



- 10. It is undisputed fact that the FBI report and the Chucher emails reference Ms. Giuffre's accounts of sexual activity with Prince Andrew that she made in 2011, contrary to Defendant's argument that Ms. Giuffre never made such claims until 2014.**

Based on the FBI's Interview of Ms. Giuffre in 2011, they wrote a report reflecting Ms.

Giuffre's claims concerning her sexual encounters with Prince Andrew:³³

GIUFFRE and [REDACTED] went shopping and purchased makeup, clothing, and a Burberry bag. The items were purchased with [REDACTED] GIUFFRE and [REDACTED] returned [REDACTED] instructed GIUFFRE to get ready. When GIUFFRE came down after getting ready, she was introduced to [REDACTED]

[REDACTED]

GIUFFRE traveled to CLUB TRAMP [REDACTED] GIUFFRE
danced [REDACTED] at CLUB TRAMP [REDACTED]

[REDACTED]

stayed at CLUB TRAMP for an hour or hour and a half and drank a couple of cocktails before returning to [REDACTED] GIUFFRE had not received any direction from [REDACTED]

[REDACTED] After returning to [REDACTED] GIUFFRE requested [REDACTED] to take a photograph of her [REDACTED] GIUFFRE advised that she still had the original photograph in her possession and would provide it to the interviewing agents. GIUFFRE proceeded with [REDACTED]

[REDACTED]

Approximately two months later, GIUFFRE met [REDACTED] at [REDACTED]

[REDACTED]

GIUFFRE recalled [REDACTED]
[REDACTED] LNU,

[REDACTED]

GIUFFRE recalled [REDACTED] joking about trading GIUFFRE in because she was getting too old.

³³ See McCawley Dec. at Exhibit 31, GIUFFRE001235-1246, FBI Redacted 302.

Additionally, 2011 correspondence with Sharon Churcher shows that Ms. Giuffre disclosed her sexual encounters with Prince Andrew, but Churcher had to check with the publisher's lawyers "on how much can be published,"

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

From: Sharon.Churcher@mailonsunday.co.uk
Sent: Friday, 18 February 2011 7:25 AM
To: Virginia Giuffre

Hi there

Have been up all night writing. Won't have an opinion from our lawyer on how much can be published until London wakes up. The lawyers wanted internal FBI documents but I think the Justice Dept letter is all you have from the feds??? Anyway can I give you a call early afternoon? Maybe have a late lunch?

S

See McCawley Dec. at Exhibit 34, GIUFFRE003678. Accordingly, there is documentary evidence that refutes Defendant's meritless argument that Ms. Giuffre did not allege she had sex with Prince Andrew until 2014. To the contrary, two sources, including the FBI, show Ms. Giuffre made these claims in 2011.

C. Defendant Has Produced No Documents Whatsoever That Tend to Show That She Did Not Procure Underage Girls For Jeffrey Epstein.

Defendant has produced no documents that even tend to show that she did not procure underage girls for sex with Epstein, and no documents that tend to show that she did not participate in the abuse. Indeed, Defendant refused to produce *any* documents dated prior to 2009, which includes the 2000-2002 period during which she abused Ms. Giuffre.

Against this backdrop of an avalanche of evidence showing the Defendant sexually trafficked Ms. Giuffre, summary judgment on any of the issues advanced by Defendant is inappropriate. While we discuss the particulars of the individual claims below, the larger picture is important too. Ms. Giuffre will prove at trial that Epstein and Defendant sexually trafficked her. And yet, when Ms. Giuffre had the courage to come forward and expose what Defendant had done to world – in a Court pleading trying to hold Epstein accountable – Defendant

responded by calling her a liar in a press release intended for worldwide publication. Such heinous conduct is not a mere “opinion,” but rather is defamation executed deliberately and with actual malice. The jury should hear all of the evidence and then render its verdict on Ms. Giuffre’s complaint.

III. LEGAL STANDARD

Rule 56 of the Federal Rules of Civil Procedure provides that a motion for summary judgment may be granted only when “there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” The Second Circuit has repeatedly held that “all ambiguities and inferences to be drawn from the underlying facts should be resolved in favor of the party opposing the motion, and all doubts as to the existence of a genuine issue for trial should be resolved against the moving party.” *Swan Brewery Co. Ltd. v. U.S. Trust Co. of New York*, 832 F. Supp. 714, 717 (S.D.N.Y. 1993) (Sweet, J.), citing *Brady v. Town of Colchester*, 863 F.2d 205, 210 (2d Cir. 1988) (internal quotations omitted). In other words, in deciding a motion for summary judgment, the court must construe the evidence in the light most favorable to the non-moving party and draw all reasonable inferences in the non-moving party’s favor. *In re “Agent Orange” Prod. Liab. Litig.*, 517 F.3d 76, 87 (2d Cir. 2008). *Stern v. Cosby*, 645 F. Supp. 2d 258, 269 (S.D.N.Y. 2009). Summary judgment should be denied “if the evidence is such that a reasonable jury could return a verdict” in favor of the non-moving party. See *Net Jets Aviation, Inc. v. LHC Commc’ns, LLC*, 537 F.3d 168, 178–79 (2d Cir. 2008).

IV. LEGAL ARGUMENT

A. Defendant is Liable for the Publication of the Defamatory Statement and Damages for Its Publication

Defendant’s lead argument is that, when she issued a press release attacking Ms. Giuffre to members of the media, she somehow is not responsible when the media quickly published her

attacks. If accepted, this remarkable claim would eviscerate defamation law, as it would permit a defamer to send defamatory statements to the media and then stand back and watch – immune from liability – when (as in this case) the defamatory statements are published around the world. This absurd position is not the law, particularly given that the Defendant released a statement to media asking them to “[p]lease find attached a ***quotable statement*** on behalf of Ms. Maxwell.”

To make her claim seem plausible, Defendant cites older cases, some dating back as far as 1906. This presents a distorted picture of the case law on these issues. As a leading authority on defamation explains with regard to liability for republication by another of statement by a defendant: “Two standards have evolved. The older one is that the person making the defamatory statement is liable for republication only if it occurs with his or her express or implied authorization of consent. The more modern formulation adds responsibility for all republication that can reasonably be anticipated or that is the ‘natural and probable consequence’ of the publication.” SACK ON DEFAMATION § 2.7.2 at 2-113 to 2-114 (4th ed. 2016). In this case, however, the nuances of the applicable legal standards make little difference because Defendant so clearly authorized – indeed, desired and did everything possible to obtain – publication of her defamatory statements attacking Ms. Giuffre.

1. Under New York Law, Defendant is liable for the media’s publication of her press release.

Given the obvious purposes of defamation law, New York law unsurprisingly assigns liability to individuals for the media’s publication of press releases. Indeed, New York appellate courts have repeatedly held that an individual is liable for the media publishing that individual’s defamatory press release. *See Levy v. Smith*, 18 N.Y.S.3d 438, 439, 132 A.D.3sd 961, 962–63 (N.Y.A.D. 2 Dept. 2015) (“Generally, [o]ne who makes a defamatory statement is not responsible for its recommunication without his authority or request by another over whom he

has no control . . . Here, however . . . the appellant intended and authorized the republication of the allegedly defamatory content of the press releases in the news articles"); *National Puerto Rican Day Parade, Inc. v. Casa Publications, Inc.*, 914 N.Y.S.2d 120, 123, 79 A.D.3d 592, 595 (N.Y.A.D. 1 Dept. 2010) (affirming the refusal to dismiss defamation counts against a defendant who "submitted an open letter that was published in [a] newspaper, and that [the defendant] paid to have the open letter published," and finding that the defendant "authorized [the newspaper] to recommunicate his statements.") *See also* RESTATEMENT (SECOND) OF TORTS § 576 (1977) ("The publication of a libel or slander is a legal cause of any special harm resulting from its repetition by a third person if . . . the repetition was authorized or intended by the original defamer, or . . . the repetition was reasonably to be expected.")³⁴

Defendant deliberately sent her defamatory statement to major news media publishers for worldwide circulation because Defendant wanted the public at large to believe that Ms. Giuffre was lying about her abuse. Defendant even hired a public relations media specialist to ensure the media would publish her statement. Her efforts succeeded: her public relations agent instructed dozens of media outlets to publish her "quotable" defamatory statement and they did.

Despite this deliberate campaign to widely publicize her defamatory statement, Defendant now disclaims any responsibility for the media publishing her press release. If we understand Defendant's position correctly, because she somehow lacked "control" over what major newspapers and other media finally put in their stories, she escapes liability for defamation. This nonsensical position would let a defamer send a false and defamatory letter to major media, and then, when they published the accusation, escape any liability. Such an

³⁴*Cf., Eliah v. Ucatan Corp.*, 433 F. Supp. 309, 312–13 (W.D.N.Y. 1977) ("The alleged multistate publication of plaintiff's photograph without her consent thus gives rise to a single cause of action. . . . However, evidence of the multistate publication of the magazine and the number of copies sold would be competent and pertinent to a showing of damages, if any, suffered by plaintiff.")

argument is not only an affront to logic, but it is contrary to prevailing New York case law, cited above. Perhaps even more important, in the context of the pending summary judgment motion, it would require Defendant to convince the jury that she did not “authorize or intend” for the major media to publish her press release. Obviously the disputed facts on this point are legion, and summary judgment is accordingly inappropriate.

Even the cases Defendant cites contradict her argument. She first cites *Geraci v. Probst*, in which a defendant sent a letter to the Board of Fire Commissioners, and, years later, a newspaper published the letter. The court held that the defendant was not liable for that belated publication, “made years later without his knowledge or participation.” *Id.*, at 340. By contrast, Defendant not only authorized the defamatory statement, but paid money to her publicist to convince media outlets to publish it promptly – actions taken with both her knowledge and consent. Defendant’s statement was thus not published “without [her] authority or request,” as in *Geraci*, but by her express authority and by her express request. Defendant’s publicist’s testimony and the documents produced by Defendant’s publicist unambiguously establish that the media published her press release with Defendant’s authority and by her request:

Q. When you sent that email were you acting pursuant to Ms. Maxwell’s retention of your services?

A. Yes, I was

Q. The subject line does have “FW” which to me indicates it’s a forward. Do you know where the rest of this email chain is?

A. My understanding of this is: It was a holiday in the UK, but Mr. Barden was not necessarily accessible at some point in time, so this had been sent to him originally by Ms. Maxwell, and because he was unavailable, she forwarded it to me for immediate action. I therefore respond, “Okay, Ghislaine, I’ll go with this.”

It is my understanding that this is the agreed statement because the subject of the second one is “Urgent, this is the statement” so ***I take that as an instruction to send it out, as a positive command:*** “This is the statement.”³⁵

³⁵ See McCawley Dec. at Exhibit 6, Ross Gow Dep. Tr. at 14:15-17; 44:6-45:13 (emphasis added).

Similarly, another case cited by Defendant, *Davis v. Costa-Gavras*, involved a libel claim against a book author who wrote an account of the 1972 military coup in Chile. Years later, the plaintiff attempted to ascribe defamation liability to a third-party publishing house's decision to republish the book in paperback form and a third-party filmmaker who released a movie based on the book. The Court held that a "party who is 'innocent of all complicity' in the publication of a libel cannot be held accountable . . . [but that] a deliberate decision to republish or active participation in implementing the republication resurrects the liability." 580 F. Supp. 1082, 1094 (S.D.N.Y. 1984). Here, Defendant made a deliberate decision to publish her press release, and actively participated in that process. At the very least, the jury must make a determination of whether Defendant was "innocent of all complicity" for a libelous statement contained in her press release.

Finally, Defendant cites *Karaduman v. Newsday, Inc.*, 416 N.E.2d 557 (1980), which held that reporters of a series of articles on narcotics trade "cannot be held personally liable for injuries arising from its subsequent republication in book form absent a showing that they approved or participated in some other manner in the activities of the third-party republisher." *Id.*, 416 N.E.2d at 559-560. Again, the jury could reasonably find that Defendant both approved of, and even participated in, the media's publication of her press release. Indeed, it is hard to understand how any jury could find anything else. Defendant was obviously "active" in influencing the media to publish her defamatory press release, she both "approved" of and pushed for the publication of the press release. Accordingly, she is liable for its publication.³⁶

³⁶ On page 14 of her motion, Defendant makes wholly contradictory statements. In back-to-back sentences, she tells the Court that (1) she has no control over whether the media published the statement she sent to the media (with instructions to publish it by an influential publicist); (2) her public relations representative gave instructions to the media on how to publish it (in full); and (3) her public relations representative "made no effort to control" how the media would publish it. Indeed, the best evidence of Defendant's control over the press is the fact dozens of media outlets obeyed her directive to publish her defamatory statement.

Therefore, disclaiming responsibility for the media's publication of a statement (for which she hired a publicist for the purpose of influencing the media to publish that statement) is contrary to both prevailing case law, and the cases cited by Defendant.

2. Defendant is liable for the media's publication of the defamatory statement.

After arguing, contrary to New York law, that she is not liable for the media's publication of her own press release, Defendant next argues that she is not liable for the media's publications of the *defamatory statement* contained within her press release if the media chose to make even the tiniest of editorial changes. If we understand Defendant's argument correctly, any omission of any language from a press release is somehow a "selective, partial" publication for which she escapes liability. Mot. at 14. Once again, this claim is absurd on its face. It would mean that a defamer could send to the media a long attack on a victim with one irrelevant sentence and, when the media quite predictably cut that sentence, escape liability for the attack. Moreover, even on its face, the claim presents a jury question of what changes would be, in context, viewed as "selective" or "partial" publications – something that only a jury could determine after hearing all of the evidence.

In support of this meritless argument, Defendant cites *Rand v. New York Times Co.*, for the proposition that a defendant cannot be liable for a publisher's "editing and excerpting of her statement." 430 N.Y.S.2d 271, 274, 75 A.D.2d 417, 422 (N.Y.A.D. 1980). This argument fails for several reasons. First, there is no "republication" by the media as a matter of law. Defendant issued a defamatory statement to the press, and its publication (as Defendant intended) is not a "republication" under the law, as discussed above. Second, there was no "editing" or paraphrasing or taking the quote out of context of the core defamatory statement in the press release: that Ms. Giuffre is a liar. The "obvious lies" passage is the heart of the message

Defendant sent to the press: that Ms. Giuffre was lying about her past sexual abuse. Even in isolation, Defendant's quote stating that Ms. Giuffre's claims are "obvious lies" does not distort or misrepresent the message Defendant intended to convey to the public that Ms. Giuffre was lying about her claims. As this Court explained in denying Defendant's Motion to Dismiss, this case "involves statements that explicitly claim the sexual assault allegations are false." *Giuffre v. Maxwell*, 165 F. Supp. 3d 147, 152 (S.D.N.Y. 2016).

Furthermore, the facts at issue here make the *Rand* holding inapposite. In *Rand*, a newspaper paraphrased and "sanitized" defendant's words. No such changing, sanitizing, or paraphrasing occurred in the instant case: the media quoted Defendant's statement accurately. Further, the phrase at issue in *Rand* was that certain people "screwed" another person. The speaker/newspaper used the term "screwed" in reference to a record label's dealings with a performing artist, and not did not mean "screwed" in the literal sense, but as "rhetorical hyperbole, and as such, is not to be taken literally." *Id.* By contrast, there is no hyperbole in Defendant's defamatory statement, and it was never distorted or paraphrased by any publication known to Ms. Giuffre. A jury could reasonable conclude that Defendant's statement that Ms. Giuffre's claims of child sexual abuse are "obvious lies" is not a rhetorical device, nor hyperbole, but a literal and particular affirmation that Ms. Giuffre lied.

Accordingly, there is no support in the factual record that the media reporting that Defendant stated that Ms. Giuffre's claims of childhood sexual abuse are "obvious lies" is a distortion of Defendant's message or hyperbole. Even a cursory review of the press release would lead to that conclusion. Moreover, to the extent that there is any dispute that Defendant's statement had a different meaning outside of the context of the remainder of the press release,

such a determination of meaning and interpretation is a question of fact for the jury to decide, and is inappropriate for a determination upon summary judgment.

B. Material Issues of Fact Preclude Summary Judgment.

1. The Barden Declaration presents disputed issues of fact.

The primary basis of Defendant's motion for summary judgment is her attorney's self-serving, *post hoc* affidavit wherein he sets forth his alleged "intent" with regard Defendant's defamatory statement.³⁷ Ms. Giuffre disputes Defendant's attorney's alleged and unproven "intent" (not to mention Defendant's "intent"), not only because Defendant refuses to turn over her attorney's communications, but also because questions of intent are questions of fact to be determined by a trier of fact. Furthermore, ample record evidence contradicts the claimed "intent."

- a. The Barden Declaration is a deceptive back-door attempt to inject Barden's advice without providing discovery of all attorney communications.

In her brief, Defendant discloses her attorney's alleged legal strategy and alleged legal advice; however, she deliberately states that her attorney "intended," instead of her attorney "advised," when discussing her attorney's legal strategy and advice, using that phrase *at least 37 times*,³⁸ and using phrases such as Barden's "beliefs,"³⁹ "purposes,"⁴⁰ "goals,"⁴¹ and

³⁷ The Barden declaration is problematic for other reasons as well. In addition to Defendant's over-length, 68-page motion and among Defendant's 654 pages of exhibits lies an eight-page attorney affidavit that proffers legal conclusions and arguments. This exhibit is yet another improper attempt to circumvent this Court's rules on page limits. *See Pacenza v. IBM Corp.*, 363 F. App'x 128, 130 (2d Cir. 2010) (affirming lower court decision to strike "documents submitted . . . in support of his summary judgment motion [that] included legal conclusions and arguments" because those "extraneous arguments constituted an attempt . . . to circumvent page-limit requirements submitted to the court."); *cf. HB v. Monroe Woodbury Cent. School Dist.*, 2012 WL 4477552, at *6 (S.D.N.Y. Sept. 27, 2012) ("The device of incorporating an affirmation into a brief by reference, as Plaintiffs have done here, in order to evade the twenty-five page limit, rather obviously defeats the purpose of the rule"). The court should disregard the Barden Declaration for that reason alone.

³⁸ MSJ at 7 (three times), 8 (three), 15 (four), 16, 25 (five), 26, 33, 35 (two), 36 (three); Statement of Facts at 6 (two), 7 (five); Decl. of Philip Barden at 4 (four), 5 (three).

³⁹ MSJ at 25, 35; Statement of Facts at 7 (two); Decl. of Philip Barden at 3, 4 (three), 5 (two).

⁴⁰ MSJ at 8, 25, 35; Statement of Facts at 7 (three); Decl. of Philip Barden at 4 (two), 5 (three).

“contemplations” 25 other times. All the while Defendant has claimed a privilege as to her communications with Barden. Defendant attempts to convince the Court that she only granted Gow permission to publish the defamatory statement as part of “Mr. Barden’s deliberated and carefully crafted” (MSJ at 16) legal strategy and advice. Yet, she still refused to turn over her communications with Barden under the auspices of attorney-client privilege.⁴² Such gamesmanship should not be permitted.

If the Court were to consider the Barden Declaration (which it shouldn’t), it would be ruling on a less than complete record because, based on this Declaration, it is necessary that Defendant disclose all communications with him and possibly others. Ms. Giuffre doesn’t have those communications, the court doesn’t have those communications; therefore, Defendant is asking for summary judgment on an incomplete record.

The Court should also not consider the Barden Declaration because it will be inadmissible as unduly prejudicial. It is a self-serving declaration by a non-deposed witness made without turning over the documents that are relevant to the declaration. *See, e.g., Rubens v. Mason*, 387 F.3d 183, 185 (2d Cir. 2004) (“We find that the District Court predicated its grant of summary judgment as to liability on an affidavit from the arbitrator who presided over the underlying arbitration, the probative value of which was substantially outweighed by the danger of unfair prejudice. The affidavit, therefore should not have been admitted. We therefore vacate the grant of summary judgment to the defendants on liability and remand to the District Court.”).

- b. Defendant’s summary judgment argument requires factual findings regarding Barden’s intent, thereby precluding summary judgment.

Even were the Court to consider this Declaration and representations therein – which it should not – the declaration itself demonstrates that the Court would have to make factual

⁴¹ MSJ at 27.

⁴² See McCawley Dec. at Exhibit 22, Defendant’s Privilege Log.

finding as to what Mr. Barden's intent really was. Finding about intent are inappropriate at the summary judgment stage, as this Court and the Second Circuit have recognized. This Court has explained, "*if it is necessary to resolve inferences regarding intent, summary judgment is not appropriate.*" *Id.* (Sweet, J.) (emphasis added), citing *Patrick v. Le Fevre*, 745 F.2d 153, 159 (2d Cir. 1984); *Friedman v. Meyers*, 482 F.2d 435, 439 (2d Cir. 1973) (other citations omitted).

c. There are factual disputes regarding Barden's Declaration.

Finally, there are material disputes over the statements in the Barden Declaration because they are directly refuted by record evidence. For example, the instant motion and the Barden Declaration describe the press release merely as a document expressing "his [Mr. Barden's] *opinion – in the form of a legal argument* –as a lawyer would be," as opposed to a press release for dissemination by the media to the public. Record evidence refutes this claim, as (1) the press release was sent to journalists, not media publishers or in-house counsel; (2) the press release instructed the journalists to publish the defamatory statement ("Please find attached a *quotable statement* on behalf of Ms. Maxwell"); (3) it was issued by a publicist on Defendant's behalf and not by an attorney, without any reference to attorneys or laws – indeed, Gow testified that Barden was unavailable to approve the statement; and (4) Gow testified that he issued the statement only after he understood Defendant to have "signed off" it, an understanding he formed based on Defendant's "positive command" to him: "This is the agreed statement."

Q. When you sent that email were you acting pursuant to Ms. Maxwell's retention of your services?

A. Yes, I was.

Q. When you say "agreed statement" can you tell me more about what you mean? **Who agreed to the statement?**

A. I need to give you some context, if I may, about that statement. So, this is on New Year's Day. I was in France so the email time here of 21:46, in French time was 22:46, and I was getting up early the next morning to drive my family back from the south of France to England, which is a 14-hour journey, door to door. So on the morning of th^e 2nd of January,

bearing in mind that Ms. Maxwell, I think was in New York then, she was five hours behind, so there was quite a lot of, sort of time difference between the various countries here, I sent her an email, I believe, saying - parsing this-- forwarding this email to her saying "How do you wish to proceed?" And then I was on the telephone-- I had two telephones in the car, I received in excess of 30 phone calls from various media outlets on the 2nd of January, all asking for information about how Ms. Maxwell was looking to respond to the latest court filings, which were filed on the 30th of December as I understand.

And by close-- towards close of play on the 2nd, **I received an email forwarded by Ms. Maxwell, containing a draft statement** which my understanding was the majority of which had been drafted by Mr. Barden **with a header along the lines of "This is the agreed statement."** At close of play on the 2nd. So--I was--I had gone under the Channel Tunnel and I was sitting on the other side and that email, which **my understanding was that it had been signed off by the client, effectively**, was then sent out to a number of media, including Mr. Ball and various other UK newspapers.

Q. Mr. Gow, when you say "end of play" and "close of play," are you referring to sending the email that is Exhibit 2?

A. Yes, I am

Q. The subject line does have "FW" which to me indicates it's a forward. Do you know where the rest of this email chain is?

A. My understanding of this is: It was a holiday in the UK, but Mr. Barden was not necessarily accessible at some point in time, so **this had been sent to him originally by Ms. Maxwell, and because he was unavailable, she forwarded it to me for immediate action. I therefore respond, "Okay, Ghislaine, I'll go with this."**

It is my understanding that this is the agreed statement because the subject of the second one is "Urgent, this is the statement" so I take that as an instruction to send it out, as a positive command: "This is the statement."⁴³

Accordingly, record evidence shows that the press release was intended as press release, and not as a "legal argument." Record evidence also establishes that Defendant circulated the press release to Barden and Gow, and then gave a "positive command" to Gow to publish it. Additionally, there is no indicia that the press release is a legal opinion. To the contrary, it was issued by, and specifically attributed to, a woman who has personal knowledge of whether Ms. Giuffre's claims of sexual abuse are true, and she states that Ms. Giuffre is a liar.⁴⁴ At the very least, all of these factual issues must be considered by a jury.

⁴³ See McCawley Dec. at Exhibit 6, Ross Gow Dep. Tr. at 14:15-17; 31:19-33:7; 44:6-45:13 (emphasis added).

⁴⁴ Unsurprisingly, Defendant cites no case law to support her argument that her attorney's alleged influence in preparing the statement Defendant issued to the media somehow shields her from liability.

Another example is that Defendant states that “Gow served only as Mr. Barden’s conduit to the media” (MTD at 25), and “Mr. Barden was directing the January 2-15 statement to a discrete number of media representatives.” Barden wasn’t directing anything – he wasn’t even in the loop when Defendant decided to publish the statement - and the documents prove it. Indeed, the press release itself states that it is “on behalf of Ms. Maxwell,” not Barden, and it was Defendant who gave the “positive command” to Gow to publish it. These are just a couple of examples, among many, of the purported facts asserted in Defendant’s motion and Barden’s Declaration that are directly refuted by facts in the record.

Finally, neither the media nor the general public could have known that the statement should be attributed to Barden. His name was nowhere in it, nor is there any reference to counsel. Defendant’s argument that the “context” is the media knowing Barden’s intent or involvement is unsupported by the record. The significant factual disputes about Barden, alone, prevent summary judgment.

C. Defendant’s Defamatory Statement Was Not Opinion as a Matter of Law.

As this Court previously held, correctly, Defendant stating that Ms. Giuffre’s claims of sexual assault are lies is not an expression of opinion:

“First, statements that Giuffre’s claims ‘against [Defendant] are untrue,’ have been ‘shown to be untrue,’ and are ‘obvious lies’ have a specific and readily understood factual meaning: that Giuffre is not telling the truth about her history of sexual abuse and Defendant’s role, and that some verifiable investigation has occurred and come to a definitive conclusion proving that fact. Second, these statements (as they themselves allege), are capable of being proven true or false, and therefore constitute actionable fact and not opinion. Third, in their full context, while Defendant’s statements have the effect of generally denying Plaintiff’s story, they also clearly constitute fact to the reader.”

Giuffre v. Maxwell, 165 F. Supp. 3d 147, 152 (S.D.N.Y. 2016). This Court further explained:

“Plaintiff cannot be making claims shown to be untrue that are obvious lies without being a liar. Furthermore, to suggest an individual is not telling the truth

about her history of having been sexually assaulted as a minor constitutes more than a general denial, it alleges something deeply disturbing about the character of an individual willing to be publicly dishonest about such a reprehensible crime. Defendant's statements clearly imply that the denials are based on facts separate and contradictory to those that Plaintiff has alleged." *Id.*

Defendant argues that somehow the "context" of the entire statement "tested against the understanding of the average reader" should be the press release as a whole being read only by journalists. This is an unreasonable construct because the ultimate audience for a press release is the public. Indeed, the purpose of a press release is to reach readers. Unsurprisingly, Defendant cites no case that holds that journalists might somehow believe statements of fact are opinion while others do not.

This Court has previously covered this ground when it clearly stated:

Sexual assault of a minor is a clear-cut issue; either transgression occurred or it did not. Either Maxwell was involved or she was not. The issue is not a matter of opinion, and there cannot be differing understandings of the same facts that justify diametrically opposed opinion as to whether Defendant was involved in Plaintiff's abuse as Plaintiff has claimed. Either Plaintiff is telling the truth about her story and Defendant's involvement, or Defendant is telling the truth and she was not involved in the trafficking and ultimate abuse of Plaintiff.

