case at hand, where Ms. Giuffre has provided truthful testimony regarding her medical history and has executed all medical releases.

Defendant's third case continues in the same pattern. In *In re Consol. RNC Cases*, "all Plaintiffs either expressly refused to provide mental health treatment records or simply failed to provide such records during the course of discovery." 2009 WL 130178, at *2 (S.D.N.Y. Jan. 8, 2009). Defendant's fourth case is similarly inapposite by Defendant's own description, turning on failure to provide medical releases. (Mtn. at 19).

Importantly, Defendant represents to the Court that she seeks the "sanction of striking the claim or precluding evidence only on the damages that relate to the withheld documents and information." (Mtn. at 19). This is confusing for two reasons. First, Ms. Giuffre has provided information about the providers that she has knowledge of and has provided releases for their medical records, so the sanction she seeks could not apply to any of the providers in Defendant's brief. Second, there are no "withheld documents." Ms. Giuffre has not withheld any medical records, and, indeed, has authorized the release of all records sought by Defendant. Accordingly, there are no "withheld records" upon which sanctions could be applied. And, again, there has been no violation of this Court's Order.

CONCLUSION

Since filing the instant motion for sanctions, two other witnesses - witnesses subpoenaed by Defendant herself in order to mount her defense - have given testimony to support Ms. Giuffre. Most recently, Defendant's witness, Tony Figueroa, testified he witnessed Defendant

escort young girls he brought over to Epstein's home to Epstein for sex acts, and testified that Defendant called him on the phone, asking him to bring girls over to Epstein's house.¹⁵

Q And how long would you and one of these other girls sit there and have this small talk with Ms. Maxwell?

A No more than 10 or 15 minutes.

Q What were you waiting for?

A Pretty much her to take them up stairs then I would leave. I would wait for them to be like we're ready. And I would be all right. See you later and I would leave.

Q You were waiting for who to take who up stairs?

A I had seen Ms. Maxwell take a girl up there well not up there visibly but I watched her leave had room with one.

Q Up stairs?

12 A Well, I didn't see the stairs. Like in the kitchen there's not like you have to go all around and all that shit.

See McCawley Decl. at Exhibit 9, *ROUGH* Figueroa Tr. at 156:22-157:14.

Q Let me fix this. Gill when Gillian Maxwell would call you during the time that you were living with Virginia she would ask you what specifically?

A Just if I had found any ear girls just to bring the Jeffrey.

Q Okay.

A Pretty much everytime a conversation with any of them it was either asking Virginia where she was ask the asking her to get girls or asking me get girls.

See McCawley Decl. at Exhibit 9, *ROUGH* Figueroa Tr. at 162:8-19.

Accordingly, at this stage in discovery, it is not just the flight logs showing Defendant flying with Epstein and Ms. Giuffre over twenty times when she was a minor; it is not just the message pads from law enforcement's trash pulls that show Defendant arranging to have an underage girl come over to Epstein's house for "training;" it is not just the police report; it is not just the photographs of Defendant and other men with Ms. Giuffre when she was a minor.

Now, there is actual, live testimonial evidence that Defendant was a procurer of young girls for sex with Jeffrey Epstein, with whom she shared a home and a life, thus validating Ms. Giuffre's claims. Therefore, this baseless motion for sanctions is more a reflection of the

¹⁵ See McCawley Decl. at Exhibit 9, Excerpts from the June 24, 2016 *ROUGH* Deposition Transcript for the Deposition of Tony Figueroa.

abundant testimonial evidence condemning Defendant than any type of imagined discovery violation on behalf of Ms. Giuffre.

Ms. Giuffre respectfully requests that it be denied in its entirety.

Dated: June 28, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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¹⁶ This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of June, 2016, I served the attached document via Email to the following counsel of record.

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/s/ Sigrid S. McCawley _____
Sigrid S. McCawley

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

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

_____ /

**DECLARATION OF SIGRID S. MCCAWLEY IN PLAINTIFF'S RESPONSE IN
OPPOSITION TO DEFENDANT'S MOTION FOR DEFENDANT'S RULE 37(b) &(c)
SANCTIONS FOR FAILURE TO COMPLY WITH COURT ORDER AND FAILURE TO
COMPLY WITH RULE 26(a)**

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

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's Order granting my Application to Appear Pro Hac Vice.
2. I respectfully submit this Declaration in response to Defendant's Motion for Defendant's Rule 37(b) &(c) Sanctions for Failure to Comply with Court Order and Failure to Comply with Rule 26(a).
3. Attached hereto as Sealed Exhibit 1 is a true and correct copy of Excerpts from the May 18, 2016 Deposition of Rinaldo Rizzo.
4. Attached hereto as Sealed Exhibit 2 is a true and correct copy of Excerpts from the

June 10, 2016 Deposition of Johanna Sjoberg.

5. Attached hereto as Sealed Exhibit 3 is a true and correct copy of Excerpts from the

June 20, 2016 Deposition of [REDACTED]

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

June 21, 2016 Deposition of Joseph Recarey.

7. Attached hereto as Sealed Composite Exhibit 5 is a true and correct copy of E-mail

Correspondences to Laura Menninger.

8. Attached hereto as Sealed Composite Exhibit 6 is a true and correct copy of

Medical Release Letter to Providers.

9. Attached hereto as Sealed Composite Exhibit 7 is a true and correct copy of April

29, 2016 Signed Medical Releases to Opposing Counsel.

10. Attached hereto as Sealed Exhibit 8 is a true and correct copy of Judith Lightfoot's

Redacted Medical Release (Giuffre005431-005438).

11. Attached hereto as Sealed Exhibit 9, is a true and correct copy of Excerpts from

the June 24, 2016 Deposition of Tony Figueroa.

12. Attached hereto as Sealed Exhibit 10 is a true and correct copy of Excerpt from the

May 26, 2016 Confidential Deposition of Dr. Steven Olson.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sigrid McCawley
Sigrid McCawley

Dated: June 28, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 28, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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

EXHIBIT 2
(File Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

May 18, 2016

9:04 a.m.

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

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

1 Jeffrey's home when you arrived?

2 A. Yes. When I first walked in the door, it
3 was just myself, and Ghislaine headed for the
4 staircase and said -- told me to come up to the
5 living room.

6 Q. And what happened at that point, when you
7 came up to the living room?

8 A. I came up and saw Virginia, Jeffrey,
9 Prince Andrew, Ghislaine in the room.

10 Q. And did you meet Prince Andrew at that
11 time?

12 A. Yes.

13 Q. And what happened next?

14 A. At one point, Ghislaine told me to come
15 upstairs, and we went into a closet and pulled out
16 the puppet, the caricature of Prince Andrew, and
17 brought it down. And there was a little tag on the
18 puppet that said "Prince Andrew" on it, and that's
19 when I knew who he was.

20 Q. And did -- what did the puppet look like?

21 A. It looked like him. And she brought it
22 down and presented it to him; and that was a great
23 joke, because apparently it was a production from a
24 show on BBC. And they decided to take a picture
25 with it, in which Virginia and Andrew sat on a

1 couch. They put the puppet on Virginia's lap, and I
2 sat on Andrew's lap, and they put the puppet's hand
3 on Virginia's breast, and Andrew put his hand on my
4 breast, and they took a photo.

5 Q. Do you remember who took the photo?

6 A. I don't recall.

7 Q. Did you ever see the photo after it was
8 taken?

9 A. I did not.

10 Q. And Ms. Maxwell was present during the --
11 was Ms. Maxwell present during that?

12 A. Yes.

13 Q. What happened next?

14 A. The next thing I remember is just being
15 shown to which room I was going to be staying in.

16 Q. When you exited the room that you were in
17 where the picture was taken, do you recall who
18 remained in that room?

19 A. I don't.

20 Q. Do you recall seeing Virginia exit that
21 room?

22 A. I don't.

23 Q. During this trip to New York, did you have
24 to perform any work when you were at the New York
25 house?

1 always covered himself with a towel.

2 Q. I believe I asked this, but I just want to
3 clarify to make sure that I did: Did Maxwell ever
4 ask you to bring other girls over to -- for Jeffrey?

5 A. Yes.

6 Q. Yes?

7 A. Yes.

8 Q. And what did you -- did you do anything in
9 response to that?

10 A. I did bring one girl named [REDACTED] --
11 no. [REDACTED] -- it was some girl named [REDACTED]
12 that I had worked with at a restaurant. And I
13 recall Ghislaine giving me money to bring her over;
14 however, they never called her to come.

15 Q. And then I believe you mentioned that one
16 of your physical fitness instructors, you brought a
17 physical fitness instructor; was that correct?

18 A. Correct.

19 Q. And what did she do?

20 A. She gave him a -- like a training session,
21 twice.

22 Q. Twice.

23 Did anything sexual in nature happen
24 during the session?

25 A. At one point he lifted up her shirt and

1 exposed her bra, and she grabbed it and pulled it
2 down.

3 Q. Anything else?

4 A. That was the conversation that he had told
5 her that he had taken this girl's virginity, the
6 girl by the pool.

7 Q. Okay. Did Maxwell ever say to you that it
8 takes the pressure off of her to have other girls
9 around?

10 A. She implied that, yes.

11 Q. In what way?

12 A. Sexually.

13 Q. And earlier Laura asked you, I believe, if
14 Maxwell ever asked you to perform any sexual acts,
15 and I believe your testimony was no, but then you
16 also previously stated that during the camera
17 incident that Maxwell had talked to you about not
18 finishing the job.

19 Did you understand "not finishing the job"
20 meaning bringing Jeffrey to orgasm?

21 MS. MENNINGER: Objection, leading, form.

22 BY MS. McCAWLEY:

23 Q. I'm sorry, Johanna, let me correct that
24 question.

25 What did you understand Maxwell to mean

1 when she said you hadn't finished the job, with
2 respect to the camera?

3 MS. MENNINGER: Objection, leading, form.

4 THE WITNESS: She implied that I had not
5 brought him to orgasm.

6 BY MS. McCAWLEY:

7 Q. So is it fair to say that Maxwell expected
8 you to perform sexual acts when you were massaging
9 Jeffrey?

10 MS. MENNINGER: Objection, leading, form,
11 foundation.

12 THE WITNESS: I can answer?

13 Yes, I took that conversation to mean that
14 is what was expected of me.

15 BY MS. McCAWLEY:

16 Q. And then you mentioned, I believe, when
17 you were testifying earlier that Jeffrey told you a
18 story about sex on the plane. What was that about?

19 MS. MENNINGER: Objection, hearsay.

20 THE WITNESS: He told me one time Emmy was
21 sleeping on the plane, and they were getting
22 ready to land. And he went and woke her up,
23 and she thought that meant he wanted a blow
24 job, so she started to unzip his pants, and he
25 said, No, no, no, you just have to be awake for

1 A. No.

2 Q. Was it in the context of anything?

3 A. About the camera that she had bought for
4 me.

5 Q. What did she say in relationship to the
6 camera that she bought for you and taking
7 photographs of you?

8 A. Just that Jeffrey would like to have some
9 photos of me, and she asked me to take photos of
10 myself.

11 Q. What did you say?

12 A. I don't remember saying no, but I never
13 ended up following through. I think I tried once.

14 Q. This was the pre-selfie era, correct?

15 A. Exactly.

16 Q. I want to go back to this: You testified
17 to two things just now with Sigrid that you said
18 were implied to you.

19 A. Okay.

20 Q. The first one was it would take pressure
21 off of Maxwell to have more girls around?

22 A. Right.

23 Q. What exactly did Maxwell say to you that
24 led you to believe that was her implication?

25 A. She said she doesn't have the time or

1 desire to please him as much as he needs, and that's
2 why there were other girls around.

3 Q. And did she refer specifically to any
4 other girls?

5 A. No.

6 Q. Did she talk about underaged girls?

7 A. No.

8 Q. Was she talking about massage therapists?

9 A. Not specifically.

10 Q. Okay. There were other girls in the house
11 that were not massage therapists, correct?

12 A. Yes.

13 Q. Nadia is another person that was around,
14 correct?

15 A. Yes.

16 Q. There were other people he traveled with?

17 A. Uh-huh.

18 MS. McCAWLEY: Objection.

19 BY MS. MENNINGER:

20 Q. Correct?

21 A. Correct.

22 Q. Other girls?

23 A. Yes.

24 Q. Adults?

25 A. Yes.

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CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, the undersigned authority, certify
that JOHANNA SJOBERG personally appeared before me
and was duly sworn.

WITNESS my hand and official seal this
18th day of May, 2016.

KELLI ANN WILLIS, RPR, CRR
Notary Public, State of Florida
My Commission No. FF911443
Expires: 2/16/21

+ + + + +

EXHIBIT 3
(File Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x
VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 20, 2016

9:12 a.m.

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

Deposition of [REDACTED], pursuant to notice, taken by Plaintiff, at the offices of Podhurst Orseck, 25 West Flagler Street, Suite 800, Miami, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

1 [REDACTED]
2 know the extent of their relationship. But she
3 would schedule his appointments and handle clerical
4 things for him as far as I can see.

5 Q. All right.

6 And when you first went to his house,
7 where did -- where were you taken within the house?

8 MR. PAGLIUCA: Object to form and
9 foundation.

10 THE WITNESS: Kitchen, up to the room, up
11 to his master suite.

12 BY MR. EDWARDS:

13 Q. And which stairwell did you go up to his
14 suite?

15 A. I do not remember.

16 Q. Was it the stairs off by the kitchen?

17 A. I do not recall.

18 Q. And when you went into his bedroom, were
19 you under the belief that it was going to be you
20 providing some sort of a massage?

21 A. It certainly didn't involve any sexual
22 activity. That's what I was under the assumption.
23 I don't recall exactly how I was propositioned to
24 get there. I just was there, and all of a sudden
25 something horrible happened to me.

1

2 Q. Did you, at 16 years old or 17 years old,
3 have any massage training or experience?

4 A. No.

5 Q. Did [REDACTED] have any massage
6 experience?

7 A. I do not -- I can't speak to her
8 experience. I do not know. She was not really a
9 friend of mine. Barely an acquaintance. We maybe
10 spoke three times in our entire going to school
11 together and everything.

12 Q. Did you ever learn what her incentive was
13 to bring you to Jeffrey Epstein's house?

14 A. Later I found out that they would get
15 kickbacks for bringing people over.

16 Q. Do you remember seeing Jeffrey Epstein
17 give her money that day?

18 A. I don't recall, no.

19 Q. If you said that in your statement, that
20 you remember [REDACTED] getting money for bringing you
21 here that day, would that be a true statement?

22 A. Yes, absolutely. Everything in there is
23 the truth. I do not remember from years ago at this
24 point.

25 MR. PAGLIUCA: Object to form and

1

2 into?

3 A. I worked very, very hard to not recall
4 anything specific about my sexual encounters with
5 this person as one of his victims. I cannot answer
6 your question. Things -- it wasn't supposed to be
7 sexual, but it was. That's as specific as I can
8 get.

9 Q. Fair to say that when Jeffrey Epstein or
10 his assistants used the term "massage," someone is
11 going to come give a massage, that that's always a
12 sexual encounter?

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

15 THE WITNESS: "Always" is a strong word to
16 use. I'm not making that assumption, but
17 oftentimes that's exactly what it meant.

18 BY MR. EDWARDS:

19 Q. When Jeffrey Epstein was paying high
20 school girls for these alleged massages, he was
21 paying to turn it into a sexual encounter, fair?

22 MR. PAGLIUCA: Object to form and
23 foundation.

24 THE WITNESS: I would say yes, that is the
25 motivation. I'm not a mind-reader. I don't

1

[REDACTED]
know what he was thinking. It's fair to
assume.

4 BY MR. EDWARDS:

5 Q. All right.

6 Did you know how [REDACTED] met
7 Jeffrey Epstein?

8 A. No.

9 Q. Do you know someone named Hayley Robson?

10 A. No.

11 Q. Did you know Tony Figueroa?

12 A. No. It sounds like a familiar name, but I
13 do not know him.

14 Q. Did you know Ashley Davis?

15 A. I may have gone to high school with an
16 Ashley Davis, but that seems like a very common
17 name.

18 Q. Were you asked by Jeffrey Epstein to bring
19 other girls to him?

20 A. Yes.

21 Q. And for what purpose?

22 MR. PAGLIUCA: Object to form and
23 foundation.

24 BY MR. EDWARDS:

25 Q. What is his stated purpose?

1

2 A. I was never present when he interacted
3 with those women. I don't know exactly what
4 happened.

5 Q. Did you bring other girls to him?

6 A. Yes. I brought friends over.

7 Q. And were they also of similar age to you?

8 A. Yes. They were my peers.

9 Q. High school girls?

10 A. Correct.

11 Q. Did any of them have massage experience?

12 A. I do not know.

13 MR. PAGLIUCA: Object to form.

14 BY MR. EDWARDS:

15 Q. Were you going out to look for a massage
16 therapist, a professional massage therapist to bring
17 to him?

18 A. No.

19 Q. What he wanted at his house was young high
20 school girls under the pretense of some massage?

21 MR. PAGLIUCA: Object to form and
22 foundation.

23 BY MR. EDWARDS

24 Q. Is that fair?

25 MR. PAGLIUCA: Object to form and

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[REDACTED]

foundation.

THE WITNESS: Yes, that's fair. I mean, I have to think. Sometimes I would go over and I would just swim and I would get paid, or I would take a nap and I'd get paid, or I would just hang out and I'd get paid. So that should be in my statement as well.

It wasn't my assumption that they were coming over to do anything. I did not know, once the door was closed or once they went to another area of the home. I often just went over and did my own thing while they were doing whatever they were doing. It was none of my business.

BY MR. EDWARDS:

Q. When you would say you would just hang out at the pool, who would you be with?

A. I don't remember anyone. None of those girls were any friends. We were all there just through that mutual connection.

Q. I just have a list of girls, and I want you to tell me whether you know who they are or you don't.

Do you know Felicia Esposito?

1

2 BY MR. EDWARDS:

3 Q. When you got to his house, you were
4 requested to give a massage?

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

7 THE WITNESS: I don't exactly remember. I
8 don't remember if I was asked in the kitchen.
9 I don't remember if -- I don't remember.

10 BY MR. EDWARDS:

11 Q. Massage was part of the game, though?

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

14 THE WITNESS: I don't remember. I'm
15 sorry.

16 BY MR. EDWARDS:

17 Q. But even during this deposition today, we
18 have described at times you giving him a massage?

19 A. Yes. You're asking about my first
20 encounter, though.

21 Q. Sorry, I'm just trying to sum up the whole
22 thing.

23 A. Okay.

24 Q. Was massage part of the lure to get you
25 specifically to his house?

1

2 A. Yes.

3 MR. PAGLIUCA: Object to form and
4 foundation.

5 BY MR. EDWARDS:

6 Q. And at the time, you are 15, 16 or 17
7 years old?

8 MR. PAGLIUCA: Object to form and
9 foundation.

10 THE WITNESS: Yes.

11 BY MR. EDWARDS:

12 Q. No massage experience?

13 A. No.

14 Q. You were told to bring other girls to his
15 house?

16 MR. PAGLIUCA: Object to form and
17 foundation.

18 THE WITNESS: After a while, yes.

19 BY MR. EDWARDS:

20 Q. These massages were turned sexual by
21 Jeffrey, as opposed to by anyone else?

22 A. Jeffrey took my clothes off without my
23 consent the first time I met him.

24 Q. The massages were scheduled by people
25 working for Jeffrey?

1

2 A. I don't recall.

3 MR. PAGLIUCA: Object to form and
4 foundation.

5 BY MR. EDWARDS:

6 Q. Jeffrey Epstein, during these massages,
7 would use sex toys or have sex toys used?

8 MR. PAGLIUCA: Object to form and
9 foundation.

10 THE WITNESS: Well, at that point, it's no
11 longer a massage. Something else is going on.
12 But, yes, he would take out adult toys and
13 different things.

14 BY MR. EDWARDS:

15 Q. While you were a teenager, Jeffrey Epstein
16 asked you to live with him?

17 A. Yes. He wanted me to be emancipated.

18 Q. Jeffrey Epstein encouraged girl-on-girl
19 sex?

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

22 THE WITNESS: Yes.

23 BY MR. EDWARDS:

24 Q. And after you cooperated with the police,
25 you were intimidated by people working for Jeffrey

1

2 Epstein?

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MR. PAGLIUCA: Object to form and
foundation.

5

THE WITNESS: Yes.

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MR. EDWARDS: All right. I don't have
anything further for you. I apologize that we
even had to go through this, all right?

9

THE WITNESS: Okay.

10

E X A M I N A T I O N

11

BY MR. PAGLIUCA:

12

13

14

15

Q. [REDACTED] by name is Jeff Pagluica. I
live in Denver, Colorado. And, like you, I don't
want to be here today either, okay? I would rather
be in Denver.

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I just want to -- as I understand it, and
I'm not trying to get into any of your treatment
over the last, let's say, 10 years, because I don't
know how long it's been, but as I understand what
you and your lawyer have said here today, you have
been involved in some number of years of therapy, in
which the purpose -- part of the purpose of the
therapy has been to forget all of these events that
Mr. Edwards was asking you questions about; is that
correct?