Giuffre v. Maxwell, 165 F. Supp. at 152 (S.D.N.Y. 2016). The same conclusion applies now. At the motion to dismiss stage, Defendant had not yet produced the statement she issued to the press. That statement is now in evidence, so there is no ambiguity as to what defendant released to the press.

The absurdity of Defendant characterizing his statements calling Ms. Giuffre a liar as mere "opinion" is revealed by the fact that Defendant was the one who was sexually trafficking and otherwise abusing Ms. Giuffre. No reasonable person in any context would construe that as Defendant's mere "opinion" on the subject, since Defendant knew she was abusing Ms. Giuffre. Indeed, this argument is contradicted by Defendant's own deposition testimony:

Q. Do you believe Jeffrey Epstein sexually abused minors?

A. I can only testify to what I know. **I know that Virginia is a liar and I know what she testified is a lie.** So I can only testify to what I know to be a falsehood and half those falsehoods are enormous and so **I can only categorically deny everything she has said** and that is the only thing I can talk about because I have no knowledge of anything else.

See McCawley Dec. at Exhibit 11, Maxwell Dep. Tr. (April 17, 2016) at 174:6-19.

Defendant slyly contends in her motion that “Mr. Barden’s “arguments” in the press release constitute ‘pure opinion,’” attempting to disclaim any involvement in making the defamatory statement. However, it is not Mr. Barden’s statement, nor his opinion, that it at issue here. At issue here is Defendant’s statement – a statement attributable to her, that she approved, whose publication she “command[ed],” and for which she hired a public relations representative to disseminate to at least 30 journalists for publication. While Mr. Barden could possibly have had his own opinion as to whether or not his client abused Ms. Giuffre, Defendant cannot express an opinion on a binary, yes/no subject where she knows the truth. As this Court previously articulated, “statements that Giuffre’s claims ‘against [defendant] are untrue,’ have been ‘shown to be untrue,’ and are ‘obvious lies’ have a specific and readily understood factual meaning.” *Giuffre v. Maxwell*, 165 F. Supp. 3d at 152. Again, at the very least, the jury must pass on such issues.

D. The Pre-Litigation Privilege Does Not Apply to Defendant’s Press Release

1. Defendant fails to make a showing that the pre-litigation privilege applies.

Defendant’s next argument seeks refuge in the pre-litigation privilege. If we understand the argument correctly, Defendant seems to be saying that because she was contemplating an (unspecified and never-filed) lawsuit involving the British Press, she somehow had a “green light” to make whatever defamatory statements she wanted about Ms. Giuffre. To prove such a

remarkably claim, Defendant relies on caselaw involving such mundane topics as “cease and desist” letters sent to opposing parties and the like. Obviously such arguments have no application to the press release that Defendant sent out, worldwide, attacking Ms. Giuffre’s veracity.

The problems with the Defendant’s argument are legion. For starters, there is no record evidence – not even Defendant’s own testimony – suggesting that she was contemplating litigation against Ms. Giuffre, or that her press release was related to contemplated litigation against Ms. Giuffre. Tellingly, the only “evidence” Defendant cites of any alleged contemplated litigation is the self-serving, *post hoc*, partial waiver of attorney-client privilege found in the Barden Declaration. As discussed above, that Declaration fails to establish that there was good faith anticipated litigation between her and Ms. Giuffre, particularly when evidence in the record contradicts such assertions. At the very least, it is a matter of fact for the jury to decide.

In another case in which a defendant attempted to claim pre-litigation privilege applied to statements made to the press, this Court denied summary judgment, and held, “[t]o prevail on a qualified privilege defense [defendant] must show that his claim of privilege does not raise triable issues of fact that would defeat it.” *Block v. First Blood Associates*, 691 F. Supp. 685, 699-700 (Sweet, J.) (S.D.N.Y. 1988) (denying summary judgment on the pre-litigation qualified privilege affirmative defense because there was “a genuine issue as to malice and appropriate purpose”). Defendant’s claim here likewise fails.

First, Defendant’s testimony makes no mention of any contemplated lawsuit – much less, any contemplated lawsuit against Ms. Giuffre. Second, Defendant has offered no witnesses who will testify that she intended to bring any law suit. Third, she did not, in fact, bring any such lawsuit. The only “evidence” is a *post hoc* Declaration written by her attorney. Finally, it must be

remembered, as explained at length above, the Defendant had sexually trafficking Defendant and was attempting to continue to conceal her criminal acts. Whether her statements had an “appropriate purpose,” *Block* 691 F. Supp. at 699-700 (Sweet, J.) – or were, rather, efforts by a criminal organization to silence its victims – is obviously contested. Accordingly, obvious issues of fact exist as to whether or not Defendant contemplated litigation.

Distorting reality, Defendant further argues: “Statements pertinent to a good faith anticipated litigation made by attorneys (or their agents under their direction) before the commencement of litigation are privileged.” (MSJ at 33). The record evidence shows that Defendant’s attorney did not make the defamatory statement. Further, Defendant’s attorney’s agents did not make the defamatory statement. Defendant did. And, there was no statement made by anyone “before the commencement of litigation” because *litigation never commenced*. Accordingly, the cases Defendant cites where attorneys are making statements (or where clients are making statements to their attorneys regarding judicial proceedings including malpractice) are wholly inapposite as detailed below.⁴⁵

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- *Front v. Khalil*, 24 N.Y.3d 713, 720 (2015) - statement made by attorney.
- *Flomenhaft v. Finkelstein*, 127 A.D.3d 634, 637 n.2, 8 N.Y.S.3d 161 (N.Y. App. Div. 2015) - did not even address pre-litigation privilege, and said that Front, Inc. was not relevant to the case.
- *Kirk v. Heppt*, 532 F. Supp. 2d 586, 593 (S.D.N.Y. 2008) - the communication at issue was made by an attorney’s client to the attorney’s malpractice carrier concerning the client’s justiciable controversy against the attorney over which the clients actually sued.
- *Petrus v Smith*, 91 A.D.2d 1190 (N.Y.A.D., 1983) - the court held: “[r]emarks of attorney to Surrogate are cloaked with absolute immunity as statements made in course of judicial proceedings – Attorney’s gratuitous opinion outside courthouse calling plaintiff liar . . . is not similarly immune.” (This case undermines the false argument Defendant tries to make).
- *Klien* - contrary to dicta quoted by Defendant from the Klein case, there were no communications made “between litigating parties or their attorneys,” just a press release Defendant instructed her press agent to disseminate to the media.
- *Frechtman v. Guterman*, 115 A.D.3d 102, 103, 979 N.Y.S.2d 58, 61 (2014) - the communication at issue was a letter sent by a client to his attorney terminating the representation for malpractice.
- *Sexter & Warmflash, P.C. v. Margrabe*, 38 A.D.3d 163 (N.Y.A.D. 1 Dept. 2007) - privilege applied to letter client sent discharging law firm as the client’s attorneys as statements relating to a judicial proceeding and law firm sued for defamation.

Similarly, in *Black v. Green Harbour Homeowners' Ass'n, Inc.*, 19 A.D.3d 962, 963, 798 N.Y.S.2d 753, 754 (2005), cited by Defendant, the Court held a privilege applied to a letter sent by a home owner's association board of directors to the association's members informing them of the status of litigation to which the association was a party, and to the association's letter to the state attorney general sent to discharge its duties to the association. In this case, litigation was actually pending, the communication was sent by a party to that litigation as part of its duties, and the communication itself concerned the litigation. Defendant's press release fits none of those descriptions.

Unsurprisingly, Defendant cites to no case in which a Court has held that this or any qualified privilege extends to internationally disseminated press releases defaming a non-party to the purported "anticipated" litigation. Regardless of whether or not Barden had a hand in drafting the statement (another disputed issue of fact for the jury), Defendant issued the statement, instructed that it be published, and the statement she issued was attributed to her, and not to her attorney (or his agents). Accordingly, all the case law Defendant cites about an *attorney* making a statement (or a client making a statement to their attorney or malpractice carrier) is inapposite.

2. Defendant is foreclosed from using the pre-litigation privilege because she acted with malice.

In any event, because Defendant acted with malice, she cannot avail herself of the pre-litigation privilege. As this Court has explained denying Defendant's motion to dismiss, "'There is no qualified privilege under New York law when such statements are spoken with malice, knowledge of their falsity, or reckless disregard for their truth.'" *Giuffre v. Maxwell*, 165 F. Supp. 3d at 155 (citing *Block*, 691 F. Supp. at 699 (Sweet, J.) (S.D.N.Y. 1988)). There is ample record evidence that Defendant acted with malice in issuing the press release, thereby making the litigation privilege inapplicable. See *Block*, 691 F. Supp. at 700 (Sweet, J.) ("Here, sufficient

evidence has been adduced to support the inference that [defendant] acted with malice, and may not, therefore, claim a qualified privilege under New York law . . . a genuine issue as to malice and appropriate purpose has properly been raised and is sufficient to preclude summary judgment.”). For example, Ms. Sjoberg testified that Defendant recruited her for sex with Epstein, thus corroborating Ms. Giuffre’s own account of Defendant’s involvement in abusing her with Epstein. For another example, Jeffrey Epstein’s pilot testified that Defendant flew with Ms. Giuffre on at least 23 flights, thus corroborating Ms. Giuffre’s claims against Defendant. *See McCawley Dec.* at Exhibit 15, Rodgers Dep. Tr., at 34:3-10. For another example, Tony Figueroa testified that Defendant asked him for assistance in recruiting girls for Epstein – more testimony that corroborates Ms. Giuffre’s claims against Defendant.

Defendant’s statements that Ms. Giuffre was lying and her claims of sexual abuse were “obvious lies” were not pertinent to a good faith anticipated litigation but, instead, they were made for an inappropriate purpose – i.e., to bully, harass, intimidate, and ultimately silence Ms. Giuffre. As the record evidence shows, Defendant knew the statements were false because Defendant engaged in and facilitated the sexual abuse of this minor child, therefore, they were made for the inappropriate purpose of “bullying,” “harassment,” and “intimidation.” *See Front v. Khalil*, 24 N.Y.3d 713, 720 (2015). Simply put, Defendant sexually trafficked Ms. Giuffre – and then tried to silence Ms. Giuffre to keep her crimes secret – circumstances that prevent her from using privileges designed to shield legitimate legal disputes from court interference.

New York case law fully confirms that pre-litigation qualified privilege does not apply to this case. Historically, statements made in the course of litigation were entitled to privilege from defamations claims “so that those discharging a public function may speak freely to zealously represent their clients without fear of reprisal or financial hazard.” *Id.* at 718. A 2015 New York

Court of Appeals case somewhat extended this privilege by holding that statements made by attorneys prior to the commencement of the litigation are protected by a qualified privilege if those statements are pertinent to a good faith anticipated litigation. *Id.* at 718. (“Although it is well settled that statements made in the course of litigation are entitled to absolute privilege, the Court has not directly addressed whether statements made by an attorney on behalf of his or her client in connection with prospective litigation are privileged” . . . “to advance the goals of encouraging communication prior to the commencement of litigation” . . . “we hold that statements made prior to the commencement of an anticipated litigation are privileged, and that the privilege is lost where a defendant proves that the statements were not pertinent to a good faith anticipated litigation.”).

The Court of Appeals’ reason for allowing this qualified privilege could not be more clear: “When litigation is anticipated, attorneys and parties should be free to communicate in order to reduce or avoid the need to actually commence litigation. Attorneys often send cease and desist letters to avoid litigation. Applying privilege to such preliminary communication encourages potential defendants to negotiate with potential plaintiffs in order to prevent costly and time consuming judicial intervention.” *Id.* at 719-20. Under this rationale, the *Khalil* court found that an attorney’s letters to the potential defendant were privileged because they were sent “in an attempt to avoid litigation by requesting, among other things, that Khalil return the alleged stolen proprietary information and cease and desist his use of that information.” *Id.* at 720.

Here, quite unlike *Khalil*, the Defendant’s statements were (1) made by a non-attorney (Defendant through Gow); (2) concerning a non-party to any alleged anticipated litigation; (3) knowingly false statements; and (4) contained in a press release directed at, and disseminated to,

the public at large. Defendant's statements cannot be considered "pertinent to a good faith anticipated litigation," such that the qualified privilege should apply.

Finally, though it strains credulity to even entertain the prospect, if Defendant could make even colorable showings on these basic issues, it would remain an issue of fact for the jury to determine whether or not Defendant's press release, calling Ms. Giuffre's sex abuse claims "obvious lies," was any type of "cease-and-desist" statement or a statement that acted to "reduce or avoid" or resolve any "anticipated" litigation. Summary judgment is obviously inappropriate here as well.

3. Defendant cannot invoke the pre-litigation privilege because she has no "meritorious claim" for "good faith" litigation.

Finally, Defendant cannot prevail in asserting this qualified privilege because, in order to invoke this privilege, she must have "meritorious claims" for "good faith anticipated litigation." *Khalil* specifically states that for the qualified privilege to apply, the statements must be made "pertinent to a good faith anticipated litigation," and it does not protect attorneys . . . asserting wholly ***unmeritorious claims***, unsupported in law and fact, in violation of counsel's ethical obligations." *Khalil*, 24 N.Y.3d at 718, 720 (emphasis added). Defendant has neither "meritorious claims" nor "good faith anticipated litigation." Defendant cannot have a "meritorious claim" for "good faith anticipated litigation" against the press (or Ms. Giuffre) because Ms. Giuffre's reports of her sexual abuse are true, Defendant knows that they are true, and Defendant made a knowingly false statement when she called Ms. Giuffre a liar. Under these circumstances, Defendant has no "meritorious" claim to make in "good faith" relating to either Ms. Giuffre's statements or their coverage in the press, thereby making her defamatory statements wholly outside the protection of this qualified privilege. At the very least, the issue of

whether Defendant has meritorious claims against the press on the grounds that she did not abuse Ms. Giuffre is a question of fact for the jury to decide.

V. DEFENDANT HAS NOT - AND CANNOT - SHOW THAT HER DEFAMATORY STATEMENT IS SUBSTANTIALLY TRUE

Defendant next claims that her press release calling Ms. Giuffre a liar about her past sex abuse was somehow “substantially true.” Here again, this is a highly disputed claim. On its face, to determine what is “substantially” true or not requires extensive fact finding, such as whether Defendant recruited Ms. Giuffre as a minor child for sex with Defendant’s live-in boyfriend and convicted pedophile, Jeffrey Epstein. Accordingly, summary judgment is not appropriate. *See Mitre Sports Intern. Ltd. v. Home Box Office, Inc.*, 22 F. Supp. 3d 240, 255 (S.D.N.Y. 2014) (denying summary judgment because it would require the Court to decide disputed facts to determine whether the statement at issue was substantially true); *Da Silva v. Time Inc.*, 908 F. Supp. 184, 187 (S.D.N.Y. 1995) (denying motion for summary judgment because there was a genuine issue of material fact as to whether defamatory photo and caption were not true, stating “[i]n the instant case Da Silva’s contention that she was a reformed prostitute at the time of photography and publication provides a rational basis upon which a fact-finder could conclude that the photograph was not substantially true”).

Additionally, Defendant has remarkably not submitted any evidence that she did not recruit Ms. Giuffre for sex with Epstein. Nor has Defendant offered any evidence that her role in Epstein’s household was not to recruit girls and young women for Jeffrey Epstein. Accordingly, summary judgment is inappropriate. *See Stern v. Cosby*, 645 F. Supp. 2d 258, 277 (S.D.N.Y. 2009) (because defendant had “not submitted any evidence to show that Statement 11 is substantially true, her motion for summary judgment as to Statement 11 is denied”).

Further, much of the purported evidence upon which Defendant relies to allege the truth of her defamatory statement is merely hearsay, including inadmissible hearsay statements made by Alan Dershowitz, who Defendant did not depose in this case (and whom Ms. Giuffre has not had an opportunity to cross examine). Hearsay cannot establish the truth of a defamatory statement as a matter of law at summary judgment. *Lopez v. Univision Communications, Inc.*, 45 F. Supp.2d 348, 359 (S.D.N.Y.1999) (denying summary judgment and holding “defendants’ evidence as to what they were told by representatives of NYU and Kean College, to the extent offered for the truth of the matters asserted, is inadmissible hearsay and an insufficient basis upon which to grant summary judgment of dismissal on the ground that the statements were substantially true.”).

Finally, many of the facts upon which Defendant bases her argument that her defamatory statement was true are wholly tangential to the claims against her by Ms. Giuffre and the defamatory statement. For example, Defendant supports her contention that she did not recruit Ms. Giuffre for sex with Epstein based on the fact that Ms. Giuffre lived independently of her parents before meeting Epstein and Ms. Maxwell. (Of course, a child outside the supervision of her parents makes it much more likely she would be recruited by Defendant into sex trafficking, but that is for the jury to decide.) That fact does not go to whether or not Defendant’s statement calling Ms. Giuffre a liar is true, because Ms. Giuffre never made any claims relating to where she lived prior to meeting Defendant. Moreover, it is immaterial with whom she was living: the fundamental and overarching fact remains that Defendant recruited Ms. Giuffre for sex with Epstein when she was a minor child.

Defendant next proffers Ms. Giuffre’s limited high school enrollment and short-term jobs that she held as evidence that she and Epstein did not abuse her. The logic of this position is

unclear. The fact that Ms. Giuffre worked at Taco Bell for a few days hardly establishes she was not abused by Defendant and Epstein. Indeed, if anything its shows the vulnerability of Ms. Giuffre to enticements that a billionaire and his wealthy and powerful girlfriend could offer. In any event, what to make of such fact is something for the jury to consider. They are irrelevant for the same reason as above: Ms. Giuffre never made any claims about her studies or her prior employment. Indeed, neither Ms. Giuffre's statement about being recruited by Defendant as a child, nor Defendant's refutation even mentions Ms. Giuffre's lack of schooling or lack of a stable home as a child. Purported facts that have nothing to do with Ms. Giuffre's claims of sexual abuse against Defendant, and nothing to do with Defendant calling Ms. Giuffre a liar for such claims, do not establish the "*substantial truth*" of Defendant's statement. Tellingly, Defendant cites to no analogous case in any jurisdiction that even suggests otherwise.

VI. PLAINTIFF DOES NOT NEED TO ESTABLISH MALICE FOR HER DEFAMATION CLAIM, BUT IN THE EVENT THE COURT RULES OTHERWISE, THERE IS MORE THAN SUFFICIENT RECORD EVIDENCE FOR A REASONABLE JURY TO DETERMINE DEFENDANT ACTED WITH ACTUAL MALICE

Defendant's next (and, again, quite remarkable) argument is that Ms. Giuffre somehow will be unable to establish actual malice in this case. One would think that a sex trafficker calling one of her victims a liar would be a quintessential example of actual malice. Defendant's spurious case citations and misplaced argument do not detract from this core fact.

Though Defendant does not mention the legal standard for actual malice until she is 48 pages into her 68-page brief,⁴⁶ the legal definition of actual malice, as defined by the United

⁴⁶ Though perhaps a scrivener's error, Defendant errantly cites to two Supreme Court cases – *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974) and *Philadelphia Newspapers, Inc. v. Hepps*, 475 U.S. 767 (1986) – that arose out of the laws of Illinois and Pennsylvania, respectively, to support a proposition concerning New York law. Defendant also cites to *Harte-Hanks Commc'ns, Inc. v. Connaughton*, 491 U.S. 657, 109 S. Ct. 2678, 105 L. Ed. 2d 562 (1989), wherein the ruling was not at summary judgment, and the plaintiff in the defamation case was a judicial candidate in a public election.

States Supreme Court, and reiterated by the Second Circuit, should be the light by which all of Defendant's purported "facts" and argument should be viewed. "Actual malice" means that the statement was published with "knowledge that the statement was 'false or with reckless disregard of whether it was false or not.'" *Baiul v. Disson*, 607 F. App'x 18, 20 (2d Cir. 2015), quoting *New York Times Co. v. Sullivan*, 376 U.S. 254, 280, 84 S. Ct. 710, 11 L.Ed.2d 686 (1964).

Defendant argues that Ms. Giuffre is a limited purpose public figure. While Ms. Giuffre disputes that claim, the issue is entirely irrelevant here because Ms. Giuffre will prove at trial, with overwhelming evidence, that Defendant made her statement calling Ms. Giuffre a liar with malice, fully knowing – as a sex trafficker – that it was false. Put another way, Defendant knew that Ms. Giuffre was telling the truth when she described how Defendant recruited her for sex as an underage girl and then sexually trafficked her with her boyfriend Jeffrey Epstein.

The Second Circuit instructs that, "[o]n a motion for summary judgment, a court cannot try issues of fact; it can only determine whether there are issues to be tried. If, as to the issue on which summary judgment is sought, there is any evidence in the record from any source from which a reasonable inference could be drawn in favor of the nonmoving party, summary judgment is improper." *Chambers v. TRM Copy Ctrs. Corp.*, 43 F.3d 29, 37 (2d Cir. 1994) (internal citations and quotations omitted). "As the moving party, Defendants have the burden of demonstrating an absence of clear and convincing evidence substantiating Plaintiffs' claims." *De Sole v. Knoedler Gallery, LLC*, 139 F. Supp. 3d 618, 640 (S.D.N.Y. 2015) (citing *Chambers*).

Defendant fails to meet her burden of demonstrating an absence of clear and convincing evidence substantiating Ms. Giuffre's claims that Defendant acted with actual malice. Ms. Giuffre will easily be able to meet any trial burden of clear and convincing evidence of actual

malice. Tellingly, Defendant does not even attempt to address the documentary evidence, nor the testimonial evidence showing she was a recruiter of girls for Epstein.

As shown above, far beyond showing that a reasonable inference could be drawn in her favor, which is all that is required at this point to defeat Defendant's motion, Ms. Giuffre will easily be able to meet her trial burden of clear and convincing evidence of actual malice.

Of course, a plaintiff need only show "actual malice" on the part of a defendant if that plaintiff is a public figure or a limited public figure, which Ms. Giuffre is not, as explained *infra*.

VII. THE COURT NEED NOT REACH THE ISSUE, AT THIS TIME, OF WHETHER MS. GIUFFRE IS A LIMITED PURPOSE PUBLIC FIGURE

For the reasons just explained, Ms. Giuffre will easily be able to prove actual malice at the trial in this case. Defendant argues that Ms. Giuffre "is a public figure who must prove actual malice." MSJ at 49. Given the overwhelming proof of the second part of that statement, the Court need not spend its time considering the first.

If the Court wishes to nonetheless consider the issue at this time, it is not appropriate for disposition at the summary judgment stage of this case. The defendant bears the burden of demonstrating that the plaintiff is a limited purpose public figure. *See Lerman v. Flynt Distrib. Co.*, 745 F.2d 123, 136–37 (2d Cir. 1984). Defendant correctly articulates the legal test for a finding that a plaintiff is a limited purpose public figure, but glosses over the fact that all prongs of the test must be met in order for a court to make that finding. *See, e.g., Contemporary Mission, Inc. v. N.Y. Times Co.*, 842 F.2d 612, 617 (2d Cir. 1988) ("[T]his court set forth a **four part test** for determining whether someone is a limited purpose public figure" (emphasis added)); *Herbert v. Lando*, 596 F. Supp. 1178, 1186 (S.D.N.Y. 1984) ("The Second Circuit recently summarized the **criteria**" (emphasis added)), *aff'd in part, rev'd in part*, 781 F.2d 298 (2d Cir. 1986); *cf. Nehls v. Hillsdale Coll.*, 178 F. Supp. 2d 771, 778 (E.D. Mich. 2001) (finding plaintiff

was not a limited public figure for failing one element of the *Lerman* test and thus denying defendant's motion for summary judgment) ("The defendant has proven all of the elements but the third . . ."), *aff'd*, 65 F. App'x 984 (6th Cir. 2003). Of course, proof that Ms. Giuffre (or anyone else) is a limited purpose public figure requires proof of a set of facts from which Ms. Giuffre believes Defendant has not shown in satisfaction of the four-part test.

Significantly –this Court should pause here to note that the details of Jane Doe 3's sexual exploitation and abuse, as anonymously set forth in her CVRA joinder motion, *caused the Defendant to identify, with certainty, Jane Doe 3 as Ms. Giuffre*. Yet, at her deposition, Defendant claimed to "barely remember her at all."⁴⁷ Defendant's ability to immediately and positively identify the anonymous individual making claims of sexual abuse, if anything, shows that Defendant was intimately aware of Ms. Giuffre's sexual exploitation.

And, to be sure, Ms. Giuffre never asked to be sexually abused or trafficked by Defendant or convicted pedophile Jeffrey Epstein when she was a child – legally, she did not even have the capacity to consent. Defendant cannot recruit a minor child for sexual exploitation and then, afterwards, argue that her victim injected herself into the public controversy when coming forward about the abuse she suffered.

Moreover, Defendant has not made a sufficient showing that Ms. Giuffre has "regular" and "continuing" access to the news media. The policy rationale behind this prong is that public figures generally enjoy significant access to the media. One reporter wrote some articles on Ms. Giuffre in 2011. Thereafter, it was not until 2015, that Ms. Giuffre spoke to someone in the news media about these issues, and that interview was granted *after* Defendant's defamatory remarks. Such limited contacts precludes a finding that Ms. Giuffre is a limited public figure. *See*

⁴⁷ See McCawley Dec. at Exhibit 11, Maxwell Dep. Tr. at 44:23-45:4 (July 22, 2016) ("Q. You do remember Virginia, about that time back in the 2000s, giving Mr. Epstein massages? A. I barely remember her at all.").

Hutchinson v. Proxmire, 443 U.S. 111, 99 S. Ct. 2675, 61 L.Ed.2d 411 (1979) (finding plaintiff maintained no regular and continuing access to the media and thus was not a public figure).

It is also unclear how Defendant plans to show that Ms. Giuffre “successfully invited public attention to her views.” To be sure, Ms. Giuffre decided to start “Victims Refuse Silence,” a not-for-profit organization whose mission is “to change the landscape of the war on sexual abuse and human trafficking. Our goal is to undertake an instrumental role in helping survivors break the silence associated with sexual abuse. To fulfill this mission, we aim to enhance the lives of women who have been victimized.”⁴⁸ The website lists the National Trafficking Hotline, and provides a state-by-state resources for local organizations where victims can seek help. Unsurprisingly, Defendant cites no cases that hold that maintaining a website makes one a public figure. *See Mitre Sports Int'l Ltd. v. Home Box Office, Inc.*, 22 F. Supp. 3d 240, 252 (S.D.N.Y. 2014) (finding plaintiff was not a limited public figure and denying defendant’s motion for summary judgment) (“corporate policy denouncing child labor on its website … do[es] not show that Mitre … aimed to influence the public’s views on the controversy”). More important, Defendant does not explain how Ms. Giuffre was using the website to influence public views on whether she had been abused by Defendant – the subject at issue in this lawsuit.

Interestingly, Defendant has spent \$ 17,875⁴⁹ on an expert witness to tell the Court and the jury that hardly anyone searches on the internet using search terms such as “victims refuse silence sex slave.” One of Defendant’s six briefs raising *Daubert* issues specifically argues that Dr. Anderson’s estimates on the cost of remediating Ms. Giuffre’s online reputation are improper because Dr. Anderson included nearly unused search phrases when evaluating internet content. Kent’s rebuttal report states: “. . . there seems no reason to believe that such a person would use

⁴⁸<http://www.victimsrefusesilence.org/our-mission>.

⁴⁹ See McCawley Dec. at Exhibit 9, Kent Dep. Tr. at 25:16-26:6.

this term . . . Indeed, these are terms unlikely to be used by anyone unfamiliar with this litigation. . . . Why, for instance, would it be necessary to push down offending Web pages in the results that the search engines provide for the term victim’s refuse silence sex slave, when this term is likely never used . . .” *See McCawley Dec.* at Exhibit 25, Kent Report at 10, 33.