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[REDACTED]

CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, the undersigned authority, certify that
[REDACTED] personally appeared before me and
was duly sworn.

WITNESS my hand and official seal this
23rd day of June, 2016.

Kelli Ann Willis, RPR, CRR
Notary Public, State of Florida
Commission FF928291, Expires 2-16-20

+ + + + +

CERTIFICATE

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Kelli Ann Willis, Registered
Professional Reporter and Certified Realtime
Reporter do hereby certify that I was
authorized to and did stenographically report the
foregoing deposition of [REDACTED] that a
review of the transcript was not 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' attorney or counsel connected
with the action, nor am I financially interested
in the action.

Dated this 23rd day of June, 2016.

KELLI ANN WILLIS, RPR, CRR

EXHIBIT 4
(File Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x
VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 21, 2016

9:17 a.m.

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

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

1 JOSEPH RECAREY - CONFIDENTIAL

2 Ghislane Maxwell?

3 A. I wanted to speak with everyone related to
4 this home, including Ms. Maxwell. My contact was
5 through Gus, Attorney Gus Fronstin, at the time, who
6 initially had told me that he would make everyone
7 available for an interview. And subsequent
8 conversations later, no one was available for
9 interview and everybody had an attorney, and I was
10 not going to be able to speak with them.

11 Q. Okay. During your investigation, what did
12 you learn in terms of Ghislane Maxwell's
13 involvement, if any?

14 MR. PAGLIUCA: Object to form and
15 foundation.

16 THE WITNESS: Ms. Maxwell, during her
17 research, was found to be Epstein's long-time
18 friend. During the interviews, Ms. Maxwell was
19 involved in seeking girls to perform massages
20 and work at Epstein's home.

21 MR. PAGLIUCA: Object to form and
22 foundation.

23 BY MR. EDWARDS:

24 Q. Did you interview -- how many girls did
25 you interview that were sought to give or that

1 JOSEPH RECAREY - CONFIDENTIAL

2 actually gave massages at Epstein's home?

3 MR. PAGLIUCA: Object to form and
4 foundation.

5 BY MR. EDWARDS:

6 Q. Approximately.

7 MR. PAGLIUCA: Same objection.

8 THE WITNESS: I would say approximately
9 30; 30, 33.

10 BY MR. EDWARDS:

11 Q. And of the 30, 33 or so girls, how many
12 had massage experience?

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

15 THE WITNESS: I believe two of them may
16 have been -- two of them.

17 BY MR. EDWARDS:

18 Q. Okay. And as we go through this report,
19 you may remember the names?

20 A. Correct. Let me correct myself. I
21 believe only one had.

22 Q. And was that -- was that one of similar
23 age to the other girls?

24 MR. PAGLIUCA: Object to form and
25 foundation.

1 JOSEPH RE CAREY - CONFIDENTIAL

2 THE WITNESS: No.

3 BY MR. EDWARDS:

4 Q. Okay. The one with massage experience was
5 older?

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

8 THE WITNESS: Correct.

9 BY MR. EDWARDS:

10 Q. The remainder of the 30 girls that went to
11 this house for the purposes of massage or recruited
12 for massage, is it my understanding that they had no
13 massage experience?

14 MR. PAGLIUCA: Object to form and
15 foundation.

16 THE WITNESS: That's correct.

17 BY MR. EDWARDS:

18 Q. And were the majority of those girls that
19 you interviewed over or under the age of 18?

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

22 THE WITNESS: The majority were under.

23 BY MR. EDWARDS:

24 Q. And how was it that Mr. Epstein gained
25 access to that number of underaged girls?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MR. PAGLIUCA: Object to form and
3 foundation.

4 THE WITNESS: Each of the victims that
5 went to the home were asked to bring their
6 friends to the home. Some complied and some
7 didn't.

8 BY MR. EDWARDS:

9 Q. Okay. So the victim would come to the
10 home and could give a massage and get paid for it;
11 is that right?

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

14 THE WITNESS: Correct.

15 BY MR. EDWARDS:

16 Q. And at the end of that massage, if that
17 victim brought other friends, she would get paid for
18 the recruitment of those friends?

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

21 THE WITNESS: Correct.

22 BY MR. EDWARDS:

23 Q. Additionally, did your investigation
24 reveal that the assistants of Jeffrey Epstein would
25 call and set up for these girls to come over to the

1 JOSEPH RECAREY - CONFIDENTIAL

2 house for the massages?

3 MR. PAGLIUCA: Object to form and
4 foundation.

5 THE WITNESS: Correct.

6 BY MR. EDWARDS:

7 Q. And, as well, certain people that were
8 friends or girlfriends or assistants of Jeffrey
9 Epstein would recruit girls under the pretense of
10 giving a massage?

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

13 THE WITNESS: Correct.

14 BY MR. EDWARDS:

15 Q. Is that what your investigation revealed
16 in terms of the system of getting these girls over
17 to the house?

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

20 THE WITNESS: Yes.

21 BY MR. EDWARDS:

22 Q. Okay. Talking about the massages, when --
23 when these -- the various girls that you interviewed
24 described the massages, was there a pattern of what
25 occurred during these massages?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MR. PAGLIUCA: Object to form and
3 foundation.

4 THE WITNESS: Yes, there was.

5 BY MR. EDWARDS:

6 Q. Okay. Describe for us what the pattern
7 was that was told to you by the 30 or so girls that
8 you interviewed?

9 MR. PAGLIUCA: Object to form and
10 foundation.

11 THE WITNESS: Initially, when the -- when
12 the victims would come into the home and were
13 brought upstairs to provide the massage,
14 Epstein would lay on his massage table, where
15 they would start to rub his back and the back
16 of his legs.

17 Epstein would either attempt to fondle the
18 girls or touch the girls inappropriately, and
19 at which point he would masturbate. And when
20 he was done, he would get up and go wash off
21 while the girls would get dressed and go back
22 downstairs and get paid.

23 BY MR. EDWARDS:

24 Q. Okay. So did you determine that "massage"
25 was actually a code word for something else?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MR. PAGLIUCA: Object to form and
3 foundation.

4 THE WITNESS: When they went to perform a
5 massage, it was for sexual gratification.

6 BY MR. EDWARDS:

7 Q. And when the assistants would call and ask
8 these girls to work, did you learn what the term
9 "work" meant with respect to these girls coming to
10 the house?

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

13 THE WITNESS: "Work" meant to come and
14 provide Epstein a massage.

15 BY MR. EDWARDS:

16 Q. And massage -- how often would these
17 massages, based upon your investigation, turn into
18 something sexual?

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

21 THE WITNESS: During the investigation, it
22 was determined that he would have multiple
23 massages during the day. He would have some in
24 the morning and some in the afternoon,
25 sometimes into the evening. So he would

1 JOSEPH RE CAREY - CONFIDENTIAL

2 BY MR. EDWARDS:

3 Q. All right.

4 And so when you went to speak with the
5 victims, what did these victims say about their
6 experience with Jeffrey Epstein?

7 MR. PAGLIUCA: Object to form and
8 foundation.

9 THE WITNESS: Once they were recruited,
10 they were brought to the home. They were to
11 provide a massage.

12 Some of the victims did not want to be
13 touched; some of the victims did not want to
14 partake in that. So it was -- I believe for --
15 for a couple of them it was only a one-shot
16 deal, but others continued to come.

17 BY MR. EDWARDS:

18 Q. Okay. And as you interviewed some of
19 those victims, did you learn that some of those
20 victims also brought additional girls?

21 MR. PAGLIUCA: Object to form and
22 foundation.

23 THE WITNESS: That's correct.

24 BY MR. EDWARDS:

25 Q. So as you were investigating this case, as

1 JOSEPH RECAREY - CONFIDENTIAL
2 part of your investigation, you're learning
3 information from these victims and then going to
4 talk to the next person down the line, if you will?

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

7 THE WITNESS: Correct.

8 BY MR. EDWARDS:

9 Q. And what is the purpose of that?

10 A. To identify further victims and acquire
11 additional information.

12 Q. And in doing that, were you able to
13 corroborate the accuracy of what the first victim
14 told you?

15 MR. PAGLIUCA: Object to form and
16 foundation.

17 THE WITNESS: Correct.

18 BY MR. EDWARDS:

19 Q. Okay. And did you learn of Sarah Kellen's
20 involvement with respect to the various girls?

21 MR. PAGLIUCA: Object to form and
22 foundation.

23 THE WITNESS: Yes.

24 BY MR. EDWARDS:

25 Q. What was her role?

1 JOSEPH RE CAREY - CONFIDENTIAL

2 MR. PAGLIUCA: Object to form and
3 foundation.

4 THE WITNESS: That is correct.

5 BY MR. EDWARDS:

6 Q. And did you turn all of your files over to
7 either the State Attorney's Office or the FBI?

8 A. That is correct.

9 Q. And through the State Attorney's Office,
10 was the information contained within the probable
11 cause affidavit and the incident reports a publicly
12 available document?

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

15 THE WITNESS: Yes.

16 BY MR. EDWARDS:

17 Q. And around the time of your
18 investigation -- around the time you ended your
19 investigation and thereafter, were various newspaper
20 articles written about the substance of some of your
21 investigation?

22 A. Yes.

23 Q. Did it become well known to the public
24 that Jeffrey Epstein had recruited high school girls
25 to his house for the purpose of some sexually

1 JOSEPH RECAREY - CONFIDENTIAL

2 involved massage?

3 MR. PAGLIUCA: Object to form and
4 foundation.

5 THE WITNESS: That is correct.

6 BY MR. EDWARDS:

7 Q. And, in fact, haven't you read many of
8 these newspaper articles?

9 A. That is correct.

10 Q. That was not a hidden secret from the
11 public beginning in 2006, right?

12 A. No.

13 Q. And from your overall investigation, kind
14 of just a big picture, what was the criminal
15 activity, as specific as you can, that you learned
16 that Jeffrey Epstein and others were involved in?

17 MR. PAGLIUCA: Object to form and
18 foundation.

19 THE WITNESS: It was sexual battery and
20 lewd and lascivious conduct for under the age
21 of 16.

22 BY MR. EDWARDS:

23 Q. And what was the specific system of
24 engaging in this type of activity?

25 MR. PAGLIUCA: Object to form and

1 JOSEPH RECAREY - CONFIDENTIAL

2 foundation.

3 THE WITNESS: As to --

4 BY MR. EDWARDS:

5 Q. From the recruitment to the: How did you
6 get them, what did you do, how did you keep it
7 going?

8 A. Once the --

9 MR. PAGLIUCA: Object to form and
10 foundation. Sorry.

11 THE WITNESS: No, no.

12 As it became known to us that the victim
13 was recruited, brought to the home, provided
14 the massage, was paid, whether there was
15 inappropriate touching, whether there was
16 sexual activity, whether there was actually
17 intercourse, all of that was documented and was
18 asked whether they brought anyone to the home,
19 whether they had any formal training in massage
20 therapy, and once -- once additional victims
21 were identified, we continued the same -- the
22 same method of investigation.

23 BY MR. EDWARDS:

24 Q. Okay. And one of the earliest victims, in
25 terms of the chronology of this pyramid of girls,

1 JOSEPH RECAREY - CONFIDENTIAL
2 for lack a better word -- you understand what I mean
3 by that, right?

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

6 THE WITNESS: Yes.

7 BY MR. EDWARDS:

8 Q. That there's -- there's -- one of the
9 earliest victims that you interviewed was Haley
10 Robson; is that right?

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

13 THE WITNESS: It was actually SG, I think
14 was the first one that was interviewed, and
15 then HR was the one I interviewed.

16 BY MR. EDWARDS:

17 Q. Okay. My question was bad.

18 I know that the first person interviewed
19 that kind of kicked off the investigation was SG,
20 but -- and just to create a picture of what we have
21 here, this is, and tell me if I characterized it
22 wrong, a scheme that Jeffrey Epstein engaged in by
23 using assistants to recruit girls, right?

24 A. Correct.

25 Q. Under the --

1 JOSEPH RECAREY - CONFIDENTIAL

2 MR. PAGLIUCA: Object to form and
3 foundation.

4 BY MR. EDWARDS:

5 Q. Under the pretense of giving a massage?

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

8 THE WITNESS: Correct. Either a message
9 and/or become a model for Victoria's Secrets
10 and/or connections.

11 BY MR. EDWARDS:

12 Q. And when he was able to get these girls to
13 his home, he would then offer them money to also
14 become recruiters for him?

15 MR. PAGLIUCA: Object to form and
16 foundation.

17 THE WITNESS: Correct.

18 BY MR. EDWARDS:

19 Q. And that created this -- if you've mapped
20 it out, kind of a spider web or a pyramid of girls
21 bringing girls to Jeffrey Epstein's house?

22 MR. PAGLIUCA: Object to form and
23 foundation.

24 BY MR. EDWARDS:

25 Q. Right?

1 JOSEPH RECAREY - CONFIDENTIAL

2 A. Correct.

3 Q. All right.

4 So when I say one of the first, I mean on
5 the top of the pyramid one of the earliest people
6 that you interviewed that brought girls to Jeffrey
7 Epstein's house was HR?

8 A. Correct.

9 MR. PAGLIUCA: Object to form and
10 foundation.

11 BY MR. EDWARDS:

12 Q. And I think that you testified that Molly
13 and Tony drove HR to Jeffrey Epstein's house the
14 first time, right?

15 MR. PAGLIUCA: Object to form and
16 foundation.

17 THE WITNESS: Correct.

18 BY MR. EDWARDS:

19 Q. Did you ever trace all the way up to the
20 highest level to determine who was it that started
21 this particular chain of Palm Beach girls coming
22 over to Jeffrey Epstein's home?

23 MR. PAGLIUCA: Object to form and
24 foundation.

25 THE WITNESS: I did not. Basically, when

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AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF)

I, _____, being first
duly sworn, do hereby acknowledge that I did
read a true and certified copy of my deposition
which was taken in the case of GIUFFRE V.
MAXWELL, taken on the 24th day of September,
2016, and the corrections I desire to make are
as indicated on the attached Errata Sheet.

CERTIFICATE

STATE OF FLORIDA)
COUNTY OF)

Before me personally appeared

_____,
to me well known / known to me to be the
person described in and who executed the
foregoing instrument and acknowledged to and
before me that he executed the said instrument
in the capacity and for the purpose therein
expressed.

Witness my hand and official seal, this
_____ day of _____, _____.

(Notary Public)

My Commission Expires:



EXHIBIT 10
(File Under Seal)

GIUFFRE

VS.

MAXWELL

Deposition

STEVEN W OLSON

05/26/2016

Agren Blando Court Reporting & Video, Inc.

216 16th Street, Suite 600

Denver Colorado, 80202

303-296-0017

Agren Blando Court Reporting & Video, Inc.

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 15-cv-07433-RWS

CONFIDENTIAL DEPOSITION OF DR. STEVEN W. OLSON
May 26, 2016

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

APPEARANCES:

S.J. QUINNEY COLLEGE OF LAW, UNIVERSITY OF UTAH

By Paul G. Cassell, Esq.

383 S. University Street

Salt Lake City, UT 84112

Phone: 801.585.5202

Cassellp@law.utah.edu

Appearing on behalf of the

Plaintiff

HADDON, MORGAN AND FORMAN, P.C.

By Laura A. Menninger, Esq.

150 East 10th Avenue

Denver, CO 80203

Phone: 303.831.7364

lmenninger@hmflaw.com

Appearing on behalf of the

Defendant

1 Pursuant to Subpoena, Notice and the
2 Federal Rules of Civil Procedure, the DEPOSITION OF
3 DR. STEVEN W. OLSON, called by Defendant, was taken
4 on Thursday, May 26, 2016, commencing at 8:54 a.m.,
5 at 150 East 10th Avenue, Denver, Colorado, before
6 Kelly A. Mackereth, Certified Shorthand Reporter,
7 Registered Professional Reporter, Certified Realtime
8 Reporter and Notary Public within Colorado.

9 * * * * *

10 I N D E X

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INDEX OF EXHIBITS

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| Exhibit 1 Authorization for the Release and Disclosure of Protected Health Information and Medical Records | 7 |
| Exhibit 2 Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action | 7 |
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| Exhibit 4 Document titled Centura Health Physician Group Patient Information | 40 |
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| Exhibit 7 Document titled Patient Health Summary from Central Coast Family Medicine | 105 |

1 Q All right. Do you know how you came to be
2 the doctor for Virginia Giuffre?

3 A No. I -- she would have filled out a new
4 patient packet and showed up for a new patient
5 appointment for a particular reason. I reviewed it.

6

7

8 Q Do you know where that new patient packet
9 is now?

10 A It's going to be scanned in the computer.
11 If you don't have it, I brought my computer. I can
12 probably scan it and print it out or just print it
13 out.

14 Q Is that among the documents that you have
15 next to you?

16 A The new patient packet isn't here, but I
17 have it -- I should have it on my computer. I could
18 probably log in and print it, to be honest. It
19 wouldn't be that hard. I assumed that the hospital
20 is taking care of all the documentation that was
21 requested. So I didn't actually bring it.

22 Q I understand.

23 A I actually have it, happen to have it with
24 me.

25 Q All right. Why don't we -- we can

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1 probably do that when we take a break in just a few
2 minutes, and I can tell you how to get on the
3 Internet and we'll see if that works.

4 A Um-hum.

5 Q Do you know how many times that you saw
6 Virginia Giuffre?

7 A Once.

8 Q Do you know whether she was referred to
9 you by another doctor?

10 A No.

11 Q Do you mean no, you don't know or --

12 A I have no idea. I have no idea. I don't
13 know why she would have been referred. Most the time
14 people are referring out.

15 Q Right.

16 A They don't refer back to a general
17 practitioner.

18 Q No one ever refers anyone to you?

19 A It generally goes the other direction.
20 Well, other patients might refer people to me, and
21 that happens, but --

22 Q Okay. Do you know if you treat
23 Ms. Giuffre's children in your practice?

24 A Not that I'm aware of.

25 Q Do you know a woman by the name of Lynn

Agren Blando Court Reporting & Video, Inc.

1 Miller?

2 A I know several Millers.

3 Q Who works at Saint Thomas More Hospital?

4 A I think so, yeah. That sounds familiar,
5 yeah.

6 Q Do you know her professionally?

7 A Not really.

8 Q Okay.

9 A I mean, her name sounds familiar.

10 Q Do you know of any connection between Lynn
11 Miller and Virginia Giuffre?

12 A None. I have met Virginia once. I only
13 saw her once, a year ago. That's the extent of my --

14 Q Have you ever read any media reports about
15 Ms. Giuffre?

16 A No. No, I haven't. I don't know anything
17 about it.

18 Q Okay. Do you know how long --

19 A She -- I believe she mentioned that it was
20 some kind of -- mentioned something about being a
21 famous sexual abuse something.

22 Q You haven't read any of the reports?

23 A I have no idea.

24 Q Okay. I'm just trying to establish your
25 sources information.

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1 A Yeah.

2 Q So if you had information about
3 Ms. Giuffre, other than your visit --

4 A Yeah.

5 Q -- do you know another source?

6 A No.

7 Q From family members?

8 A No.

9 Q From community members, anything?

10 A Nothing.

11 Q Do you know how long your visit with her
12 lasted?

13 A It -- sometimes I document time spent, but
14 not always. I mean, it's not important. They're
15 half-hour visits typically. It would have been a
16 half hour or less, I would expect.

17 Q All right. Before looking at your
18 records, is there anything about Ms. Giuffre that you
19 recall just from the top of your head?

20 I understand you see many, many patients
21 and this was a year ago. So you tell me.

22 A Nothing. I saw her once. And when I went
23 back and read the note, I went, Oh, yeah, I remember
24 someone mentioning about being in a sexual abuse
25 trial or something, some kind of sexual abuse thing.

1 Q That's the only unusual part that stuck
2 out?

3 A Yeah, and I don't really remember anything
4 about her at all, actually, I don't.

5 Q Do you know what she looks like?

6 A No, I don't remember. It was one time a
7 year ago. I don't remember.

8 Q I understand. Okay. If it's okay with
9 you, I would like to take a break and see if we can
10 pull up the other records because I don't want to go
11 through my questions and then go back and look at
12 those records. I'd rather do it one time.

13 A Okay.

14 Q Is that all right?

15 A Yeah, I'm fine with that.

16 MS. MENNINGER: All right. Let's go off
17 the record.

18 (Recess taken from 9:41 a.m. to
19 10:07 a.m.)

20 (Exhibit 4 marked.)

21 Q (BY MS. MENNINGER) So we're back on the
22 record. All right.

23 I'm going to give you a document marked as
24 Exhibit 4. And I'm going to make a small record
25 about what just took place off the record, which is

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1 that you, as I understand it, and tell me if I'm
2 wrong, have access to medical records from your
3 office on your laptop, correct?

4 A Yes.

5 Q Okay. And you were able to get on your
6 laptop and print out records related to Ms. Giuffre
7 that you had on that laptop, correct?

8 A Yes.

9 Q And we printed that out and made copies
10 for everyone here, and that's what you see in front
11 of you as Exhibit 4, correct?