Defendant cannot argue to the Court that Ms. Giuffre has “successfully” invited public attention to her views through her VRS website while simultaneously filing a *Daubert* motion that argues that search terms such as “victims refuse silence sex slave” are “likely never used,” thus making the website unsuccessful in inviting public attention. In any event, Defendant has failed to set forth with precision the allegedly undisputed fact – and supporting evidence – she uses to support her argument.

Moreover, “[i]t is preferable to reduce the public figure question to a more meaningful context by looking to the nature and extent of *an individual’s participation in the particular controversy giving rise to the defamation.*” *Greenberg v. CBS Inc.*, 69 A.D.2d 693, 704, 419 N.Y.S.2d 988, 995 (1979) (emphasis added), citing *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 345, 352, 94 S. Ct. 2997, 41 L.Ed.2d 789. The context here is highly significant. Ms. Giuffre never chose to participate in Defendant and Epstein’s underage sex ring, a “controversy” that gave rise to Defendant’s defamation. In arguing that Ms. Giuffre thrust herself into the public spotlight, Defendant conveniently leaves out the fact that it is by her doing that Ms. Giuffre is in this controversy in the first place. No minor child willingly becomes a participant in sexual abuse, and it is perverse for the abuser to argue that her victim deliberately became a subject of public attention when speaking out about that abuse for the purpose of advancing justice and helping other victims.

For all these reasons, the Court should simply decline to decide the public figure issue at this juncture. But if it chooses to reach the issue, it should reject Defendant's unsupported argument.

VIII. THE JANUARY 2015 STATEMENT WAS NOT "SUBSTANTIALLY TRUE," AND MS. GIUFFRE HAS PRODUCED CLEAR AND CONVINCING EVIDENCE OF ITS FALSITY

As a final argument, Defendant argues that her January 2015 statement was "substantially true." Given that the statement argues that Ms. Giuffre lied when she said she was sexually trafficked by Defendant, the reader of Defendant's motion might reasonably expect to see some evidence presented showing that Defendant was not a sex trafficker. Instead, the reader is treated to technical quibbles. For example, the lead argument to show the "substantial" truth of Defendant's statement is the argument that Ms. Giuffre was not fifteen years old, but all of sixteen or seventeen years old when she was trafficked. As the Court knows (and can take judicial notice of), Florida law makes age eighteen the age of consent. Accordingly, it is no moment that Ms. Giuffre may have been mistaken about the exact year the sex trafficking started. Call this the "yes-I'm-a-sex-trafficker-but-only-of-sixteen-year-old-girls" defense. To even describe the defense is to show how meritless it is.

More broadly, at issue are the statements Ms. Giuffre made regarding Defendant's involvement in, and knowledge of, the sexual abuse and sex trafficking of Ms. Giuffre (and other minor girls) through a recruitment scheme executed by Defendant and Jeffrey Epstein. In response to those various statements, Defendant publicly claimed that, "the allegations made by (Ms. Giuffre) *against* Ghislaine Maxwell are untrue." Defendant continued that Ms. Giuffre's "claims are obvious lies and should be treated as such...." Defendant, through her statement

intended to convey that Ms. Giuffre was lying about everything she had said against Defendant – “the allegations.”

In sum and essence, those statements made by Ms. Giuffre about which Defendant released a public statement to exclaim were “untrue” and “obvious lies” were:

- (1) That Defendant approached Ms. Giuffre while Ms. Giuffre was an underage minor working at the Mar-a-Lago Country Club, and recruited the then-minor Ms. Giuffre to go to the house of Jeffrey Epstein under the pretense of providing a massage to Jeffrey Epstein for money;
- (2) That Ms. Giuffre followed Defendant’s instructions, and was driven to Jeffrey Epstein’s house, where she was greeted by Defendant and later introduced to Jeffrey Epstein;
- (3) That Ms. Giuffre was lead upstairs to be introduced to Jeffrey Epstein in his bedroom, and that while there Defendant demonstrated how Ms. Giuffre should provide a massage to Jeffrey Epstein;
- (4) That Defendant and Epstein converted the massage into a sexual experience, requesting that Ms. Giuffre remove her clothing, after which time a sexual encounter was had;
- (5) That Defendant and Epstein expressed approval for Ms. Giuffre, and offered her money in exchange for this erotic massage turned full sexual encounter;
- (6) That Defendant and Epstein offered Ms. Giuffre the promise of money and a better life in exchange for Ms. Giuffre acting sexually compliant and subservient to their demands;
- (7) That Ms. Giuffre, after that first encounter, was repeatedly requested to service Epstein and/or Defendant sexually and/or others;
- (8) That Ms. Giuffre was taken on Epstein’s private planes on numerous occasions and trafficked nationally and internationally for the purpose of servicing Epstein and others, including Defendant, sexually;
- (9) That Defendant was Epstein’s primary manager of the recruitment and training of females who Epstein paid for sexual purposes;
- (10) That Defendant participated in sexual encounters with females, including Ms. Giuffre; and
- (11) That Ms. Giuffre and other recruited females were encouraged by Defendant and Epstein to bring other young females to Epstein for the purpose of servicing him sexually.

Defendant, by way of her January 2015 statement, declared that Ms. Giuffre lied about each and every one of these allegations regarding Defendant. In fact, Defendant clarified further this position in her deposition when she said repeatedly that everything Ms. Giuffre said about Defendant was totally false.⁵⁰ The clarification in her deposition is identical in intention to the reasonable interpretation of her statement that Defendant made publicly, which has formed the basis of this defamation action—that Ms. Giuffre was lying about everything she said about Defendant, and that Defendant was not at all involved in the activity she was accused of engaging in.

While her public statement could not have been more clear, as her deposition testimony further underscored, Defendant intended the world to believe that nothing Ms. Giuffre said about Defendant was true, and that Defendant was not at all involved with any of the things she was accused of, Defendant has decided in this motion to minutely dissect the nuance of Ms. Giuffre's various statements to cause the Court to reach a far-fetched conclusion that Defendant's insidiously false statement was somehow "substantially true." Ironically, this repositioning amounts to nothing more than an admission by Defendant of the defamatory nature of her statement.

A. When Ms. Giuffre Initially Described Her Encounters With Defendant and Epstein, She Mistakenly Believed the First Encounter Occurred During the Year 1999.

Discovery has resulted in the production of records, including Ms. Giuffre's employment records from Mar-a-Lago, which she did not possess at the time she was recounting her interactions with Defendant. Those records establish that the initial encounter wherein Defendant recruited Ms. Giuffre occurred during the year 2000 and not during 1999. Ms. Giuffre was

⁵⁰ See McCawley Dec. at Exhibit 11, Maxwell 4-22-2016 Dep. Tr. at 135:3-4; 178:15-178:24; 179:20-180:7; 228:7-229:10.

sixteen years old before August 9, 2000, and turned seventeen on that date. It is unclear from the limited records available whether Defendant approached and recruited Ms. Giuffre before or just after Ms. Giuffre's 17th birthday. However, what has now been established through numerous witnesses is that Defendant approached and recruited a minor child for the purposes of enticing that minor over to the house of Jeffrey Epstein, a currently-registered sex offender.⁵¹ The exact lure of Ms. Giuffre by Defendant - enticement of being paid money to give a billionaire a massage at his mansion - was used by Epstein and his many associates and employees to recruit dozens and dozens of other underage girls. There is no doubt that the crux of Ms. Giuffre's statement on this point is that Defendant recruited her when she was only a minor child unable to consent to sex, not precisely how far under the age of consent she was. Defendant's public claim that Ms. Giuffre's account of this approach, and recruiting element, was "untrue" and "obvious lies" is not "substantially true," but is itself an obvious lie – as Ms. Giuffre will prove to the jury at trial.

B. Defendant's January 2015 Statement Claiming as "Untrue" and an "Obvious Lie" the Allegation That She Regularly Participated in Epstein's Sexual Exploitation of Minors and That the Government Knows Such Fact is Not Substantially True But Instead Completely False.

Defendant next argues that she "accurately denied that [she] 'regularly participate[d] in Epstein's sexual exploitation on minors' and that 'the Government knows such fact.'" MSJ at 58. It is not clear whether Defendant is nitpicking this statement by contesting whether she "regularly" participated in Epstein's sexual exploitation or whether she did participate, but the Government was unaware of the extent of her involvement. Call this the "yes-I'm-a-sex-trafficker-but-only-on-Tuesdays-and-Thursdays" defense – here again, to simply recount the claim is to see its absurdity.

⁵¹ See McCawley Dec. at Exhibit 1, 5, Alessi Dep. Tr. at 94:24-95:2; Giuffre Dep. Tr. at 111:12-111:21; 116:19-117:12.

Contrary to Defendant's misleading, cherry-picked fragments of information she has chosen to use to support her point, there is an abundance of evidence clearly linking Defendant to Epstein's sexual exploitation of minors. As the Court is aware, numerous message pads were recovered from Epstein's home indicating Defendant's involvement in and knowledge of Epstein's illegal exploitation.⁵² Additionally, numerous employees and others have testified about Defendant's high-ranking position in the hierachal structure of the sexual exploitation scheme.⁵³ In fact, multiple individuals, in addition to the Ms. Giuffre, have testified about Maxwell's involvement in the exploitation of minors, including Ms. Giuffre.⁵⁴

Defendant also argues that one government investigator, Palm Beach, Florida, Detective Recarey, may not have been aware of her involvement in the sex trafficking. Defendant fails to cite another passage in Detective Recarey's deposition, where he noted that he was aware of Defendant's involvement with Epstein and the sexual exploitation of children.⁵⁵ But even assuming Recarey was unaware (which Ms. Giuffre strongly disputes), Defendant would have, at most, a "yes-I'm-a-sex-trafficker-but-I-successfully-hid-it-from-one-of-the-cops" defense – again, not a likely claim.

More broadly, Ms. Giuffre's statement about what the "Government" knew about sex trafficking was made in pleadings filed in a *federal* Court case attacking the decision of the U.S. Attorney's Office for the Southern District of Florida to offer Jeffrey Epstein immunity from prosecution for *federal* sex trafficking crimes. Accordingly, to present an even arguable claim for summary judgment, Defendant would have to show that the U.S. Attorney's Office (and its

⁵² See, e.g., McCawley Dec at Exhibit 28 (message pad excerpts), GIUFFRE 001412, 001418, 001435, 001446, 001449, 001453, 001454.

⁵³ See McCawley Dec. at Exhibit 21, 1, Rodriguez Dep. Tr. at 169:1-169:4; Alessi Dep. Tr. at 23:11-23:20; 34:19-35:3; 98:5-98:12; 104:15-104:23.

⁵⁴ See McCawley Dec. at Exhibit 16, 4, Sjoberg Dep. Tr. at 13; Figueroa Dep. Tr. at 96-97; 103; 200:6-18; 228:23-229:21.

⁵⁵ See McCawley Dec. at Exhibit 13, Recarey Dep. Tr. at 29:16-29:20; 45:13-25; 83:3-83:15.

investigators from the FBI) did not know about Defendant's sex trafficking. This proof would need to include, for example, evidence that the FBI did not learn about Defendant's sex trafficking when (among other things) Ms. Giuffre told FBI agents about it when she met with them in Australia in 2011. Here again, Defendant has no evidence to even begin making such a showing.

C. Defendant's January 2015 Statement Claiming as "Untrue" or an "Obvious Lie" That Maxwell and Epstein Converted Ms. Giuffre Into a Sexual Slave is Not Substantially True.

Defendant next argues that she accurately disputed Ms. Giuffre's statement that Defendant held her as a "sex slave." Relying on dictionary definitions of "slave" that define the term to refer to a "confined" person who is the "legal property" of another (MSJ at 59, citing *Merriam-Webster*, etc.), Defendant claims Ms. Giuffre was not confined or the property of Defendant. Call this the "yes-I'm-a-sex-trafficker-but-I-didn't-use-chains" defense. And, once again, to even describe the defense is to refute it.

Defendant does not explain why the jury would be required to use the held-in-chains definition of "slave" in evaluating her statement. *Merriam-Webster* (11th ed. 2006) also defines "slave" as "one that is completely subservient to a dominating influence" – a definition that fits Ms. Giuffre's circumstances to a tee. As Ms. Giuffre has explained in detail, she was recruited as a minor child by Defendant, who then dominated her and used for sexual purposes. That testimony alone creates a genuine issue of fact on this point.

From the context of all of Ms. Giuffre's statements about Defendant, Ms. Giuffre has never said or implied that she was physically placed in a cage. Instead, she has described the vast disparity of power and the influence of Defendant and Epstein, the fear of disobedience, the typical locations of the abuse being in a private plane, in huge mansion manned with Epstein employed servants, a private island, or some inescapable place abroad in the presence of

Defendant, in addition to the continued – and fraudulent – promise of a better future, as those things that kept her retained in a situation of sexual servitude. While not physical chained, Ms. Giuffre was groomed as minor and trained, and these factors became her invisible chains. Indeed, as Ms. Giuffre’s expert on sex trafficking, Professor Coonan, has explained:

Popular understandings of the term “sex slave” might still connote images of violent pimps, white slavery, or of victims chained to a bed in a brothel in the minds of some people. To call Ms. Giuffre a victim of sex trafficking would however very accurately convey the reality that she along with a great many other victims of contemporary forms of slavery are often exploited by the “invisible chains” of fraud and psychological coercion.

See McCawley Dec. at Exhibit 23, Coonan Expert Report at 20.

If the Court takes as true, which it must for the purpose of this motion, that Ms. Giuffre was trafficked and used exclusively for sexual purposes by Defendant and Epstein, then the Court must also reach the conclusion at this stage that Maxwell’s assertion – that Ms. Giuffre’s description of being a sex slave is “untrue” or “obvious lies” – is not substantially true. There undoubtedly remains a genuine issue of material fact on this point, and in fact, Defendant’s position taken in this motion is tantamount to an admission of the truth of Plaintiff’s statement about Defendant on this point.

D. Any Statement of Misdirection Regarding Professor Alan Dershowitz is Nothing More Than an Irrelevant Distraction to The Facts of This Case and Matters Not on the Defense of Whether Defendant’s Statement Was Substantially True.

Defendant next contends that she accurately recounted that Alan Dershowitz had denied having sex with Ms. Giuffre. MSJ at 60. Call this the “yes-I’m-a-sex-trafficker-but-she-was-not-trafficked-to-the-professor” defense. While it is accurate that Ms. Giuffre made allegations against Professor Dershowitz, those allegations are not at issue in this case. Defendant, in her defamatory statement, claimed that “the allegations made by [Ms. Giuffre] against Ghislaine Maxwell are untrue.” *See McCawley Dec. at Exhibit 26, GM_00068.* In her deposition,

Defendant maintained the position that she “cannot speculate on what anybody else did or didn’t do.” See McCawley Dec. at Exhibit 11, Maxwell 4-22-2016 Dep. Tr. at 180:3-180:4. In fact, regarding Ms. Giuffre’s claims about others, Defendant unequivocally stated, “I can only testify to what she said about me, which was 1000 percent false.” See McCawley Dec. at Exhibit 11, Maxwell 4-22-2016 Dep. Tr. at 228:10-228:12.

Defendant Maxwell makes additional misstatements about Dershowitz’s production in a defamation action filed against him in her desperate attempt to have Dershowitz to jump aboard and help bail out her sinking canoe. While Ms. Giuffre can – and, if necessary, will – refute Dershowitz’s claim he was not a beneficiary of Epstein and Defendant’s sex trafficking, that is not relevant at this stage. Whatever may or may not have happened with Dershowitz (and Ms. Giuffre’s sworn statements that he sexually abused her is alone enough to create disputed facts on the issue of whether Defendant’s statements about him were “substantially true”) has no bearing whatsoever on the truth or falsity of the statements Ms. Giuffre made about Defendant.

This case is not about whether Ms. Giuffre has ever made untruthful allegations against anyone, which she contends she has not, but about whether her allegations about Defendant were true, or whether those specific allegations were “untrue,” “obvious lies” as Defendant publicly proclaimed. These issues are disputed and must go to the jury.

E. Contrary to Defendant’s Position, There is a Genuine Issue of Material Fact as to Whether She Created or Distributed Child Pornography, or Whether the Government Was Aware of Same.

Defendant next argues that she did not create child pornography and that the Government knew this. Call this the “until-you-find-the-photos-I’m-innocent” defense. Of course, as noted earlier, Defendant’s claim requires that she show that “the Government” – in context, the FBI and the U.S. Attorney’s Office for the Southern District of Florida – “knew” that she had no

child pornography. Yet Defendant has offered no such evidence – much less evidence so powerful as to warrant summary judgment on this point.

This point is disputed from the simple fact that Ms. Giuffre herself testified that Defendant took many photograph of her naked. *See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. at 232:3-9; 233:7-9. This is consistent with the Palm Beach butler's, Alfredo Rodriguez's, testimony that he personally saw photos of naked children on Defendant's computer. *See McCawley Dec.* at Exhibit 21, Rodriguez Dep. Tr. at 150:10-17; 306:1-306:24. Another housekeeper, Juan Alessi also saw photos of young nude females on Defendant's computer, although he wasn't sure whether to consider it pornography. *See McCawley Dec.* at Exhibit 1, Alessi Dep. Tr. at 175:5-175:24. Finally, Detective Recarey found a collage of nude photos of young females in Epstein's closet, and turned the photos over to the FBI and U.S. Attorney's office.⁵⁶ While the U.S. Attorney's office will not share the photos obtained from Recarey's investigation, it is thus undisputed that the government possesses photos of nude, young females confiscated from Epstein's Palm Beach mansion. Indeed, the police video disclosed through a FOIA request shows naked images of women throughout the house, including a full nude of the Defendant.⁵⁷ At a minimum, there is a clear genuine issue of material fact in this regard.

F. Defendant Did Act as a “Madame” For Epstein to Traffic Ms. Giuffre to The Rich and Famous.

Defendant next argues that she did not act as a “Madame” for Epstein. MSJ at 63. The gist of the argument seems to be that Defendant believes trafficking one girl to Epstein does not a Madame make. Call this the “yes-I-was-Virginia’s-Madame-but-no-one-else’s” defense. This argument fails linguistically on the very dictionary definitions that Defendant cites elsewhere –

⁵⁶ *See McCawley Dec.* at Exhibit 13, Recarey Dep. Tr. at 73:19-73:24; 74:2-74:7.

⁵⁷ *See McCawley Dec.* at Exhibit 44, FOIA CD GIUFFRE 007584.

but not here. *See Merriam-Webster* (11th ed. 2006) (defining “madam” as “the female head of a house of prostitution”).

Once again, Defendant conceals the relevant facts on this issue. First, multiple witnesses have testified to Defendant’s recruiting, maintaining, harboring, and trafficking girls for Epstein.⁵⁸ In fact, Defendant herself was unable to deny procuring Ms. Giuffre for Epstein.⁵⁹ While Defendant has attempted to fumble her way through explaining some plausible reason for bringing a sixteen or seventeen year old to Epstein, her explanations are, to put it blandly, unconvincing. As with other issues, the jury will have to decide who to believe.

One of the individuals Ms. Giuffre was trafficked to was Prince Andrew – trafficking that took place in Defendant’s own townhouse in London. There exist flight logs evidencing Ms. Giuffre flying to London alongside Defendant and Epstein on Epstein’s private plane, and a photo of Ms. Giuffre, Defendant, and the Prince, without Defendant ever offering a legal reasonable explanation for that photo being taken, or for traveling with a year old girl overseas.

Defendant begins to meander somewhat aimlessly on this point, shifting Plaintiff’s burden to substantiate Plaintiff’s claim that Defendant was Epstein’s Madame, which is a point at issue, into whether or not Plaintiff has conclusively proven the identities and accurate job titles of the other men to whom Plaintiff was lent for sex by Epstein. No matter how hard Defendant tries to reframe this case, drag other people in, or split hairs, she is unable to contest the facts – facts showing she was more than a Madame but a full-fledged sex trafficker. Ms. Giuffre told the truth when she said that Defendant recruited her as a minor, under the pretense of giving a

⁵⁸ See McCawley Dec. at Exhibit 16, 1, 18, 2, Sjoberg Dep. Tr. at 13; Alessi Dep. Tr. at 34; GIUFFRE000105 at 57-58; GIUFFRE000241-242 at p. 212-213; Austrich Dep. Tr. at 34-35, 100-101, 127-128; Alessi Dep. Tr. at 34:19-35:3; 98:5-98:12; 104:15-104:23.

⁵⁹ See McCawley Dec. at Exhibit 11, Maxwell Dep. Tr. at 214:14-215:3.

massage, and converted her into a traveling sex slave, consistent with Defendant and Epstein's pattern and practice.

As the Court astutely acknowledged early on, "at the center of this case is the veracity of a contextual world of facts more broad than the allegedly defamatory statements . . . either transgression occurred or it did not. Either Maxwell was involved or she was not." If Defendant was involved, then her January 2015 statement was defamatory. Ms. Giuffre will prove to the jury, through overwhelming evidence, her prior allegations about Defendant's involvement. The Court should give Ms. Giuffre that opportunity, and deny Defendant's motion for summary judgment.

IX. CONCLUSION

For the foregoing reasons, this Court should deny Defendant's motion for summary judgment in all respects.

Dated: January 31, 2017

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 31, 2017, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

/

SOUTHERN DISTRICT OF NEW YORK LOCAL RULE 56.1 PLAINTIFF'S STATEMENT OF CONTESTED FACTS AND PLAINTIFF'S UNDISPUTED FACTS

DEFENDANT'S PURPORTED FACTS

1. **Ms. Maxwell's response to publications of Ms. Giuffre's false allegations: the March 2011 statement.** In early 2011 Ms. Giuffre in two British tabloid interviews made numerous false and defamatory allegations against Ms. Maxwell. In the articles, Ms. Giuffre made no direct allegations that Ms. Maxwell was involved in any improper conduct with Jeffrey Epstein, who had pleaded guilty in 2007 to procuring a minor for prostitution. Nonetheless, Ms. Giuffre suggested that Ms. Maxwell worked with Epstein and may have known about the crime for which he was convicted.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre denies that the allegations she made against Ms. Maxwell are false. Furthermore, Ms. Giuffre did give an interview to journalist, Sharon Churcher, in which Ms. Giuffre accurately and truthfully described Defendant Maxwell's role as someone who recruited or facilitated the recruitment of young females for Jeffrey Epstein. *See* McCawley Dec. at Exhibit 34, GIUFFRE003678. Ms. Giuffre was also interviewed by the FBI in 2011 and she discussed Defendant's involvement in the sexual abuse. *See* McCawley Dec. at Exhibit 31, FBI Redacted 302, FIUFFRE001235-1246. Those statements were not "false and defamatory," but instead truthful and accurate.

DEFENDANT'S PURPORTED FACTS

2. In the articles, Ms. Giuffre alleged she had sex with Prince Andrew, “a well-known businessman,” a “world-renowned scientist,” a “respected liberal politician,” and a “foreign head of state.”

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre does not contest this fact, but believes that it is irrelevant.

DEFENDANT'S PURPORTED FACTS

3. In response to the allegations Ms. Maxwell's British attorney, working with Mr. Gow, issued a statement on March 9, 2011, denying “the various allegations about [Ms. Maxwell] that have appeared recently in the media. These allegations are all entirely false.”

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre denies that Mr. Barden, “issued a statement.” Instead it appears to have the contact as Ross Gow and a reference to Devonshire Solicitors.

DEFENDANT'S PURPORTED FACTS

4. The statement read in full:

Statement on Behalf of Ghislaine Maxwell

By Devonshires Solicitors, PRNE Wednesday, March 9, 2011

London, March 10, 2011 - Ghislaine Maxwell denies the various allegations about her that have appeared recently in the media. *These allegations are all entirely false.*

It is unacceptable that letters sent by Ms. Maxwell's legal representatives to certain newspapers pointing out the truth and asking for the allegations to be withdrawn have simply been ignored.

In the circumstances, *Ms. Maxwell is now proceeding to take legal action against those newspapers.*

“I understand newspapers need stories to sell copies. It is well known that certain newspapers live by the adage, “why let the truth get in the way of a good story.” However, *the allegations made against me are abhorrent and entirely untrue* and I ask that they stop,” said Ghislaine Maxwell.

“A number of newspapers have shown a complete lack of accuracy in their reporting of this story and a failure to carry out the most elementary investigation or any real due diligence. I am now taking action to clear my name,” she said.

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GIUFFRE001067-68

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

The document speaks for itself although it is unclear if the original included the italics that are inserted by the Defendant above.

DEFENDANT'S PURPORTED FACTS

5. **Ms. Giuffre's gratuitous and "lurid" accusations in an unrelated action.** In 2008 two alleged victims of Epstein brought an action under the Crime Victims' Rights Act against the United States government purporting to challenge Epstein's plea agreement. They alleged the government violated their CVRA rights by entering into the agreement.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

While we would stipulate to the statement in this paragraph starting with the words "In 2008" , we do not stipulate to the opening sentence fragment Maxwell places in bold.

DEFENDANT'S PURPORTED FACTS

6. Seven years later, on December 30, 2014, Ms. Giuffre moved to join the CVRA action, claiming she, too, had her CVRA rights violated by the government. On January 1, 2015, Ms. Giuffre filed a "corrected" joinder motion.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Agreed.

DEFENDANT'S PURPORTED FACTS

7. The issue presented in her joinder motion was narrow: whether she should be permitted to join the CVRA action as a party under Federal Rule of Civil Procedure 21, specifically, whether she was a "known victim[] of Mr. Epstein and the Government owed them CVRA duties." Yet, "the bulk of the [motion] consists of copious factual details that [Ms. Giuffre] and [her co-movant] 'would prove . . . if allowed to join.'" Ms.

Giuffre gratuitously included provocative and “lurid details” of her alleged sexual activities as an alleged victim of sexual trafficking.

MS. GIUFFRE’S STATEMENT CONTROVERTING DEFENDANT’S FACTS

Ms. Giuffre denies that the issues presented in here joinder motion were narrow. The issues presented by the joinder motion and related pleadings were multiple and complex, requiring numerous details about Ms. Giuffre’s sexual abuse and the perpetrators of her abuse. In a pleading explaining why the motion was filed, Ms. Giuffre’s lawyers specifically listed nine separate reasons why Jane Doe 3’s allegations that Dershowitz had sexually abused her were relevant to the case and appropriately included in the relevant filings:

1. To establish that Jane Doe 3 had been sexually abused by Jeffrey Epstein and his co-conspirators (including co-conspirator Alan Dershowitz), which would make her a “victim” of a broad sex trafficking conspiracy covered by the federal Crime Victims’ Rights Act, 18 U.S.C. § 3771, and therefore entitled to participate in the case;
2. To support then-pending discovery requests that asked specifically for information related to contacts by Dershowitz with the Government on behalf of Jeffrey Epstein;
3. To support the victims’ allegation that the Government had a motive for failing to afford victims with their rights in the criminal process – specifically, pressure from Dershowitz and other members of Epstein’s legal defense team to keep the parameters of the non-prosecution agreement (NPA) secret to prevent Jane Doe 3 and other victims from objecting to and blocking judicial approval of the agreement;
4. To establish the breadth of the NPA’s provision extending immunity to “any potential co-conspirators of Epstein” and the scope of the remedy that the victims (including not only Jane Doe 3 but also other similarly-situated minor victims who had been sexually abused by Dershowitz) might be able to obtain for violations of their rights;
5. To provide part of the factual context for the scope of the “interface” between the victims, the Government, and Epstein’s defense team – an interface that was relevant under Judge Marra’s previous ruling that the Government was entitled to raise “a fact-sensitive equitable defense which must be considered in the factual context of the entire interface between Epstein, the relevant prosecutorial authorities and the federal offense victims . . .”;

6. To prove the applicability of the “crime/fraud/misconduct” exception to the attorney-client privilege that was being raised by the Government in opposition to the victims’ motion for production of numerous documents;

7. To bolster the victims’ argument that their right “to be treated with fairness,” 18 U.S.C. § 3771(a)(8), had been violated through the Government’s secret negotiations with one of their abusers;

8. To provide notice and lay out the parameters of potential witness testimony for any subsequent proceedings or trial – i.e., the scope of the testimony that Jane Doe 3 was expected to provide in support of Jane Doe 1 and Jane Doe 2, the already-recognized Ms. Giuffre in the action; and

9. To support Jane Doe 3’s argument for equitable estoppel to toll the six-year statute of limitations being raised by the Government in opposition to her motion to join – i.e., that the statute was tolled while she was in hiding in Australia due to the danger posed by Epstein and his powerful friends, including prominent lawyer Alan Dershowitz.

Jane Does #1 and #2 v. United States, No. 9:08-cv-80736, DE 291 at 18-26 & n.17 (S.D. Fla. 2015). Ms. Giuffre’s lawyers had attempted to obtain a stipulation from the Government on point #1 above (“victim” status), but the Government had declined. Judge Marra’s ruling concluded that certain allegations were not necessary “at this juncture in the proceedings.” DE 324 at 5. Judge Marra specifically added, however, that “Jane Doe 3 is free to reassert these factual details through proper evidentiary proof, should Petitioners demonstrate a good faith basis for believing that such details are pertinent to a matter presented for the Court’s consideration.” DE 324 at 6. The CVRA litigation continues and no trial has been held as of the filing of this brief. As such, the extent to which these factual details will be used at trial has not yet been determined. See Docket Sheet, *Jane Does #1 and #2 v. U.S.*, No. 9:08-cv-80736.

DEFENDANT’S PURPORTED FACTS

8. At the time they filed the motion, Ms. Giuffre and her lawyers knew that the media had been following the Epstein criminal case and the CVRA action. While they deliberately filed the motion without disclosing Ms. Giuffre’s name, claiming the need for privacy and secrecy, they made no attempt to file the motion under seal. Quite the contrary, they filed the motion publicly.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

See Ms. Giuffre's Response to Point #7, above.

DEFENDANT'S PURPORTED FACTS

9. As the district court noted in ruling on the joinder motion, Ms. Giuffre “name[d] several individuals, and she offers details about the type of sex acts performed and where they took place.” The court ruled that “these lurid details are unnecessary”: “The factual details regarding whom and where the Jane Does engaged in sexual activities are immaterial and impertinent . . . , especially considering that these details involve non-parties who are not related to the respondent Government.” Accordingly, “[t]hese unnecessary details shall be stricken.” *Id.* The court then struck all Ms. Giuffre’s factual allegations relating to her alleged sexual activities and her allegations of misconduct by non-parties. The court said the striking of the “lurid details” was a sanction for Ms. Giuffre’s improper inclusion of them in the motion.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

See Ms. Giuffre's Response to Point #7, above.

DEFENDANT'S PURPORTED FACTS

10. The district court found not only that the “lurid details” were unnecessary but also that the entire joinder motion was “entirely unnecessary.” Ms. Giuffre and her lawyers knew the motion with all its “lurid details” was unnecessary because the motion itself recognized that she would be able to participate as a fact witness to achieve the same result she sought as a party. The court denied Ms. Giuffre’s joinder motion.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

See Ms. Giuffre's Response to Point #7, above.

DEFENDANT'S PURPORTED FACTS

11. One of the non-parties Ms. Giuffre “named” repeatedly in the joinder motion was Ms. Maxwell. According to the “lurid details” of Ms. Giuffre included in the motion, Ms. Maxwell personally was involved in a “sexual abuse and sex trafficking scheme” created by Epstein:
 - Ms. Maxwell “approached” Ms. Giuffre in 1999 when Ms. Giuffre was “fifteen years old” to recruit her into the scheme.
 - Ms. Maxwell was “one of the main women” Epstein used to “procure under-aged girls for sexual activities.”
 - Ms. Maxwell was a “primary co-conspirator” with Epstein in his scheme.

- She “persuaded” Ms. Giuffre to go 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.”
- At the mansion, when Ms. Giuffre began giving Epstein a massage, he and Ms. Maxwell “turned it into a sexual encounter.”
- Epstein “with the assistance of” Ms. Maxwell “converted [Ms. Giuffre] into . . . a ‘sex slave.’” *Id.* Ms. Giuffre was a “sex slave” from “about 1999 through 2002.”
- Ms. Maxwell also was a “co-conspirator in Epstein’s sexual abuse.”
- Ms. Maxwell “appreciated the immunity” she acquired under Epstein’s plea agreement, because the immunity protected her from prosecution “for the crimes she committed in Florida.”
- Ms. Maxwell “participat[ed] in the sexual abuse of [Ms. Giuffre] and others.”
- Ms. Maxwell “took numerous sexually explicit pictures of underage girls involved in sexual activities, including [Ms. Giuffre].” *Id.* She shared the photos with Epstein.
- As part of her “role in Epstein’s sexual abuse ring,” Ms. Maxwell “connect[ed]” Epstein with “powerful individuals” so that Epstein could traffic Ms. Giuffre to these persons.
- Ms. Giuffre was “forced to have sexual relations” with Prince Andrew in “[Ms. Maxwell’s] apartment” in London. Ms. Maxwell “facilitated” Ms. Giuffre’s sex with Prince Andrew “by acting as a ‘madame’ for Epstein.”
- Ms. Maxwell “assist[ed] in internationally trafficking” Ms. Giuffre and “numerous other young girls for sexual purposes.”
- Ms. Giuffre was “forced” to watch Epstein, Ms. Maxwell and others “engage in illegal sexual acts with dozens of underage girls.”

MS. GIUFFRE’S STATEMENT CONTROVERTING DEFENDANT’S FACTS

See Ms. Giuffre’s Response to Point #7, above. Ms. Giuffre contests the reference to “lurid details”. Moreover, the testimony from numerous witnesses corroborates the statements Ms. Giuffre made in her joinder motion. *See* below.

- *See* McCawley Dec. at Exhibit 16, Sjoberg’s May 18, 2016 Dep. Tr. at 8-9, 13, 33-35, 142-143
- *See* McCawley Dec. at Exhibit 4, Figueroa June 24, 2016 Dep. Tr. Vol. 1 at 96-97 and 103
- *See* McCawley Dec. at Exhibit 14, Rinaldo Rizzo’s June 10, 2016 Dep. Tr. at 52-60
- *See* McCawley Dec. at Exhibit 12, Lynn Miller’s May 24, 2016 Dep. Tr. at 115
- *See* McCawley Dec. at Exhibit 13, Joseph Recarey’s June 21, 2016 Dep. Tr. at 29-30

- *See* McCawley Dec. at Exhibit 15, David Rodgers' June 3, 2016 Dep. Tr. at 18, 34-36
- Exhibit 2 Excerpted Rodgers Dep. Ex. 1 at flight #s 1433-1434, 1444-1446, 1464-1470, 1478-1480, 1490-1491, 1506, 1525-1526, 1528, 1570 and 1589
- *See* McCawley Dec. at Exhibit 10, Marcinkova Dep. Tr. at 10:18-21; 12:11-15; etc.
- *See* McCawley Dec. at Exhibit 8, Kellen Dep. Tr. at 15:13-18; 20:12-16; etc. Epstein Dep. Tr. at 116:10-15; 117:18-118:10; etc.
- *See* McCawley Dec. at Exhibit 1, Alessi Dep. Tr. at 28, 52-54
- *See* McCawley Dec. at Exhibit 30, U.S. Attorney Victim Notification Letter
GIUFFRE002216-002218
- *See* McCawley Dec. at Exhibit 33, July 2001 New York Presbyterian Hospital Records
GIUFFRE003258-003290
- J *See* McCawley Dec. at Exhibit 38, Judith Lightfoot psychological records
GIUFFRE005431-005438
- *See* McCawley Dec. at Exhibit 28, Message Pad evidencing Defendant arranging to have underage girls and young women come to Epstein's home GIUFFRE001386-001571
- *See* McCawley Dec. at Exhibit 29, Black Book in which Defendant and other household staff maintained a roster of underage girls including [REDACTED]
[REDACTED], who were minors at the time the Palm Beach Police's Investigation of Jeffrey Epstein GIUFFRE001573-00669
- *See* McCawley Dec. at Exhibit 40, Sex Slave books Epstein ordered from Amazon.com at
GIUFFRE006581
- *See* McCawley Dec. at Exhibit 32, the folder Defendant sent to Thailand with Ms. Giuffre bearing Defendant's phone number GIUFFRE003191-003192

- *See* McCawley Dec. at Exhibit 39, the Palm Beach Police Report showing that Epstein used women and girls to collect underage girls for his abuse GIUFFRE005614-005700
- *See* McCawley Dec. at Exhibit 41, Epstein's Flight Logs showing that Defendant flew with Ms. Giuffre 23 times GIUFFRE007055-007161

DEFENDANT'S PURPORTED FACTS

12. In the joinder motion, Ms. Giuffre also alleged she was “forced” to have sex with Harvard law professor Alan Dershowitz, “model scout” Jean Luc Brunel, and “many other powerful men, including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders.”

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

See Response to Point #7 and 11, above.

DEFENDANT'S PURPORTED FACTS

13. Ms. Giuffre said after serving for four years as a “sex slave,” she “managed to escape to a foreign country and hide out from Epstein and his co-conspirators for years.”

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Agreed that Ms. Giuffre made this statement and has since discovered evidence that indicates she was mistaken on the exact timeframe of her abuse and was with Defendant and Jeffrey Epstein from the years 2000 – 2002.

DEFENDANT'S PURPORTED FACTS

14. Ms. Giuffre suggested the government was part of Epstein’s “conspiracy” when it “secretly” negotiated a non-prosecution agreement with Epstein precluding federal prosecution of Epstein and his “co-conspirators.” The government’s secrecy, Ms. Giuffre alleged, was motivated by its fear that Ms. Giuffre would raise “powerful objections” to the agreement that would have “shed tremendous public light on Epstein and other powerful individuals.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre did not suggest that the Government was part of Epstein's conspiracy to commit sex offenses. The CVRA case deals with whether the Government failed in their responsibilities to the victims to inform the victims that the Government was working out a NPA,

and it is Ms. Giuffre's belief that the Government did fail to so inform the victims, and intentionally did not inform the victims because the expected serious objection from many of the victims might prevent the Government from finalizing a NPA with Epstein. *See McCawley Dec.* at Exhibit 50, Joinder Motion (GIUFFRE00319-00333).

DEFENDANT'S PURPORTED FACTS

15. Notably, the other "Jane Doe" who joined Ms. Giuffre's motion who alleged she was sexually abused "many occasions" by Epstein was unable to corroborate any of Ms. Giuffre's allegations.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

This is untrue. The other Jane Doe could corroborate many of Ms. Giuffre's allegations based on a similar pattern of abuse that she suffered by Epstein. She did not know Ms. Giuffre though. [REDACTED], who was deposed in this case, and who was a minor, corroborates the same pattern of abuse. *See McCawley Dec.* at Exhibit 7, [REDACTED] Dep. Tr. at 54:25-57:5.

DEFENDANT'S PURPORTED FACTS

16. Also notably, in her multiple and lengthy consensual interviews with Ms. Churcher three years earlier, Ms. Giuffre told Ms. Churcher of virtually none of the details she described in the joinder motion.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

This is untrue. Furthermore, Defendant does not offer any citation or evidence on this point. Defendant's statement here is knowingly false. Having read the articles and taken Ms. Giuffre's deposition, Defendant knows that Ms. Giuffre did reveal details in 2011 consistent with those in the joinder motion. *See McCawley Dec.* at Exhibit 31, GIUFFRE003678, FBI Redacted 302, GIUFFRE001235-1246.

DEFENDANT'S PURPORTED FACTS

17. **Ms. Maxwell's response to Ms. Giuffre's "lurid" accusations: the January 2015 statement.** As Ms. Giuffre and her lawyers expected, before District Judge Marra in the

CVRA action could strike the “lurid details” of Ms. Giuffre’s allegations in the joinder motion, members of the media obtained copies of the motion.

MS. GIUFFRE’S STATEMENT CONTROVERTING DEFENDANT’S FACTS

See Ms. Giuffre’s Response to Point #7, above.

DEFENDANT’S PURPORTED FACTS

18. At Mr. Barden’s direction, on January 3, 2015, Mr. Gow sent to numerous representatives of British media organizations an email containing “a quotable statement on behalf of Ms. Maxwell.” The email was sent to more than 6 and probably less than 30 media representatives. It was not sent to non-media representatives.

MS. GIUFFRE’S STATEMENT CONTROVERTING DEFENDANT’S FACTS

Defendant falsely claims that “[a]t Mr. Barden’s direction, on January 3, 2015, Mr. Gow sent to numerous representatives of British media organizations an email containing ‘a quotable statement on behalf of Ms. Maxwell.’” This is a blatant falsehood about the document that is at the heart of this litigation. Record evidence shows that Gow sent that email at Defendant’s direction, not at Mr. Barden’s direction. Indeed, on the evening before his deposition, Mr. Gow produced an email exchange he had with Defendant in which Defendant directs Mr. Gow to send the press statement. It is as follows:

From: G Maxwell <GMax1@ellmax.com>
Date: Fri, 2 Jan 2015 20:14:53 +0000
To: Ross Gow<ross@acuityreputation.com>
Cc: Philip Barden<philip.barden@devonshires.co.uk>
Subject: FW: URGENT - this is the statement

Jane Doe 3 is Virginia Roberts so not a new individual.

The allegations made by Victoria Roberts against Ghislaine Maxwell are untrue.

The original allegations are not new and have been fully responded to and shown to be untrue

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 Derschitz 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 publicised as news, as they are defamatory.

Chronologically, this email comes at the end of various other email exchanges between Defendant and Gow that discuss issuing a press release. The subject line of this email that Defendant wrote to Gow states “URGENT – this is the statement,” thereby instructing Gow to release this statement to the press. Shortly after Defendant sent this email to Gow directing him to release the statement, Gow distributed the statement to multiple media outlets. Neither Defendant nor Gow have produced any email in which Barden directed Gow to issue this press release (nor can they).

Despite sending it herself, and despite it being responsive to six court-ordered search terms, Defendant failed to produce this email. Her press agent, Gow, produced this the evening before his deposition on November 17, 2016. At the deposition, Mr. Gow authenticated this email and confirmed that Defendant authorized the statement:

Q. When you sent that email were you acting pursuant to Ms. Maxwell's retention of your services?

A. Yes, I was.

(Exhibit 9 was marked for identification.)

Q. This also appears to be an email chain with you and Ms. Maxwell; is that correct?

A. It does appear to be so.

Q. Did you send the top email of the chain that says "Okay, G, going with this"?

A. I did.

Q. And did you receive from Ms. Maxwell, the bottom email of that chain?

A. I believe so. Well, I believe -- yes, yeah, it was forwarded from Ms. Maxwell, yes.

MR. DYER: Sorry, I don't quite understand that answer.

THE WITNESS: I misspoke that. I did receive it from Ms. Maxwell.

MR. DYER: Okay.

Q. The subject line does have “FW” which to me indicates it’s a forward. Do you know where the rest of this email chain is?

A. My understanding of this is: It was a holiday in the UK, but Mr. Barden was not necessarily accessible at some point in time, so this had been sent to him originally by Ms. Maxwell, and because he was unavailable, she forwarded it to me for immediate action. I therefore respond, “Okay, Ghislaine, I'll go with this.”

It is my understanding that this is the agreed statement because the subject of the second one is “Urgent, this is the statement” so I take that as an instruction to send it out, as a positive command: “This is the statement.”

See McCawley Decl. at Exhibit 6, November 18, 2016, Ross Gow Dep. Tr. at 14:15-17; 44:6-45:13.

Together, the email and Gow's testimony unequivocally establish that Defendant – not Barden – directed and “command[ed]” Gow to publish the defamatory statement. Accordingly, the first sentence of Defendant's Paragraph 18 is false.

The second sentence – “This email was sent to more than 6 and probably less than 30 media representatives” – omits the fact that not only did Gow admit to emailing the statement to the press, but he also read it to over 30 media representatives over the phone:

Q. Do you recall ever reading the statement to the press or the media over the phone?
A. It's very possible that I would have done so, yes.

See McCawley Decl. at Exhibit 6, Gow Dep. Tr. at 66:2-25.

Q. Do you -- do you remember discussing that with The Guardian?
A. No, I don't. I'm not saying I didn't but I can't recall. You have to bear in mind, if you'd be so kind, that I've been speaking to *over 30 journalists* and media outlets about this, and I can't recall every single -- the detail of every single conversation.

See McCawley Decl. at Exhibit 6, Gow Dep. Tr. at 64:8-14 (emphasis added). Thus, the second sentence of Defendant's Paragraph 18 is also false.

DEFENDANT'S PURPORTED FACTS

19. Among the media representatives were Martin Robinson of the Daily Mail; P. Peachey of The Independent; Nick Sommerlad of The Mirror; David Brown of The Times; and Nick Always and Jo-Anne Pugh of the BBC; and David Mercer of the Press Association. These representatives were selected based on their request—after the joinder motion was filed—for a response from Ms. Maxwell to Ms. Giuffre's allegations in the motion.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre agrees to the first sentence. The second sentence is a false. Accordingly, there is no record evidence that Gow (or anyone else) “selected” journalists “for a response,” or that there was any selection process whatsoever. To the contrary, Gow testified that anyone who inquired received a reference to the January 2015 defamatory response:

Q. To the extent you can recall or could estimate, how many other emails do you believe you sent bearing that statement that's in Exhibit 2?

A. I really can't remember but certainly more than six and probably less than 30, somewhere in between. Any time there was an incoming query it was either dealt with on the telephone by referring them back to the two statements of March 2011 and January 2015 or someone would email them the statement. So no one was left unanswered, broadly, is the -- is where we were. But I can't remember every single person we reached out to.

See McCawley Dec at Exhibit 6 Gow Dep. Tr. at 67:15-68:1 (emphasis added).

DEFENDANT'S PURPORTED FACTS

20. The email to the media members read:

To Whom It May Concern,

Please find attached a quotable statement on behalf of Ms. Maxwell.

No further communication will be provided by her on this matter.

Thanks for your understanding.

Best Ross

Ross Gow

ACUITY Reputation

Jane Doe 3 is Virginia Roberts—so not a new individual. The allegations made by Victoria Roberts against Ghislaine Maxwell are untrue. The original allegations are not new and have been fully responded to and shown to be untrue.

Each time the story is re told [sic] it changes with new salacious details about public figures and world leaders and now it is alleged by Ms. Roberts [sic] that Alan Derschowitz [sic] 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.

Ghislaine Maxwell's original response to the lies and defamatory claims remains the same. Maxwell strongly denies allegations of an unsavoury nature, which have appeared in the British press and elsewhere and reserves her right to seek redress at the repetition of such old defamatory claims.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

While Defendant cropped the body text of the email that was sent to news media representatives, she completely omitted the headings and metadata. Ms. Giuffre has put an image of the email below in Ms. Giuffre's Paragraph. *See GM_00068.*

From: <ross@acuityreputation.com>
Date: 2 January 2015 at 20:38
Subject: Ghislaine Maxwell
To: Rossacuity Gow <ross@acuityreputation.com>
bcc: martin.robinson@mailonline.co.uk,
P.Peachey@independent.co.uk,
nick.sommerlad@mirror.co.uk,
david.brown@thetimes.co.uk,
nick.alway@bbc.co.uk,
jo-anne.pugh@bbc.co.uk

To Whom It May Concern,
Please find attached a quotable statement on behalf of Ms Maxwell.

No further communication will be provided by her on this matter.

Thanks for your understanding.

Best
Ross

Ross Gow
ACUITY Reputation

Jane Doe 3 is Virginia Roberts - so not a new individual. The allegations made by Victoria Roberts against Ghislaine Maxwell are untrue. The original allegations are not new and have been fully responded to and shown to be untrue.

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 Derschowitz 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 publicised as news, as they are defamatory.

Ghislaine Maxwell's original response to the lies and defamatory claims remains the same. Maxwell strongly denies allegations of an unsavoury nature, which have appeared in the British press and elsewhere and reserves her right to seek redress at the repetition of such old defamatory claims.

Sent from my BlackBerry® wireless device

DEFENDANT'S PURPORTED FACTS

21. Mr. Barden, who prepared the January 2015 statement, did not intend it as a traditional press release solely to disseminate information to the media. So he intentionally did not pass it through a public relations firm, such as Mr. Gow's firm, Acuity Reputation.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Defendant states: "Mr. Barden, who prepared the statement, did not intend it as a traditional press release solely to dissemination information to the media." Ms. Giuffre contests this statement, and all statements regarding Mr. Barden's beliefs and purposes, and the like.

Further, as stated in detail in Ms. Giuffre's Opposition Defendant's Motion for Summary Judgment, this Court should not even consider the Barden Declaration. Additionally, there is absolutely no record evidence of Barden's intent and the Court should not consider it.

The next sentence states, "So he intentionally did not pass it [the press release] through a public relations firm, such as Mr. Gow's firm, Acuity Reputation." Again, there is zero record evidence to support any assertion of Barden's intent. To the extent that this sentence claims that Barden did not give the statement to Gow, Ms. Giuffre does not dispute it; as described above, Defendant gave the statement to Gow with instructions to publish it. *See McCawley Dec.* at Exhibit 48, RG(UK)_000009, imaged in full at paragraph 81, *supra*. To the extent that this sentence claims that the statement did not pass "through a public relations firm, such as Mr. Gow's firm, Acuity Reputation," Ms. Giuffre disputes that statement. Record documentary evidence and testimony establish that this statement was disseminated through a public relations firm, namely, Ross Gow's firm, Acuity Reputation. *See McCawley Dec.* at Exhibit 6, Gow Dep. Tr. at 109:4-6 ("Q. Approximately how long have you been providing such services? A. Acuity was set up in 2010.").

DEFENDANT'S PURPORTED FACTS

22. The January 2015 statement served two purposes. First, Mr. Barden intended that it mitigate the harm to Ms. Maxwell’s reputation from the press’s republication of Ms. Giuffre’s false allegations. He believed these ends could be accomplished by suggesting to the media that, among other things, they should subject Ms. Giuffre’s allegations to inquiry and scrutiny. For example, he noted in the statement that Ms. Giuffre’s allegations changed dramatically over time, suggesting that they are “obvious lies” and therefore should not be “publicized as news.”

MS. GIUFFRE’S STATEMENT CONTROVERTING DEFENDANT’S FACTS

Ms. Giuffre objects to this paragraph in its entirety. She disputes that the January 2015 statement “served two purposes,” as this statement is wholly unsupported by the record, which Defendant again neglects to cite. Ms. Giuffre also contests the second sentence in which Defendant claims that “Mr. Barden intended that it mitigate the harm to Ms. Maxwell’s reputation from the press’s republication of Ms. Giuffre’s false allegations.” First, Ms. Giuffre disputes any statement of Barden’s intent as explained above. Second, Ms. Giuffre disputes that there was any “republication” by the press as a matter of law, as explained in her memorandum of law opposing summary judgment, as the press did not “republish” the press statement under New York law. Third, Ms. Giuffre disputes that her allegations are “false,” and cites to the following non-exhaustive sampling of evidence to corroborate her allegations against Defendant:

- *See* McCawley Dec. at Exhibit 16, Sjoberg’s May 18, 2016 Dep. Tr. at 8-9, 13, 33-35, 142-143
- *See* McCawley Dec. at Exhibit 4, Figueroa June 24, 2016 Dep. Tr. Vol. 1 at 96-97 and 103
- *See* McCawley Dec. at Exhibit 14, Rinaldo Rizzo’s June 10, 2016 Dep. Tr. at 52-60
- *See* McCawley Dec. at Exhibit 12, Lynn Miller’s May 24, 2016 Dep. Tr. at 115
- *See* McCawley Dec. at Exhibit 13, Joseph Recarey’s June 21, 2016 Dep. Tr. at 29-30
- *See* McCawley Dec. at Exhibit 15, David Rodgers’ June 3, 2016 Dep. Tr. at 18, 34-36

- Exhibit 2 Excerpted Rodgers Dep. Ex. 1 at flight #s 1433-1434, 1444-1446, 1464-1470, 1478-1480, 1490-1491, 1506, 1525-1526, 1528, 1570 and 1589
- *See McCawley Dec.* at Exhibit 10, Marcinkova Dep. Tr. at 10:18-21; 12:11-15; etc.
- *See McCawley Dec.* at Exhibit 8, Kellen Dep. Tr. at 15:13-18; 20:12-16; etc. Epstein Dep. Tr. at 116:10-15; 117:18-118:10; etc.
- *See McCawley Dec.* at Exhibit 1, Alessi Dep. Tr. at 28, 52-54
- *See McCawley Dec.* at Exhibit 42, Photographs including GIUFFRE007162-007182.
- *See McCawley Dec.* at Exhibit 30, U.S. Attorney Victim Notification Letter
GIUFFRE002216-002218
- *See McCawley Dec.* at Exhibit 33, July 2001 New York Presbyterian Hospital Records
GIUFFRE003258-003290
- *See McCawley Dec.* at Exhibit 38, Judith Lightfoot psychological records
GIUFFRE005431-005438
- *See McCawley Dec.* at Exhibit 28, Message Pad evidencing Defendant arranging to have underage girls and young women come to Epstein's home GIUFFRE001386-001571
- *See McCawley Dec.* at Exhibit 29, Black Book in which Defendant and other household staff maintained a roster of underage girls including [REDACTED]
[REDACTED], who were minors at the time the Palm Beach Police's Investigation of Jeffrey Epstein GIUFFRE001573-00669
- *See McCawley Dec.* at Exhibit 40, Sex Slave books Epstein ordered from Amazon.com at
GIUFFRE006581
- *See McCawley Dec.* at Exhibit 32, the folder Defendant sent to Thailand with Ms. Giuffre bearing Defendant's phone number GIUFFRE003191-003192

- *See McCawley Dec.* at Exhibit 39, the Palm Beach Police Report showing that Epstein used women and girls to collect underage girls for his abuse GIUFFRE005614-005700
- *See McCawley Dec.* at Exhibit 41, Epstein's Flight Logs showing that Defendant flew with Ms. Giuffre 23 times GIUFFRE007055-007161

Next, Defendant states, "He [Barden] believed these ends could be accomplished by suggesting to the media that, among other things, they should subject Ms. Giuffre's allegations to inquiry and scrutiny." Ms. Giuffre disputes any statement as to Barden's "belief" (*supra*). Ms. Giuffre disputes that the harm to Defendant's reputation could be mitigated by the media's inquiry into and scrutiny of Ms. Giuffre's allegations, because a deeper inquiry would only reveal additional evidence corroborating Ms. Giuffre's allegations, such as the evidence put forth in Ms. Giuffre's opposition memorandum of law and detailed in the bulleted citations, *supra*.