12 A Yes.

13 Q We made those printouts on a portable
14 printer. So they're not the best quality, correct?

15 A Correct.

16 Q And some portions are not printing out as
17 well?

18 A Yes.

19 Q And you, I think, would be okay with
20 sending us a more complete set later?

21 A Yes.

22 Q All right. I'm going to take just a
23 minute to review it.

24 Can you tell us what the records that you
25 just printed out in Exhibit 4 represent?

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1 A Generally it's demographics information
2 and then a list of medications, a list of surgeries,
3 a list of family medical history, and then a list of
4 physical complaints that there's some -- it's called
5 review of systems, things someone has been feeling
6 and self-reported in the last two weeks.

7 Q Okay. So is this typically -- is this
8 patient information document typically in the
9 patient's handwriting?

10 A Yes.

11 Q And I presume you don't know Ms. Giuffre's
12 handwriting?

13 A No.

14 Q But it's a practice to ask the patient to
15 fill these forms out?

16 A Yes, and then have it there before their
17 appointment.

18 Q All right. So if I see the date reflected
19 on the top of the first page as May 21st, 2015 --

20 A Um-hum.

21 Q -- do you believe that to be the date that
22 you actually saw Ms. Giuffre?

23 A Probably, yes.

24 Q Okay.

25 A Sometimes people will bring it in early,

1 but yeah.

2 Q Okay. Why don't we go ahead and mark
3 Exhibit 5, which will be helpful as we're going
4 through this.

5 (Exhibit 5 marked.)

6 Q (BY MS. MENNINGER) And I'm going to ask
7 you to keep 4 and 5 kind of close by, and we'll talk
8 about them.

9 Do you recognize Exhibit 5?

10 A Yes. That's the visit note.

11 Q And the visit note of Ms. Giuffre's visit
12 with you?

13 A Yes.

14 Q In your office?

15 A Yes.

16 Q And after looking at Exhibit 5, can you
17 tell what date it is that you actually saw
18 Ms. Giuffre?

19 A 5/21/2015.

20 Q Okay. Is that also the same date as the
21 patient intake form --

22 A Yes.

23 Q -- in Exhibit 4?

24 A Yes.

25 Q All right. Do you recall whether you

1 STATE OF COLORADO)

2) ss. REPORTER'S CERTIFICATE

3 COUNTY OF DENVER)

4 I, Kelly A. Mackereth, do hereby certify
5 that I am a Registered Professional Reporter and
6 Notary Public within the State of Colorado; that
7 previous to the commencement of the examination, the
8 deponent was duly sworn to testify to the truth.

9 I further certify that this deposition was
10 taken in shorthand by me at the time and place herein
11 set forth, that it was thereafter reduced to
12 typewritten form, and that the foregoing constitutes
13 a true and correct transcript.

14 I further certify that I am not related to,
15 employed by, nor of counsel for any of the parties or
16 attorneys herein, nor otherwise interested in the
17 result of the within action.

18 In witness whereof, I have affixed my
19 signature this 31st day of May, 2016.

20 My commission expires April 21, 2019.

21
22
23 Kelly A. Mackereth, CRR, RPR, CSR
24 216 - 16th Street, Suite 600
25 Denver, Colorado 80202

Agren Blando Court Reporting & Video, Inc.

1 AGREN BLANDO COURT REPORTING & VIDEO, INC.
216 - 16th Street, Suite 600
2 Denver, Colorado 80202
4450 Arapahoe Avenue, Suite 100
3 Boulder, Colorado 80303

4

5

6

DR. STEVEN W. OLSON
May 26, 2016
Giuffre v. Maxwell
Case No. 15-cv-07433-RWS

7

8

9

10 The original deposition was filed with
11 Laura Menninger, Esq., on approximately the
12 31st day of May, 2016.

12

13 Signature waived.

13

14 Unsigned; signed signature page and
15 amendment sheets, if any, to be filed at
16 trial.

15

16 Reading and signing not requested pursuant
17 to C.R.C.P. Rule 30(e).

16

17 Unsigned; amendment sheets and/or signature
18 pages should be forwarded to Agren Blando to
19 be filed in the envelope attached to the
20 sealed original.

19

20

21 Thank you.

21

22 AGREN BLANDO COURT REPORTING & VIDEO, INC.

22

23 cc: All Counsel

23

24

25

EXHIBIT 2
(File Under Seal)

Meredith Schultz

From: Bernadette Martin <bernadette@mbe-accounting.com.au>
Sent: Monday, June 27, 2016 10:33 PM
To: Meredith Schultz
Subject: Virginia Giuffre

Dear Sir/Madam

Ms Judith A Lightfoot has requested I forward this to you:

This will serve to advise all records of a psychological nature have been presented.

Judith A Lightfoot
Consulting Psychologist
28 June 2016

Kind Regards

Bernadette Martin

Ph: 02 43533630
Fax: 02 43533629
Bernadette@mbe-accounting.com.au



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TUGGERAH 2259
PO Box 3435, TUGGERAH 2259

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

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**PLAINTIFF'S CORRECTED¹ RESPONSE IN OPPOSITION TO DEFENDANT'S
MOTION FOR DEFENDANT'S RULE 37(b) &(c) SANCTIONS FOR FAILURE TO
COMPLY WITH COURT ORDER AND FAILURE TO COMPLY WITH RULE 26(a)**

¹ Due to inadvertence, one of the medical providers Ms. Giuffre disclosed to Defendant, and from whom she diligently sought medical records as far back as March of this year, Dr. Mona Devanesan, was left off of Ms. Giuffre's medical provider chart. It has been added in this version of the brief for increased accuracy. There are no other changes.

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INTRODUCTION

As more and more witnesses come forward testifying about Defendant's involvement in the sexual abuse of young girls, Defendant's discovery arguments have become more removed from the merits of this case and increasingly strident in their tone. The latest example of this genre is the instant motion in which the Defendant boldly proclaims that Ms. Giuffre is "playing a game of catch and release" by deliberately "withholding information" regarding her medical care. Yet the basis for these strong charges turns out to be nothing more than the fact that, when asked to produce a listing of medical care providers that Ms. Giuffre has seen in the last seventeen years – during a period of time when she lived in Australia, then Florida, then Colorado, finally returning to Australia – she was unable to recall all of the providers. Ms. Giuffre and her attorneys have worked diligently to provide this listing to Defendant and, as new information has become available, or as Ms. Giuffre has been able to recall another provider, the information has been disclosed. Indeed, Ms. Giuffre signed every medical records release that Defendant requested. There has been no deliberate "withholding" of information, much less withholding of information that would warrant the extreme sanction of precluding Ms. Giuffre from presenting her claims to a jury.

Moreover, this baseless motion for sanctions comes on the heels of disturbing testimony corroborating what lies at the core of this case – Defendant was involved in facilitating the sexual abuse of young girls with Jeffrey Epstein. One witness, Rinaldo Rizzo, was in tears as he recounted Defendant bringing a 15-year-old girl to his employer's home who, in utmost distress, told him that Defendant stole the young girl's passport and tried to make her have sex with

Epstein, and then threatened her.² Mr. Rizzo also testified that he watched Maxwell direct a room full of underage girls to kiss, dance, and touch one another in a sexual way for Defendant and Epstein to watch.³ Another witness, Joanna Sjoberg, testified that Defendant recruited her from her school campus to have sex with Epstein with lies about being her personal assistant.⁴ Two other witnesses, one an underage victim (██████████) and the other, the police detective who ultimately ended up investigating Epstein (Detective Joseph Recarey, Retired), gave testimony about how Epstein used other women to recruit minors to have sex with him.⁵ Most recently, a witness testified that Defendant would call him and ask him to bring over young girls that she would provide to Epstein. *See* McCawley Decl. at Exhibit 9, *ROUGH* Deposition Transcript of Tony Figueroa at 162:8-19. It is against this backdrop that Defendant has filed a motion seeking sanctions. The motion is a transparent effort to deflect attention from the merits of Ms. Giuffre’s claim by inventing “willful” discovery violations and should be rejected in its entirety.

FACTUAL BACKGROUND

I. MEDICAL PROVIDER IDENTITIES

As the Court is aware, Defendant has requested that Ms. Giuffre provide the names and medical records of every medical provider she has ever had, for any type of treatment, since 1999. This would be no easy task for anyone, and Ms. Giuffre has had many medical providers

² *See* McCawley Decl. at Exhibit 1, Excerpts from the June 10, 2016 Deposition of Rinaldo Rizzo.

³ *Id.*

⁴ *See* McCawley Decl. at Exhibit 2, Excerpts from the May 18, 2016 Deposition of Joanna Sjoberg.

⁵ *See* McCawley Decl. at Exhibits 3 and 4, Excerpts from the June 20, 2016 Deposition of ██████████ and Excerpts from the June 21, 2016 Deposition of Joseph Recarey.

in multiple locations. So she and her legal counsel have worked diligently to track them down through a search that has spanned nearly two decades and two continents.

Ms. Giuffre made her initial disclosures on this subject in an answer to an interrogatory that she served on April 29, 2016. Ms. Giuffre listed 15 health care providers that she could recall at the time. Four days later, on May 3, 2016, Defendant deposed Ms. Giuffre. During the deposition, Ms. Giuffre's memory was jogged and she was able to recall two additional providers: Judith Lightfoot and Dr. Christopher Donahue.⁶

Defendant, however, seeks to magnify the innocent recollection of two additional providers at Ms. Giuffre's deposition by misleadingly claiming that "[i]t is only through deposition testimony that Ms. Maxwell became aware of *at least five* - if not more - treating health care physicians." (Mtn. at 1). This claim, too, is inaccurate. Beyond Ms. Lightfoot and Dr. Donahue, Defendant apparently adds to the list of "withheld" doctors by referring to treating physicians who cared for Ms. Giuffre on a one-off basis in the Emergency Room. It is unsurprising that a patient would have trouble remembering an emergency room physician's name. But the real point here is that, in any event, the information was disclosed through documents produced, so there is absolutely no "failure to disclose" as Defendant wrongfully alleges. *See* Centura Health Records (GIUFFRE005498-005569).

Defendant then states that, in her deposition, "Ms. Giuffre claims she was not treated by any other physicians," and then states that other records revealed "three *additional* health care

⁶ Defendant's argument that Ms. Giuffre was trying to "hide" these providers is illogical and wholly contradicted by the fact that Ms. Giuffre disclosed these providers. Defendant never explains how Ms. Giuffre can be "hiding" providers while testifying about them and producing their records.

professionals who treated Plaintiff, including Dr. Scott Robert Geiger, Dr. Joseph Heaney,⁷ and Donna Oliver P.A.” (Mtn. at 4, emphasis original). [REDACTED]

[REDACTED]

Defendant is trying to make it seem as if Ms. Giuffre deliberately hid the names of treating physicians in the Emergency Room. As stated above, Ms. Giuffre produced these records so she is clearly not hiding anything. Not learning, not knowing, or not remembering off the top of one’s head the names of Emergency Room staff encountered during a medical emergency is not only unsurprising and understandable, but is also not a discovery violation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Here, Defendant attempts to make something out of nothing. This is particularly true as *Ms. Giuffre made these records available to Defendant*. As evidenced by the details recounted in Defendant’s brief, Ms. Giuffre produced these Emergency Room records to Defendant, and therefore, she is wholly compliant in her discovery obligations.⁸

⁸ Indeed, Ms. Giuffre did not merely sign releases for the release of these records, but Ms. Giuffre’s counsel spent considerable time and effort in attempts to procure these records for Defendant, as detailed in Ms. Giuffre’s counsel’s correspondence. *See McCawley Decl.* at Composite Exhibit 5, May 2016 Emails from Meredith Schultz to Laura Menninger.

Additionally, Defendant's motion lists 15 providers⁹ Ms. Giuffre gave to Defendants in her interrogatories (Mtn. at 3), but then states that "Plaintiff failed therein to identify any treatment providers prior to the alleged defamation, despite the Court's order concerning 1999-2015." (Mtn. at 4). This statement, too, is wildly incorrect. Of the list of 15 providers, the overwhelming majority of them are providers "prior to the alleged defamation."¹⁰ For example, Ms. Giuffre produced records from N.Y. Presbyterian Hospital. (GIUFFRE003258-3290). Not only do the dates on the records (e.g., July 9, 2001) demonstrate they are prior to the defamation, but Defendant has independent knowledge that this provider pre-dates Defendant's defamation. Indeed, *Defendant is the one who brought her to that hospital, while she was a minor.* Therefore, Defendant's statement in her brief that "Plaintiff failed therein to identify any treatment providers prior to the alleged defamation, despite the Court's order concerning 1999-2015" (Mtn. at 4) is inaccurate.

Defendant continues with another misleading statement: "As of today's date . . . and 10 days before the end of fact discovery in this case, Ms. Maxwell has learned of at least five additional doctors" (Mtn. at 5), and then, again, names Ms. Lightfoot, Dr. Geiger, Dr. Heaney, Donna Oliver P.A., and Dr. Streeter. Defendant did not learn of these providers 10 days prior to the close of discovery, but much earlier, as the previous page of Defendant's brief recounts.

⁹ (1) Dr. Steven Olson; (2) Dr. Chris Donahue; (3) Dr. John Harris; (4) Dr. Majaliyana; (5) Dr. Wah Wah; (6) Dr. Sellathuri; (7) Royal Oaks Medical Center; (8) Dr. Carol Hayek; (9) NY Presbyterian Hospital; (10) Campbelltown Hospital; (11) SydneyWest Hospital; (12) Westmead Hospital; (13) Dr. Karen Kutikoff; (14) Wellington Imaging Associates; (15) Growing Together.

¹⁰ Providers from that list that treated Ms. Giuffre *prior to Defendant's defamation* include: (1) Dr. John Harris; (2) Dr. Majaliyana; (3) Dr. Majaliyana; (4) Dr. Wah Wah; (5) Dr. Sellathru; (6) Royal Oaks Medical Center; (7) Dr. Carol Hayek; (8) NY Presbyterian Hospital; (9) Sydney West Hospital; (10) Westmead Hospital; (12) Wellington Imaging Associates; (13) Growing Together.

Defendant's next statement is equally misleading "documents relating to these doctors were not provided until after their identities became known through deposition or other independent investigation by Ms. Maxwell." (Mtn. at 5). Their identities became known to Defendant because Ms. Giuffre disclosed the name of Ms. Lightfoot in her deposition, and because Ms. Giuffre herself produced emergency room records to Defendant – documents bearing the names of the other providers. Accordingly, these five additional names were provided to Defendant by Ms. Giuffre herself, through (1) *her* deposition testimony; and (2) *her* document production.

Defendant is now asking this Court to enter extraordinary sanctions because those names were not provided in response to an interrogatory, *but, instead, were provided through Ms. Giuffre's testimony and Ms. Giuffre's document production*. This is an improper request. It is unsurprising that Defendant cannot cite to a single case in which any type of sanctions were awarded under even remotely similar circumstances. Indeed, the purpose of the various aspects of discovery provided by Rule 26(a)(5), Fed. R. Civ. P., is to provide more fulsome information. *C.f. In re Dana Corp.*, 574 F.3d 129, 150 (2d Cir. 2009) ("the various discovery methods are more complementary than fungible"). Here, Ms. Giuffre provided her medical information through interrogatory response, through testimony, and through document production. Ms. Giuffre has met her obligation under both this Court's Order and Rule 26. There has been no failure to disclose: Ms. Giuffre provided the names and testified about her treatment. Accordingly, this motion should be denied in its entirety.

II. MEDICAL RECORDS

Defendant states that Plaintiff has failed to produce any records from (a) Dr. Donahue, (b) Dr. Hayek, (c) Dr. Kutikoff, (d) Wellington Imaging Assocs., (e) Growing Together, (f) post

2011 records from Ms. Lightfoot, and (g) the remaining documents for treatment by Dr. Olson. (Mtn. at 5). This is also incorrect. There has been no “failure,” as discussed, in turn, below. Moreover, if records from any providers have not been produced, it is not Ms. Giuffre’s “failure,” but rather, the failure of the providers, particularly as Ms. Giuffre has executed releases for her records from all these providers. Ms. Giuffre and her counsel have been diligent in compiling nearly two decades of medical records from various states and countries. The chart below provides an overview the efforts undertaken by Ms. Giuffre and the production to Defendant as a result.

| MEDICAL PROVIDER | HEALTHCARE PROVIDED | ACTION TAKEN | RELATED GIUFFRE PRODUCTION |
|--------------------------------|--------------------------|---|--|
| Dr. Olsen | Primary Care Physician | 3/8/16 Letter Request | Giuffre 005342-005346 St. Thomas More Hospital Records (Dr. Olsen) Giuffre 005492-005496 St. Thomas More Hospital Records (Dr. Olsen) |
| Centura Health | [REDACTED] | 5/23/16 Letter Request | Giuffre 005498 Centura Health Release Form (All Medical Records) Giuffre 005501-005569 Responsive Records (Centura Health) |
| Dr. Carol Hayek | Psychiatrist | 3/8/16 Ltr Request 4/28/16 Ltr Request | Giuffre and counsel contacted physician’s office via telephone and email to follow up. |
| Dr. Chris Donahue | [REDACTED] | 4/5/16 Ltr Request | Giuffre 006631-006635 (Dr. Donahue) |
| Dr. John Harris/Dr. Majliiyana | [REDACTED] | 4/5/16 Ltr Request | Giuffre 005315 005322 The Entrance Medical Centre (Dr. John Harris and Dr. Darshanee Mahaliyana) |
| Dr. Wah Wah | [REDACTED] | 4/5/16 Ltr Request | Giuffre 005339 005341 Central Coast Family Medicine (Dr. Wah Wah) |
| Dr. Sellathuri | [REDACTED] | 4/5/16 Ltr Request | Giuffre 005089 005091 (“Dr. M. Sella”) |
| Royal Oaks | Has no treatment records | 4/5/16 Ltr | Giuffre 005347 005349 Royal Oaks |

| MEDICAL PROVIDER | HEALTHCARE PROVIDED | ACTION TAKEN | RELATED GIUFFRE PRODUCTION |
|--|---------------------|---|--|
| Medical Center | | Request | Medical Center's Response (No Records) |
| NY Presbyterian Hospital | [REDACTED] | Produced | Giuffre 003258 003290 New York Presbyterian Hospital |
| Campbelltown Hospital/ Sydney West Hospital | [REDACTED] | Produced | Giuffre 003193 003241 Camselltown Hospital/Camden Hospital (Dr. Elbeaini) Giuffre 003242 003257 Macarthur Health Service (Dr. Elbeaini) |
| Sydney West Hospital / Westmead Hospital | [REDACTED] | Produced | Giuffre 003291-003298 Sydney West/Westmead Hospital |
| Dr. Karen Kutikoff | | Release Provided to Defendant's Counsel | 04/29/16 Sent via e-mail signed release to Menninger (obtain records directly). |
| Wellington Imaging Associates | | Release Provided to Defendant's Counsel | 04/29/16 Sent via e-mail signed release to Menninger (obtain records directly). |
| Growing Together | | Release Provided to Defendant's Counsel | 04/29/16 Sent via e-mail signed release to Menninger (obtain records directly). |
| Ms. Judith Lightfoot | Psychologists | 5/4/16 Ltr Request | Giuffre 005431-005438 Medical Release Form with documents (Ms. Lightfoot) Giuffre 006636 Correspondence stating no further records available. |
| Dr. Mona Devanesan | [REDACTED] | 3/28/16 Ltr Request | Evidence of efforts to obtain records and of Dr. Devanesan's retirement were produced as GIUFFRE005335-5338. |
| Dr. Scott Robert Geiger | [REDACTED] | ER Treating Physician | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |
| Dr. Joseph Heaney | [REDACTED] | ER Treating Physician | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |
| Donna Oliver, PA | [REDACTED] | ER Treating Physician Referral ENT | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |

| MEDICAL PROVIDER | HEALTHCARE PROVIDED | ACTION TAKEN | RELATED GIUFFRE PRODUCTION |
|----------------------|---------------------|-----------------------|---|
| Dr. Michele Streeter | [REDACTED] | ER Treating Physician | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |

Accordingly, as the Court can see with reference to the Bates labels in the above chart, Ms. Giuffre has been compliant in producing her medical records. Indeed, she has signed releases for all records requested by Defendant, and has produced all records released by the providers. In addition to signing all releases for medical providers requested by Defendant, the work associated with compiling the records and following up with providers (as shown by the above chart) clearly demonstrates Ms. Giuffre's good faith and persistence in her deliberate and thorough pursuit of providing Defendant with her medical records. That is reason alone to deny Defendant's unsupported request for sanctions.

A. Dr. Donahue

Plaintiff dutifully signed a release for medical records and provided it to Dr. Donahue on April 5, 2016, and sent a copy to the Defendant so counsel was on notice of the efforts being taken to secure medical records. *See* McCawley Decl. at Composite Exhibit 6, Dr. Donahue letter and Release Form. Ms. Giuffre's counsel has received records from Dr. Donahue since the Defendant filed the instant motion, and immediately provided those records to Defendant. *See* chart above, GIUFFRE00006631-006635.