Defendant then states, "For example, he [Barden] noted in the statement that Ms. Giuffre's allegations changed dramatically over time, suggesting that they are 'obvious lies' and therefore should not be 'publicized as news.'" First, Ms. Giuffre disputes that Barden noted anything in the statement, as that is unsubstantiated by the record evidence. Not to do Defendant's work for her, but the closest evidence Defendant has for such a statement is testimony from the Gow deposition wherein Gow speculates that Barden "had a hand in" drafting the press statement, an opinion which may or may not be based on first-hand knowledge. *See McCawley Dec.* at Exhibit 6, Gow Dep. Tr. at 45:14-17 (Q. Okay. A. And I say, "Thanks, Philip" because I'm aware of the fact that he had a hand, a considerable hand in the drafting.) This is wholly insufficient to show who drafted the passages quoted by Defendant above. Regardless of those passages' original author, it is ultimately Defendant who "noted" anything because it is her statement and she directed that it be sent to the media and public.

Second, Ms. Giuffre disputes that her allegations have changed over time, “dramatically” or otherwise. Third, Ms. Giuffre disputes that the press release “suggest[ed]” that her allegations are “obvious lies,” because Defendant’s press release affirmatively, unambiguously stated that her allegations are “obvious lies” – there is no subtlety, suggestion, or statement of opinion here. *See Giuffre v. Maxwell*, 165 F. Supp.3d 147, 152 (S.D.N.Y. 2016) (“. . . these statements (as they themselves allege), are capable of being proven true or false, and therefore constitute actionable fact and not opinion.”

DEFENDANT’S PURPORTED FACTS

23. Second, Mr. Barden intended the January 2015 statement to be “a shot across the bow” of the media, which he believed had been unduly eager to publish Ms. Giuffre’s allegations without conducting any inquiry of their own. Accordingly, in the statement he repeatedly noted that Ms. Giuffre’s allegations were “defamatory.” In this sense, the statement was intended as a cease and desist letter to the media-recipients, letting the media-recipients understand the seriousness with which Ms. Maxwell considered the publication of Ms. Giuffre’s obviously false allegations and the legal indefensibility of their own conduct.

MS. GIUFFRE’S STATEMENT CONTROVERTING DEFENDANT’S FACTS

This paragraph is another purported statement of Defendant’s counsel’s “intent.” Defendant states: “Second, Mr. Barden intended the January 2015 statement to be a ‘shot across the bow’ of the media, which he believed had been unduly eager to publish Ms. Giuffre’s’ allegations without conducting any inquiry of their own.” Not only does Defendant once again refer to Mr. Barden’s intent, but she also mischaracterizes the statement as a “shot across the bow” of the media. The press release did not threaten or give warning to the media in any way whatsoever. *See McCawley Dec.* at Exhibit 26, GM_00068, full image copied in Ms. Giuffre’s Paragraph 18, *supra*.

Next, Ms. Giuffre disputes the sentence, “Accordingly, in the statement he repeatedly noted that Ms. Giuffre’s allegations were ‘defamatory.’” Barden did not “note” anything in the statement, nor does Defendant cite to any record evidence that he does. Furthermore, Ms. Giuffre

denies that any of her allegations are defamatory in the slightest, as they are all true and substantiated by record evidence (*supra*).

Ms. Giuffre also disputes the sentence, “In this sense, the statement was intended as a cease and desist letter to the media-recipients, letting the media-recipients understand the seriousness with which Ms. Maxwell considered the publication of Ms. Giuffre’s obviously false allegations and the legal indefensibility of their own conduct.” First, Ms. Giuffre objects to any statement of Barden’s intent, as articulated above. Second, Defendant’s conventional press release was in no way any type of “cease and desist letter.” There is no record evidence in support of this claim, and Defendant unsurprisingly cites to none. Third, Ms. Giuffre disputes that any media-recipients would be given to understand “the seriousness with which Ms. Maxwell considered the publication of Ms. Giuffre’s obviously false allegations and the legal indefensibility of their own conduct” by Defendant’s self-serving press release, as that is unsupported by the record. Finally, Ms. Giuffre rejects that her allegations are “obviously false,” a claim which is completely unsupported by record evidence.

DEFENDANT’S PURPORTED FACTS

24. Consistent with those two purposes, Mr. Gow’s emails prefaced the statement with the following language: “Please find attached a quotable statement on behalf of Ms. Maxwell” (emphasis supplied). The statement was intended to be a single, one-time-only, comprehensive response—quoted in full—to Ms. Giuffre’s December 30, 2014, allegations that would give the media Ms. Maxwell’s response. The purpose of the prefatory statement was to inform the media-recipients of this intent.

MS. GIUFFRE’S STATEMENT CONTROVERTING DEFENDANT’S FACTS

Ms. Giuffre disputes that any part of Defendant's press release is "consistent with those two [of Barden's] purposes." Indeed, Ms. Giuffre disputes this and any statement relating to Barden's "purposes," as explained above.

Next, Ms. Giuffre disputes that, "The statement was intended to be a single, one-time-only, comprehensive response – quoted in full – to Ms. Giuffre's December 30, 2014, allegations that would give the media Ms. Maxwell's response." First, Ms. Giuffre disputes this and any statement relating to Barden's "intent" as explained above. Second, Ms. Giuffre disputes that anyone intended the press release to be a one-time-only, comprehensive response. The record evidence says otherwise: Gow repeatedly issued this statement via email and over the phone for months on end.

Next, Defendant states, "The purpose of the prefatory statement was to inform the media-recipients of this intent." First, Ms. Giuffre disputes this and any statement relating to Barden's purpose as explained above. Second, Ms. Giuffre disputes that the press release was to inform the media of **anything**. Defendant issued a press release, instructed them to publish it (by telling them it was "quotable"), *see McCawley Dec. at Exhibit 48, RG(UK)_000009 (supra)*, and hired a press agent to feed it to the press:

Q. Did Ms. Maxwell retain the services of you or your firm?

A. Yes, she did.

Q. Is it your belief that that agreement was in effect on January 2nd, 2015?

A. Yes.

Q. Do you recall the terms of that agreement?

A. Well, it was a re-establishment of an existing agreement so if we go back to the original agreement, it was to provide public relations services to Ms. Maxwell in the matter of Giuffre and her activities.

See McCawley Dec. at Exhibit 6 Gow Dep. Tr. at 12:19-21; 13:9-16. The record evidence shows that Defendant's intent was for the press to publish her press release: any other interpretation is not only contrary to logic, but unsupported by the record.

DEFENDANT'S PURPORTED FACTS

25. **Ms. Giuffre's activities to bring light to the rights of victims of sexual abuse.** Ms. Giuffre has engaged in numerous activities to bring attention to herself, to the prosecution and punishment of wealthy individuals such as Epstein, and to her claimed interest of bringing light to the rights of victims of sexual abuse.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Agreed to the portion of Defendant's assertion in bold font. Ms. Giuffre has not engaged in activities to bring attention to herself, rather she has taken action to aid in the prosecution of her abusers, and she seeks to bring light to the rights of victims of sexual abuse.

DEFENDANT'S PURPORTED FACTS

26. Ms. Giuffre created an organization, Victims Refuse Silence, Inc., a Florida corporation, directly related to her alleged experience as a victim of sexual abuse.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre created Victims Refuse Silence, Inc., in order to help other sexually trafficked victims find the resources they need to recover and heal. *See* www.victimsrefusesilence.org.

DEFENDANT'S PURPORTED FACTS

27. The "goal" of Victims Refuse Silence "was, and continues to be, to help survivors surmount the shame, silence, and intimidation typically experienced by victims of sexual abuse." Toward this end, Ms. Giuffre has "dedicated her professional life to helping victims of sex trafficking."

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Agreed.

DEFENDANT'S PURPORTED FACTS

28. Ms. Giuffre repeatedly has sought out media organizations to discuss her alleged experience as a victim of sexual abuse.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Denied. Ms. Giuffre was approached by numerous media outlets and refused to speak to most of them. Media organizations sought her out; she did not seek them out. *See McCawley Dec.* at Exhibit 35, GIUFFRE003690, email from Sharon Churcher seeking to interview Ms. Giuffre.

DEFENDANT'S PURPORTED FACTS

29. On December 30, 2014, Ms. Giuffre publicly filed an “entirely unnecessary” joinder motion laden with “unnecessary,” “lurid details” about being “sexually abused” as a “minor victim[]” by wealthy and famous men and being “trafficked” all around the world as a “sex slave.”

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

See Ms. Giuffre’s Paragraph 7, *supra*, listing multiple reasons why details were, in fact, necessary.

DEFENDANT'S PURPORTED FACTS

30. The Ms. Giuffre’s alleged purpose in filing the joinder motion was to “vindicate” her rights under the CVRA, expose the government’s “secretly negotiated” “non-prosecution agreement” with Epstein, “shed tremendous public light” on Epstein and “other powerful individuals” that would undermine the agreement, and support the CVRA Ms. Giuffre’s request for documents that would show how Epstein “used his powerful political and social connections to secure a favorable plea deal” and the government’s “motive” to aid Epstein and his “co-conspirators.”

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

See Ms. Giuffre’s Paragraph 7, *supra*, listing multiple purposes of Ms. Giuffre’s lawyers’ filing of the motion.

DEFENDANT'S PURPORTED FACTS

31. Ms. Giuffre has written the manuscript of a book she has been trying to publish detailing her alleged experience as a victim of sexual abuse and of sex trafficking in Epstein's alleged "sex scheme."

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

See Ms. Giuffre's Paragraph 52, *infra*, explaining that the context of this statement is misleading.

DEFENDANT'S PURPORTED FACTS

32. **Republication alleged by Ms. Giuffre.** Ms. Giuffre was required by Interrogatory No. 6 to identify any false statements attributed to Ms. Maxwell that were "published globally, including within the Southern District of New York," as Ms. Giuffre alleged in Paragraph 9 of Count I of her complaint. In response, Ms. Giuffre identified the January 2015 statement and nine instances in which various news media published portions of the January 2015 statement in news articles or broadcast stories.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre objects to this paragraph in its entirety, starting with the bolded heading ("Republication alleged by Ms. Giuffre"). There is no "republication" as a matter of law in this case, as explained in Ms. Giuffre's memorandum of law. Accordingly, Ms. Giuffre is not and has not alleged republication. As noted in her objection that, it is Defendant who possesses the knowledge as to where the defamatory statements were published; unsurprisingly, Defendant failed to comply with Ms. Giuffre's discovery requests on the same.

As Defendant already knows, Ms. Giuffre provided a sampling of Defendant's defamatory statements published by the news media, as "identification of an exhaustive responsive list would be unduly burdensome." This, of course, is because Defendant caused her statement to be published in an enormous number of media outlets. Ms. Giuffre's full response to Interrogatory No. 6 is below. As the Court can see, these nine instances were a good-faith effort to provide some samples (as it would be virtually impossible to provide all of them), below. Ms.

Giuffre has also put forth an exhaustive expert report and expert testimony from Jim Jansen regarding the dissemination of Defendant's defamatory press release.

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

Ms. Giuffre further objects because the information requested above is in the possession of Defendant's agent, who caused the false statements to be issued to various media outlets. Ms. Giuffre has not had the opportunity to depose Maxwell's agent Ross Gow; therefore, this answer remains incomplete.

Consequently, Ms. Giuffre reserves the right to modify and/or supplement her responses, as information is largely in the possession of the Defendant and her agent. Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre objects to this request because it is in the public domain. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

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

Date	Nature	Publishing Entity	Statement/URL
January 2, 2015	Internet	Ross Gow	<p>Jane Doe 3 is Virginia Roberts - so not a new individual. The allegations made by Victoria Roberts against Ghislaine Maxwell are untrue. The original allegations are not new and have been fully responded to and shown to be untrue.</p> <p>Each time the story is re told it changes with new salacious details about public figures and world leaders and now it is alleged by Ms. Roberts that Alan Dershowitz is involved in having sexual relations with her, which he denies.</p> <p>Ms. Roberts's claims are obvious lies and should be treated as such and not publicized as news, as they are defamatory.</p> <p>Ghislaine Maxwell's original response to the lies and defamatory claims remains the same. Maxwell strongly denies allegations of an unsavoury nature, which have appeared in the British press and elsewhere and reserves her right to seek redress at the repetition of such old defamatory claims.</p>
January 2, 2015	Internet	Bolton News	http://www.theboltonnews.co.uk/news/national/11700192_Palace-denies-Andrew-sex-case-claim/
January 3, 2015	Internet	Telegraph	http://www.telegraph.co.uk/news/uknews/theroyalfamily/11323872/Prince-Andrew-denies-having-relations-with-sex-slave-girl.html
January 3, 2015	Internet	Daily Mail	http://www.dailymail.co.uk/news/article-2895366/Prince-Andrew-lobbied-government-easy-Jeffrey-Epstein-Palace-denies-claims-royal-tried-use-influence-help-billionaire-paedophile-2008-police-probe.html
January 3, 2015	Internet	Huffington Post	http://www.huffingtonpost.co.uk/2015/01/03/duke-of-york-sex-abuse-claims_n_6409508.html

January 4, 2015	Internet	Express	http://www.express.co.uk/news/world/550085/Ghislaine-Maxwell-Jeffrey-Epstein-not-madam-paedophile-Florida-court-case-Prince-Andrew
January 4, 2015	Internet	Jewish News Online	http://www.jewishnews.co.uk/dershowitz-nothing-prince-andrews-sex-scandal/
January 5, 2015	Internet/Broadcast	NY Daily News	http://www.nydailynews.com/news/world/alleged-madame-accused-supplying-prince-andrew-article-1.2065505
January 5, 2015	Internet/Broadcast	AOL UK	http://www.aol.co.uk/video/ghislaine-maxwell-declines-to-comment-on-prince-andrew-allegations-518587500/

Two newest articles

[1] <https://www.thesun.co.uk/archives/news/6754/prince-andrews-pal-ghislaine-groped-teen-girls/>

[2] <http://www.mirror.co.uk/news/uk-news/prince-andrews-pal-ghislaine-maxwell-5081971>

DEFENDANT'S PURPORTED FACTS

33. In none of the nine instances was there any publication of the entire January 2015 statement.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

While there may be certain publications who did not print every word of Defendant's lengthy press release, most publications quoted the most salient, to-the-point parts of Defendant's statement that call Ms. Giuffre a liar. In each of the nine articles listed above, the defamatory statement, as articulated by the Complaint and *as identified by the Court as actionable*, is published. *See Giuffre v. Maxwell*, 165 F. Supp.3d 147, 152 (S.D.N.Y. 2016) ("statements that Giuffre's claims 'against [Defendant] are untrue,' have been 'shown to be untrue,' and are 'obvious lies' have a specific and readily understood factual meaning: that Giuffre is not telling the truth about her history of sexual abuse and Defendant's role, and that some verifiable investigation has occurred and come to a definitive conclusion proving that fact. Second, these statements (as they themselves allege), are capable of being proven true or false, and therefore constitute actionable fact and not opinion"). Ms. Giuffre also put forth extensive evidence of the mass distribution of Defendant's defamatory statement to over 66 million viewers through her expert witness Jim Jansen. *See McCawley Dec.* at Exhibit 24, Expert Report of Jim Jansen.

DEFENDANT'S PURPORTED FACTS

34. Ms. Maxwell and her agents exercised no control or authority over any media organization, including the media identified in Ms. Giuffre's response to Interrogatory No. 6, in connection with the media's publication of portions of the January 2015 statement.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre disputes this statement in its entirety, as it is completely devoid of record evidence. In fact, the record establishes the contrary. First, Defendant hired Gow because his

position allowed him to influence the press to publish her defamatory statement. A sampling of Gow's testimony establishes just that:

- Q. Did Ms. Maxwell retain the services of you or your firm?
A. Yes, she did.

- Q. Is it your belief that that agreement was in effect on January 2nd, 2015?
A. Yes.
Q. Do you recall the terms of that agreement?
A. Well, it was a re-establishment of an existing agreement so if we go back to the original agreement, it was to provide public relations services to Ms. Maxwell in the matter of Giuffre and her activities.

- Q. You can answer -- to the extent that anything you testify to is not protected by a privilege.
A. Ms. Roberts first came to my attention on or around March 2011 when I was called into a meeting with Philip Barden and Ms. Maxwell at Devonshires law office, that she had made -- Ms. Giuffre had made extremely unpleasant allegations about Ms. Maxwell's private life. We were -- Acuity Reputation, my firm was called in to protect Ms. Maxwell's reputation, and to set the record straight. That was -- and that work commenced on or around March of 2011.

- Q. Does this document fairly depict pages from your -- from Acuity Reputation's website?
A. It does.
Q. Do you see where it says "We manage reputation and forge opinion through public relations, strategic communications and high level networking"?
A. I do.
Q. Is that a true statement?
A. Say it again. Sorry.
Q. Is that a true statement?
A. It is, yes. I wrote that statement.

- Q. Okay. Do you see where your website claims that your company has "excellent relationships with the media"?
A. I do.
Q. Is that a true statement?

A. That is true, yeah.

Q. Is it correct that you advertise your “excellent relationships with the media” because your services often include giving communications to the media on behalf of your clients?

A. Yes.

See McCawley Dec. at Exhibit 6 Gow Dep. Tr. at 13:9-16; 15:18-16:3; 109:12-22; 110:16-21; 111:3-7. In addition to testimonial evidence, the proof is also in the result. By using Gow to issue her press release, Defendant caused her statement to be published by numerous major news organizations with wide readership all over the globe. Accordingly, the record evidence shows that Ms. Maxwell, through her agent, had immense control and authority over the media, convincing major news outlets to publish her words based on nothing more than a single email from Gow.

DEFENDANT’S PURPORTED FACTS

35. Ms. Giuffre’s defamation action against Ms. Maxwell. Eight years after Epstein’s guilty plea, Ms. Giuffre brought this action, repeating many of the allegations she made in her CVRA joinder motion.

MS. GIUFFRE’S STATEMENT CONTROVERTING DEFENDANT’S FACTS

Agreed, but noting that the defamation cause of action against Defendant did not accrue until Defendant defamed her in January of 2015, the same year Ms. Giuffre filed suit against Defendant for defamation.

DEFENDANT’S PURPORTED FACTS

36. The complaint alleged that the January 2015 statement “contained the following deliberate falsehoods”:

- (a) That Giuffre’s sworn allegations “against Ghislaine Maxwell are untrue.”
- (b) That the allegations have been “shown to be untrue.”
- (c) That Giuffre’s “claims are obvious lies.”

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Agreed. However, in discovery, Defendant was finally forced to produce the complete press release she issued. *See* McCawley Dec. at Exhibit 26, GIUFFRE00068.

DEFENDANT'S PURPORTED FACTS

37. Ms. Giuffre lived independently from her parents with her fiancé long before meeting Epstein or Ms. Maxwell. After leaving the Growing Together drug rehabilitation facility in 1999, Ms. Giuffre moved in with the family of a fellow patient. There she met, and became engaged to, her friend's brother, James Michael Austrich. She and Austrich thereafter rented an apartment in the Ft. Lauderdale area with another friend and both worked at various jobs in that area. Later, they stayed briefly with Ms. Giuffre's parents in the Palm Beach/Loxahatchee, Florida area before Austrich rented an apartment for the couple on Bent Oak Drive in Royal Palm Beach. Although Ms. Giuffre agreed to marry Austrich, she never had any intention of doing so.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre did not voluntarily live independently from her parents with her fiancé, rather Ms. Giuffre was a troubled minor child who was not truly engaged prior to meeting Defendant and Epstein. Where Ms. Giuffre lived, and who she lived with, are not relevant to the issues being decided in this action. Again, this is merely a transparent distraction from the case that is actually at issue, and is being used for the sole purpose of inserting conjecture in an effort to distract the Court and ultimately the jury.

Although Austrich testified that he proposed to Ms. Giuffre on Valentine's Day, *see* Austrich at p. 19, Ms. Giuffre was a troubled teen who could not realistically be considered a fiancé in the true sense of the word, nor was she of legal age to marry. In fact, as accurately described by Defendant, Ms. Giuffre never had any intention of marrying Austrich. Giuffre Dep. Tr. at 127:22-128:21. Given that Ms. Giuffre was a child with limited legal capacity at this point, and that she did not have any intention of marrying Austrich, a reasonable person could not assert that Ms. Giuffre was engaged.

DEFENDANT'S PURPORTED FACTS

38. Ms. Giuffre re-enrolled in high school from June 21, 2000 until March 7, 2002. After finishing the 9th grade school year at Forest Hills High School on June 9, 1999, Ms. Giuffre re-enrolled at Wellington Adult High School on June 21, 2000, again on August 16, 2000 and on August 14, 2001. On September 20, 2001, Ms. Giuffre then enrolled at Royal Palm Beach High School. A few weeks later, on October 12, 2001, she matriculated at Survivors Charter School. Id. Survivor's Charter School was an alternative school designed to assist students who had been unsuccessful at more traditional schools. Ms. Giuffre remained enrolled at Survivor's Charter School until March 7, 2002. She was present 56 days and absent 13 days during her time there. Id. Ms. Giuffre never received her high school diploma or GED. Ms. Giuffre and Figueroa went "back to school" together at Survivor's Charter School. The school day there lasted from morning until early afternoon.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre denies this statement. Either Defendant is blatantly misleading this Court or Defendant simply does not understand how to interpret Ms. Giuffre's school records. The record produced by Defendant (GM0888) is specifically titled "A07. Assignment History," which reflects semester start and end dates per each 180 day school year, not dates that Ms. Giuffre physically enrolled or withdrew from school. See McCawley Dec. at Exhibit 27, GM0888.

PANEL:	A07. ASSIGNMENT HISTORY											YEAR:	16				
T234	Monday May 23, 2016 9:04 am											SCHL:	3390	GR: 10	ST: I		
STDT:	12870606	ROBERTS, VIRGINIA L															
A	ENTRY	WITHDRAWAL P											E				
C	CD	DATE	OD	CD	DATE	R	PF	SY	CL	DS	SCHL	DESC	GR	PRS	ABS	UNX	Y
-	R02	101201	-	W26	030702	N	-	02	01	-	3390	SURVIVORS	10	56	31	-	Y
-	R02	092001	-	W02	101101	N	-	02	01	-	2331	ROYAL PALM HIG	10	13	1	-	-
-	EA1	081401	-	W32	092001	Z	-	02	A1	-	2192	WLLNGTN HS ADL	30	-	-	-	-
-	EA1	081600	-	W47	081301	Z	-	01	A1	-	2192	WLLNGTN HS ADL	30	-	-	-	Y
-	EA1	062100	-	W47	081500	Z	-	00	A1	-	2192	WLLNGTN HS ADL	30	-	-	-	Y
-	E01	081699	-	W03	081699	N	-	00	01	-	2331	ROYAL PALM HIG	10	-	-	-	-
-	E01	081998	-	W02	060999	P	-	99	01	-	0581	FOREST HILL HI	09	155	25	-	Y
-	E01	082097	-	W01	061098	R	-	98	01	-	2331	ROYAL PALM HIG	09	147	33	-	Y
-	E01	082097	-	W22	082097	N	-	98	01	-	2191	WELLINGTON HIG	09	-	-	-	-
-	R03	040797	-	W02	061197	P	-	97	01	-	1691	CRESTWOOD MID	08	40	5	-	Y
-	E01	082294	-	DNE	082294	N	-	95	01	-	1703	ROYAL PINES SC	06	-	-	-	-
-	E01	082393	-	W02	061094	P	-	94	01	-	1901	LOXAHATCHEE EL	05	167	13	-	Y
-	E01	082592	-	W01	061193	P	-	93	01	-	1901	LOXAHATCHEE EL	04	176	4	-	Y

While “Grade 30” indicates adult education, Ms. Giuffre’s attendance records indicate that she was not present in school between 6/21/00-09/20/01 (*see* withdrawal codes W32 and W47).

WITHDRAWAL CODES: ADULT STUDENTS

- **W26** - Any student who withdraws from school to enter the adult education program prior to completion of graduation requirements.
- **W32** - Any adult student who left the class/program to enter another training program.
- **W47** - Any adult student who is procedurally withdrawn at the end of the term or school year who will continue in the class/program the next term or school year.

<http://www.fl DOE.org/core/fileparse.php/8861/urll/0094063-appendb.pdf>

More importantly, Ms. Giuffre’s school transcripts clearly indicate “NO COURSES TAKEN” for the 1999-2000 and 2000-2001 school years. (*See* McCawley Dec. at Exhibit 27, GM_00893.) Ms. Giuffre’s attempt to work and resume school at Survivor’s Charter School as a 10th grader in the 2001-2002 school year was limited to a portion of the school year (10/20/01-03/07/02), and further substantiates Ms. Giuffre’s testimony that she attempted to get away from Epstein’s abuse, along with the following testimony by Figueroa:

Q: Was there a period of time between 2001 and when she left in 2002 here she was not working for Jeffrey?
A: Yes.
Q: What period of time was that?
A: It was pretty much, like, when she was actually working as a server. Like, basically because we were trying to not have her go back there. Like, she did not want to go back there. And we were trying to just work without needing his money, you know.”

See McCawley Dec. at Exhibit 4, Figueroa Dep. Tr. at 92-93

Q: So the thing that Virginia was tired of ... What was it that Virginia was trying to get away from and stop with respect to working at Jeffrey Epstein's house?
A: To stop being used and abused.

See McCawley Dec. at Exhibit 4, Figueroa Dep. Tr. at 248

Even still, if the records are correct, which Ms. Giuffre does not concede, the records indicate that Ms. Giuffre's attendance was poor, with 69 days present and 32 days absent out of a required 180 day school year and that she was **not enrolled at the end of the school year** (emphasis added).

DISTRICT: 50 SCHOOL: 3390 NO COURSES TAKEN
YEAR: 1999-2000 GRADE LEVEL: NA

	GPA	QTY	PTS		GPA	QTY	PTS
DISTRICT-TERM:	1.4286	5.00		CUM:	1.5429	27.00	
STATE-TERM:	1.4286	5.00		CUM:	1.5429	27.00	
1999-2000 ANNUAL DAYS-PRESENT:				0	ABSENT:	0	
SUMMER TERMS DAYS-PRESENT:				0	ABSENT:	0	
PROMOTION STATUS NOT APPLICABLE							

DISTRICT: 50 SCHOOL: 3390 NO COURSES TAKEN
YEAR: 2000-2001 GRADE LEVEL: NA

	GPA	QTY	PTS		GPA	QTY	PTS
DISTRICT-TERM:	1.4286	5.00		CUM:	1.5429	27.00	
STATE-TERM:	1.4286	5.00		CUM:	1.5429	27.00	
2000-2001 ANNUAL DAYS-PRESENT:				0	ABSENT:	0	
SUMMER TERMS DAYS-PRESENT:				0	ABSENT:	0	
PROMOTION STATUS NOT APPLICABLE							

DISTRICT: 50 SCHOOL: 3390 SURVIVORS CHARTER SCHOOL
YEAR: 2001-2002 GRADE LEVEL: 10

T	COURSE#	COURSE TITLE	SUBJECT	CRSE	G	A	O	CREDIT
						C	N	ATT./EARN
1	0500530	PERS,CAR,SCH DEV	EL		C	Z	N	0.50 0.50
1	1001440	BUS ENG I	EN	J	B	Z	N	0.50 0.50
1	1205370	CONSUMER MATH	MA	C	C	Z	N	0.50 0.50
1	8300310	WORKPLACE ESSENTIAL	VO		B	Z	N	0.50 0.50
1	8301610	WORK EXP 1	VO		F	Z	N	0.50 0.00
1	8301650	WORK EXP-QJT	VO		F	Z	N	1.00 0.00
CREDIT, TERM:								3.50 2.00

	GPA	QTY	PTS		GPA	QTY	PTS
DISTRICT-TERM:	1.4286	5.00		CUM:	1.5429	27.00	
STATE-TERM:	1.4286	5.00		CUM:	1.5429	27.00	

2001-2002 ANNUAL DAYS-PRESENT: 69 ABSENT: 32
SUMMER TERMS DAYS-PRESENT: 0 ABSENT: 0
NOT ENROLLED IN DISTRICT K-12 AT END OF SCHOOL YEAR

See McCawley Dec. at Exhibit 27, GM_00893.