B. Dr. Hayek

Dr. Hayek treated Ms. Giuffre over seven years ago. Ms. Giuffre signed a release form for Dr. Hayek's records, sent the release form on March 8, 2016, and provided a copy of the form to Defendant. Having not received any records, the undersigned sent a follow-up letter to

Dr. Hayek on April 28, 2016, to request the records. Upon information and belief, Dr. Hayek does not keep patient's medical records for longer than seven years, and, therefore, no longer has any records pertaining to Ms. Giuffre. Ms. Giuffre *and her counsel* have made inquiries to Dr. Hayek's office via telephone and email, but, to date, have not received any response. Again, Ms. Giuffre has no input on Dr. Hayek's document retention policies, and therefore, the lack of production of records from Dr. Hayek cannot be attributed to Ms. Giuffre.

C. Dr. Kutikoff, Wellington Imaging Associates (“Wellington Imaging”), and Growing Together

Plaintiff provided Defendant's counsel executed medical release forms for Dr. Kutikoff, Wellington Imaging, and Growing Together on April 29, 2016. *See* McCawley Decl. at Composite Exhibit 7. Accordingly, Ms. Giuffre has no direct knowledge as to what, if anything, these three providers produced to Defendant's counsel. Ms. Giuffre has done everything in her power to make them available to Defendant, a fact that Defendant cannot dispute. Again, there has been no “failure” by Ms. Giuffre here, as Ms. Giuffre has signed and sent the necessary release forms for the records *to be sent directly to Defendant*.¹¹

D. Ms. Lightfoot

Defendant admits that Ms. Giuffre produced Ms. Lightfoot's records in footnote 4 of her brief on page 11, yet on page 16, Defendant wrongfully states Plaintiff has not produced Dr. Lightfoot's records. Despite the self-contradictory briefing, Ms. Lightfoot has produced records. *See* chart above, Giuffre005431-005438, Medical Release Form with documents. As with the other providers, Ms. Giuffre has executed and sent medical records release forms to Ms. Lightfoot, and has thus met her discovery obligations. To follow up on Defendant's wrongful

¹¹ Upon information and belief, Ms. Lightfoot is not a medical doctor, but an Australian “Consulting Psychologist.”

claims that Ms. Giuffre has somehow “withheld” more current records (despite executing a release for *all* records); Ms. Giuffre followed up with Ms. Lightfoot, who provided to Ms. Giuffre’s counsel correspondence stating that she has produced all of Ms. Giuffre’s records (*see* chart above, Giuffre006636), thereby indicating that she does not keep more current records.

E. Dr. Olson

Defendant claims that Ms. Giuffre failed to produce “the remaining documents for treatment by Dr. Olson,” but this is a wild inaccuracy. (And, Ms. Giuffre would refer the Court to a short excerpt from Dr. Olson’s deposition in which Dr. Olson explains in his own words his production. *See* McCawley Decl. at Exhibit 10, Dr. Olson Deposition Excerpt.) First, Ms. Giuffre signed a release for *all* records that Dr. Olson had. *See* McCawley Decl. at Composite Exhibit 6, March 8, 2016, Release for Dr. Olson records. Dr. Olson produced records Bates labeled GIUFFRE005342-005346 and GIUFFRE005492-005496. Dr. Olson then testified in his deposition that he kept a record on his laptop that was not a part of the medical records produced by his hospital. *Id.* During the deposition, he printed that record and gave it to Defendant’s counsel. *Id.* Now, Defendant’s counsel is claiming that this set of facts constitutes a discovery violation that warrants sanctions. There is no failure to produce here. Ms. Giuffre executed a medical release that provided for all of Ms. Giuffre’s medical records with regard to Dr. Olson, and records were produced. It was Dr. Olson who failed to include his “laptop records” among the records that were produced.

Ms. Giuffre knew nothing of the “laptop records” until Dr. Olson’s deposition, and Dr. Olson provided them at that time, a fact Defendant admits in a footnote in her Motion to Reopen Ms. Giuffre’s Deposition. In that brief, Defendant complains that they were not “produced” until after Ms. Giuffre was deposed. That is a distortion. Defendant already had such documents from

Dr. Olson himself. Ms. Giuffre included those documents *that both sides received in the deposition* as part of her next production, so that they would bear a Bates label for tracking purposes. It was a formality since both sides already had the record. Defendant states: “Despite requests, legible copies have not been provided.” Defendant uses the passive voice here, presumably to avoid making clear the fact that the requests for legible copies would need to be made to Dr. Olson, who controls the records, not to Ms. Giuffre, who long ago authorized the release of all records. The existence of a record that a witness failed to produce prior to a deposition is not a discovery violation from Ms. Giuffre.

III. MS. GIUFFRE HAS PROVIDED DISCOVERY IN ACCORDANCE WITH HER DISCOVERY OBLIGATIONS

The fact is that Ms. Giuffre has executed a release form for each and every medical care provides that Defendant asked for. Defendant cannot contradict this statement. Ms. Giuffre produced medical records she had in her possession (such as New York Presbyterian records), early in discovery. From that point, other medical records were sought and obtained, with Ms. Giuffre facilitating their production from the providers by executing and sending release forms and paying all applicable fees for their release. Moreover, counsel for Ms. Giuffre has kept Defendant fully apprised of such efforts, even giving Defendant copies of all releases that have been issued, and providing updates on Ms. Giuffre’s continued efforts to obtain medical records beyond signing releases. *See* McCawley Decl. at Composite Exhibits 5 and 6.

Executing and sending medical release forms to all of the medical providers satisfies Ms. Giuffre’s discovery obligations with regard to her medical records, and Defendant cannot cite to a case that states otherwise. *See, e.g., Candelaria v. Erickson*, 2006 WL 1636817, at *1 (S.D.N.Y. 2006) (requiring the execution of updated medical release forms to satisfy discovery

obligations). The fact that Defendant has presented this weak tea to the Court - concerning the actions of third-parties Ms. Giuffre does not control - shows just how baseless the motion is.

IV. DEFENDANT CAN SHOW NO PREJUDICE

Defendant claims to be prejudiced because a small fraction of the medical providers were revealed at Ms. Giuffre's deposition, four days after her interrogatory response. This argument is moot. Ms. Giuffre has agreed to reopen her deposition for Defendant's questions regarding those medical providers. Second, Defendant intimates, but does not actually claim, that she wants to depose Ms. Lightfoot, and states that there is not sufficient time: "arranging for and taking the deposition of Ms. Lightfoot . . . is nearly impossible," suggesting to the Court that there is some prejudice to Defendant there. (Mtn. at 11). However, Defendant's behavior (and a close reading of Defendant's brief) suggests that Defendant doesn't actually want to depose Ms. Lightfoot; instead, she just wants to *appear to the Court* as prejudiced by not taking her deposition. First, Defendant *never noticed her deposition* despite knowing her identity for nearly two months - since May 3, 2016. Second, Defendant is careful not to claim in her brief that she *actually wants to depose Ms. Lightfoot*, all the while suggesting that she has suffered some prejudice with respect to not taking Ms. Lightfoot's deposition. Defendant's lack of actual desire to take her deposition stems from the 2011 records Ms. Lightfoot produced - records predating Defendant's defamation by years. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] This is the reason Defendant is careful not to claim in her brief that she

actually wanted to depose [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Defendant's claims concerning deposing Dr. Donahue are similarly specious. First, despite knowing about Dr. Donahue since at least April 29, 2016 (a fact she admits in her brief "Dr. Donahue may have been named" (Mtn. at 16)): Defendant has never issued a Notice of Deposition for Dr. Donahue. Defendant cannot claim any prejudice with respect to Dr. Donahue.

Additionally, Defendant acts in bad faith when she claims that medical records from Dr. Donahue were "purposefully hidden by Plaintiff" (Mtn. at 11) when Defendant knows that Ms. Giuffre executed and sent a medical release for Dr. Donahue on April 5, 2016, for all of his records. *See* McCawley Decl. at Composite Exhibit 6, Dr. Donahue Medical Release. As stated above, this argument is moot because the records concerning Dr. Donahue (and other providers at his practice) have been produced to Defendant.

Finally, though Ms. Giuffre does not control how quickly providers respond to her releases (though her counsel has spent considerable time following-up with providers, urging their speedy release, and paying all applicable fees), Ms. Giuffre has agreed to reopen her deposition for questions concerning provider records that were produced subsequent to her deposition. Therefore, Ms. Giuffre has eliminated any prejudice Defendant could claim to suffer with respect to taking Ms. Giuffre's deposition. *See* Giuffre006631-006635.

A factor relevant to the appropriateness of sanctions under Rule 37 for discovery violations is the "prejudice suffered by the opposing party." *Design Strategy, Inc. v. Davis*, 469

F.3d 284, 296 (2d Cir. 2006). Here, Defendant cannot claim any prejudice resulting from her empty claims of “discovery violations.” Accordingly, sanctions are inappropriate.

V. MS. GIUFFRE HAS BEEN FULLY COMPLIANT IN DISCOVERY

It is the Defendant in this case that has failed to comply with discovery at every turn. Defendant has refused to produce any documents whatsoever without this Court entering an Order directing her to do so. The only reason Plaintiff has documents from Defendant at all is because of this Court’s denial of Defendant’s stay requests and the Court’s rulings on Ms. Giuffre’s Motion to Compel for Improper Claim of Privilege (wherein Defendant was ordered to turn over documents that did not even involve communications with counsel) and her Motion to Compel for Improper Objections. Even then, Defendant’s counsel refused to even take the routine step of looking at Defendant’s email and other electronic documents to find responsive documents, but produced, instead, only what Defendant wanted to produce. Ms. Giuffre had to bring a Motion for Forensic Examination and the Court had to order that Defendant’s counsel actually produce documents from Defendant’s electronic documents, something that has not yet been done to date. Indeed, Defendant did not make her initial disclosure until February 24, 2016 several months *after* the deadline for these disclosures. Additionally, while Ms. Giuffre started her efforts to take the Defendant’s deposition in February, 2016, Defendant did not actually sit for her deposition until after being directed to do so by the Court, on April 22, 2016.

Furthermore, during the deposition, Defendant refused to answer a myriad of questions, and therefore, this Court recently ordered Defendant to sit for her deposition again. *See* June 20, 2016, Order resolving eight discovery motions entered under seal and granting Plaintiff’s Motion to Compel Defendant to Answer Deposition Questions (D.E. 143).

Ms. Giuffre has had to litigate, multiple times, for Defendant to make any document production, and Ms. Giuffre has had to litigate, also multiple times, for Defendant to be deposed. *See* Plaintiff's Response in Opposition to Defendant's Motion to Stay Discovery (DE 20); Plaintiff's February 26, 2016, Letter Motion to Compel Defendant to Sit for Her Deposition; Plaintiff's Motion to Compel Documents Subject to Improper Claim of Privilege (DE 33); Plaintiff's Motion to Compel Documents Subject to Improper Objections (DE 35); Plaintiff's Response in Opposition to Defendant's Motion for a Protective Order Regarding Defendant's Deposition (DE 70); Plaintiff's Motion for Forensic Examination (DE 96); Plaintiff's Motion to Compel Defendant to Answer Deposition Questions (DE 143). Ms. Giuffre has had to expend considerable time and resources simply to have Defendant meet her basic discovery obligations in this case.

Now, having completely stonewalled on discovery, making every produced document and even her own deposition the result of extensive and unnecessary litigation, taking positions that are contrary to the Federal Rules and wholly contrary to prevailing case law, Defendant claims that Ms. Giuffre has been "non-compliant since the outset of discovery." (Mtn. at 11). This statement is completely inaccurate.

Defendant makes a number of unsubstantiated claims regarding law enforcement materials, photographs, and email accounts. Most of these issues have been resolved pursuant to this Court's orders. *See* June 20, 2016, Order entered under seal denying Defendant's motion to compel law enforcement materials; June 23, 2016, Minute Entry. Ms. Giuffre merely points out that Defendant not only failed to review, search, or produce Defendant's email, from any of her multiple accounts, but also wholly failed to disclose her terramarproject.org email account or her ellmax.com email account.

Regarding photographs, counsel for Ms. Giuffre has gone to considerable expense to recover boxes that Ms. Giuffre thought may contain photographs, including paying approximately \$600.00 for shipping of the boxes to ensure production of any recent information. Accordingly, Defendant articulates no legitimate complaint in this section of her brief.

LEGAL ARGUMENT

I. DEFENDANT CANNOT SHOW NON-COMPLIANCE, AND HAS PUT FORTH NO COLORABLE LEGAL ARGUMENT FOR SANCTIONS

Sanctions are not appropriate in this case because Defendant cannot show non-compliance. Through the normal course of discovery, Ms. Giuffre produced her medical providers to Defendant, as Defendant admits in her moving brief. Defendant's complaint boils down to the fact that Ms. Giuffre remembered at deposition two providers (Ms. Lightfoot and Dr. Donahue) that she did not recall when compiling her long list of providers in response to Defendant's interrogatory four days prior. That does not constitute non-compliance. That is not sanctionable behavior. And, Defendant cannot cite any case in which a court found differently. Additionally, though Defendant attempts to ascribe blame to Ms. Giuffre for any medical records that have not been sent by providers (or medical records that may not exist), the uncontested fact is that Ms. Giuffre has executed releases for all of the providers Defendant requested. Again, Defendant can point to no case in which sanctions were awarded over medical records where the party signed all applicable releases. Accordingly, Defendant's motion should be denied.¹²

¹² What *does* constitute sanctionable behavior is testimonial obduracy that includes "denying memory of the events under inquiry," a tactic Defendant took in response to a multitude of questions at her deposition, as more fully briefed in Ms. Giuffre's Motion to Compel Defendant to Answer Deposition Questions (DE 143), granted by this Court on June 20, 2016. See *In re Weiss*, 703 F.2d 653, 663 (S.D.N.Y. 1983) (holding that "the witness's . . . disclaimers of knowledge or memory, has also been dealt with as contemptuous conduct, warranting sanctions that were coercive, punitive, or both. It has long been the practice of courts viewing such testimony as false and intentionally evasive, and as a sham or subterfuge that purposely avoids

Even Defendant's own cases cited in her brief are inapposite and do not suggest that sanctions are appropriate in this case. For example, in *Davidson v. Dean*, the plaintiff "refused to consent to the release of mental health records" for periods for which he was seeking damages and for which the Court ordered him to provide releases. 204 F.R.D. 251, 254 (S.D.N.Y. 2001). By contrast, Ms. Giuffre has executed each and every release for medical records requested by Defendant. In *In re Payne*, Rule 37 sanctions were not even at issue: an attorney was reprimanded for "default[ing] on scheduling orders in fourteen cases, resulting in their dismissal . . . fili[ing] stipulations to withdraw a number of appeals only after his briefing deadlines had passed," etc. 707 F.3d 195, 198-99 (2d Cir. 2013). Similarly, in *Gurvey v. Cowan, Liebowitz & Lathman, P.C.*, 2014 WL 715612, at *2 (S.D.N.Y. 2014), sanctions were awarded because, *inter alia*, "my . . . Order explicitly limited discovery to plaintiff's malpractice and breach-of-fiduciary duty claims . . . However . . . plaintiff has sought discovery of extraordinary breadth that is far beyond the scope of the two claims . . . [and] disregarded my Order . . . by failing to explain in writing how each of her discovery requests to CLL is relevant to the remaining claims." Accordingly, as stated above, Defendant has not put forth any colorable legal argument for sanctions under Rule 37.

II. THERE WAS NO INFORMATION "WITHHELD," AND THEREFORE, NO PREJUDICE

Defendant cannot be taken seriously when she claims that "Plaintiff is obviously trying to hide" her treatment related to domestic violence, [REDACTED]

[REDACTED] Given that fact, Defendant's incendiary claim defies logic. All these things that Defendant claims were

giving responsive answers, to ignore the form of the response and treat the witness as having refused to answer.").

deliberately “withheld” or “hidden” are things that Ms. Giuffre provided to Defendant in the normal course of discovery, as described at length above. Defendant cannot claim any prejudice regarding the manner in which she received this information, and, indeed, does not.¹³

Accordingly, sanctions are wholly inappropriate.

III. MS. GIUFFRE HAS FULFILLED HER REQUIREMENTS REGARDING HER RULE 26 DISCLOSURES¹⁴¹⁵

Regarding Ms. Giuffre’s computation of damages, Ms. Giuffre has pled defamation *per se* under New York law, where damages are presumed. *Robertson v. Dowbenko*, 443 F. App’x 659, 661 (2d Cir. 2011). Plaintiff provided amounts, damage calculations and supporting evidence required under Rule 26. Plaintiff is retaining experts to support her Rule 26 Disclosures, and expert reports and disclosures are not due at this time. Defendant takes issues with Ms. Giuffre’s computation of damages in her Rule 26 disclosures but fails to cite to a single case that requires more from her, let alone more from a Plaintiff claiming defamation *per se*. Indeed, the case law supports that Plaintiff has fully complied with her Rule 26 obligations. *See Naylor v. Rotech Healthcare, Inc.*, 679 F. Supp. 2d 505, 510 (D. Vt. 2009).

In good faith, Ms. Giuffre has produced a multitude of documents and information regarding her damages. Defendant does not cite to a single case that even suggests she is required to do more. What Defendant purports to lack is expert discovery and an expert report on

¹³ This is particularly true regarding the timing of Ms. Giuffre’s deposition, as Ms. Giuffre has agreed to reopen her deposition concerning any medical information that Defendant did not receive in advance of her deposition.

¹⁴ Defendant references her Motion to Compel Rule 26(a) disclosures (DE 64) that she filed on March 22, 2016, but failed to mention that, after a hearing, this Court denied that motion with leave to refile (DE 106).

¹⁵ Defendant repeatedly attempts to conflate the required disclosures under Federal Rule of Civil Procedure 26(a) and the disclosures ordered by this Court on April 21, 2016, in an apparent effort to ‘backdate’ those required disclosures.

computation of damages. Rule 26(a)(1), governs “initial disclosures,” disclosures to be made at the beginning of litigation, prior to the completion of expert work. It does not entitle a party to expert discovery at this stage in the case.

Ms. Giuffre has pleaded and will prove defamation *per se*, where damages are presumed. *Robertson v. Dowbenko*, 443 F. App'x at 661 (“As the district court correctly determined, Robertson was presumptively entitled to damages because he alleged defamation per se.”). Under New York law, defamation per se, as alleged in this case, presumes damages, and special damages do not need to be pled and proven. *See Celle v. Filipino Reporter Enters. Inc.*, 209 F.3d 163, 179 (2d Cir.2000) (Second Circuit holding that “[i]f a statement is defamatory per se, injury is assumed. In such a case ‘even where the plaintiff can show no actual damages at all, a plaintiff who has otherwise shown defamation may recover at least nominal damages,’” and confirming an award of punitive damages) (Emphasis added).

Additionally, Ms. Giuffre has claimed punitive damages for the defamation per se. “[C]ourts have generally recognized that ... punitive damages are typically not amenable to the type of disclosures contemplated by Rule 26(a)(1)(A)(iii), and have held that the failure to disclose a number or calculation for such damages was substantially justified.” *See Murray v. Miron*, 2015 WL 4041340 (D. Conn., July 1, 2015). *See also Scheel v. Harris*, No. CIV.A. 3:11-17-DCR, 2012 WL 3879279, at *7 (E.D. Ky. Sept. 6, 2012) (finding that a failure to provide a precise number or calculation for their punitive damages claim is substantially justified pursuant to Fed. R. Civ. P. 37(c)(1)).

Accordingly, Ms. Giuffre’s disclosures comply with Rule 26 for the computation of damages. *See Naylor v. Rotech Healthcare, Inc.*, 679 F. Supp. 2d at 510 (“The Court is skeptical of the need for so much additional discovery, since the only open issue on the defamation claim

seems to be damages. Miles's email itself provides evidence of the statement and publication to a third party. Damages will depend on [plaintiff] Naylor's testimony and perhaps evidence from a few other sources, such as Naylor's family and friends, or Streeter [one of defendant's clients].") Ms. Giuffre has provided the calculations evidencing how she arrived at her damage figures and has provided a myriad of documents upon which she also will rely in proving damages. This includes supporting documents showing average medical expenses computed by her average life expectancy. "[N]on-economic damages based on pain and suffering ... are generally not amenable to the type of disclosures contemplated by Rule 26(a)(1)(A)(iii)." *Scheel v. Harris*, No. CIV.A. 3:11-17-DCR, 2012 WL 3879279, at *7 (E.D. Ky. Sept. 6, 2012) (holding that plaintiff's failure to disclose a number or calculation for such damages was substantially justified).

IV. THIS COURT SHOULD NOT STRIKE MS. GIUFFRE'S CLAIMS FOR MEDICAL AND EMOTIONAL DISTRESS DAMAGES

Defendant cites four cases in support of her request for this Court to strike her claims for medical and emotional distress damages, and each one of them militates against any such relief being awarded in this case. In the first, *Nittolo v. Brand*, sanctions were awarded in a personal injury action because, *inter alia*, the plaintiff went to his physician and took away his medical records before defendant had a chance to use the court-ordered release to access them, and the Court found the plaintiff lied under oath about taking away the records. 96 F.R.D. 672, 673 (S.D.N.Y.1983). By contrast, Ms. Giuffre has signed every medical release form requested by Defendant and provided all medical records that they yielded.