Ms. Giuffre's obvious gap in her school attendance, her presence verified by Epstein's pilot on flight logs, and an abundance of witness testimony all corroborate her story that she was that Ms. Giuffre was flying domestic and internationally with Epstein at least 32 times between 12/11/00-07/28/01 and 06/21/02-08/21/02 (Defendant traveling with Ms. Giuffre on 23 of the flights). *See McCawley Dec. at Exhibits 15 and 41, Pilot, David Rodgers' Dep. Tr. 96:12-166; Rodger's Dep. Ex. 1 (Ms. Giuffre flight dates: 12/11/00; 12/14/00 (GIUFFRE007095); 01/26/01; 01/27/01; 01/30/01 (GIUFFRE007096); 03/05/01: 03/06/01; 03/08/01 x's 2; 03/09/01; 03/11/01 x's 2 (GIUFFRE007097); 03/27/01; 03/29/01; 03/31/01 (GIUFFRE007098); 04/09/01 x's 2; 04/11/01; 04/16/01; 05/03/01; 05/05/01 (GIUFFRE007099); 05/14/01(GIUFFRE007100); 06/03/01 06/05/01; 07/04/01; 07/08/01; 07/11/01 (GIUFFRE007101); 07/16/01; 07/28/01; (GIUFFRE007102); 06/21/02 (GIUFFRE007111); 08/18/02; 08/21/02 (GIUFFRE007112); See McCawley Dec. at Exhibit 1, Alessi Dep. Tr. at 104: 9-14 (Q: Do you know how long Virginia had been coming over to the house before she started traveling on an airplane with Ghislaine and Jeffrey? THE WITNESS: Not too long. I don't think it was too long after that); *See McCawley Dec. at Exhibit 37, GIUFFRE004721 (passport application).**

DEFENDANT'S PURPORTED FACTS

39. During the year 2000, Ms. Giuffre worked at numerous jobs. In 2000, while living with her fiancé, Ms. Giuffre held five different jobs: at Aviculture Breeding and Research Center, Southeast Employee Management Company, The Club at Mar-a-Lago, Oasis Outsourcing, and Neiman Marcus. Her taxable earnings that year totaled nearly \$9,000. Ms. Giuffre cannot now recall either the Southeast Employee Management Company or the Oasis Outsourcing jobs.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre disputes this statement. During 2000, Ms. Giuffre shared an apartment with her then boyfriend, James Michael Austrich and his friend, Mario. *See McCawley Dec.* at Exhibit 2, Austrich Dep. Tr. at p. 92. Although Austrich testified that he proposed to Ms. Giuffre on Valentine's Day, *see Austrich* at p. 19, Ms. Giuffre was a troubled teen who could not realistically be considered a fiancé in the true sense of the word nor was she of legal age to marry. While Ms. Giuffre held various jobs in 2000, “[SSA] records do not show the exact date of employment (month and day) because [they] do not need this information to figure Social Security benefits.” *See McCawley Dec.* at Exhibit 46, GIUFFRE009176).

The reason that Ms. Giuffre cannot recall two companies listed on her SSA records (Southeast Employee Management Company or Oasis Outsourcing) is simply because they were not her employers. *See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. at 470-472. Had Defendant bothered to run a simple google search, she could have ruled them out as being payroll and benefit administration companies. *See* <http://www.oasisadvantage.com/west-palm-beach-peo;> <http://www.progressiveemployer.com/>; <http://www.businesswire.com/news/home/20060501006151/en/Progressive-Employer-Services-Purchases-Southeast-Employee-Management>.

Ms. Giuffre has testified that she believes she worked at Taco Bell, at an aviary, then Mar-a-Lago (*See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. at p. 53, 470). Austrich also testified that Ms. Giuffre worked with him at Taco Bell, as well as a pet store for “over a month” before working at Mar-a-Lago (*See McCawley Dec.* at Exhibit 5, Austrich Dep. Tr. at p. 16, 30, 98). Neither Taco Bell nor the pet store are listed on Ms. Giuffre’s SSA records because they were most likely paid through payroll companies. *See McCawley Dec.* at Exhibit 46, GIUFFRE009178. Ms. Giuffre also testified that she volunteered at an aviary where they

eventually put her on their payroll, but paid her very little. Giuffre Dep. Tr. at p. 52; Aviculture Breeding and Research Center taxable earnings for 2000 is \$99.48, *See McCawley Dec.* at Exhibit 46, GIUFFRE009178.

DEFENDANT'S PURPORTED FACTS

40. Ms. Giuffre's employment at the Mar-a-Lago spa began in fall 2000. Ms. Giuffre's father, Sky Roberts, was hired as a maintenance worker at the The Mar-a-Lago Club in Palm Beach, Florida, beginning on April 11, 2000. Mr. Roberts worked there year-round for approximately 3 years. After working there for a period of time, Mr. Roberts became acquainted with the head of the spa area and recommended Ms. Giuffre for a job there. Mar-a-Lago closes every Mother's Day and reopens on November 1. Most of employees Mar-a-Lago, including all employees of the spa area such as "spa attendants," are "seasonal" and work only when the club is open, i.e., between November 1 and Mother's Day. Ms. Giuffre was hired as a "seasonal" spa attendant to work at the Mar-a-Lago Club in the fall of 2000 after she had turned 17.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre disputes this statement. Defendant cannot simply infer Ms. Giuffre's employment history and claim it to be undisputed. The Mar-a-Lago Club produced 177 pages of records in response to Defendant's subpoena. However, not one page indicated Ms. Giuffre's actual dates of employment, nor whether she was a full-time or seasonal employee. In fact, the only significant record produced was a single, vague chart entry indicating that Ms. Giuffre was terminated in 2000. MAR-A-LAGO 0173, 0176.

TERMINATIONS

LAST NAME	FIRST NAME	
Rinker	Ross	Box #7
Rivera	Pablo	Box #3
Rivera	Eduardo	Box #2
Rivero	Alicia	Box #7
Robbins	Jody	Box #4
Roberts	Virginia	Box #4

Box #1	1998 terms
Box #2	1998 & 1999 terms
Box #3	1999 terms
Box #4	2000 terms
Box #5	2000 terms
Box #6	2001 terms

MAR-A-LAGO 0173

MAR-A-LAGO 0176

Job postings and job descriptions produced by Mar-a-Lago from 2002 and later are irrelevant to Ms. Giuffre's employment because they are from after she worked there. Ms. Giuffre testified that Mar-a-Lago was a summer job. *See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. 56, 550. In fact, her father, Sky Roberts, testified that he referred his daughter for employment, and she did not get the job through a posting (*See McCawley Dec.* at Exhibit 17, Sky Roberts Dep. Tr. at 72); he drove his daughter to and from work consistent with his full time schedule (*See McCawley Dec.* at Exhibit 17, Sky Roberts Dep. Tr. at 74); he believes the spa – like the kitchen/dining room - was open to local guests in the summer (*See McCawley Dec.* at Exhibit 17, Sky Roberts Dep. Tr. 138-139); and that his daughter was not attending school when she worked at Mar-a-Lago (*See McCawley Dec.* at Exhibit 17, Sky Roberts Dep. Tr. 134). In addition, Juan Alessi testified that it was "Summer" when Defendant approached Ms. Giuffre at Mar-a-Lago because he specifically remembered "that day I was sweating like hell in the -- in the car, waiting for Ms. Maxwell to come out of the massage." *See McCawley Dec.* at Exhibit 1, Alessi Dep. Tr. at 94:24-95:2.

DEFENDANT'S PURPORTED FACTS

41. **Ms. Giuffre represented herself as a masseuse for Jeffrey Epstein.** While working at the Mar-a-Lago spa and reading a library book about massage, Ms. Giuffre met Ms. Maxwell. Ms. Giuffre thereafter told her father that she got a job working for Jeffrey Epstein as a masseuse. Ms. Giuffre's father took her to Epstein's house on one occasion around that time, and Epstein came outside and introduced himself to Mr. Roberts. Ms. Giuffre commenced employment as a traveling masseuse for Mr. Epstein. Ms. Giuffre was excited about her job as a masseuse, about traveling with him and about meeting famous people. Ms. Giuffre represented that she was employed as a masseuse beginning in January 2001. Ms. Giuffre never mentioned Ms. Maxwell to her then-fiancé, Austrich. Ms. Giuffre's father never met Ms. Maxwell.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre denies Defendant's false and factually unsupported narrative. In Florida, a person cannot work as a masseuse unless she is "at least 18 years of age or has received a high

school diploma or high school equivalency diploma.” Fla. Stat. § 480.041. Ms. Giuffre was a minor child, under the age of 18, when she was working at Mar-a-Lago as a spa attendant. Giuffre Dep. Tr. at 61:9-61:24. She was approached by Defendant, who told her she could make money as a masseuse, a profession in which Ms. Giuffre had no experience. *See* McCawley Dec. at Exhibit 5, Giuffre Dep. Tr. at 111:12-111:21; 116:19-117:12. (Sky Roberts, Ms. Giuffre father, verified Ms. Giuffre’s account that Defendant recruited his daughter to “learn massage therapy.” *See* McCawley Dec. at Exhibit 17, Sky Roberts Dep. Tr. at 80:7-19; 84:18 - 85:1).

Ms. Giuffre’s father drove her to Jeffrey Epstein’s house, the address of which was given to her by Defendant. *See* McCawley Dec. at Exhibit 5, Giuffre Dep. Tr. at 117:20-118:1. Ms. Giuffre was lead into the house, and was instructed by Defendant on how to give a massage, during which Epstein and Defendant turned the massage into a sexual encounter, and offered Ms. Giuffre money and a better life to be compliant in the sexual demands of Defendant and Epstein. *See* McCawley Dec. at Exhibit 5, Giuffre Dep. Tr. at 198:20-199:3; 199:15-199:18. The minor Ms. Giuffre then began travelling with Defendant and Epstein on private planes and servicing people sexually for money—working not as a legitimate masseuse, but in a position of sexual servitude. *See* McCawley Dec. at Exhibits 5, 1, Giuffre Dep. Tr. at 193:22-194:16; 201:24; 204:24:205:5; Alessi Dep. Tr. at 104:9-104:14.

Epstein’s house manager, Juan Alessi, described Defendant’s methodical routine of how she prepared a list of places ahead of time, then drove to each place for the purpose of recruiting girls to massage Epstein. *See* McCawley Dec. at Exhibit 18, Alessi Dep. Tr. at 34; GIUFFRE000105 at 57-58; GIUFFRE000241-242 at p. 212-213. Alessi also stated that on multiple occasions he drove Defendant to pre-planned places while she recruited girls for

massage. *Id.* He furthered testified that he witnessed Ms. Giuffre at Epstein's house on the very same day that he witnessed Defendant recruit Ms. Giuffre from Mar-a-Lago. *See McCawley Dec.* at Exhibit 18, Alessi Dep. Tr. at 96-98; GIUFFRE000102-103 at p. 48-49.

Johanna Sjoberg, through her sworn testimony, demonstrated that Defendant recruited her in a similar fashion by driving to the college campus where she attended school and approached her to work at Epstein's home answering phones. *See McCawley Dec.* at Exhibit 16, Sjoberg Dep. Tr. at 8-9. Sjoberg testified that she answered phones for one day before Defendant propositioned her to rub feet for \$100.00 an hour. *See McCawley Dec.* at Exhibit 16, Sjoberg Dep. Tr. at 13. The following day, Sjoberg was paired with Defendant's assistant, Emmy Taylor, who provided her with massage training on Epstein. Sjoberg at 13-15. Ms. Giuffre's then-boyfriend, Austrich, testified that he could not recall the name of the person who recruited Ms. Giuffre. However, he did say that she was recruited by someone to work for Epstein as a massage therapist, but that Ms. Giuffre did not have any experience. *See McCawley Dec.* at Exhibit 2, Austrich Dep. Tr. at 34-35, 100-101, 127-128. Neither Ms. Giuffre nor Sjoberg were licensed or trained in massage, but were invited soon after being recruited to travel with Epstein on his private plane to massage him. *See McCawley Dec.* at Exhibit 16, Giuffre Dep. Tr. at 16-17; Sjoberg Dep. Tr. at 13-15; Austrich Dep. Tr. at 109-110; Alessi Dep. Tr. at 104.

DEFENDANT'S PURPORTED FACTS

42. **Ms. Giuffre resumed her relationship with convicted felon Anthony Figueroa.** In spring 2001, while living with Austrich, Ms. Giuffre lied to and cheated on him with her high school boyfriend, Anthony Figueroa. Ms. Giuffre and Austrich thereafter broke up, and Figueroa moved into the Bent Oak apartment with Ms. Giuffre. When Austrich returned to the Bent Oak apartment to check on his pets and retrieve his belongings, Figueroa in Ms. Giuffre's presence punched Austrich in the face. Figueroa and Ms. Giuffre fled the scene before police arrived. Figueroa was then a convicted felon and a drug abuser on probation for possession of a controlled substance.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

This entire statement is wholly irrelevant to the case being tried, and is improperly being inserted to tarnish the record. Ms. Giuffre's dating history as a young teen bears no relation to the allegations made within Ms. Giuffre's complaint against Defendant. As previously stated, Defendant is attempting to muddy the record with nonsensical teen drama in an effort to detract from her salacious sexual abuse of a minor child. Such statements bear no relation to the issues presented through her motion for summary judgment, and should be given weight reflecting the same. As specifically set forth in Ms. Giuffre's objections to designated testimony, the alleged information would be excluded by multiple rules of evidence, and contested by Ms. Giuffre. *See McCawley Dec.* at Exhibit 5, Virginia Dep. Tr., *passim*. Moreover, it was the Defendant who solicited Anthony Figueroa to recruit high school aged girls for Epstein. *See McCawley Dec.* at Exhibit 4 Figueroa Tr. at 200 and 228-229.

DEFENDANT'S PURPORTED FACTS

43. **Ms. Giuffre freely and voluntarily contacted the police to come to her aid in 2001 and 2002 but never reported to them that she was Epstein's "sex slave."** In August 2001 at age 17, while living in the same apartment, Ms. Giuffre and Figueroa hosted a party with a number of guests. During the party, according to Ms. Giuffre, someone entered Ms. Giuffre's room and stole \$500 from her shirt pocket. Ms. Giuffre contacted the police. She met and spoke with police officers regarding the incident and filed a report. She did not disclose to the officer that she was a "sex slave." A second time, in June 2002, Ms. Giuffre contacted the police to report that her former landlord had left her belongings by the roadside and had lit her mattress on fire. Again, Ms. Giuffre met and spoke with the law enforcement officers but did not complain that she was the victim of any sexual trafficking or abuse or that she was then being held as a "sex slave."

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

This statement is misleading in several respects and irrelevant. The fact that Ms. Giuffre did contact police on two occasions for two specific purposes and did not take that opportunity to also inform the police of everything else that was going on in her life at the time is immaterial. Defendant implies that anytime someone calls the police for one thing they should tell the police

about every other crime regardless of the relevance to the crime to which the police responded and regardless to the threat to herself should she report on these powerful people. Moreover, as Professor Coonan explained:

Popular understandings of the term “sex slave” might still connote images of violent pimps, white slavery, or of victims chained to a bed in a brothel in the minds of some people. To call Ms. Giuffre a victim of sex trafficking would however very accurately convey the reality that she along with a great many other victims of contemporary forms of slavery are often exploited by the “invisible chains” of fraud and psychological coercion.

See McCawley Dec. at Exhibit 23, Coonan Expert Report at 20. Ms. Giuffre specifically testified that she was fearful of Defendant and Epstein, and, accordingly, she would not have reported her abusers. She also knew that Epstein had control over the Palm Beach Police. *See McCawley Dec. at Exhibit 5, Giuffre Dep. Tr. at 240:3-241:2.*

DEFENDANT’S PURPORTED FACTS

44. **From August 2001 until September 2002, Epstein and Maxwell were almost entirely absent from Florida on documented travel unaccompanied by Ms. Giuffre.** Flight logs maintained by Epstein’s private pilot Dave Rodgers evidence the substantial number of trips away from Florida that Epstein and Maxwell took, unaccompanied by Ms. Giuffre, between August 2001 and September 2002. Rodgers maintained a log of all flights on which Epstein and Maxwell traveled with him. Epstein additionally traveled with another pilot who did not keep such logs and he also occasionally traveled via commercial flights. For substantially all of thirteen months of the twenty-two months (from November 2000 until September 2002) that Ms. Giuffre lived in Palm Beach and knew Epstein, Epstein was traveling outside of Florida unaccompanied by Ms. Giuffre. During this same period of time, Ms. Giuffre was employed at various jobs, enrolled in school, and living with her boyfriend.

MS. GIUFFRE’S STATEMENT CONTROVERTING DEFENDANT’S FACTS

The flight logs produced in this matter provide substantive evidence of Ms. Giuffre’s travel while in the control of Defendant and Epstein, but are clearly incomplete. Moreover, Ms. Giuffre also was flown by Defendant on commercial flights. *See McCawley Dec. at Exhibit 5, Giuffre Dep. Tr. at 155:5-11.* Ms. Giuffre disputes Defendant’s statement to the contrary, as reliance upon incomplete records to prove that Ms. Giuffre was not in fact in the presence of

Defendant and Epstein is insufficient. Ms. Giuffre incorporates additional details contained in Response #38 and #46 herein.

Ms. Giuffre's obvious gap in her school records, her presence verified by Epstein's pilot on flight logs, and witness testimony, corroborate her story that she was traveling with Defendant and Epstein. In fact, flight logs and pilot testimony clearly prove that Ms. Giuffre was flying domestic and internationally with Epstein at least 32 times between 12/11/00-07/28/01 and 06/21/02-08/21/02 (Defendant traveling with Ms. Giuffre on 23 of the flights).

As Defendant acknowledges in her own statement #44, flight records are incomplete. There were several pilots and co-pilots that flew Epstein and Maxwell (Lawrence "Larry" Visoski, David (Dave) Rodgers, Bill Hammond, Pete Rathgeb, Gary Roxburgh, and Bill Murphy) in multiple aircrafts (JEGE, Inc. Aircraft # N908JE – Type B-727-31, and Hyperion Air, Inc. Aircraft # N909JE – Type G-1159B). Yet, only one pilot, David Rodger's produced flight records. See McCawley Dec. at Exhibit 41, David Rodger's Flight Log, GIUFFRE007055- GIUFFRE007161. In addition, many of the girls recruited by Defendant routinely traveled on commercial flights for the purposes of providing massages to Epstein or guests at Epstein's New York, New Mexico, or U.S. Virgin Island homes. *See* McCawley Dec. at Exhibit 16, Sjoberg Dep. Tr. at 27.

As thoroughly depicted below, Ms. Giuffre's passport application, travel records and witness testimony clearly demonstrate flight logs are incomplete because only one pilot kept a log, and Ms. Giuffre also flew commercially while she worked for Defendant and Epstein. For example, on December 11, 2000, while underage, Ms. Giuffre appears on Rodger's flight log (flight #1433) traveling with Epstein, Maxwell and Emmy Taylor from PBI (Palm Beach, FL) to TEB (Teterboro, NJ) then on December 14, 2001 (#1434) continues traveling with Epstein and

Maxwell to TIST (U.S. Virgin Islands); however, there is no flight records of Ms. Giuffre's return to Palm Beach. *See McCawley Dec.* at Exhibit 15, *see McCawley Dec.* at Exhibit 41, Rodger's Dep. Ex. 1 at GIUFFRE007095; see also Rodger's Dep. Tr. 96-98 ("Q: And do you know how Jeffrey Epstein, Ghislaine Maxwell, Adam Perry Lang, and Virginia get off of St. Thomas or leave the island? A: No. I do not. Probably a charter, I'm guessing.").

11	"	"	PBI	TEB	1433	JE, GM, GT, VIRGINIA
14	"	"	TEB	TIST	1434	JE, GM, AP, VIRGINIA
14	"	"	TIST	PBI	1435	REPOSITION FOR OPS 2 +TCAS
JAN 13	"	"	PBI	PBI	1436	TCAS CERTIFICATION

On January 12, 2001, at Defendant's directive, Ms. Giuffre applied for a Passport to travel with them internationally. *See McCawley Dec.* at Exhibit 37, GIUFFRE004721, passport application listing travel plans to London; flight logs subsequently lists Ms. Giuffre traveling to London with Defendant, Epstein and others).

		It is necessary to submit a statement with an application for a new passport when a previous valid or potentially valid passport can be presented. The statement must set forth in detail why the previous passport cannot be presented. Use Form DSF-64.		
19. EMERGENCY CONTACT: If you wish, you may supply the name, address and telephone number of a person not traveling with you, to be contacted in case of emergency.		20. TRAVEL PLANS: Date: <input type="text" value="01/11/01"/> Month: <input type="text" value="01"/> Year: <input type="text" value="2001"/> COUNTRIES TO BE VISITED: <input type="text" value="London"/>		
NAME: <input type="text" value="James Andrew"/> STREET: <input type="text" value="308 Bent Cane Ln"/> CITY: <input type="text" value="Palm Beach"/> STATE: <input type="text" value="FL"/> ZIP CODE: <input type="text" value="33470"/> TELEPHONE: <input type="text" value="407-644-1234"/> RELATIONSHIP: <input type="text" value="Son"/>				
21. STOP: DO NOT SIGN APPLICATION UNTIL REQUESTED TO DO SO BY PERSON ADMINISTERING OATH. I have not, since acquiring United States citizenship, performed any of the acts listed under "Acts or Conditions" on the reverse of this application form unless explanatory statement is attached. I solemnly swear or affirm that statements made on this application are true and the photograph attached is a true likeness of me.				

On January 26, 2001, while underway, Ms. Giuffre appears on Rodger's flight log (flight #1444) traveling with Epstein, Maxwell and Emmy Taylor from TEB (Teterboro, NJ) to PBI (Palm Beach, FL); however, there is no flight record indicating how Ms. Giuffre got to New York. On January 27, 2001 (#1445) continues traveling with Epstein, Maxwell and Emmy Taylor from PBI (Palm Beach) to TIST (U.S. Virgin Islands) returning from TIST (U.S. Virgin

Islands) four days later on January 30, 2001. See McCawley Dec. at Exhibit 15, Rodger's Dep.

Ex. 1 at GIUFFRE007096; Rodger's Dep. Tr. at 100-102.

26	"	"	TGB	PBI	1444	JG, GM, GT, VIRGINIA ROGERS
18	C172	N1446V	PBI LNA	PBFLMA		C172 VOUT PEG Sorenson
18	"	"	LNA	LCQ		B727 CLOSING NSOSLS
19	"	"	LCQ	MCO		JONATHAN MAND - INSTRUMENT COMPETENTLY CHECKS CAPTURE
19	"	"	MCO	LNA		→
22	G-1159B	N908JE	PBI	TIST	1445	JG, GM, GT, VIRGINIA ROGERS
30	"	"	TIST	PBI	1446	JG, GM, GT, VIRGINIA ROGERS

On March 5, 2001 Ms. Giuffre, Maxwell, Epstein, Emmy Taylor traveled together internationally (flight #1464) leaving PBI (West Palm Beach) to CYJT (Stephenville, Canada); then on March 6, 2001 (#1465) they continued on to LFPB (Paris, France) with a layover for three days. On March 8, 2001, other passengers, including one unidentified female, joined them on flights # 1466-1467 (from LFPB (Paris, France) - LGGR (Granada, Spain) eventually landing in EGGW (London, England) on March 11, 2001, where she was then introduced to and lent out to Prince Andrew. See McCawley Dec. at Exhibit 15, Rodger's Dep. Ex. 1 at GIUFFRE007097; Rodger's Dep. Tr. at 104-114.

Flight	From	To	Flown No.	Maneuvers, Endorsements
21	B-727-200	SIMULATOR	DFW	DFW
22	"	SEMAPHORE	MGW	MGW
23	"	"	"	"
23	C-421B	N908GM	DFW	ADS
23	"	"	ADS	PNS
23	"	"	PNS	PBI
3	"	"	PBI	LCQ
3	"	"	LCQ	LAL
3	"	"	LAL	PBE
5	G-1159B	N908JE	PBI	CYJT
6	"	"	CYJT	LFPB
6	"	"	LFPB	LGGR
6	"	"	LGGR	GMTT
9	"	"	GMTT	EGGW
11	"	"	EGGW	BGR
11	"	"	BGR	TGB

See also photo of Ms. Giuffre, Maxwell and Prince Andrew in London.

GIUFFRE007167; *see also* Figueroa Dep. Tr. at 251.



Ms. Giuffre, Epstein, Maxwell, and Taylor remained in London for three days until departing on March 11, 2001 (#1469), stopping in BGR (Bangor, Maine) before departing (#1470) back to TEB (Teterboro, NJ); however, there is no flight record of Ms. Giuffre's return to Palm Beach. *See* Rodger's Dep. Ex. 1 at GIUFFRE007097; Rodger's Dep. Tr. at 104-114.

ITC : MISCOMMUNICATIONS					
27	G-11590	N909JE	PBI	TEB	1478 JC, GM, ETNR, 2FCMAGS, 04NU RGR KULIK KALU
29	"	"	TEB	SAF	1479 JC, GM AP UR DK, MARVIN MENSCHY HENRY TARACKY
31	"	"	SAF	PBI	1480 JC, GM AP UR, NADIA BJORLN, HENRY TARACKY, MARVIN MENSCHY
APR 1	"	"	PBI	LCG	1481 JC, GM, AP

On March 27, 2001, while underway, Ms. Giuffre, Maxwell, Epstein, Emmy Taylor, two unidentified females and others traveled together (#1478) from PBI (Palm Beach) to TEB (Teterboro, NJ); then three days later, on March 29, 2001, continued on (#1479) to SAF (Santa Fe, NM), returning to PBI (Palm Beach, FL) with Nadia Bjorlin (#1480) on March 31, 2001. *See* McCawley Dec. at Exhibit 15, Rodger's Dep. Ex. 1 at GIUFFRE007098; Rodger's Dep. Tr. at 119-125.

A few glaring examples of how Ms. Giuffre's travel records are incomplete is that Ms. Giuffre traveled from ADS (Addison, Texas) on May 3, 2001 (#1501) to SAT (San Antonio, Texas); then departs SAT (San Antonio, Texas) on May 5, 2001 (#1502) to PBF (Pine Bluff, AR) but there is no record produced that explains how Ms. Giuffre arrived in Addison, Texas or how she returned to Palm Beach from Pine Bluff, AR. Although Epstein's plane appears to have originated from Palm Beach on April 23, 2001, Ms. Giuffre's name doesn't appear on the log. *See* Rodger's Dep. Ex. 1 at GIUFFRE007099; Rodger's Dep. Tr. at 130-132 ("Q: Do you know how Virginia Roberts got to Addison, Texas? A: No. ... Q: Went to Addison and picked up Virginia Roberts? A: It looks like it.").

Another prime example of how incomplete Ms. Giuffre's travel records are is on May 14, 2001. While Ms. Giuffre appears on flight #1506 with Epstein, Maxwell, Emmy Taylor and others (including one unidentified female) from TIST (U.S. Virgin Islands) to TEB (Teterboro, NJ), there is no record produced explaining how Ms. Giuffre arrived to the U.S. Virgin Islands or where she stayed when she landed in New York. *See* McCawley Dec. at Exhibit 15, Rodger's Dep. Ex. 1 at GIUFFRE007100; Rodger's Dep. Tr. at 132-133 ("Q: What were the other possible avenues back in those days for Jeffrey Epstein, Ghislaine Maxwell to travel to the Virgin Islands? A: They could have done a charter, possibly.") (*Id.* at 134-135 "Q: All right. So at some point in time, between May 7th and May 14th – A: Uh-huh. Q: -- somebody flies the Gulfstream to the Virgin Islands. A: Correct. Q: And who would that be? A: Larry Visoski and I don't know who the other person would have been."); *Id.* at 136 ("Q. Do you know where Virginia Roberts went during that time after she landed in Teterboro on the 14th? A. I do not.")

14	1506	IN400.JG	TIST	TEB	1506	JG/GM,GT,BK,VR FEMALE
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On June 3, 2001, Ms. Giuffre travels from PBI (Palm Beach) to TIST (U.S. Virgin Islands) on flight #1510 for three days; then, on June 5, 2001, continues on flight #1511 to TEB (Teterboro, NJ); however, there is no record of Ms. Giuffre returning to Palm Beach. *See* Rodger's Dep. Ex. 1 at GIUFFRE007101; Rodger's Dep. Tr. at 136-137.

6-1	G-1159B	N909JC	TEB	PBI		1501	JG, GM, ET, AP, BANU KUCUK ROYLU	✓/✓
3	"	"	PBI	TIST		1510	JG, VIRGINIA ROBERTS, BANU KUCUK ROYLU	✓/✓
5	"	"	TIST	TCB		1511	JG, VR, BK	✓/✓
8	"	"	TCB	CYUL		1512	JG, GM, NAME UNKNOWN, REBECCA WILSON, ANDREW LANALLEC, ANNA MOLEVA, DAVID CONNOR	✓/✓
12	"	"	CYUL	TCB		1513	REPOSITION (APJ BLOUNT AND DLT)	✓/✓
12	"	"	TCB	PBI		1514	JG	✓/✓
13	"	"	PBI	TCB		1515	JG, CAROL	✓/✓
15	"	"	TCB	PBI		1516	JG, GM, STAGARDAN, CAROLYN, FEMALE	✓/✓
18	"	"	PBI	TCB		1517	JG, GM, FEMALE	✓/✓
22	"	"	TCB	LFPO		1518	TERESA, GM, CRYSTAL, WASCHIG, CATHERINE GRINGEVA	✓/✓
23	"	"	LFPO	LFMN		1519	JG, GM, FEMALE	✓/✓
25	"	"	LFMN	LIML		1520	JG, GM, FEMALE	✓/✓
26	"	"	LIML	LFPA		1521	JG, GM	✓/✓
28	"	"	LFPA	LPAZ		1522	JG, GM, ET, ED TUTTG	✓/✓
28	"	"	LPAZ	TIST		1523	JG, GM, ET, ED TUTTG	
34	"	"	TIST	PBI		1524	JG, AP, VR, FEMALE	✓/✓
8	"	"	PBI	TEB		1525	JG, GM, ET, AP, VR, SAKRAN GAYRAN GAYRAN, FEMALE	✓/✓
11	"	"	TEB	CPS		1526	JG, GM, ET, VR GAYRAN REBORN	

Then, on July 4, 2001, Ms. Giuffre reappears on flight #1524 with Epstein and an unidentified female leaving TIST (U.S. Virgin Islands) to return to PBI (Palm Beach); however, there is no flight record that reflects how Ms. Giuffre got to the U.S. Virgin Islands. *See* McCawley Dec. at Exhibit 15, Rodger's Dep. Ex. 1 at GIUFFRE007101; Rodger's Dep. Tr. at 138-139 ("Q. And do you know how Virginia Roberts got to the Virgin Islands? A: No. Q. Is there any -- is it possible that the Cessna took her or the Boeing took her? Or any other aircraft that is owned by Jeffrey? A: No, I would -- if I had to guess, I would guess the airlines.")

Again, on July 8, 2001, Ms. Giuffre appears on flight #1525 with Epstein, Maxwell, Emmy Taylor and others including an unidentified female departing PBI (Palm Beach) to TEB

(Teterboro, NJ). Four days later, on July 11, 2001, Ms. Giuffre, Epstein and Maxwell continue on (#1526) to CPS (Cahokia-St. Louis, Illinois) which was a stop due to a mechanical delay on the way to Sante Fe, NM; however, there is no flight record that reflects how Ms. Giuffre returned home to Palm Beach. *See McCawley Dec.* at Exhibit 15, Rodger's Dep. Ex. 1 at GIUFFRE007101; Rodger's Dep. Tr. 139-141 ("Q: And then three days later, you leave out of Teterboro to CPS? A: Yes. Q: Where is that? A: That is St. Louis, actually it is Cahokia, Illinois, across the river from St. Louis. Q: Who are your passengers? A: Jeffrey Epstein, Ghislaine Maxwell, Emmy Tayler, Virginia Roberts. We were actually en route to Santa Fe. We had a mechanical problem. We had to go into there for maintenance.")

On July 16, 2001, Ms. Giuffre appears on flight #1528 with Epstein, Maxwell and Emmy Taylor from SAF (Santa Fe, NM) to TEB (Teterboro, NJ); however, Ms. Giuffre's flight to Santa Fe, NM is missing from the records. In addition, on July 28, 2001, Ms. Giuffre reappears on the flight log (#1531) returning with Epstein from TIST (U.S. Virgin Islands) to PBI (Palm Beach); however, there is no record of Ms. Giuffre's flight to the U.S. Virgin Islands. *See McCawley Dec.* at Exhibit 15, Rodger's Dep. Ex. 1 at GIUFFRE007102; Rodger's Dep. Tr.142.

FLG			From	To		
JUL	G-11591B	N969JC	CPS	SAF	1521	REPOSITION - PILOT STATIC LEGACY GARY MAXWELL
16	"	"	SAF	TEB	1528	JG, ET, GM, VR GARY MAXWELL
23	"	"	PBI	TIST	1529	JG, SHAYLEY LEWIS MAXWELL
28	"	"	TIST	PBI	1531	JG, VIRGINIA ROBERTS

On June 21, 2002, Ms. Giuffre appears on flight #1570 with Epstein, Maxwell, Sarah Kellen, Cindy Lopez and Jean Luc Brunel from PBI (Palm Beach, FL) to MYEF (George Town, Bahamas); however, there is no record of Ms. Giuffre returning to Palm Beach. *See McCawley Dec.* at Exhibit 15, Rodger's Dep. Ex. 1 at GIUFFRE007111; Rodger's Dep. Tr. 161-162 ("Q:

Virginia Roberts was taken to the Bahamas. Do you know where she went from there? A. I do not.")

2002			From	To	FLIGHT NO.	MANEUVERS, ENDORSEMENTS
JUN 8	B-727-31H	N908JC	EIDW	JFK	111	JE, GM, SK
8	"	"	JFK	PBI	112	JE, SK
12	G-1159B	N909JC	PBI	PBI	1567	GMU FLIGHTS - SCAR RILEY, GREG CARPENTER
14	B-727-31H	N908JC	PBI	BOS	113	REPOSITION
14	"	"	BOS	TIST	114	JE, SK, CINDY LOPEZ, LAUREN HAMES
16	"	"	TIST	JFK	115	JE, GM, SK, CINDY LOPEZ, LAUREN HAMES
19	G-1159B	N909JC	PBI	TEB	1568	REPOSITION PETE RATIGER
19	"	"	TEB	PBI	1569	JE, GM, SK, CINDY LOPEZ PETE RATIGER
21	"	"	PBI	MYEF	1570	JE, GM, SK, CL, JEAN LUC BRUNEAU PETE VIRGINIA ROBERTS RATIGER
21	"	"	MYEF	PBI	1571	REPOSITION PETE RATIGER
23	"	"	PBI	MYEF	1572	REPOSITION PETE RATIGER
23	"	"	MYEF	TEB	1573	JE, GM, SK, CL, JULIA BORGES PETE JEAN WILFRED/MARGARET MAXINE RATIGER
23	"	"	TEB	PBI	1574	REPOSITION PETE RATIGER
Aug 4	G-1159B	N909JC	PBI	MVY	1583	JE, 1 FEMALE
4	"	"	MVY	BED	1584	JE, 1 FEMALE
4	"	"	BED	TEB	1585	JE, 1 FEMALE
5	"	"	TEB	SAF	1586	JE, SK, 2 FEMALES
6	C-172XP	N739SP	AEG	AEG	172	CHECK OUT
6	206L3	N474AW	ZORRO	AEG		
15	B-727-31H	N908JC	JAX	JAX	126	C-CHECK FLIGHT TEST PETE RATIGER
16	"	"	JAX	PBI	127	RETURN FROM C-CHECK PETE RATIGER
17	G-1159-B	N909JC	SAF	TEB	1589	JE, GM, SK, CINDY LOPEZ, VIRGINIA ROBERTS, CONRAD ALFRED, MARGARET, MAXINE SAVAGE,
18	"	"	TEB	PBI	1590	JE, VIRGINIA ROBERTS, 1 FEMALE

On August 17, 2002, Ms. Giuffre appears on flight #1589 with Epstein, Maxwell, Sarah Kellen, Cindy Lopez and others from SAF (Santa Fe, NM) to TEB (Teterboro, NJ); Ms. Giuffre returns to PBI (Palm Beach, FL) on August 18, 2002 with Epstein and one unidentified female (#1590). See McCawley Dec. at Exhibit 15, Rodger's Dep. Ex. 1 at GIUFFRE007112; Rodger's Dep. Tr. 165 ("Q: Do you know how Virginia Roberts got to Santa Fe? A: No.")

From September 29, 2002 through October 19, 2002, Defendant and Epstein sent Ms. Giuffre on a commercial flight to Thailand for massage training and provided her with all accommodations. *See McCawley Dec. at Exhibit 43, Giuffre007411-Giuffre007432.*

DEFENDANT'S PURPORTED FACTS

45. **Ms. Giuffre and Figueroa shared a vehicle during 2001 and 2002.** Ms. Giuffre and Figueroa shared a '93 white Pontiac in 2001 and 2002. Ms. Giuffre freely traveled around the Palm Beach area in that vehicle. In August 2002, Ms. Giuffre acquired a Dodge Dakota pickup truck from her father. Figueroa used that vehicle in a series of crimes before and after Ms. Giuffre left for Thailand.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre and Tony Figueroa did not share a vehicle during 2001 and 2002. Instead, Figueroa borrowed Ms. Giuffre's car while she was traveling with Defendant and Epstein. Figueroa testified that he "got to take the car, because she was going somewhere else in the world and did not need it, so..." Figueroa Dep. Tr. At 89-90.

In fact, Ms. Giuffre was frequently traveling with Defendant and Epstein. *See McCawley Dec. at Exhibit 1, Alessi Dep. Tr. at 9-14* (stating that Virginia started traveling on an airplane with Ghislaine and Jeffrey "not too long" after she started going over to the house). Figueroa further testified that Virginia "would normally go about two weeks out of every month" with Epstein. Figueroa Dep. Tr. at 90. He further stated, "Pretty much every time I took her there, it was always to his mansion. I picked her up one time -- maybe it was a couple of times --from the jet stream place. But pretty much every single time it was at the hou- -- at the mansion." *Id.* Moreover, Ms. Giuffre testified she purchased a car from the \$10,000 payment she received from Epstein after she was forced to have sex with Prince Andres in London at Defendant's home when Ms. Giuffre was a minor. *See McCawley Dec. at Exhibit 5, Giuffre Dep. Tr. at 120:1-20.*

DEFENDANT'S PURPORTED FACTS

46. **Ms. Giuffre held a number of jobs in 2001 and 2002.** During 2001 and 2002, Ms. Giuffre was gainfully employed at several jobs. She worked as a waitress at Mannino's Restaurant, at TGIFriday's restaurant (aka CCI of Royal Palm Inc.), and at Roadhouse Grill. She also was employed at Courtyard Animal Hospital (aka Marc Pinkwasser DVM).

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

This statement is laughable. Ms. Giuffre was hardly gainfully employed during a time period in which she was trying to escape from the grip Epstein and Maxwell had on Ms. Giuffre. While Social Security provides that she earned nominal amounts of earning statements for 2001 and 2002, the records do not indicate the month or quarter of the year's work. *See McCawley Dec. at Exhibit 46, GIUFFRE009176.* For a brief period, Ms. Giuffre attempted to go back to school to earn her GED, and tried unsuccessfully to hold down waitressing jobs. *See McCawley Dec. at Exhibit 27, GIUFFRE009179.*

For example, in 2001, Ms. Giuffre earned \$212.00 as a waitress working "briefly" at Mannino's Restaurant. (*See McCawley Dec. at Exhibit 5, Giuffre Dep. Tr. at 472*). In 2002, Ms. Giuffre earned \$403.64 at CCI of Royal Palm Beach working there (TGI Fridays) for a "short time period." (*See McCawley Dec. at Exhibit 5, Giuffre Dep. Tr. at 473*). Then, Ms. Giuffre worked at Roadhouse grill until about March 2002 earning \$1,247.90 (*See McCawley Dec. at Exhibit 5, Giuffre Dep. Tr. at 474*).

EMPLOYER NUMBER: 65-0241353
 MANNINOS INC
 MANNINOS RESTAURANT
 12793 B W FOREST HILL BLVD
 WEST PALM BEACH FL 33414-4749

YEAR	1ST QTR	2ND QTR	3RD QTR	4TH QTR	TOTAL
2001					\$212.00

EMPLOYER NUMBER: 06-1587035
 CCI OF ROYAL PALM INC
 % ROBERT FURR TTEE
 2255 GLADES RD STE 337-W
 BOCA RATON FL 33431-7379

YEAR	1ST QTR	2ND QTR	3RD QTR	4TH QTR	TOTAL
2002					\$403.64

EMPLOYER NUMBER: 65-0367604
 ROADHOUSE GRILL INC
 ROBERT C FURR TTEE IN BANKRUPTCY
 2255 GLADES RD STE 337W
 BOCA RATON FL 33431-7379

YEAR	1ST QTR	2ND QTR	3RD QTR	4TH QTR	TOTAL
2002					\$1,247.90

EMPLOYER NUMBER: 65-0915938
 MARC PINKWASSER DVM PA
 13860 WELLINGTON TRCE STE 31
 WELLINGTON FL 33414-8541

YEAR	1ST QTR	2ND QTR	3RD QTR	4TH QTR	TOTAL
2002					\$1,561.75

GIUFFRE009179.¶

According to Dr. Pinkwasser's records, Ms. Giuffre's also received payroll checks for weeks ending 04/22/02-06/04/02 earning a total of \$1,561.75. (See McCawley Dec. at Exhibit 47, GIUFFRE009203).

4/22/02 Courtyard Animal Hospital
 5/6/02 Courtyard Animal Hospital
 5/6/02 Courtyard Animal Hospital
 5/20/02 Courtyard Animal Hospital
 6/4/02 Courtyard Animal Hospital

Not long after Ms. Giuffre losing her job at Courtyard Animal Hospital, GIUFFRE00009211, flight records show that Ms. Giuffre was soon back under Epstein's control traveling with Maxwell to the Bahamas, Santa Fe, New Mexico then New York, see McCawley Dec. at Exhibit 47, GIUFFRE007111-GIUFFRE007112.

DEFENDANT'S PURPORTED FACTS

47. In September 2002, Ms. Giuffre traveled to Thailand to receive massage training and while there, met her future husband and eloped with him. Ms. Giuffre traveled

to Thailand in September 2002 to receive formal training as a masseuse. Figueroa drove her to the airport. While there, she initially contacted Figueroa frequently, incurring a phone bill of \$4,000. She met Robert Giuffre while in Thailand and decided to marry him. She thereafter ceased all contact with Figueroa from October 2002 until two days before Mr. Figueroa's deposition in this matter in May 2016.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre did travel to Thailand to receive massage training in September 2002. However, Defendant has inaccurately told only part of the story. Defendant has conveniently left out certain key facts, which includes the fact that Ms. Giuffre was given an assignment from Defendant and Epstein that she had to recruit another underage girl from Thailand, and bring that young girl back to Epstein. *See McCawley Dec. at Exhibit 43, GIUFFRE 003191.* The document Ms. Giuffre was give directs her to "call Ms. Maxwell." *See McCawley Dec. at Exhibit 32, GIUFFRE003191.* It is not disputed by Defendant or Epstein, that Ms. Giuffre was expected to return to Epstein and Maxwell upon completion of her massage training and assignment. It is undisputed by Ms. Giuffre that she did not return to Defendant and Epstein, but instead escaped clear across the world to Australia where she remained in hiding from Defendant and Epstein for several years.

DEFENDANT'S PURPORTED FACTS

48. **Detective Recarey's investigation of Epstein failed to uncover any evidence that Ms. Maxwell was involved in sexual abuse of minors, sexual trafficking or production or possession of child pornography.** Joseph Recarey served as the lead detective from the Palm Beach Police Department charged with investigating Jeffrey Epstein. That investigation commenced in 2005. Recarey worked only on the Epstein case for an entire year. He reviewed previous officers' reports and interviews, conducted numerous interviews of witnesses and alleged victims himself, reviewed surveillance footage of the Epstein home, participated in and had knowledge of the search warrant executed on the Epstein home, and testified regarding the case before the Florida state grand jury against Epstein. Detective Recarey's investigation revealed that not one of the alleged Epstein victims ever mentioned Ms. Maxwell's name and she was never considered a suspect by the government. None of Epstein's alleged victims said they had seen Ms. Maxwell at Epstein's house, nor said they had been "recruited by her," nor paid any money by her, nor told what to wear or how to act by her. Indeed, none of Epstein's alleged victims ever reported to the government they had met or spoken to Ms. Maxwell. Maxwell was not

seen coming or going from the house during the law enforcement surveillance of Epstein's home. The arrest warrant did not mention Ms. Maxwell and her name was never mentioned before the grand jury. No property belonging to Maxwell, including "sex toys" or "child pornography," was seized from Epstein's home during execution of the search warrant. Detective Recarey, when asked to describe "everything that you believe you know about Ghislaine Maxwell's sexual trafficking conduct," replied, "I don't." He confirmed he has no knowledge about Ms. Maxwell sexually trafficking anybody. Detective Recarey also has no knowledge of Ms. Giuffre's conduct that is subject of this lawsuit.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

This statement is false. Detective Recarey knew that Maxwell was involved in the illegal sexual activities at Epstein's house. He wanted to speak to her, but Maxwell did not return his calls. *See McCawley Dec. at Exhibit 13, Recarey Dep. Tr. at 28:23-29:10.* Detective Recarey concluded that Defendant's role was to procure girls for Epstein. *See McCawley Dec. at Exhibit 13, Recarey Dep. Tr. at 29:16-29:20.* In the execution of the search warrant, stationary was found in the home bearing Maxwell's name, and notes were written by house staff to Maxwell. *See McCawley Dec. at Exhibit 13, Recarey Dep. Tr. at 45:13-25; Id. at 83:3-83:15;* see also Message Pads, GIUFFRE 001412, 001418, 001435, 001446, 001449, 001453, 001454. A key piece of evidence in the investigation were message pads uncovered in trash pulls, and from inside the residence during the search warrant. Those message pads revealed numerous calls left at the house for Maxwell, indicating she was staying in the house during the days when Epstein was engaging in illegal sex acts with minors.

Additionally, a walk through video taken during the execution of the search warrant revealed photos of topless females at the home, and there was even a photograph of Maxwell naked hanging in the home. The house staff who were deposed in the civil cases each testified to Maxwell being the boss in charge of everyone in the house. *See McCawley Dec. at Exhibits 1,*

19, 21, Banasiak Dep. Tr. at 8:21-9:16; 14:20-15:6; Alessi Dep. Tr. at 23:11-23:20; Rodriguez Dep. Tr. at 169:1-169:4.

Rodriguez, the house butler from 2004 through 2005, a time period that revealed daily sexual abuse of underage females, testified that Maxwell kept a list of the local girls who were giving massages at her desk, and that Maxwell kept nude photos of girls on her computer. *See* McCawley Dec. at Exhibit 21, Rodriguez Dep. Tr. at 238:4-238:22; 302:19-303:10; 306:1-306:24. Recarey testified that when the search warrant was executed, the house had been sanitized and the computers removed from the home. *See* McCawley Dec. at Exhibit 13, Recarey Dep. Tr. at 72:25-73:15. Banaziak testified that the computers were removed by Adriana Ross, another employee who answered to Maxwell. *See* McCawley Dec. at Exhibit 19, Banaziak Dep. Tr. at 54:7-22.

The record is replete with testimony demonstrating that Maxwell recruited Virginia, and recruited other females, who in turn recruited other females, all who were sexually abuse by Epstein; meaning, it is undisputed that Maxwell started the top of the pyramid of local Palm Beach girls who were all eventually identified as victims. *See, e.g.*, McCawley Dec. at Exhibit 1, Alessi Dep. Tr. at 34:19-35:3; 98:5-98:12; 104:15-104:23. The co-conspirator who maintained direct contact with the many underage victims was Sarah Kellen, whose sole responsibility was to schedule underage girls to visit Epstein for sex. Sarah reported directly to Maxwell. *See* McCawley Dec. at Exhibit 21, Rodriguez Dep. Tr. at 26:10-26:20. On the day when the search warrant was executed, the house maid, Ruboyo was scheduled to report to the house that day at 8 am; however, she received a call from Maxwell telling her not to go. *See* McCawley Dec. at Exhibit 20, Rabuyo Dep. Tr. at 81:20-82:25. Maxwell orchestrated and ran the entire sex

trafficking scheme from a high level, and insulated herself from most of the underage girls who were being paid for sex.

Tony Figueroa, Ms. Giuffre's ex-boyfriend, did testify that Maxwell personally requested that he find and bring girls to Epstein for sex once Ms. Giuffre had escaped, and that when he brought the girls Maxwell interacted with them. *See McCawley Dec. at Exhibit 4, Figueroa Dep. Tr. at 200:6-18; 228:23-229:21.* Rodriguez testified unequivocally that Maxwell was "the boss" and that she knew everything that was going on. *See McCawley Dec. at Exhibit 21, Rodriguez Dep. Tr. 169:1-169:4.*

DEFENDANT'S PURPORTED FACTS

49. **No nude photograph of Ms. Giuffre was displayed in Epstein's home.** Epstein's housekeeper, Juan Alessi, "never saw any photographs of Virginia Roberts in Mr. Epstein's house." Detective Recarey entered Epstein's home in 2002 to install security cameras to catch a thief and did not observe any "child pornography" within the home, including on Epstein's desk in his office.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

This is false. Nude photographs were displayed throughout Epstein's home. Furthermore, Alfredo Rodriguez testified to Maxwell having pornography on her computer. Rodriguez Dep. Tr. 150:10-17; 306:1-306:24. He also testified to there being a collage of nude photos in Epstein's closet. *Id.* 253:14-254:18. That collage was eventually taken into evidence by Detective Recarey, who testified to that fact in his deposition. *See McCawley Dec. at Exhibit 13, Recarey Dep. Tr. at 73:19-73:24.* And those photos are still in the possession of the FBI or US Attorney's Office. *See McCawley Dec. at Exhibit 13, Recarey Dep. Tr. at 74:2-74:7.*

Numerous other people have testified about nude photographs being on display in the home including Ronaldo Rizzo, who visited the home on numerous occasions and who was reprimanded by Maxwell herself for looking at the nude photos. *See McCawley Dec. at Exhibit 14, Rizzo Dep. Tr. at 25:19-26:20.* Additionally, the search warrant video, taken at a time when

the house had already been sanitized, revealed photographs of nudity displayed, including a photograph of Maxwell herself in the nude. *See McCawley Dec. at Exhibit 44, Search Warrant Video attached to the Deposition of Recarey.*

Johanna Sjorberg testified that the Defendant bought her a camera for the specific purpose of her taking nude photos of herself. *See McCawley Dec. at Exhibit 16 Sjoberg Tr. at 150.* Finally, Virginia Giuffre testified that there was a nude photograph of her at the house. *See McCawley Dec. at Exhibit 5 Virginia Giuffre Tr. at 232 and 333.*

DEFENDANT'S PURPORTED FACTS

50. **Ms. Giuffre intentionally destroyed her “journal” and “dream journal” regarding her “memories” of this case in 2013 while represented by counsel.** Ms. Giuffre drafted a “journal” describing individuals to whom she claims she was sexually trafficked as well as her memories and thoughts about her experiences with Epstein. In 2013, she and her husband created a bonfire in her backyard in Florida and burned the journal together with other documents in her possession. *Id.* Ms. Giuffre also kept a “dream journal” regarding her thoughts and memories that she possessed in January 2016. To date, Ms. Giuffre cannot locate the “dream journal.”

MS. GIUFFRE’S STATEMENT CONTROVERTING DEFENDANT’S FACTS

The dream journal contained memories of Ms. Giuffre’s dreams. While Ms. Giuffre has looked for this journal, which is wholly irrelevant to this case, she has been unable to locate it. Ms. Giuffre also wrote in a personal journal some of her experiences with Maxwell and Epstein, which were harmful and painful. In an effort to relieve herself of those past painful experiences, Ms. Giuffre followed the advice of a therapist, and burned the journal as a form of cathartic release at a time when she was under no obligation to maintain the personal memorialization of personal and painful experiences. *See McCawley Dec. at Exhibit 5, Giuffre Dep. Tr. at 205:13-206:10.*

DEFENDANT'S PURPORTED FACTS

51. **Ms. Giuffre publicly peddled her story beginning in 2011.** Ms. Giuffre granted journalist Sharon Churcher extensive interviews that resulted in seven (7) widely distributed articles from March 2011 through January 2015. Churcher regularly communicated with Ms. Giuffre and her “attorneys or other agents” from “early 2011” to “the present day.” Ms. Giuffre received approximately \$160,000 for her stories and pictures that were published by many news organizations.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Defendant's statement misrepresents history. In 2011, Ms. Giuffre was still in hiding from Epstein and Maxwell in Australia. Ms. Giuffre was not looking to sell anything or even speak with anyone about what had happened to her in her previous life from which she dramatically escaped. Journalist, Sharon Churcher, located Ms. Giuffre and impressed the importance of Ms. Giuffre standing up to those who had harmed her and speak with Federal authorities, which Ms. Giuffre did in 2011. *See McCawley Dec. at Exhibit 31, Redacted 302 GIUFFRE001235-01246.*

In addition, Churcher impressed the importance of bringing the abuse of Defendant and Epstein to public light to prevent their continued abuse of others. *See McCawley Dec. at Exhibit 35, Giuffre003690.* After much deliberation, Ms. Giuffre agreed to be interviewed by Churcher, and was compensated for sharing her story, which came at a heavy price of being publicly scrutinized.

DEFENDANT'S PURPORTED FACTS

52. **Ms. Giuffre drafted a 144-page purportedly autobiographical book manuscript in 2011 which she actively sought to publish.** In 2011, contemporaneous with her Churcher interviews, Ms. Giuffre drafted a book manuscript which purported to document Ms. Giuffre’s experiences as a teenager in Florida, including her interactions with Epstein and Maxwell. Ms. Giuffre communicated with literary agents, ghost writers and potential independent publishers in an effort to get her book published. She generated marketing materials and circulated those along with book chapters to numerous individuals associated with publishing and the media.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Defendant's characterization of these activities are out of context and thus misleading. In 2008, Ms. Giuffre received a Victim Notification Letter from the United States Attorney's office for the Southern District of Florida, *see McCawley Dec.* at Exhibit 30, GIUFFRE0010202, regarding her sexual victimization by Epstein. Thereafter, in 2011, she sought psychological counseling from a psychologist for the trauma she endured. Also that year, journalist Sharon Churcher sought her out, and traveled half way around the globe to interview her on painful subjects. Ms. Giuffre was interviewed by the FBI in 2011. *See McCawley Dec.* at Exhibit 31, FBI Redacted 302 GIUFFRE01235-1246. She was also getting psychological help. *See McCawley Dec.* at Exhibit 38, Lightfoot Records, GIUFFRE005431-005438. In that situation, Ms. Giuffre began to draft a fictionalized account of what happened to her. It was against this backdrop of her trauma being unearthed, her steps to seek psychological counseling for it, that she drafted this manuscript. Doing so was an act of empowerment and a way of reframing and taking control over the narrative of her past abuse that haunts her.