Defendant's second case is equally inapposite. In *Skywark v. Isaacson*, Court found that the plaintiff "began his pattern of lying about at least three matters of extreme significance to his claim for damages;" lied to his experts and lied under oath; and "never provided defendants with

the promised [medical release] authorizations.” 1999 WL 1489038 at *3, *5, *11 (S.D.N.Y. Oct. 14, 1999). The facts could not be more dissimilar to the case at hand, where Ms. Giuffre has provided truthful testimony regarding her medical history and has executed all medical releases.

Defendant’s third case continues in the same pattern. In *In re Consol. RNC Cases*, “all Plaintiffs either expressly refused to provide mental health treatment records or simply failed to provide such records during the course of discovery.” 2009 WL 130178, at *2 (S.D.N.Y. Jan. 8, 2009). Defendant’s fourth case is similarly inapposite by Defendant’s own description, turning on failure to provide medical releases. (Mtn. at 19).

Importantly, Defendant represents to the Court that she seeks the “sanction of striking the claim or precluding evidence only on the damages that relate to the withheld documents and information.” (Mtn. at 19). This is confusing for two reasons. First, Ms. Giuffre has provided information about the providers that she has knowledge of and has provided releases for their medical records, so the sanction she seeks could not apply to any of the providers in Defendant’s brief. Second, there are no “withheld documents.” Ms. Giuffre has not withheld any medical records, and, indeed, has authorized the release of all records sought by Defendant. Accordingly, there are no “withheld records” upon which sanctions could be applied. And, again, there has been no violation of this Court’s Order.

CONCLUSION

Since filing the instant motion for sanctions, two other witnesses - witnesses subpoenaed by Defendant herself in order to mount her defense - have given testimony to support Ms. Giuffre. Most recently, Defendant’s witness, Tony Figueroa, testified he witnessed Defendant

escort young girls he brought over to Epstein's home to Epstein for sex acts, and testified that Defendant called him on the phone, asking him to bring girls over to Epstein's house.¹⁶

Q And how long would you and one of these other girls sit there and have this small talk with Ms. Maxwell?

A No more than 10 or 15 minutes.

Q What were you waiting for?

A Pretty much her to take them up stairs then I would leave. I would wait for them to be like we're ready. And I would be all right. See you later and I would leave.

Q You were waiting for who to take who up stairs?

A I had seen Ms. Maxwell take a girl up there well not up there visibly but I watched her leave had room with one.

Q Up stairs?

12 A Well, I didn't see the stairs. Like in the kitchen there's not like you have to go all around and all that shit.

See McCawley Decl. at Exhibit 9, *ROUGH* Figueroa Tr. at 156:22-157:14.

Q Let me fix this. Gill when Gillian Maxwell would call you during the time that you were living with Virginia she would ask you what specifically?

A Just if I had found any ear girls just to bring the Jeffrey.

Q Okay.

A Pretty much everytime a conversation with any of them it was either asking Virginia where she was ask the asking her to get girls or asking me get girls.

See McCawley Decl. at Exhibit 9, *ROUGH* Figueroa Tr. at 162:8-19.

Accordingly, at this stage in discovery, it is not just the flight logs showing Defendant flying with Epstein and Ms. Giuffre over twenty times when she was a minor; it is not just the message pads from law enforcement's trash pulls that show Defendant arranging to have an underage girl come over to Epstein's house for "training;" it is not just the police report; it is not just the photographs of Defendant and other men with Ms. Giuffre when she was a minor.

Now, there is actual, live testimonial evidence that Defendant was a procurer of young girls for sex with Jeffrey Epstein, with whom she shared a home and a life, thus validating Ms. Giuffre's claims. Therefore, this baseless motion for sanctions is more a reflection of the

¹⁶ See McCawley Decl. at Exhibit 9, Excerpts from the June 24, 2016 *ROUGH* Deposition Transcript for the Deposition of Tony Figueroa.

abundant testimonial evidence condemning Defendant than any type of imagined discovery violation on behalf of Ms. Giuffre.

Ms. Giuffre respectfully requests that it be denied in its entirety.

Dated: June 28, 2016.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of June, 2016, I served the attached document
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

15-cv-07433-RWS

**REPLY IN SUPPORT OF MOTION TO REOPEN DEPOSITION OF PLAINTIFF
VIRGINIA GIUFFRE**

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Defendant Ghislaine Maxwell submits this Reply to Plaintiff's Opposition ("Response") to Motion to Reopen Deposition of Plaintiff ("Motion"), and as grounds therefore states as follows:

INTRODUCTION¹

Plaintiff concedes the reopening of her deposition based on (a) the late production of records concerning Plaintiff's medical and mental health treatment, (b) her unjustifiable refusal to answer questions related to statements the media "got wrong," (c) material edits to her deposition testimony through her errata sheet. Plaintiff did not address her newly disclosed employment records and thus it should be deemed admitted. Apparently, she still contests questions regarding other items not disclosed until after her deposition, including (a) iCloud and Hotmail emails, (b) school records from Forest Hills High School, Wellington High School and Survivors Charter school, and (c) witnesses newly identified in her Third and Fourth Revised Rule 26 disclosures. There is no legally principled reason to exclude these topics during Plaintiff's reopened deposition and Ms. Maxwell should be permitted to examine Plaintiff based on this information produced *after* her deposition although requested *before*.

The other limitations proposed by Plaintiff are not appropriate. Due to the quantity of documents and the number of topics, two hours will be insufficient to appropriately inquire. Moreover, Plaintiff's deposition should be in person; she chose to move to Australia from Colorado during the pendency of this case and has been in the US for weeks attending witness depositions and other litigation matters by her own choosing. Deposition by videoconference will be extremely cumbersome to accomplish given the hundreds of pages of documents to be

¹ Defendant conferred with counsel for Plaintiff regarding this Motion prior to its filing. By email of May 8, 2016, Mr. Pagliuca requested conferral regarding Plaintiff's refusal to answer questions at her deposition. That conferral was held on May 9 and May 10. Mr. Edwards offered, for example, to consider whether a verified representation by Plaintiff all of the statements that the media "got wrong" would suffice instead of a re-opened deposition.

covered and which were necessitated by Plaintiff's late disclosures and refusal to answer questions at her first deposition.

ARGUMENT

I. PLAINTIFF'S PRODUCTION OF KEY DOCUMENTS AFTER HER DEPOSITION NECESSITATES ADDITIONAL EXAMINATION

A. Plaintiff failed to identify her health care providers and produce their records prior to her deposition, despite this Court's order

Plaintiff concedes that numerous medical records were not produced until after her May 3rd deposition, to wit:

■ e Doe [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

■ e Doe [REDACTED]
[REDACTED]

■ e Doe [REDACTED]
[REDACTED]
[REDACTED]

■ Jane D [REDACTED]
[REDACTED]
[REDACTED]

■ e Doe [REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

■ e Doe [REDACTED]
[REDACTED]
[REDACTED]

■ e Doe [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Furthermore, there remain numerous doctors from the relevant time frame for whom no records have been provided. In addition to all of the treatment providers from 1999-2002, no records have been provided by Plaintiff for:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Menninger Decl., Ex. O.

Plaintiff, while not opposing the reopening of the deposition for documents produced after that date, writes to refute supposed “baseless suggestions of impropriety.” Yet, her Response contains additional impropriety. Plaintiff repeatedly asserts that she *has* produced and disclosed documents but her chart and her arguments neglect to mention that those documents were only sought and produced *after* the deposition, indeed up to and including the very same day she filed her Response on June 28. Her claim that she could not “remember” Dr. Donohue or Judith Lightfoot until her deposition is hard to believe given she had consulted with them in the days and weeks just before her Interrogatory Responses. *Id.*; Ex. D at 334-35. Further, all of the 2015-2016 medical records from Colorado were only produced because *the defense*, not

² Defendant’s Interrogatories sought the identities and locations of Plaintiff’s health care providers, the dates of treatment, the nature of the treatment, medical expenses to date, and releases for each. Inexplicably, despite this Court’s Order to answer the interrogatory, Plaintiff still has not provided the dates of treatment, the nature of treatment or any information concerning expenses for *any* of her providers.

Plaintiff, sent a subpoena to Dr. Olson and his hospital for records and then learned that Plaintiff had been seen by other doctors there and secured a release which the *defense* sent to Plaintiff. As detailed more fulsomely in the Reply in Support of Sanctions filed contemporaneously, the late disclosures were not due to Ms. Giuffre and her attorneys going to “great lengths” to track down records; they have only responded to requests for doctor’s records when the *defense* has brought to their attention missing doctors and records. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Given Plaintiff’s agreement to submit to questioning based on the late-disclosed records, it is hardly worth the Court or counsel’s time to again correct the record as to each of Plaintiff’s misstatements. In lieu, Ms. Maxwell hereby incorporates by reference her Reply in Support of Motion for Sanctions which addresses many of Plaintiff’s misstatements concerning production of her health care providers’ identities and their records.

B. Plaintiff failed to produce emails from her iCloud and Hotmail accounts

Plaintiff objects to further questioning regarding emails from her iCloud and Hotmail accounts and submits that Ms. Maxwell’s claims regarding these missing emails “are simply false” because she “produced every relevant document from her iCloud account.” Resp. at 8. Plaintiff ignores the most important fact: she produced them after the deposition and only after Ms. Maxwell issued a subpoena to the email providers. The emails were produced on June 10, more than one month after Plaintiff’s deposition. *See* Menninger Decl., Ex. K.

Similarly, following Ms. Maxwell’s subpoena to Hotmail, that company has now confirmed that Plaintiff has an active account with them and that the account has been used by

Plaintiff since the beginning of this case. Plaintiff concededly did not search that account for responsive documents but has represented to this Court that she will sign the release provided by Microsoft, obtain the records and search the account. Thus, any responsive emails from that account likewise will not have been available at the time of Plaintiff's deposition.

Plaintiff does not argue the responsive emails are not relevant, nor can she. Thus, Ms. Maxwell should be entitled to reopen Plaintiff's deposition to inquire regarding those emails as well as any that are produced from the Hotmail account.

C. Plaintiff failed to address issue of her employment records

In her Response, Plaintiff did not address Ms. Maxwell's request to reopen Plaintiff's deposition regarding late-disclosed employment records. Accordingly, the issue should be deemed admitted and inquiry into Plaintiff's employment based on the new records permitted.

D. Newly obtained education records and other witness testimony contradict Plaintiff's deposition

Plaintiff testified at her deposition that she began working at Mar-a-Lago during a break from her GED classes, that she believed it was a summer job, and that while she cannot pinpoint the exact date, it was to the best of her recollection in or about June 2000 when she was still 16 years old. Menninger Decl., Ex. D at 57. This Court ordered Plaintiff to produce her education records and, mere days before her deposition, Plaintiff signed releases for some of the institutions she attended in Florida. Defendant obtained records pursuant to those releases after the deposition (despite having sought them by discovery request in February). The transcripts from Royal Palm Beach and Forest Hills High School directly contradict Plaintiff's story. In fact, they are highly relevant because they show that Plaintiff was in school during the summer of 2000, finishing on August 15, 2000, when she was 17 years old. Appropriate areas of inquiry at a reopened deposition of Plaintiff would be matching her story up to the records and

demonstrating that she did not start working at Mar-a-Lago until she was 17 years old --- despite her well-publicized claims that she was a “sex slave” for Jeffrey Epstein from the age of 15 years old beginning in 1998.

Furthermore, testimony from other witnesses in this case, including Plaintiff’s former boyfriend Tony Figueroa, materially contradict Plaintiff’s claims. Mr. Figueroa testified on June 24 that he and Plaintiff were enrolled in an all-day high school and that they attended school together every day and that Plaintiff was not working for Epstein. Menninger Decl., Ex. P. Based on these newly discovered records, Mr. Figueroa confirmed that time period as October 2001 – March 2002, directly contradicting Plaintiff’s deposition testimony that she was a “sex slave” for 4 years from 1998-2002 and that she was with Epstein constantly during that four year period.

Based on the newly discovered education records and other witness testimony concerning those records, Ms. Maxwell should be entitled to question Plaintiff at her continued deposition about those records. Ms. Maxwell lacked those records at the time of Plaintiff’s deposition because Plaintiff refused to produce her education records, Ms. Maxwell had to file a Motion to Compel and obtain a Court Order before Plaintiff would sign a release for the records. Therefore, there is no basis for Plaintiff to object to a continued deposition regarding the newly obtained records and witness testimony.

E. Plaintiff identified new witnesses in her Rule 26 disclosures after her deposition

Plaintiff does not address the fact that she added 28 new witnesses to her Rule 26 disclosures after her deposition.³ The new witnesses added by Ms. Maxwell to her Rule 26 list

³ The only mention Plaintiff makes is asking the Court to deny Ms. Maxwell’s motion to strike the new witnesses. Ms. Maxwell stated that her motion to strike would be by *separate* motion (Mot. at 10), thus there is no motion to strike.

are almost entirely ones that were taken off Plaintiff's list. Presumably, they have information relevant to this case and Ms. Maxwell is entitled to question Plaintiff on these disclosures to determine what, if any, relevant information these newly disclosed witnesses might have.

II. PLAINTIFF'S COUNSEL INSTRUCTED PLAINTIFF NOT TO ANSWER RELEVANT, NON-PRIVILEGED QUESTIONS IN HER FIRST DEPOSITION

Plaintiff's counsel glosses over their instruction to Plaintiff not to answer questions at her deposition regarding non-privileged issues.

During her deposition, the following exchange occurred:

Q: You did not read the articles published by Sharon Churcher about your stories to Sharon Churcher?

A: I have read some articles about what Sharon Churcher wrote. And a lot of the stuff that she writes she takes things from my own mouth and changes them into her own words as journalists do. And I never came back to her and told her to correct anything. What was done was done. There was nothing else I can do.

Q: So even if she printed something that were untrue you didn't ask her to correct it, correct?

A: There was things that she printed that really pissed me off, but there was nothing I could do about it. It's already out there.

Q: She printed things that were untrue, correct?

A: I wouldn't say that they were untrue. I would just say that she printed them as journalists take your words and turn them into something else.

Q: She got it wrong?

A: In some ways, yes.

Q: Did she print things in her articles that you did not say to her?

MR. EDWARDS: I object and ask that the witness be given the opportunity to see the document so that she can review it and answer that question accurately. Otherwise she's unable to answer the question. I'm not going to allow her to answer.

Q: Did Sharon Churcher print things that you did not say?

MR. EDWARDS: I'm going to instruct my client not to answer unless you give her what it is that you're talking about that was printed. And she will tell you the answer, the accurate answer to your question. Just without the document to refresh her recollection and see it, she's not going to answer the question.

Q: Did Sharon Churcher print things that you did not say?

MR. EDWARDS: Same objection. Same instruction not to answer.

Q: Did Sharon Churcher print things that you felt were inaccurate?

MR. EDWARDS: Same objection. Same instruction. If she sees the document, she's going to answer every one of these questions.

Q: Did any other reporter print statements that you believe are inaccurate?

MR. EDWARDS: Same objection. Same instruction.

Q: Did any reporter print statements about Ghislaine Maxwell that were inaccurate?

MR. EDWARDS: Same objection. Same instruction.

Menninger Decl., Ex. D at 220-23.

At no time did Plaintiff say she “could not remember” what Churcher “got wrong.” Mr. Edwards refused to allow her to answer the question unless her recollection was “refreshed,” even though she never said she lacked a recollection. This is a patently improper instruction not to answer, as well as improper suggestion to his client that she needed to have a “refreshed” memory by looking at articles from Ms. Churcher. The instruction not to answer was improper and Plaintiff should be required to answer all questions regarding inaccuracies in the media reports of this case. Indeed, it is hard to conceive of an area more directly relevant to this single-count defamation case in which Ms. Maxwell has said that Plaintiff’s statements to the press were lies, and now even Plaintiff is saying that the press “got it wrong”.

Plaintiff’s counsel similarly would not allow Plaintiff to answer questions regarding her communications with law enforcement, specifically regarding Ms. Maxwell. Ms. Maxwell respectfully disagrees that this area should be off limits. Efforts by a Plaintiff to have another party charged with a crime, including any statement made during the course of those efforts, are clearly relevant, reflect bias and motive, and may be used for impeachment. There is no privilege which attaches to a civil litigant’s prior statements to law enforcement and to the extent

any such statements exist, Ms. Maxwell should be permitted to inquire regarding the statements and the circumstances of surrounding their issuance, during Plaintiff's reopened deposition.

Ms. Maxwell disagrees with Plaintiff's contention regarding the identity of her expert but agrees not to inquire into that topic during the reopened deposition in light of the upcoming expert disclosure deadlines.

In light of the clearly improper instructions not to answer non-privileged relevant questions, Plaintiff's deposition must be reopened.

III. PLAINTIFF CONCEDES THAT HER ERRATA SHEET IS PROPERLY THE SUBJECT FOR RE-OPENED DEPOSITION

Because Plaintiff concedes, as she must, that changes to her deposition testimony as reflected on her errata sheet are proper areas of inquiry, Ms. Maxwell perceives no need for additional argument regarding the materiality of Plaintiff's changes although they were not based on "misspellings and the like" as Plaintiff avers.

IV. RESTRICTIONS TO TWO HOURS AND VIA VIDEOTAPE UNJUSTIFIED

Ms. Maxwell has identified a significant number of areas of inquiry for reopened deposition and two hours is insufficient to accomplish that goal. Ms. Maxwell seeks leave to reopen Plaintiff's deposition regarding belatedly disclosed records from:

Ms. Doe [REDACTED]

- Email records from iCloud and Hotmail regarding interactions with the FBI
- School records regarding the time period of 1999-2002
- 18 newly listed witnesses
- Any published news stories that Plaintiff concedes were inaccurate
- Plaintiff's interactions with law enforcement regarding Ms. Maxwell.

All of these are properly the subject of additional inquiry at a deposition and to address them will require more than two hours. While Ms. Maxwell does not believe that seven hours will be necessary, she did not use all of the first seven hours based on Plaintiff's refusal to answer relevant non-privileged questions and believes that she will be able to finish her examination on these topics within a reasonable period of time, most likely between 4-5 hours.

Further, such deposition should be done live and in person, not via videotape from Australia. Video conference depositions are exceedingly difficult and cumbersome when handling the number of records at issue here – medical records, school records, employment records and emails, as well as press statements, errata sheets and the like. Counsel will not have the ability to hand over documents to the witness as needed.

Plaintiff argues that her childcare needs require her to be in Australia. Notably, Plaintiff has spent several weeks in the U.S. attending in person the depositions of her former fiancé and boyfriend in Florida (and calling them in advance of their testimony) and, upon information and belief, attending to other litigation and personal matters. Plaintiff lived in Colorado at the time she filed this litigation and made a decision to return to Australia after doing so. She and her counsel failed to disclose relevant doctors and medical records, emails, employment and school records in advance of her deposition, and she was instructed not to answer relevant, non-privileged questions. She chose to change her deposition testimony after the fact.

WHEREFORE, Ms. Maxwell respectfully requests a reopened deposition of Plaintiff to include the topics of:

1. Any documents disclosed after May 3 regarding:
 - a. Plaintiff's medical and mental care
 - b. Plaintiff's employment
 - c. Plaintiff's education
 - d. Plaintiff's emails from her iCloud and Hotmail accounts

2. Any question she was instructed not to answer regarding:
 - a. Inaccurate statements attributed to her in the press;
 - b. Her communications with law enforcement about Ms. Maxwell;
3. Any changes to her deposition testimony as reflected on her errata sheet.

Ms. Maxwell asks the Court to deny Plaintiff's request that the reopened deposition be limited to two hours or occur via remote means. Finally, Ms. Maxwell requests costs incurred in bringing this Motion based on counsel's improper instructions not to answer relevant and non-privileged questions.

Dated: July 8, 2016

Respectfully submitted,

/s/ Laura A. Menninger

Laura A. Menninger (LM-1374)

Jeffrey S. Pagliuca (*pro hac vice*)

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Attorneys for Ghislaine Maxwell

CERTIFICATE OF SERVICE

I certify that on July 8, 2016, I electronically served this *REPLY IN SUPPORT OF DEFENDANT'S MOTION TO REOPEN DEPOSITION OF PLAINTIFF VIRGINIA GIUFFRE* via ECF on the following:

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/s/ Nicole Simmons

Nicole Simmons

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

15-cv-07433-RWS

**Declaration Of Laura A. Menninger In Support Of
Reply to Plaintiff’s Opposition to Defendant’s Motion To Reopen
Plaintiff’s Deposition**

I, Laura A. Menninger, declare as follows:

1. I am an attorney at law duly licensed in the State of New York and admitted to practice in the United States District Court for the Southern District of New York. I am a member of the law firm Haddon, Morgan & Foreman, P.C., counsel of record for Defendant Ghislaine Maxwell (“Maxwell”) in this action. I respectfully submit this declaration in support of Reply to Plaintiff’s Opposition to Defendant’s Motion To Reopen Plaintiff’s Deposition.

2. Attached as Exhibit O (filed under seal) are true and correct copies of select pages of Plaintiff’s medical records bates labeled GIUFFRE 5089, 5316-18, 6631, designated as Confidential under the Protective Order.

3. Attached as Exhibit P (filed under seal) are true and correct copies of excerpts from the deposition of Anthony Figuera, designated as Confidential under the Protective Order.

Dated: July 8, 2016

By: /s/ Laura A. Menninger

Laura A. Menninger

CERTIFICATE OF SERVICE

I certify that on July 8, 2016, I electronically served this *Declaration Of Laura A.*

Menninger In Support Of Reply to Plaintiff's Opposition to Defendant's Motion To Reopen

Plaintiff's Deposition via ECF on the following:

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/s/ Nicole Simmons

Nicole Simmons

EXHIBIT P

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,
Plaintiff,

v.

GHISLAINE MAXWELL,
Defendant.

_____ /

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

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

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

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

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APPEARANCE OF COUNSEL

ON BEHALF OF THE PLAINTIFF:

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Lmenninger@hmflaw.com; Nsimmons@hmflaw.com

Also appearing: Jenny Martin, Videographer from Abel
Virginia Giuffre, Plaintiff

1 BY MS. MENNINGER:

2 Q And where did you go after Royal Palm
3 Beach?

4 A I believe it was South Area. I'm pretty
5 sure it was South Area.

6 Q Did you go to another school after that?

7 A Yeah. I went to Gold Coast after that.

8 Q Is that also in Royal Palm Beach?

9 A No. That's -- South Area was in Lake
10 Worth. Gold Coast is in West Palm. They were both
11 alternative schools.

12 Q Did you ever go to a Survivors Charter
13 School?

14 A Yes. I went there, too.

15 Q When did you go there?

16 A I'm not exactly sure of the date. But it
17 was somewhere after either -- I'm pretty sure it
18 was -- maybe -- I can't remember if it was Gold
19 Coast first or Survivor. But one of the -- I'm
20 trying to remember. I honestly don't remember which
21 one came first.

22 Q That's all right.

23 Can you describe for me Survivors Charter
24 School? What is it like, or was it like?

25 A I mean, like I said, it was an alternative

1 school. It was just pretty much a bunch of bad
2 kids, you know, who have gotten kicked out. And it
3 was pretty much like a last chance kind of school,
4 you know what I mean?

5 Q Does it look like a school?

6 A Kind of. I mean, it had, like, a
7 cafeteria, and then it had a whole bunch of, like,
8 portables and stuff around there. And it was
9 under -- it was, like, right near the Lake Worth. I
10 remember there was, like, a bridge that went over
11 the interstate right by it. But, I mean, it was
12 just a little, you know, little crappy school.

13 Q Was it during the day or at night?

14 A It was during the day.

15 Q So regular school hours?

16 A Yeah. Well, it was actually a little bit
17 shorter hours. I can't remember exactly. But I
18 know it was not like the full days. Because, I
19 mean, at the alternative schools, it's obviously not
20 up to regular high school standards. I mean, they
21 just do pretty much stuff to get people to get out
22 of school, you know, so...

23 Q Get the credits that you need?

24 A Yeah. So that way they can finish high
25 school and not drop out and whatnot, so...

1 Q You actually go there in the morning,
2 though, and take classes?

3 A Yeah.

4 Q And get checked in at attendance?

5 A Yeah.

6 Q And then you may leave a little earlier
7 than a regular school day?

8 A Uh-huh (affirmative).

9 Q All right. It's not a online program?

10 A No, it was not online.

11 Q When you were at Survivors Charter School,
12 did you ever see Ms. Roberts there?

13 A Was it Survivors? I don't remember if it
14 was Survivors. Or was it -- because I'm pretty sure
15 we were both -- was it -- I know we both went to one
16 of the schools. I'm pretty sure it was Survivors,
17 maybe.

18 Q Did you see her there?

19 A Now, when we went to the school, like, we
20 were together afterwards. But I don't remember
21 exactly which one it was. I know it was one of
22 those alternative schools that we went to, though.

23 Q Okay. Did you -- was Wellington an
24 alternative school?

25 A No. Wellington is a -- is a real high

1 school, like a regular high school.

2 Q Do you know if Wellington has an adult
3 program?

4 A They might. I mean, I really don't know.
5 I'm not sure.

6 Q Did you ever take night classes there?

7 A No.

8 Q So you believe when you reunited with
9 Ms. Roberts in or around 2001, she had also gone to
10 one of those alternative schools?

11 A When I reunited with her, no. We ended
12 up, like, trying to go finish school.

13 Q Tell me about that.

14 A I mean, we just ended up going to one of
15 those alternative schools and didn't even finish
16 that.

17 Q So you two had both left school, but went
18 back together --

19 A Yeah.

20 Q -- to one of the alternative schools?

21 A Yeah.

22 Q And that may have been Survivors Charter
23 School?

24 A Yeah. I'm pretty sure it probably was.
25 I'm pretty sure.

1 Q You both wanted to get your GEDs?

2 A Yeah.

3 Q Get better jobs?

4 A Uh-huh (affirmative).

5 Q Things like -- that was the plan?

6 A Yeah.

7 Q But it did not work out?

8 A Yeah.

9 Q Do you know how long the two of you went
10 to Survivors Charter School?

11 A I honestly don't remember.

12 Q Okay. You do have a recollection of going
13 with her, though?

14 A Yeah.

15 Q Seeing her there?

16 A Uh-huh (affirmative).

17 Q I'm trying to get a little bit of a time
18 frame on the time that you reunited with
19 Ms. Roberts. I know you said you lived -- you
20 remember being in an apartment with her in September
21 of 2000 -- 9/11/2001; right?

22 A Yeah.

23 Q Do you think you had been together with
24 her for a while at that point?

25 A It was probably, I'd say, like a month or

1 BY MS. MENNINGER:

2 Q Mr. Figueroa, you mentioned that you and
3 Ms. Roberts attempted to go to back to school while
4 you were together --

5 A Yes.

6 Q -- to get your GED?

7 A Yeah. Yes.

8 Q And you believe that you went to the
9 Survivors Charter School?

10 A Yes.

11 MS. MENNINGER: Okay. I'm going to mark
12 Defendant's Exhibit 6.

13 (Defendant's Exhibit 6 was marked for
14 identification.)

15 BY MS. MENNINGER:

16 Q This is a school record for Ms. Roberts
17 that lists the names of various schools. And --

18 A So it was Survivors, obviously. That's
19 the only one on that list that isn't -- or that's
20 there that's on mine, as well.

21 Q Okay.

22 A Other than the other ones, but...

23 Q All right. So you recognize Survivors
24 Charter School on Ms. Roberts' school records?

25 A Yeah. That's what I'm saying. Since that

1 is the one on here, that's -- that's completely
2 clear. I could not remember if it was that one or
3 Gold Coast.

4 Q Okay. There is an entry date for
5 Ms. Roberts at Survivors Charter School of
6 10/12/2001, and a withdrawal on 3/7 of '02. Do you
7 see that?

8 A I mean, it's this; right? I mean, that's
9 the top.

10 Q The entry date of 10/12/01, withdrawal
11 3/7/02 at Survivors?

12 A Okay. I did not know what those
13 numbers -- I did not realize that that was a date.

14 Q I understand. And I know you did not make
15 this record.

16 So I'm just wanting to know if that's
17 consistent with your recollection, that you guys
18 went to school in the fall of 2001 until the --

19 A Yeah, that sounds about right.

20 Q -- March of 2002. It sounds right?

21 A Yeah.

22 Q And you both went to school together?

23 A Uh-huh (affirmative).

24 Q In the mornings?

25 A Yeah.

1 Q And got out of school at some earlier time
2 than a regular school day?

3 A Yeah.

4 Q Do you recall Ms. Roberts going to Royal
5 Palm Beach High? Again, this is in the 2001 time
6 frame.

7 A I -- I don't recall. I really don't.

8 Q Do you recall her, during the time you
9 were with her, taking any night classes at
10 Wellington High School?

11 A I don't recall.

12 Q Is it possible?

13 A It's a possibility.

14 MR. EDWARDS: Object to the form.

15 BY MS. MENNINGER:

16 Q Do you know whether Wellington has a night
17 school program?

18 A Like I said before, I don't know. They
19 could.

20 Q You went there in ninth grade?

21 A Yeah. It was during the day, though. I
22 have no clue about night school.

23 Q Got it.

24 But you do have a memory about Survivors
25 Charter School?

Exhibit 4
(File Under Seal)

G1ETGIUA

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 VIRGINIA L. GIUFFRE,
4 Plaintiff,

5 v. 15 CV 7433 (RWS)

6 GHISLAINE MAXWELL,
7 Defendant.

8 -----x
9 New York, N.Y.
10 January 14, 2016
11 12:00 p.m.

12 Before:

13 HON. ROBERT W. SWEET,
14 District Judge

15 APPEARANCES

16 BOIES, SCHILLER & FLEXNER
17 Attorneys for Plaintiff
18 BY: SIGRID McCAWLEY

19 HADDON, MORGAN & FOREMAN
20 Attorneys for Defendant
21 BY: LAURA MENNINGER
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23
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1 (In open court)

2 THE COURT: I will hear from the movant.

3 MS. MENNINGER: Thank you, your Honor, Laura Menninger
4 on behalf of the defendant Maxwell. We are the movant for the
5 purposes of today's hearing. I filed both a motion to dismiss
6 the complaint, which is based on one claim of defamation, as
7 well as a motion to stay discovery during the pendency of our
8 motion to dismiss the complaint.

9 At the heart of this case, your Honor, defamation is
10 about words, specifically false and defamatory words, about the
11 plaintiff published to another by the defendant with a certain
12 level of culpability and resulting injury. Depending on the
13 context of the words, the content of the statement, the
14 relationship of the speaker and the listener, depending on the
15 time, place and manner of the statement, the Court may find the
16 words to be actionable or not, privileged or not, defamatory in
17 meaning or not.

18 The central problem with this particular complaint,
19 your Honor, is that all of the key elements of defamation are
20 conspicuously absent. Cutting through the hyperbole and the
21 rhetoric contained in the complaint, one is still left
22 wondering what words are actually at issue. Is it the three
23 sentence fragments contained in paragraph 30 against Ghislaine
24 Maxwell are untrue, shown to be untrue, claimed or obvious
25 lies, or does it include some additional or extra false

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1 statements that are referenced but never explained in
2 paragraphs 31 and 34? In what context were any of these
3 sentence fragments published? What, if anything, were they in
4 response to?

5 Your Honor has found in previous cases, such as
6 Hawkins v. City of New York, that the failure to identify the
7 individuals to whom the statement allegedly was made and the
8 content of that statement is fatally defective to an attempt to
9 state a libel or slander cause of action.

10 In this case, in this complaint, plaintiff has barely
11 even attributed a few sentence fragments to my client,
12 Ms. Maxwell. She stripped them of any context. She hasn't
13 provided the entire statement in which those sentence fragments
14 were contained, nor the articles in which any of those
15 sentences might have appeared. She has not pled facts, which,
16 as this Court knows, post-Twombly, must be included, not just
17 legal conclusions. She has not pled facts demonstrating actual
18 malice, nor any special damages or facts that would support
19 defamation per se. Because of the many pleading failures, your
20 Honor, I do not believe this complaint should stand.

21 The Second Circuit made quite clear that your Honor
22 has an important gatekeeping function in a defamation case.
23 The Court must ascertain whether the statement, when judged in
24 context, has a defamatory meaning, and also whether it is
25 privileged.

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1 As your Honor also found in Cruz v. Marchetto, you
2 cannot rely, as the plaintiff tries to do here, on the less
3 stringent pleading requirements that predated Twombly and
4 Iqbal, and furthermore, that the plaintiff must plead facts
5 which support either defamation per se or special damages.

6 Here, your Honor, while there are statement fragments
7 contained in the complaint at paragraph 31, there's not even a
8 complete sentence attributed to my client, Ms. Maxwell. That,
9 your Honor, has been found on numerous occasions to be
10 insufficient to state a cause of action for defamation.

11 Furthermore, the complaint does not state to whom any
12 such statements were made. There is a general allegation that
13 the statements were made, quote, to the media and public, but
14 no media is identified, no publications are identified. While
15 the complaint states at one point that it was published and
16 disseminated around the world, not a single publication is
17 mentioned or attached to the complaint.

18 And furthermore, the complaint fails to state where in
19 fact the statements were made. Although it does state the
20 statements were made in the Southern District of New York, it
21 attributes those sentence fragments to a press agent who is
22 admittedly located in London.

23 Finally, your Honor, there is a lot of confusion
24 contained in the paperwork with regard to the standard of
25 malice that must be pled. Again your Honor has found, and

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1 numerous other Southern District Courts have found likewise,
2 that malice in this context is malice in the sense of spite or
3 ill will. Looking to the complaint, your Honor, there's not a
4 single conclusory or factually-supported allegation that would
5 give rise to a finding of malice. And that, your Honor,
6 likewise is fatal to the complaint.

7 Finally, in terms of pleading deficiencies, plaintiff
8 in this case has tried to allege defamation per se by claiming
9 her profession is as a professional victim. In other words,
10 ten days before she claims my client made statements about her,
11 plaintiff founded a nonprofit through her organization, through
12 her attorneys in Florida, called Victims Refuse Silence, and
13 thereby states that any attempt to impugn anything she says is
14 defamation per se.

15 There is no support in the case law for a profession
16 of being a victim, your Honor. And likewise, there's no
17 factual support to suggest, and the cases require, that the
18 statements attributed to my client, Ms. Maxwell, have anything
19 to do with her nonprofit organization, nor that my client was
20 even aware of an organization founded a mere ten days earlier
21 and which doesn't appear to have any actual business conduct
22 related to it.

23 So your Honor, I think for all those reasons, the
24 complaint is insufficiently pled and should be dismissed.

25 Our papers go on a little bit further, your Honor, to

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1 also argue that to the extent any of these sentence fragments
2 can be pieced together, the statements, at most, are a general
3 denial. In other words, plaintiff admits in the complaint that
4 she started a media campaign against my client, she issued some
5 very salacious allegations against my client in the British
6 press and in some pleadings that she filed in Florida. And
7 after having done that, my client, she says, issued a statement
8 that the allegations are quote, unquote, untrue.

9 Repeatedly, cases both in New York State and federal
10 courts have found general denials are not actionable, that
11 individuals have a right, when they have been accused of
12 misdeeds in the press, to respond, so long as they don't abuse
13 that privilege. And by abuse of privilege, that means
14 including numerous defamatory extraneous statements about the
15 person to whom they are responding and/or excessively
16 publicizing their response.

17 In this case, your Honor, the statement the
18 allegations are untrue is about as plain vanilla as one can
19 find. There's no better way to issue a general denial than to
20 just say that the allegations are untrue, without more.
21 There's not a single reference to plaintiff herself.

22 Although, in opposition, plaintiff claims to have been
23 called a liar, complains that she was called dishonest, she
24 doesn't actually point to any statement which contains those
25 words, nor any statement which actually refers to her as a

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1 person, simply to the allegations which her client had issued,
2 and frankly, allegations which had been circulated in the
3 press.

4 So saying the allegations are untrue is tantamount to
5 a general denial, and that is one additional reason, your
6 Honor, that I think the complaint should be dismissed.

7 Thank you.

8 MS. McCAWLEY: Good morning, your Honor. May I
9 approach with a bench book?

10 THE COURT: Sure.

11 MS. McCAWLEY: Thank you.

12 THE COURT: I think in duplicate. Do you have another
13 copy?

14 MS. McCAWLEY: Sure, of course.

15 Good morning, your Honor, my name is Sigrid McCawley,
16 I'm with the law firm of Boies, Schiller & Flexner representing
17 the plaintiff in the case, Virginia Giuffre.

18 With all due respect to my colleague, I think she read
19 a different complaint than the one submitted in this case. She
20 left out significant factual details from the complaint that
21 plead actual defamation.

22 This is an old story. A woman comes forth and finally
23 gets the courage to tell about the sexual abuse she endured,
24 and her abusers come public and call her a liar and say her
25 claims are, quote, obvious lies. That quote is in our

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1 complaint.

2 Your Honor, this is an actionable defamation case.
3 Fortunately for women who have been abused in this manner, the
4 law of defamation stands by their side. It does not allow
5 someone to publically proclaim they're a liar and issue
6 character assaults on them without ramifications.

7 After those statements were made, we filed this
8 defamation lawsuit. Virginia Giuffre was only 15 years old
9 when she was recruited by Maxwell to be sexually abused by both
10 Maxwell and Jeffrey Epstein, who is a convicted pedophile and
11 billionaire. She was harmed for many years before she finally
12 found her way to Thailand and escaped clear to Australia where
13 she hid out for ten years before the FBI interviewed her and
14 she made her statement public.

15 Your Honor, this is a very serious case of abuse. My
16 client never sued Ms. Maxwell until she came out and called her
17 a liar publically for claiming her allegations of sexual abuse
18 were false. That's actionable defamation. We have seen that
19 in cases recently, and I will walk you through those.

20 Now while this story may sound hard to believe, it
21 happened, and there were over 30 female childhood victims in
22 Florida alone that came forward and gave statements to law
23 enforcement about this same type of abuse.

24 Unfortunately, due to Epstein's vast wealth and power,
25 he was able to get off with a very light sentence. And his

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1 co-conspirators were also part of that plea agreement, that
2 non-prosecution agreement, and were not prosecuted. That
3 agreement is being challenged by two other victims in Florida
4 in a case in front of Judge Marra case called the Crime
5 Victims' Rights Act case.

6 I want to mention that while my colleague didn't
7 mention it in her opening, she does mention it in her papers, I
8 contend that the order she referenced in her papers by Judge
9 Marra, which we included a copy of for you, has been
10 misrepresented. That order did allow my client -- on page 6 it
11 says, quote, Jane Doe 3 is free to assert factual allegations
12 through proper evidentiary proof should she identify a basis
13 for believing such details are pertinent to the matter.

14 So while the paper suggested she was deemed to have
15 impossible allegations or that those allegations were untrue,
16 that's absolutely not what the court said in Florida, so I want
17 to correct that for the record before we begin.

18 What we have here is a defamation case. As the Court
19 well knows, defamation -- this is a libel per se case where the
20 words were published in writing. And as you know, libel per se
21 is when a word tends to expose another to public hatred, shame,
22 contempt or ridicule. I see no other allegation that could be
23 worse than calling a sex abuse victim a liar. To lie about
24 sexual abuse has to be one of the most scornful things
25 available, and that is subject to defamation.

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1 Now in the papers -- and I will just touch on this
2 briefly because my colleague did not touch on it significantly
3 here and I don't want to waste the Court's time, but she
4 alleged a number of privileges that she believes Ms. Maxwell
5 should be able to hide behind in order to preserve these
6 defamatory statements.

7 I impart on your Honor that a determination as to
8 whether any of those privileges apply would be premature at
9 this stage. That's your case, which is Block v. First Blood,
10 691 F.Supp. 685. In that case you dealt with one of the
11 privileges she is asserting here, the prelitigation privilege,
12 and you found that it would be premature, even at the summary
13 judgment stage, to be analyzing whether or not that was
14 applicable.

15 So what we have here is qualified privileges being
16 asserted as to defamatory statements. The two qualified
17 privileges she asserts are the self-defense privilege and the
18 prelitigation privilege. So in other words, if the defamatory
19 statements survive, she says, nevertheless the privileges
20 preclude the case from going forward.

21 The self-defense privilege has been addressed by the
22 highest court of New York just as recent as this year, and
23 that's in the case of Davis v. Boenheim. And that was case
24 where the Syracuse basketball coach was accused by two victims
25 that were childhood victims who later as adults came forward

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1 and set forth their allegations against him. One of his
2 colleagues came forth and called those victims liars publicly,
3 same thing that happened in this case. And the court there
4 said that the case cannot be dismissed, it has to proceed
5 forward, and they are entitled to prove those allegations were
6 false, that the victims were not liars, and indeed they were
7 subject to the abuse they were subject to.

8 Another case that is recent which I supplemented with
9 your Honor is the Cosby case. It's recent out of
10 Massachusetts, and very similarly there -- in fact, the
11 statements weren't even as strong as Ms. Maxwell's statements
12 here. In our complaint, Ms. Maxwell calls our client's
13 allegations of sexual abuse, quote, obvious lies, issued by
14 press release nationally and internationally to the media. And
15 we do cite to the media that it is sent to. That's in
16 paragraph 30, 36 and 37, international media, national media
17 and the New York Daily Post, who interviewed Ms. Maxwell on a
18 New York street. So that is alleged in detail in our
19 complaint.

20 But in Cosby the court said, quote, suggestions that a
21 plaintiff intentionally lied about being sexually assaulted
22 could expose that plaintiff to scorn and ridicule, and
23 therefore, Bill Cosby's statements could be found to have a
24 defamatory meaning, and the court allowed the case to proceed
25 past the motion to dismiss stage.

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1 We also have the McNamee v. Clemens case which you may
2 be familiar with. It's another New York case involving Roger
3 Clemens where he had been alleged to have engaged in steroid
4 use. His trainer stated that publicly. He came forward and
5 called his trainer a liar publicly, and the court found that
6 that statement that he is a liar was actionable defamation that
7 survived the motion to dismiss, because publicly proclaiming
8 someone a liar is actionable defamation. It is not mere
9 denial, it is actionable defamation.

10 So those are the cases I would like to direct the
11 Court's attention to. Again, on page 10 of our opposition we
12 have a litany of cases that deal with the issue of calling
13 someone a liar and that being actionable defamation.

14 She also asserts the prelitigation privilege, and that
15 is a privilege addressed in your Block v. First Blood case.
16 That privilege is intended to protect communications between
17 parties, typically attorneys, in advance of litigation in order
18 for them to narrow the scope of the litigation or to negotiate
19 a resolution in advance of litigation. That prelitigation
20 privilege does not cover public statements by Ms. Maxwell's
21 hired press agent that are given to the national and
22 international media for the purposes of defaming my client,
23 calling her allegations of sexual abuse untruths and calling
24 them, quote, obvious lies. So that prelitigation privilege
25 does not apply.

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1 The Khalil case, which is cited in the defendant's
2 brief, actually has a great passage in there that describes if
3 the allegation is made for an improper purpose, in other words,
4 if it is made for a wrongful purpose or to harass or seek to
5 press or intimidate the victim, then it is not something that
6 the defendant can avail themselves to as a privilege.

7 Now, just briefly, the opposition also stated that our
8 complaint is deficient in other manners; for example, that we
9 haven't properly alleged the to whom, as I referenced. You can
10 look at paragraphs 30, 36 and 37 to see that. That is a
11 technical pleading deficiency that she is raising there. We do
12 meet the standards of Twombly. We have pled detailed facts
13 that our client was sexually abused as a minor child. We pled
14 other facts about that abuse. And Ms. Maxwell intentionally
15 and maliciously came out and called her a liar in order to
16 protect her own self.

17 So that is what we have put in our complaint. The
18 Hawkins case that she references and the Cruz case that she
19 references are vastly different. In Cruz there wasn't even an
20 allegation of defamation, and the court was reading into the
21 complaint whether or not there could have been defamation.
22 Here we stated specifically who made the statement, when she
23 made the statement, where she made the statement, why she made
24 the statement. That is all we need to do. It's more than
25 sufficient to plead a case of defamation in this instance.

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1 With respect to the allegations that we haven't pled
2 properly libel per se, I want to be clear we pled that in two
3 ways. And the case law is a case cited in the defendant's
4 brief, and it's Jewell, and it does a very good job of parsing
5 out the difference between slander and libel, and there is a
6 difference in the case law, as your Honor knows.

7 In the instance of libel, the written words, Cardozo
8 has said, it stings, it stings longer, so therefore, in
9 pleading libel per se, you don't have to plead special damages
10 in the way that you do for slander.

11 The Matherson case, which is out of New York, also
12 articulates that. The difference, it says, quote, on the other
13 hand, a plaintiff suing on libel need not plead or prove
14 special damages if the defamatory statement tends to expose the
15 plaintiff to public contempt, ridicule, aversion, or disgrace.
16 And that is exactly what we have pled in this case, that the
17 statements that our client lied about the sexual abuse she
18 endured as a minor were statements that exposed her to that
19 public contempt and ridicule.

20 She has also pled libel per se with respect to her
21 profession. While my colleague may make light of the fact that
22 she is involved in helping victims that -- people who are
23 victims of sexual trafficking, that is what she has dedicated
24 her life to doing. And to come out and publicly proclaim her a
25 liar about sexual abuse harms the nonprofit and harms the work

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1 she has been doing. She has been harmed personally by saying
2 her claims are, quote, obvious lies, and she has been hurt
3 professionally in that manner, and we allege both things in our
4 complaint.

5 Your Honor, Virginia has been beaten down many times
6 in her life, but the law of defamation stands at her side. I
7 pray upon you that you will consider the complaint and not
8 dismiss it, because her claims should be able to be proven in
9 this Court. Thank you.

10 THE COURT: Thank you very much.

11 Anything further?

12 MS. MENNINGER: If I may, your Honor.

13 Again, plaintiff comes before you claiming she has
14 been called a liar. There is no statement attributed to my
15 client, in the complaint or elsewhere, in which my client has
16 called plaintiff a liar. There are three sentence fragments
17 contained in the complaint, the allegations against Ms. Maxwell
18 are untrue, and that her claims are obvious lies.

19 Your Honor, it is a meaningful distinction. I can
20 explain a little bit of the background here. Plaintiff came
21 forward and gave an interview in the press in 2011 claiming
22 that my client was somehow involved with Mr. Epstein's sexual
23 abuse of her. She gave an exclusive interview to a British
24 newspaper in which she made that allegation, plaintiff did, and
25 was paid for it.

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1 My client issued a general denial in 2011 saying that
2 the allegations were untrue. At that time, plaintiff said
3 that, although she had been in contact with the likes of Prince
4 Andrew in London and Bill Clinton and other famous people,
5 there was no suggestion that those people had engaged in any
6 kind of improper sexual contact with her.

7 Fast forward a few years. Some other women who
8 claimed they were victims of Mr. Epstein's abuse filed a
9 lawsuit in Florida and they asked the court to undo a plea
10 agreement that had been entered into by the U.S. attorney's
11 office down in Florida or that the U.S. attorney's office
12 somehow worked with the state authorities in crafting, and
13 those two other women, not plaintiff, litigated for I think
14 seven years now whether or not they should have been informed
15 earlier about whatever plea agreement was going to go on with
16 Mr. Epstein.

17 Well, December 30 of 2015, plaintiff filed a motion to
18 join that Victims' Rights Act litigation, and in her motion to
19 join the Victims' Rights Act litigation she filed a
20 declaration, in which, as I understand it thirdhand based on
21 the judge down there's order, she claimed to have been involved
22 in sexual relations with Prince Andrew, with world leaders, a
23 former prime minister of some country or other, Mr. Alan
24 Dershowitz. She made a number of spurious allegations, and one
25 of them involved my client, Ms. Maxwell.

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1 Well, within minutes of filing that motion to join
2 that action, lo and behold, her story hits the British press.
3 Whether or not that was at her lawyer's instigation, I don't
4 know, but they have been courting the press in a number of
5 ways, so I wouldn't be surprised.

6 The press comes calling and asked my client and
7 Mr. Dershowitz and Prince Andrew and everyone else whether any
8 of the allegations contained in this legal pleading are true.
9 Buckingham Palace issued a statement flatly denying the claims
10 made by plaintiff here. Mr. Dershowitz came out even stronger
11 and not only flatly denied it but did in fact call her a liar
12 and said, among other things, if she lied about me, she
13 probably lied about all these other world leaders that she
14 claims she was involved with at the age of 17 and 18, and that
15 the story dates back to '99 when she claims these activities
16 occurred. And so he came out and actually called her a liar.

17 Buckingham Palace said her claims were absolutely
18 untrue. At the end of one article, in which the two comments
19 about plaintiff were contained, is a statement attributed to my
20 client, Ms. Maxwell, and her statement reads, the claims
21 against Ghislaine Maxwell are untrue. She has now made
22 additional statements about world leaders, and those claims are
23 obvious lies. So that part about obvious lies come after the
24 part about claims against world leaders and famous politicians
25 and the like.

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1 Well, I tried to go to the Florida action to find
2 where these allegations were that apparently plaintiff believes
3 my client's statement was in relation to. And guess what?
4 Judge Marra down in the Southern District of Florida has
5 stricken the declaration from public access. He has stricken
6 the actual paragraphs making all of these allegations, and has
7 restricted from public access the documents that contained the
8 allegations. And he issued an order, and I attached that
9 order, because I believe the Court can consider it taking
10 judicial notice, to my declaration here on the motion to
11 dismiss.

12 In the order, just so we're all clear, I'm not
13 misrepresenting what happened, as I was just accused doing,
14 Judge Marra held, after describing what he called lurid
15 allegations, he found they were impertinent and immaterial to
16 the motion to join the Victims' Rights Act filed by plaintiff.
17 He said that they concerned non-parties, including my client,
18 who was not there and able to defend herself within the
19 litigation, and he denied her request to join that action
20 finding that she waited a long time. While she may be a
21 witness to things that are concerned down there, she does not
22 need to join the action in order to assert rights that the
23 other plaintiffs down there are already asserting.

24 Then he goes on in the order to remind her counsel of
25 their Rule 11 obligations to only include pertinent materials.

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1 And he was not denying they would ever be able to, but seems to
2 seriously question whether or not admissible non-cumulative
3 evidence of the things that were claimed would ever be heard in
4 his court.

5 So I don't actually have a copy of whatever it is that
6 was claimed down there because it's not publicly available, and
7 it certainly was not mentioned in the complaint, wasn't
8 attached to the complaint, it's just somewhere out there that
9 the press has picked up on and published.

10 In the meantime, Mr. Dershowitz is now involved in
11 ongoing battles with plaintiff's lawyers down in Florida. They
12 cross claimed one another for defamation. And she's been
13 participating in that litigation as a non-party as well,
14 although it concerns her attorneys and the same exact
15 allegations.

16 So while others have called her a liar, notably
17 Mr. Dershowitz, and others have denied claims that plaintiff
18 has made, including Buckingham Palace, and while Judge Marra
19 down there has found her claims impertinent and immaterial to
20 the allegations going on in Florida, Ms. Maxwell has not
21 actually ever called her a liar.

22 And your Honor, all of these cases that plaintiff
23 cites to, Davis v. Boenheim, McNamee v. Clemens, all of those
24 cases had complaints which had attached to them the actual
25 statements at issue.

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1 I think in the McNamee v. Clemens case there were some
2 27 exhibits attached to the amended complaint where Mr. Clemens
3 had been on 60 Minutes and given statements to reporters and
4 gone on at length calling the plaintiff in that case,
5 Mr. McNamee, a liar, calling him a liar 25 ways to Sunday,
6 talking about his financial motives, his potential financial
7 gain, et cetera.

8 Likewise, in the Davis v. Boeheim case, Mr. Boeheim
9 gave a press conference in which he called the accusers liars.
10 He questioned their financial incentives following the Sandusky
11 case to be coming forward then, and he went on at length about
12 all of the reasons why they might be coming forward now with
13 their, quote, unquote lies.

14 In each of those cases, McNamee v. Clemens and Davis
15 v. Boeheim, the New York Court of Appeals, as well as the
16 Federal Court in the Eastern District of New York, made clear
17 that the one thing that is not actionable is a general denial.
18 And then they talk about why Mr. Boeheim's comments and
19 Mr. Clemens' comments went well beyond what anyone might
20 consider a general denial. And fortunately, those cases
21 actually had records which included the statements, included
22 the articles in which the statements were made, so the Court
23 could engage in the sort of analysis that it must, that is, to
24 decide whether, in context, the statement has a defamatory
25 meaning.

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1 So I think even now, saying that my client called her
2 client a liar is just not supported by a single fact in the
3 complaint. While the complaint makes conclusory statements
4 like it was a campaign questioning her dishonesty and all of
5 that, when you get right down to the actual statements, which
6 this Court has held on numerous occasions must actually be
7 spelled out in a defamation case, the only statements are,
8 quote, sentence fragments like allegations against Ghislaine
9 Maxwell are untrue.

10 And by the way, looking at those news articles, one
11 might see that they actually are talking about allegations that
12 have lodged in the British press. They don't refer to
13 Ms. Roberts, as she was then known, they don't refer to
14 anything about her, they don't call her a liar, they don't
15 question her financial motives, although I'm sure she has some.
16 So if you look at the cases Davis v. Boenheim, McNamee v.
17 Clemens, you will see Ms. Maxwell's statements, even to the
18 extent they're alleged, fall well within the general denial
19 privilege.

20 I think it's inaccurate to quote, with regard to the
21 prelitigation privilege, the statements attributed to
22 Ms. Maxwell that reserved her right to seek redress from the
23 British press for the repetition of what she said were untrue
24 allegations. And that is something that, under British law,
25 one must assert or waive. So if you don't, under British law,

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1 put the press on notice that you are challenging the veracity
2 of statements that the British press is publishing, then you
3 will have been deemed to have waived your right to do so in the
4 future.

5 We cited Khalil v. Front, which is a New York Court of
6 Appeals case from last year. It was actually affirming the
7 dismissal of a case on a motion to dismiss. So while plaintiff
8 claims that privileges like this can't be decided at the motion
9 to dismiss stage, the New York Court of Appeals directly found
10 otherwise. And there they said that if a statement is made in
11 anticipation of litigation, whether or not -- I think they used
12 the word "contemplated" litigation, whether or not the
13 litigation actually occurred is not material, but if they are
14 made in anticipation of potential litigation then they are
15 entitled to the prelitigation privilege.

16 So not only do I believe that the statements
17 themselves are non-defamatory general denials, but insofar as
18 they were issued to put the British press on notice, that
19 repetition of them may give rise to litigation. They also
20 should be afford the prelitigation privilege that the New York
21 Court of Appeals has recognized. Thank you.

22 THE COURT: Thank you very much. I will reserve
23 decision.

24 ooo

25

Exhibit 5
(File Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

15-cv-07433-RWS

DEFENDANT’S RESPONSE TO PLAINTIFF’S FIRST SET OF INTERROGATORIES

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Defendant, Ghislaine Maxwell, by and through her undersigned counsel, hereby responds to Plaintiff's First Set of Interrogatories (the "Interrogatories").

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1. This response is made to the best of Ms. Maxwell's present knowledge, information and belief. Ms. Maxwell, through her attorneys of record, have not completed the investigation of the facts relating to this case, have not completed discovery in this action, and have not completed preparation for trial. Ms. Maxwell's responses to Plaintiff's Interrogatories are based on information currently known to her and are given without waiving Ms. Maxwell's right to use evidence of any subsequently discovered or identified facts, documents or communications. Ms. Maxwell reserves the right to supplement these Interrogatories in accordance with Fed. R. Civ. P. 26(e).

2. Ms. Maxwell objects to the Interrogatories to the extent they attempt to impose any requirement or discovery obligation greater than or different from those under the Federal Rules of Civil Procedure, the local rules of this Court or any Orders of the Court.

3. Ms. Maxwell objects to the Interrogatories to the extent they seek information protected by the attorney/client privilege, the work-product doctrine, Rule 408 of the Federal Rules of Evidence, any common interest privilege, joint defense agreement or any other applicable privilege.

4. Ms. Maxwell objects to the Interrogatories to the extent they seek information outside of Ms. Maxwell's possession, custody or control.

5. Ms. Maxwell objects to the Interrogatories to the extent they seek information which is not relevant to the subject matter of the litigation and /or is not reasonably calculated to lead to the discovery of admissible evidence.

6. Ms. Maxwell objects to the Interrogatories to the extent they are overly broad, unduly burdensome and/or propounded for the improper purpose of annoying, embarrassing, or harassing Ms. Maxwell.

7. Ms. Maxwell objects to the Interrogatories to the extent they are vague and ambiguous, or imprecise.

8. Ms. Maxwell objects to the Interrogatories to the extent they seek information that is confidential and implicates Ms. Maxwell's privacy interests.

9. Ms. Maxwell incorporates by reference every general objection set forth above into each specific response set forth below. A specific response may repeat a general objection for emphasis or for some other reason. The failure to include any general objection in any specific response does not waive any general objection to that request.

10. The Interrogatories seek information that is confidential and implicates Ms. Maxwell's privacy interests. To the extent such information is relevant and discoverable in this action, Ms. Maxwell will produce such materials subject to an appropriate protective order pursuant to Fed. R. Civ. P. 26(c) limiting their dissemination to the attorneys and their employees.

OBJECTIONS TO DEFINITIONS

1. Ms. Maxwell objects to Definition No. 1 regarding "Agent" because it is an incorrect statement of the law.

2. Ms. Maxwell objects to the Definition of "communication" to the extent it expands upon the meaning ascribed to that term by Local Rule 26.3(c).

3. Ms. Maxwell objects to Definition No. 3 regarding "Defendant." The Definition is overly broad and unduly burdensome to the extent it attempts to extend the scope of the Interrogatories to information in the possession, custody or control of individuals other than Ms. Maxwell or her counsel.

4. Ms. Maxwell objects to the Definition No. 4 regarding "Document" to the extent it expands upon the meaning ascribed to that term by Local Rule 26.3(c).

5. Ms. Maxwell objects to Definition No. 5 regarding "Employee." Ms. Maxwell is an individual, sued in an individual capacity, and therefore there is no "past or present officer, director, agent or servant" of hers. Additionally, "attorneys" and "paralegals" are not "employees" of Ms. Maxwell given that she herself is not an attorney and therefore cannot "employ" attorneys.

6. Ms. Maxwell objects to Definition No. 7 of "Jeffrey Epstein" to include not only entities but also any employee, agent, attorney, consultant or representative of him, to include any entities owned or controlled by him. Questions related to an individual named Jeffrey Epstein have been construed to mean only that individual and not any other individual who is affiliated in some capacity with entities owned or controlled by him.

7. Ms. Maxwell objects to Definition No. 8 regarding "Massage" to include "any person touching another person," as the touching of another person may or may not include what is commonly understood to mean massage, it may be for a harmful, offensive or accidental reasons, or for any other purposes, or may be a touching incidental to being in close proximity with another. Similarly, a definition of "massage" to include "using any object...to touch another person" can mean a wide variety of activities and for various purposes that exceed the relevancy of this defamation action.

8. Ms. Maxwell objects to Definition No. 9 regarding "Person" to the extent it expands upon the meaning ascribed to that term by Local Rule 26.3(c).

9. Ms. Maxwell objects to Definition No. 11 regarding "You" or "Your." The Definition is overly broad and unduly burdensome to the extent it attempts to extend the scope of

the Interrogatories to information in the possession, custody or control of individuals other than Ms. Maxwell or her counsel.

OBJECTIONS TO INSTRUCTIONS

1. Ms. Maxwell objects to Instruction No. 1, in particular the definition of the “Relevant Period” to include July 1999 to the present, on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. The Complaint at paragraph 9 purports to describe events pertaining to Plaintiff and Defendant occurring in the years 1999 – 2002. The Complaint also references statements attributed to Ms. Maxwell occurring in January 2015. Defining the “Relevant Period” as “July 1999 to the present” is vastly overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and as to certain of the Interrogatories, is intended for the improper purpose of annoying or harassing Ms. Maxwell and it implicates her privacy rights. Thus, Ms. Maxwell interprets the Relevant Period to be limited to 1999-2002 and December 30, 2014 - January 31, 2015 and objects to the Interrogatories, except as specifically noted. Without waiver of this Objection, Ms. Maxwell notes the Court Order in this case which permits discovery regarding events between 2002 and the present which relate to the topics of the sexual trafficking of females and will respond to the Interrogatories for the period 2002 to the present on that topic.

2. Ms. Maxwell objects to Instruction Nos. 2-21 to the extent they impose obligations beyond those imposed by Fed. R. Civ. P. 33(b) and Local Rule 33.3. In particular, the majority of the Instructions pertain to Requests for Production of Documents and are therefore inapplicable to Interrogatories.

3. Ms. Maxwell objects to these Interrogatories to the extent they exceed those types of interrogatories permitted by Local Rule 33.3. In particular, the majority of these Interrogatories do not seek the names of witnesses with knowledge of information relevant to the subject matter of this action nor the existence, custodian and location or general description of relevant documents. Moreover, these Interrogatories are not a more practical method of obtaining the information sought than a deposition or a request for production of documents.

4. Finally, the contention interrogatories are premature, as other discovery in this case has not concluded. Local Rule 33.3(c).

5. Ms. Maxwell objects to the Definition of “Identify” to the extent it expands upon the meaning ascribed to that term by Local Rule 26.3(c).

RESPONSES TO INTERROGATORIES

1. Identify all persons and entities authorized by you or authorized your agent(s) to make statements on your behalf in January of 2015.

ANSWER:

Ms. Maxwell objects to this Interrogatory as vague and ambiguous, specifically by not defining what types or topics of “statements” are referred to. As drafted, this Interrogatory calls for information clearly outside the relevancy of this lawsuit because it implicates her assistant making work calls for her, scheduling appointments for her and her representatives making “statements” in all manner of business capacities. Further, Ms. Maxwell objects to this Interrogatory to the extent it calls for information protected by the attorney/client, attorney work product and joint defense privileges. Without waiver of the foregoing objections, she responds as follows:

Ms. Maxwell has no recollection of any non-privileged communication by which she specifically authorized any agent or entity to “make statements on her behalf in January of 2015” nor does she possess any documents beyond those already produced by which any such authorization may be ascertained.

2. Identify any action that you took after Ross Gow issued the January 2015 statement regarding Ms. Giuffre to the public to retract or remediate the statement, clarify the statement, or otherwise cause a different message to enter the public domain.

ANSWER:

Ms. Maxwell objects to this Interrogatory as vague and ambiguous, specifically by not defining what types or topics of “statements” are referred to. Further, Ms. Maxwell objects to this Interrogatory to the extent it calls for information protected by the attorney/client, attorney work product and joint defense privileges. Without waiver of the foregoing objections, she responds as follows:

Ms. Maxwell does not recall any actions that she took to retract, remediate or clarify a communication Mr. Gow made to the British press in January 2015 regarding Plaintiff’s allegations nor upon the exercise of a reasonable inquiry has she located any actions that she took in that regard.

3. Name every blog, television station, newspaper, or other media or public outlet that you are aware covered the January 2015 statement issued, either by quoting from the statement or by referring to or referencing the statement.

ANSWER

Ms. Maxwell objects to this Interrogatory as improper pursuant to Local Rule 33.3(a) and (b). The Interrogatory does not seek the names of any witnesses nor the custodian or location of any

documents. Moreover, Ms. Maxwell objects to this Interrogatory to the extent it calls for attorney work product and attorney client communications. The information sought is equally available to both parties within the public domain. Without waiver of the foregoing, Ms. Maxwell responds as follows:

Ms. Maxwell is personally unaware of any particular coverage by any media regarding Mr. Gow's communication to the British press. Any such articles or coverage of which she is aware have previously been produced in this action and are equally available to both parties in the public domain.

4. Identify all legal actions you, or someone acting on your behalf, have initiated, since January 1, 2015, identifying the jurisdiction, the date of initiation of the action, and the subject matter of the action.

ANSWER:

Ms. Maxwell objects to this Interrogatory as vague and ambiguous, specifically by failing to define "legal action." Further, Ms. Maxwell objects to the extent the Interrogatory calls for attorney-client communications or attorney work product. Without waiver of the foregoing, Ms. Maxwell responds as follows:

Ms. Maxwell has not filed any complaint in a court since January 1, 2015.

5. Identify all payments made or things of value transferred to you by Jeffrey Epstein, directly or indirectly or through any entity or person affiliated with or controlled by Epstein, from 1992 through the present, and if loans, detailing the amount of the loans, the terms of the loans, the interest rate of the loans, and any payments made by you or on your behalf to repay such loans.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Ms. Maxwell's personal financial information is not at issue in this matter and information relating thereto is irrelevant. This Interrogatory also violates Local Rule 33.3(a) – (c) in that it does not seek the name of witnesses or the custodian and location of documents. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

From the time period of January 1, 2015 through the present, Ms. Maxwell has had no payments made or things of value transferred to her, including loans, by Jeffrey Epstein or any entity or person affiliated with or controlled by him.

6. Identify all loans issued to you by Jeffrey Epstein, directly or indirectly or through any entity or person affiliated with or controlled by Epstein, from 1992 through the present, detailing the amount of the loans, the terms of the loans, the interest rate of the loans, and any payments made by you or on your behalf to repay such loans.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Ms. Maxwell's personal financial information is not at issue in this matter and information relating thereto is irrelevant. This Interrogatory also violates Local Rule 33.3(a) – (c) in that it does not seek the name of witnesses or the custodian and location of documents. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

From the time period of January 1, 2015 through the present, Ms. Maxwell has had no loans issued to her by Jeffrey Epstein, either directly, indirectly or by any entity or person affiliated with or controlled by him.

7. Identify any other employment you have held since 1999, how you were compensated, and how much you were compensated, broken down by job title, employer, and year.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Ms. Maxwell's personal financial information is not at issue in this matter and information relating thereto is irrelevant. This Interrogatory also violates Local Rule 33.3(a) – (c) in that it does not seek the name of witnesses or the custodian and location of documents. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

From January 1, 2015 to the present, Ms. Maxwell has not been employed as that term is commonly understood to mean a salaried position.

8. Identify all persons who gave a massage to Jeffrey Epstein with whom you had any involvement, either in meeting the person who gave a massage, finding the person who gave the massage, making a referral to the person who gave the massage, conversing with the person who gave the massage, staffing the person who gave the massage, or otherwise facilitating that person giving a massage to Jeffrey Epstein.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to the Interrogatory as vague and ambiguous given the definition of “massage” to include any person touching another person. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

As she testified at her deposition, Ms. Maxwell on occasion met with adult, professional women and men who were employed at high-end spas or resorts and asked whether they made home visits for the purposes of massages. She does not recall the names of those persons who ended up making professional, adult home visit massages that occurred between the years 2000 and 2002. Other deposition testimony in this case has included that of Johanna Sjoberg who stated that she had met with Ms. Maxwell and later had trained for and become a masseuse and provided professional massages to Mr. Epstein.

9. Identify all efforts undertaken by you to ascertain the age and professional qualifications of any individual in your answer to Interrogatory number 9.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to the Interrogatory as vague and ambiguous given the definition of “massage” to include any person touching another person. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Further, Ms. Maxwell objects to this Interrogatory as a violation of Local Rule 33.3(a) – (b) as it seeks neither the names of witnesses nor the locations of documents and is more appropriately discovered through the deposition of Ms. Maxwell, during which time she already answered questions on this topic. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

As she testified at her deposition, Ms. Maxwell has contacted a number of professional masseuses from spas in various locations, including New York, Palm Beach, and the U.S. Virgin Islands, to provide professional, adult massages to be given to Jeffrey Epstein. Ms. Maxwell relied on and expected those various high-end registered and licensed spas to hire professional accredited massage therapists and to check the credentials, including the age and professional qualifications, of their employees.

10. Have you ever recruited, found, hired, approached, introduced, procured, or otherwise obtained, for the purposes of Jeffrey Epstein employing, any female who was not at the time a certified or licensed massage therapist for the purpose of having that female perform a massage on Jeffrey Epstein. If yes, please identify the name of each such female, the last known address and phone number, and a description of the circumstances surrounding that female meeting with your (sic) or Jeffrey Epstein.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to the Interrogatory as vague and ambiguous given the definition of “massage” to include any person touching another person. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Further, Ms. Maxwell objects to this Interrogatory as a violation of Local Rule 33.3(a) – (b) as it seeks neither the names of witnesses nor the locations of documents and is more appropriately discovered through the deposition of Ms. Maxwell, during which time she already answered questions on this topic. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Not to her knowledge.

11. Have you ever recruited, found, hired, introduced, approached, or encouraged any female, and told that female to meet with, or show themselves to, Jeffrey Epstein because he was associated in some way with Victoria’s Secret. For each such female, please list her name, address, telephone number, as well as a description of the circumstances surrounding that female’s encounter with your or Jeffrey Epstein.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Further, Ms. Maxwell objects to this Interrogatory as a violation of Local Rule 33.3(a) – (b) as it seeks neither the names of witnesses nor the locations of

documents and is more appropriately discovered through the deposition of Ms. Maxwell, during which time she already answered questions on this topic. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Not to her knowledge.

12. Identify your basis for your contention that Plaintiff's claims are barred by the United Kingdom's Defamation Act of 2013.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory to the extent it calls for attorney-client communications and attorney work product. This Interrogatory is premature and violates Local Rule 33.3(c) because discovery is ongoing in this case, not complete, and it is more than thirty days from the conclusion of discovery. *See, e.g., Shannon v. New York City Transit Auth.*, No. 00 CIV. 5079 (RWS), 2001 WL 286727, at *3 (S.D.N.Y. Mar. 22, 2001) (Sweet, J).

Without waiver of the foregoing, Ms. Maxwell responds as follows:

The January 2, 2015, communication by Ross Gow to members of the British media did not, nor was it likely to, cause serious harm to the reputation of Plaintiff. The imputation conveyed by the communication is substantially true. Substantial portions of the communication conveyed honest opinion. The communication was privileged as a matter of public interest. The communication is barred by the single publication rule because Mr. Gow previously issued a communication that was substantially the same as the January 2, 2015 communication, issued by materially the same manner of publication, and Plaintiff and her counsel did not deny or timely take action with respect to the previous communication.

13. Identify the basis, including all underlying facts, for your contention that Plaintiff's claims are barred because the statements made by Ms. Maxwell or her agent were protected by the self-defense privilege.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory to the extent it calls for attorney-client communications and attorney work product. This Interrogatory is premature and violates Local Rule 33.3(c) because discovery is ongoing in this case, not complete, and it is more than thirty days from the conclusion of discovery. *See,*

e.g., Shannon v. New York City Transit Auth., No. 00 CIV. 5079 (RWS), 2001 WL 286727, at *3 (S.D.N.Y. Mar. 22, 2001) (Sweet, J).

Without waiver of the foregoing, Ms. Maxwell responds as follows:

The self-defense privilege as it applies to Mr. Gow's January 2, 2015 communication to members of the British press are spelled out in detail in the Memorandum of Law In Support of Defendant's Motion to Dismiss at page 8-13.

14. Identify the basis, including all underlying facts, for your contention that Plaintiff is a public figure and unable to prove Ms. Maxwell exhibited actual malice.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory to the extent it calls for attorney-client communications and attorney work product. This Interrogatory is premature and violates Local Rule 33.3(c) because discovery is ongoing in this case, not complete, and it is more than thirty days from the conclusion of discovery. *See, e.g., Shannon v. New York City Transit Auth.*, No. 00 CIV. 5079 (RWS), 2001 WL 286727, at *3 (S.D.N.Y. Mar. 22, 2001) (Sweet, J).

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Plaintiff sought public attention to her fabricated story concerning Ms. Maxwell and others. To wit, Plaintiff was paid more than \$100,000 for her false story to the Daily Mail as well as the sale of a photograph purporting to be of herself and Prince Andrew. Plaintiff then further sought public attention to her story through (a) an interview with Bradley Edwards and Jack Scarola, (b) through contact with various literary agents, ghost-writers and news outlets, and (c) through a carefully orchestrated scheme to publish her false claims in a public pleading in the U.S. District Court for the Southern District of Florida, as well as media interviews and other contacts including ABC News, Sharon Churcher, and her purported work on behalf of Victims Refuse Silence.

With regard to Maxwell's absence of actual malice, any statements attributed to her regarding Ms. Roberts were limited in scope, directly targeted to Plaintiff's mis-statements of fact without any further comment regarding the many character and truthfulness shortcomings of Plaintiff, and were directed to the media outlets who continued to publish Plaintiff's lies. Ms. Maxwell decided against making any further statements regarding Plaintiff and her many lies in order to minimize public attention to Plaintiff's false claims, despite the many opportunities to provide additional truthful comment and color, as demonstrated by her email communications provided in discovery.

15. Identify the basis, including all underlying facts, for your contention that Plaintiff's claims are barred because the statements made by Ms. Maxwell or her agent constituted "fair comment."

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory to the extent it calls for attorney-client communications and attorney work product. This Interrogatory is premature and violates Local Rule 33.3(c) because discovery is ongoing in this case, not complete, and it is more than thirty days from the conclusion of discovery. *See, e.g., Shannon v. New York City Transit Auth.*, No. 00 CIV. 5079 (RWS), 2001 WL 286727, at *3 (S.D.N.Y. Mar. 22, 2001) (Sweet, J).

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Ms. Maxwell retains her First Amendment privilege to express her opinion, to criticize others including Plaintiff, and to comment on matters of public interest, including Plaintiff's allegations of being a sex slave or being sexually trafficked. Mr. Gow's communication to members of the British media constituted expressions of opinion regarding Plaintiff and her public claims.

16. Identify the basis, including all underlying facts, for your contention that Ms. Maxwell or her agent did not cause or contribute to any damages suffered by Plaintiff?

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory to the extent it calls for attorney-client communications and attorney work product. This Interrogatory is premature and violates Local Rule 33.3(c) because discovery is ongoing in this case, not complete, and it is more than thirty days from the conclusion of discovery. *See, e.g., Shannon v. New York City Transit Auth.*, No. 00 CIV. 5079 (RWS), 2001 WL 286727, at *3 (S.D.N.Y. Mar. 22, 2001) (Sweet, J).

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Mr. Gow's communication to the British media in January 2015 did not cause or contribute to any damages Plaintiff suffered because, *inter alia*, Plaintiff was widely reputed prior to any such communication to be a liar, a person who falsifies claims of sexual assault, and a sexually permissive woman, because Plaintiff already had substantial mental and medical conditions that pre-existed any statement issued, and because Plaintiff's damages, if any, were occasioned by her own wide-spread dissemination of her own false and defamatory statements. Without the steps that Plaintiff took to publish her fabricated and falsified history, she would not have suffered any reputational harm.

17. Identify the basis, including all underlying facts, for your contention that Plaintiff failed to take reasonable, necessary, appropriate and feasible steps to mitigate her alleged damages.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory to the extent it calls for attorney-client communications and attorney work product. This Interrogatory is premature and violates Local Rule 33.3(c) because discovery is ongoing in this case, not complete, and it is more than thirty days from the conclusion of discovery. *See, e.g., Shannon v. New York City Transit Auth.*, No. 00 CIV. 5079 (RWS), 2001 WL 286727, at *3 (S.D.N.Y. Mar. 22, 2001) (Sweet, J).

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Plaintiff was advised by her own physician in Australia to engage in psychotherapy but has refused to do so. Plaintiff was advised to cease taking valium but has refused to do so. Plaintiff was advised by a court to stay away from her abusive husband but has refused to do so. Further, Plaintiff had the opportunity to truthfully tell her actual history on a number of occasions, including during her interviews with ABC, with other media outlets, with book authors and journalists, but chose not to tell her true story, instead telling falsehoods and fabricated and mistaken events, dates and participants.

18. Identify the basis, including all underlying facts, for your contention that Plaintiff's damages are the proximate result of intervening causes, pre-existing medical and mental conditions of Plaintiff, and/or causes that occurred without knowledge or participation of Ms. Maxwell and for which Ms. Maxwell is not responsible.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory to the extent it calls for attorney-client communications and attorney work product. This Interrogatory is premature and violates Local Rule 33.3(c) because discovery is ongoing in this case, not complete, and it is more than thirty days from the conclusion of discovery. *See, e.g., Shannon v. New York City Transit Auth.*, No. 00 CIV. 5079 (RWS), 2001 WL 286727, at *3 (S.D.N.Y. Mar. 22, 2001) (Sweet, J).

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Plaintiff's records disclose that she (allegedly) had been sexually assaulted as a child by a family friend, that she had been held as a sexual slave in captivity as a young teenager, that she had been sexually assaulted by teens when she was 14 in the back of a house, that she had been

sexually assaulted as a 14 year old by two young men in the “Woodsies,” that she had suffered at a since-closed drug rehabilitation facility at the hands of “guards,” that she suffered from “anxiety,” depression and suicidal ideation from at least 1998 before meeting Ms. Maxwell, that she has experienced marital discord, that she suffered from parental and familial alienation, that she has been beaten, choked and strangled by her husband on more than one occasion, that she has suffered from pre-existing and post-existing drug addictions, alcohol abuse and prescription medication addiction and abuse, that she has suffered many of the ill-effects of an impoverished childhood, and that she suffers from certain limitations of mental faculty.

19. Identify the basis, including all underlying facts, for your contention that Plaintiff’s damages were the result of her own conduct or the conduct of others and were not proximately caused by any action of Ms. Maxwell.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory to the extent it calls for attorney-client communications and attorney work product. This Interrogatory is premature and violates Local Rule 33.3(c) because discovery is ongoing in this case, not complete, and it is more than thirty days from the conclusion of discovery. *See, e.g., Shannon v. New York City Transit Auth.*, No. 00 CIV. 5079 (RWS), 2001 WL 286727, at *3 (S.D.N.Y. Mar. 22, 2001) (Sweet, J).

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Plaintiff’s records disclose that she (allegedly) had been sexually assaulted as a child by a family friend, that she had been held as a sexual slave in captivity as a young teenager, that she had been sexually assaulted by teens when she was 14 in the back of a house, that she had been sexually assaulted as a 14 year old by two young men in the “Woodsies,” that she had suffered at a since-closed drug rehabilitation facility at the hands of “guards,” that she suffered from “anxiety,” depression and suicidal ideation from at least 1998 before meeting Ms. Maxwell, that she has experienced marital discord, that she suffered from parental and familial alienation, that she has been beaten, choked and strangled by her husband on more than one occasion, that she has suffered from pre-existing and post-existing drug addictions, alcohol abuse and prescription medication addiction and abuse, that she has suffered many of the ill-effects of an impoverished childhood, and that she suffers from certain limitations of mental faculty.

Plaintiff was advised by her own physician in Australia to engage in psychotherapy but has refused to do so. Plaintiff was advised to cease taking valium but has refused to do so. Plaintiff was advised by a court to stay away from her abusive husband but has refused to do so. Further, Plaintiff had the opportunity to truthfully tell her actual history on a number of occasions, including during her interviews with ABC, with other media outlets, with book authors and journalists, but chose not to tell her true story, instead telling falsehoods and fabricated and mistaken events, dates and participants.

20. Identify all reasons why you failed to appear for a deposition scheduled in about 2009 to 2010 in a sexual assault civil suit filed against Jeffrey Epstein.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Further, Ms. Maxwell objects to this Interrogatory as a violation of Local Rule 33.3(a) – (b) as it seeks neither the names of witnesses nor the locations of documents and is more appropriately discovered through the deposition of Ms. Maxwell, during which time she already answered questions on this topic. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Ms. Maxwell did not fail to appear for a scheduled deposition in 2009 or 2010. At the only scheduled deposition date, December 9, 2009, Mr. Edwards failed to appear and failed to communicate with Ms. Maxwell's counsel following the November 9, 2009 involuntary bankruptcy of his law firm occasioned by the arrest (and subsequent imprisonment) of his law partner. Thereafter, including during 2010, the parties never agreed to a particular deposition date.

21. Identify all communications you have had with Jeffrey Epstein since January 1, 2015, and the substance of those communications.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Further, Ms. Maxwell objects to this Interrogatory as a violation of Local Rule 33.3(a) – (b) as it seeks neither the names of witnesses nor the locations of documents and is more appropriately discovered through the deposition of Ms. Maxwell, during which time she already answered questions on this topic. The Court has limited discovery of communications between 2002 to the present with Mr. Epstein to those related to the sexual trafficking of women. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Ms. Maxwell already produced any written communications with Mr. Epstein that were responsive to the Interrogatory for the same, as limited by the Court to (a) all communications from January 2015 and (b) all documents related to sex trafficking.

22. Identify all flights you have taken on aircraft on which Ms. Giuffre was also a passenger.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Further, Ms. Maxwell objects to this Interrogatory as a violation of Local Rule 33.3(a) – (b) as it seeks neither the names of witnesses nor the locations of documents and is more appropriately discovered through the deposition of Ms. Maxwell, during which time she already answered questions on this topic. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

As she testified during her deposition, Ms. Maxwell has no recollection of ever having been on a flight on which Ms. Giuffre was a passenger. Ms. Maxwell does not possess any other records which might refresh her recollection with respect to any such flights.

23. Identify all occasions on which you either observed Ms. Giuffre massaging Jeffrey Epstein or understood that she was massaging Jeffrey Epstein.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to the Interrogatory as vague and ambiguous given the definition of “massage” to include any person touching another person. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Further, Ms. Maxwell objects to this Interrogatory as a violation of Local Rule 33.3(a) – (b) as it seeks neither the names of witnesses nor the locations of documents and is more appropriately discovered through the deposition of Ms. Maxwell, during which time she already answered questions on this topic. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Ms. Maxwell, as she has already testified, has no specific recollection of ever seeing Plaintiff massage Mr. Epstein or having any understanding that Plaintiff was massaging Mr. Epstein on any specific occasion, nor does she possess any records which would permit her to identify any such occasion.

24. Identify all persons or other sources of information who have told you or that suggested that Epstein had sexual interactions with persons under the age of 18.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to the Interrogatory as vague and ambiguous given the absence of definition of “sexual interactions.” Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Further, Ms. Maxwell objects to this Interrogatory as a violation of Local Rule 33.3(a) – (b) as it seeks neither the names of witnesses nor the locations of documents and is more appropriately discovered through the deposition of Ms. Maxwell, during which time she already answered questions on this topic. Ms. Maxwell objects to this Interrogatory to the extent it calls for information protected by the attorney/client, attorney work product and joint defense privileges. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

Ms. Maxwell knows of no person who has communicated to her directly any information concerning sexual interactions between Mr. Epstein and a person under the age of 18.

25. Identify all girls under the age of 18 with whom you have interacted at one of Epstein’s properties, including his Palm Beach mansion or his New York City mansion.

ANSWER:

Ms. Maxwell objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome and calls for information that is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Maxwell objects to this Interrogatory on the grounds that it is propounded for the improper purpose of annoying or harassing Ms. Maxwell. Further, Ms. Maxwell objects to this Interrogatory as a violation of Local Rule 33.3(a) – (b) as it seeks neither the names of witnesses nor the locations of documents and is more appropriately discovered through the deposition of Ms. Maxwell, during which time she already answered questions on this topic. Finally, Ms. Maxwell objects to this Interrogatory to the extent it seeks information from a time period not relevant to this action.

Without waiver of the foregoing, Ms. Maxwell responds as follows:

As described during her deposition, the only females with whom Ms. Maxwell interacted at any of Epstein’s properties knowing that they were under the age of 18 were either members of her own extended family or the minor children of her or Mr. Epstein’s friends, and any such interactions did not involve anything sexual or inappropriate by herself or anyone else to Ms. Maxwell’s knowledge. Based on their own privacy rights, Ms. Maxwell is not identifying these family members or children of her or Mr. Epstein’s friends.

Dated: June 29, 2016

Respectfully submitted,

/s/ Laura A. Menninger

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Attorneys for Ghislaine Maxwell

CERTIFICATE OF SERVICE

I certify that on June 29, 2016, I electronically served *this Defendant's Response to Plaintiff's First Set of Interrogatories* via Electronic Mail on the following:

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