“Writing ‘I’ has been an emancipatory project for women.” Perreault, Jeanne, “AUTOGRAPHY/ TRANSFORMATION/ ASYMMETRY,” *Women, Autobiography, Theory A Reader* edited by Sidonie Smith & Julia Watson. Indeed, scholars have written that the act of engaging in autobiography or even accounts loosely based on autobiography, is a process of taking control of one’s own narrative and one’s own self: “Thus a specific recitation of identity involves the inclusion of certain identity contents and the exclusion of others; the incorporation of certain narrative itineraries and internationalities, the silencing of others; the adoption of certain autobiographical voices, the muting of others.” Smith, Sidonie, PERFORMATIVITY,

AUTOBIOGRAPHICAL PRACTICE, RESISTANCE, *Women, Autobiography, Theory A Reader edited by Sidonie Smith & Julia Watson.*

Indeed, even a cursory look at the manuscript penned by Ms. Giuffre informs the reader that she is trying to put forth a more palatable and more empowering narrative to over-write that powerlessness she felt when being abused by Defendant and Epstein. While Ms. Giuffre explored trying to publish her story to empower other individuals who were subject to abuse, she ultimately decided not to publish it. *See McCawley Dec. at Exhibit 5, Giuffre Dep. Tr. 249:16-18; 250:19-251:3.*

DEFENDANT'S PURPORTED FACTS

53. **Ms. Giuffre's publicly filed "lurid" CVRA pleadings initiated a media frenzy and generated highly publicized litigation between her lawyers and Alan Dershowitz.** On December 30, 2014, Ms. Giuffre, through counsel, publicly filed a joinder motion that contained her "lurid allegations" about Ms. Maxwell and many others, including Alan Dershowitz, Prince Andrew, Jean-Luc Brunel. The joinder motion was followed by a "corrected" motion and two further declarations in January and February 2015, which repeated many of Ms. Giuffre's claims. These CVRA pleadings generated a media maelstrom and spawned highly publicized litigation between Ms. Giuffre's lawyers, Edwards and Cassell, and Alan Dershowitz. After Ms. Giuffre publicly alleged Mr. Dershowitz of sexual misconduct, Mr. Dershowitz vigorously defended himself in the media. He called Ms. Giuffre a liar and accused her lawyers of unethical conduct. In response, attorneys Edwards and Cassell sued Dershowitz who counterclaimed. This litigation, in turn, caused additional media attention by national and international media organizations.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

See Ms. Giuffre's Paragraph 7, *supra*, explaining why the allegations were necessary and appropriate for multiple reasons. Ms. Giuffre disputes Defendant's false characterization of these events, and, indeed, the media attention was caused by Defendant's is suing her defamatory press release.

DEFENDANT'S PURPORTED FACTS

54. **Ms. Giuffre formed non-profit Victims Refuse Silence to attract publicity and speak out on a public controversy.** In 2014, Ms. Giuffre, with the assistance of the same counsel, formed a non-profit organization, Victims Refuse Silence. According to Ms. Giuffre, the purpose of the organization is to promote Ms. Giuffre's professed cause against sex slavery. The stated goal of her organization is to help survivors surmount the shame, silence, and intimidation typically experienced by victims of sexual abuse. Ms. Giuffre attempts to promote Victims Refuse Silence at every opportunity. For example, Ms. Giuffre participated in an interview in New York with ABC to promote the charity and to get her mission out to the public.

MS. GIUFFRE'S STATEMENT CONTROVERTING DEFENDANT'S FACTS

Ms. Giuffre did not form the non-profit Victims Refuse Silence to "speak out on a public controversy," but instead to simply help survivors of sexual abuse and sexual trafficking. In order to provide assistance to victims, Ms. Giuffre attempted to talk about the non-profit's mission when she had the opportunity to do so. See www.victimsrefusesilece.org.

MS. GIUFFRE'S STATEMENT OF UNDISPUTED FACTS

55. Virginia Roberts was born August 9, 1983. *See* McCawley Dec. at Exhibit 51, Driver's License GIUFFRE009209.

56. Virginia Roberts turned 18 on August 9, 2001.

57. In 2000, Virginia's father Sky Roberts worked at the Mar-a-Lago. *See* McCawley Dec. at Exhibit 17, Sky Roberts Dep. Tr. at 72, 74.

58. Sky Roberts got Virginia a job at Mar-a-Lago in 2000, either months before or just after Virginia's 17th birthday. *See* McCawley Dec. at Exhibit 17, Sky Roberts Dep. Tr. at 72, 74; Giuffre Dep. Tr. at 25:19-25:21; 28:10-28:12.

59. The only year in which Virginia was employed at Mar-a-Lago was 2000. *See* McCawley Dec. at Exhibit 49, MAR-A-LAGO 0173, 0176.

60. Virginia worked at Mar-a-Lago as a spa bathroom attendant. *See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. at 61:9-61:24; Austrich Dep. Tr. at 100:3-12.

61. Virginia was not a masseuse at Mar-a-Lago as she had no massage experience. *See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. at 111:12-111:21; 116:19-117:12; Austrich Dep. Tr. at 34-35, 100-101, 127-128; Figueroa Dep. Tr. at 82:10-15; 168:24-169:1; Sky Roberts Dep. Tr. at 80:7-19; 84:18 -85:1.

62. Maxwell approached Virginia at Mar-a-Lago, and recruited her to come to Jeffrey Epstein's house. *See McCawley Dec.* at Exhibits 1, 5, and 17, Giuffre Dep. Tr. at 111:12-111:21; 116:19-117:12; Alessi Dep. Tr. at 94:24-95:2; Sky Roberts Dep. Tr. at 80:7-19; 84:18 -85:1.

63. At the time Maxwell recruited Virginia to Jeffrey Epstein's house, Virginia was either 16 or 17 years old, depending on whether this occurred just before or just after Virginia's birthday. *See McCawley Dec.* at Exhibit 49, MAR-A-LAGO 0173, 0176.

64. Virginia followed Maxwell's instructions and reported to Jeffrey Epstein's house on the night of the day when Maxwell approached Virginia at Mar-a-Lago. *See McCawley Dec.* at Exhibits 5 and 18, Giuffre Dep. Tr. at 117:20-118:1; Alessi Dep. Tr. at 96-98; GIUFFRE000102-103 at p. 48-49.

65. Maxwell told Virginia at Mar-a-Lago that Virginia could get paid for giving a massage to Jeffrey Epstein. *See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. at 111:12-111:21; 116:19-117:12.

66. When Virginia arrived at Epstein's house, she was taken upstairs to Epstein's bedroom, and instructed by Maxwell and Epstein how to give Epstein a massage. *See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. at 198:20-199:3; 199:15-199:18; Epstein Dep. Tr. at 74:3-14.

67. Epstein and Maxwell turned the massage into a sexual encounter. *See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. at 198:20-199:3; 199:15-199:18.

68. Virginia was not a professional masseuse, and was not old enough to be a masseuse in Florida even though Maxwell testified she only hired professional masseuses. *See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. at 61:9-61:24, 111:12-111:21, 116:19-117:12; Fla. Stat. § 480.041; Maxwell Dep. Tr. at 23:21-24:9; 31:6-18; 41:7-13; 220:13-221:2; 225:23-226:20; 248:5-16; 310:6-17; 383:2-18.

69. Maxwell and Epstein promised Virginia money and a better life in exchange for complying with their sexual demands. *See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. at 198:20-199:3; 199:15-199:18.

70. Maxwell had sex with Virginia and other females. *See McCawley Dec.* at Exhibit 5, Giuffre Dep. Tr. at 138:17-139:16; Maxwell 07-22-2016 Dep. Tr. at 86:25-87:9; 91:15-91:21.

71. Virginia was trafficked nationally and internationally for sexual purposes. *See McCawley Dec.* at Exhibits 5, 1, 41? GIUFFRE007055-007161 (Flight Logs); Giuffre Dep. Tr. at 193:22-194:16; 201:24; 204:24:205:5; Alessi Dep. Tr. at 104:9-104:14; Andrew Photo GIUFFRE007167; Spain Photo GIUFFRE007166.

72. Maxwell recruited other non-professionals under the guise of being a masseuse, but in reality only recruited girls for sexual purposes. *See McCawley Dec.* at Exhibits 5, 16, 4, 1, 18 Giuffre Dep. Tr. at 198:20-199:3; Sjoberg Dep. Tr. at 13-15; Figueroa Dep. Tr. at 88:12-22; Alessi Dep. Tr. at 34; GIUFFRE000105 at 57-58; GIUFFRE000241-242 at p. 212-213.

73. Maxwell was the boss of others whose job it was to recruit minor females for Epstein for sex, such as Sarah Kellen. *See McCawley Dec.* at Exhibit 21, Rodriguez Dep. Tr. at 26:10-26:20.

74. Maxwell was a recruiter of underage girls and other young females for Epstein for sex, and was the boss in charge of those females. *See McCawley Dec.* at Exhibits 16, 4, 21, and 1, Sjoberg Dep. Tr. 8-9, 13-15, 27; Figueroa Dep. Figueroa Dep. Tr. at 200:6-18; 228:23-229:21; Rodriguez Dep. Tr. 169:1-169:4; Alessi Dep. Tr. at 23:11-23:20; 34:19-35:3; 98:5-98:12; 104:15-104:23.

Dated: January 31, 2017

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 31, 2017, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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/s/ Sigrid S. McCawley
Sigrid S. McCawley

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

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

/

**DECLARATION OF SIGRID MCCAWLEY IN SUPPORT OF
PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT AND UNDISPUTED FACTS**

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

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

2. I respectfully submit this Declaration in Support of Plaintiff's Response to Defendant's Motion for Summary Judgment and Undisputed Facts.

3. Attached hereto as Sealed Exhibit 1 are true and correct copies of Excerpts from June 1, 2016 Depositions of Juan Alessi.

4. Attached here to as Sealed Exhibit 2 is a true and correct copy of Excerpts from June 23, 2016, Deposition of James Austrich.

5. Attached hereto as Sealed Exhibit 3 is a true and correct copy of Excerpts from September 9, 2016, Deposition of Jeffrey Epstein.

6. Attached hereto as Sealed Exhibit 4 is a true and correct copy of Excerpts from June 24, 2016, Deposition of Tony Figueroa (Volumes I and II).

7. Attached hereto as Sealed Composite Exhibit 5 are true and correct copies of Excerpts from May 3, 2016 and November 14, 2016, Deposition of Virginia Giuffre.

8. Attached hereto as Sealed Exhibit 6 is a true and correct copy of Excerpts from November 18, 2016, Deposition of Ross Gow.

9. Attached hereto as Sealed Exhibit 7 is a true and correct copy of Excerpts from June 20, 2016, Deposition of [REDACTED].

10. Attached hereto as Sealed Exhibit 8 is a true and correct copy of Excerpts from January 25, 2017, Deposition of Sarah Kellen.

11. Attached hereto as Sealed Exhibit 9 is a true and correct copy of Excerpts from November 29, 2016, Deposition of Peter Kent.

12. Attached hereto as Sealed Exhibit 10 is a true and correct copy of Excerpts from January 17, 2017, Deposition of Nadia Marcinko.

13. Attached hereto as Sealed Composite Exhibit 11 are true and correct copies of Excerpts from April 22, 2016 and July 22, 2016, Depositions of Ghislaine Maxwell.

14. Attached hereto as Sealed Exhibit 12 is a true and correct copy of Excerpts from May 24, 2016, Deposition of Lynne Trudy Miller

15. Attached hereto as Sealed Exhibit 13 is a true and correct copy of Excerpts from June 21, 2016, Deposition Joseph Recarey.

16. Attached hereto as Sealed Exhibit 14 is a true and correct copy of Excerpts from June 10, 2016, Deposition of Rinaldo Rizzo.

17. Attached hereto as Sealed Exhibit 15 is a true and correct copy of Excerpts from June 3, 2016, Deposition of David Rodgers.

18. Attached hereto as Sealed Exhibit 16 is a true and correct copy of Excerpts from May 18, 2016, Deposition of Johanna Sjoberg.

19. Attached hereto as Sealed Exhibit 17 is a true and correct copy of Excerpts from May 20, 2016, Deposition of Sky Roberts.

20. Attached hereto as Sealed Composite Exhibit 18 are true and correct copies of Excerpts from September 8, 2009, Depositions of Juan Alessi (GIUFFRE000102-000103; GIUFFRE000105; GIUFFRE000241-000242).

21. Attached hereto as Sealed Exhibit 19 is a true and correct copy of Excerpts from February 16, 2010, Deposition of Janusz Banasiak (GIUFFRE004431-004432; GIUFFRE004437-004438; GIUFFRE004477).

22. Attached hereto as Sealed Exhibit 20 is a true and correct copy of Excerpts from October 20, 2009, Deposition of Louella Rabuyo (GIUFFRE004386).

23. Attached hereto as Sealed Composite Exhibit 21 is a true and correct copy of Excerpts from July 29, 2009 and August 7, 2009, Deposition of Alfredo Rodriguez (GIUFFRE000936-000937; GIUFFRE000942; GIUFFRE000953-000954; GIUFFRE000974; GIUFFRE000978; GIUFFRE000996; GIUFFRE000999-001000; GIUFFRE001003).

24. Attached hereto as Sealed Exhibit 22 is a true and correct copy of August 1, 2016, Defendant's Privilege Log.

25. Attached hereto as Sealed Exhibit 23 is a true and correct copy of September 15, 2016, Expert Report of Professor Terry Coonan.

26. Attached hereto as Sealed Exhibit 24 is a true and correct copy of September 15, 2016, Expert Report of Doctor Bernard Jansen.

27. Attached hereto as Sealed Exhibit 25 is a true and correct copy of November 28, 2016, Expert Report of Peter Kent

28. Attached hereto as Sealed Exhibit 26 is a true and correct copy of January 2, 2015, Email Correspondence (GM_00068).

29. Attached hereto as Sealed Exhibit 27 is a true and correct copy of Excerpts of Palm Beach School County Records (GM_00888-00898).

30. Attached hereto as Sealed Exhibit 28 is a true and correct copy of Excerpts of Message Pads (GIUFFRE001388; GIUFFRE001409; GIUFFRE001412-4213; GIUFFRE001417-18, GIUFFRE001421; GIUFFRE001423; GIUFFRE001426-1428; GIUFFRE001432-1433; GIUFFRE001435; GIUFFRE001446; GIUFFRE001448-1449; GIUFFRE001452-1454; GIUFFRE001456; GIUFFRE001462; GIUFFRE001474; GIUFFRE001563).

31. Attached here to as Sealed Exhibit 29 is a true and correct copy of Epstein's Black Book (GIUFFRE001573-GIUFFRE001669).

32. Attached hereto as Sealed Exhibit 30 is a true and correct copy of September 3, 2008, U.S. Attorney Victim Notification Letter (GIUFFRE002216-002218).

33. Attached hereto as Sealed Exhibit 31 is a true and correct copy of July 5, 2013, Federal Bureau of Investigation Interview (GIUFFRE001235-001246).

34. Attached hereto as Sealed Exhibit 32 is a true and correct copy of Handwritten Note from Defendant. (GIUFFRE003191-003192).

35. Attached hereto as Sealed Exhibit 33 is a true and correct copy of July 2001 New York Presbyterian Hospital Records (GIUFFRE003258-003290).

36. Attached hereto as Sealed Exhibit 34 is a true and correct copy of a February 17, 2011, Email Correspondence to Sharon Churcher (GIUFFRE003678).

37. Attached hereto as Sealed Exhibit 35 is a true and correct copy of February 13, 2011, Email Correspondence to Sharon Churcher (GIUFFRE003690).

38. Attached hereto as Sealed Exhibit 36 is a true and correct copy of February 25, 2011, Email Correspondence to Sharon Churcher (GIUFFRE003731).)

39. Attached hereto as Exhibit 37 is a true and correct copy of a Passport Application

(GIUFFRE004721).

40. Attached hereto as Sealed Exhibit 38 is a true and correct copy of Judith Lightfoot Psychological Records (GIUFFRE005431-005438).
41. Attached hereto as Sealed Exhibit 39 is a true and correct copy of July 25, 2006, Palm Beach Police Department Incident Report (GIUFFRE005614-005700).
42. Attached hereto as Sealed Exhibit 40 is a true and correct copy of an Amazon Receipt (GIUFFRE006581).
43. Attached hereto as Sealed Exhibit 41 is a true and correct copy of David Rodger's June 3, 2016, Deposition Exhibit 1, Flight Log, (GIUFFRE007055-007161).
44. Attached hereto as Sealed Exhibit 42 are true and correct copies of Photographs (GIUFFRE007162-7182).
45. Attached hereto as Sealed Exhibit 43 is a true and correct copy of Travel Documents to Thailand (GIUFFRE007411-GIUFFRE007432).
46. Attached hereto as Sealed Exhibit 44 is a true and correct copy of Walkthrough Video CD (GIUFFRE007584).
47. Attached hereto as Sealed Exhibit 45 is a true and correct copy of West Palm Beach Contact List (GIUFFRE007834-GIUFFRE007847).
48. Attached hereto as Sealed Exhibit 46 is a true and correct copy of October 23, 2016, Social Security Administration records (GIUFFRE009176-GIUFFRE009179).
49. Attached hereto as Sealed Exhibit 47 is a true and correct copy of November 7, 2016, Employment Records from Courtyard Animal Hospital (GIUFFRE009203).
50. Attached hereto as Sealed Exhibit 48 is a true and correct copy of January 2, 2015, Email Correspondence (RG (UK) _000009).
51. Attached hereto as Sealed Exhibit 49 are true and correct copies of Termination

Documents (MAR-A-LAGO 0173 & MAR-A-LAGO 0176).

52. Attached hereto as Sealed Exhibit 50 is a true and correct copy of January 2, 2015, Joinder Motion (GIUFFRE000319-000333).

53. Attached hereto as Sealed Exhibit 51 is a true and correect copy of Virginia Roberts Driver License (GIUFFRE009209).

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

/s/ Sigrid McCawley
Sigrid McCawley, Esq.

Dated: January 31, 2017.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of January, 2017, 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 McCawley

Sigrid McCawley

EXHIBIT 1

(Filed Under Seal)

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x
VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x
June 1, 2016

9:12 a.m.

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

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

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1 JOHN ALESSI

2 Q. You're ready to start, correct?

3 A. Yes.

4 Q. Can you tell us your current address?

5 A. [REDACTED] Boynton Beach,
6 Florida 33472.

7 Q. And your date of birth?

8 A. [REDACTED].

9 Q. And was there a time when you worked for a
10 man named Jeffrey Epstein?

11 A. Yes.

12 Q. And can you tell us when you began working
13 for Mr. Epstein?

14 A. I began working for Mr. Epstein part-time.
15 I cannot exactly tell you the date, but it was
16 1990/'91, probably. I worked a total of 13 years
17 for him.

18 Q. Okay. So you began in 1990 part-time,
19 correct?

20 A. Right.

21 Q. And you stopped working for him when?

22 A. I stopped working for him on
23 December 31st, 2001. I was out -- yes, 2001.

24 Q. Okay.

25 A. The end of 2001. I left the last day of

1 JOHN ALESSI

2 the year.

3 Q. Okay. I know that it's been a long time.

4 A. It's been a long time.

5 Q. I know. So I'm going to ask that you
6 refer to the statement that you provided to the
7 police November 21st, 2005, and please go to page 5.
8 I just want you to start reading at line 2 and 3,
9 and tell me if that refreshes your recollection as
10 to your time or duration of employment.

A. You're right. It was 2002, then. 2002.

12 Q. So sometime in 1990, you were a part-time
13 employee?

14 A. Uh-huh.

15 Q. And you worked until December 31st, 2002;
16 is that right?

17 A. Yes.

18 Q. Okay. And is it also correct that you
19 began full-time employment with Mr. Epstein on
20 January 1st, 1991, as stated in that report?

21 A. Yes.

22 Q. Prior to 1990, who did you work for?

23 A. Prior to 1990, I had a company, a
24 maintenance company, myself, my own company, Alessi
25 Maintenance. And before that, I worked for another

Page 11

1 JOHN ALESSI

2 family, the Radi family in Palm Beach.

3 Q. Did you ever work for a man named Les
4 Wexner?

5 A. I did some work for him in his mother's
6 house.

7 Q. Where was that?

8 A. Palm Beach. What year? Before -- before
9 I came to work for Jeffrey.

10 Q. Is that who recommended that you work for
11 Jeffrey Epstein?

12 A. I guess so.

13 Q. Okay. When you started with Jeffrey
14 Epstein, what were your job duties?

15 A. I was doing maintenance. I was doing
16 building and rebuilding and maintenance work
17 basically. Because he just bought the house at that
18 time. And because of Mr. Wechsler knowing me, they
19 recommend me to go to the house and take a look at
20 the house. And we start tearing the house down,
21 basically, at the beginning of my job.

22 Q. Did you assist in the teardown?

23 A. Yes.

24 Q. Okay. So your job duties then was that of
25 a maintenance?

Page 12

1 JOHN ALESSI

2 A. Maintenance, building.

3 Q. Got it.

4 And did you meet Mr. Epstein when you
5 were -- in 1990?

6 A. Yes, I met him.

7 Q. Okay. And in 1991, who made the decision
8 for you to become a full-time employee?

9 A. Jeffrey.

10 Q. And as a full-time employee initially,
11 what was your job?

12 A. I was basically maintenance, the same
13 thing as I was doing with -- I was exclusively
14 working for him. I was full-time working for him as
15 maintenance, because the house was still on
16 renovation, and he wanted me there.

17 Q. Okay. And how was your relationship with
18 Mr. Epstein back then, 1991?

19 A. Great. No problem.

20 Q. It was good?

21 A. It was good.

22 Q. Did he have a girlfriend back then, in
23 1991?

24 MR. PAGLIUSCA: Object to the form and
25 foundation.

Page 13

1 JOHN ALESSI

2 You can answer the question.

3 Occasionally, I'll need to object for the
4 record in case we need to have a discussion
5 about this with the judge. And so that's just
6 me preserving those objections.

7 THE WITNESS: Yes, he had a girlfriend.

8 Her name was Dr. Andersson, Eva Andersson. And
9 she was there just for a few months after I
10 came to the house.

11 BY MR. EDWARDS:

12 Q. And how was your relationship with
13 Dr. Andersson?

14 A. Fine.

15 Q. Okay. And at the time when Mr. Epstein
16 was -- at the time when Dr. Andersson was Jeffrey
17 Epstein's girlfriend, did you see any other female
18 companions around the house?

19 A. Eventually -- they have a lot of guests,
20 too. They did have guests coming in. But I can't
21 remember exactly who. It's a socialite. So they
22 have friends.

23 Q. At the time when Dr. Andersson was
24 Mr. Epstein's girlfriend, was Mr. Epstein getting
25 massages?

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1 JOHN ALESSI

2 MR. PAGLIUSCA: Object to the form and
3 foundation.

4 THE WITNESS: I think so. I was not
5 involved in the house, inside of the house that
6 much. But they always got massages. Always.

7 BY MR. EDWARDS:

8 Q. Okay. I'm talking about the time period
9 when Dr. Andersson was there.

10 A. Yes, they got massages.

11 Q. Okay. So do you remember other female
12 visitors when Dr. Andersson was Mr. Epstein's
13 girlfriend?

14 A. I don't remember. I remember people being
15 there, visitors, but I cannot remember that far.

16 Q. Okay. After -- did there come a point in
17 time when Dr. Andersson was no longer Mr. Epstein's
18 girlfriend?

19 A. Right.

20 Q. Yes?

21 A. Yes.

22 Q. And did he -- did he have a new
23 girlfriend?

24 MR. PAGLIUSCA: Object to form and
25 foundation.

Page 23

1 JOHN ALESSI

2 Q. All right.

3 Who was in charge of the Palm Beach house?

4 A. I was.

5 Q. All right.

6 Who was your direct supervisor?

7 A. Mr. Epstein. He would deal with me
8 directly, or if he was not available, Ms. Maxwell.

9 Q. Okay. I want you to go to Exhibit 3 and
10 page -- page 179, line 8.

11 A. Line 8, "QUESTION: And then Maxwell came
12 and she took over you as your immediate supervisor?

13 Yes. That's correct. Yes. She became
14 the supervisor not only for this house, but for all
15 the homes.

16 Q. Okay. So your immediate supervisor was
17 Ms. Maxwell?

18 A. Ms. Maxwell. But if Mr. Epstein was at
19 the house, I would never go to Ms. Maxwell; I would
20 go to him directly, or he would come to me.

21 Q. Okay. At some point in time towards the
22 end of your tenure, did you come to resent
23 Ms. Maxwell?

24 MR. PAGLIUSCA: Object to the form and
25 foundation.

Page 28

1 JOHN ALESSI

2 Q. And where did the massage therapists --
3 where did they come from?

4 A. Most, they came from Palm Beach. Palm
5 Beach County.

6 Q. And over the course of that 10-year period
7 of time while Ms. Maxwell was at the house, do you
8 have an approximation as to the number of different
9 females -- females that you were told were massage
10 therapists that came to the house?

11 MR. PAGLIUSCA: Object to form and
12 foundation.

13 THE WITNESS: I cannot give you a number,
14 but I would say probably over 100 in my stay
15 there.

16 BY MR. EDWARDS:

17 Q. And many of the times would the females
18 come only one time and not return?

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

21 BY MR. EDWARDS:

22 Q. Let me ask that a different way.

23 Were there times when some of these
24 females that would come to the house, and you were
25 told that they were massage therapists, would come

Page 30

1 JOHN ALESSI

2 BY MR. EDWARDS:

3 Q. Okay. And who would find the massage
4 therapist to bring to the house?

5 A. They would call me in my office, and they
6 would say, Get me a massage at 10:00 with this
7 person.

8 I have a list of the massage therapists, a
9 Rolodex, or a card, and I would call them for the
10 specific time they want a massage. And I would do
11 that.

12 Q. I don't think I asked the right -- the
13 question that I was looking to ask, so let me go
14 back.

15 Did you go out looking for the girls --

16 A. No.

17 Q. -- to bring --

18 A. Never.

19 Q. -- as the massage therapists?

20 A. Never.

21 Q. Who did?

22 A. Ms. Maxwell, Mr. Epstein and their
23 friends, because their friends relayed to other
24 friends they knew a massage therapist and they would
25 send to the house. So it was referrals.

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1 JOHN ALESSI

2 foundation. Hold on. That misstates what is
3 happening in this deposition, because the word
4 "recruit" was introduced by the lawyers in this
5 deposition. So I object to your
6 characterization of the testimony.

7 BY MR. EDWARDS:

8 Q. I'll read for you the question and the
9 answer.

10 The question was: "QUESTION: When did
11 that role get transferred from you to Ms. Maxwell,
12 the role of looking after girls or calling the
13 girls?

14 "ANSWER: I didn't look after -- out for
15 girls. Ms. Maxwell was the one that recruit. I
16 remember one occasion or two occasions she would say
17 to me, John, give me a list of all the spas in Palm
18 Beach County, and I will drive her from one to the
19 other to PGA in Boca; and she would go in and drop
20 credit cards -- not credit cards but business cards,
21 and she would come out. And then we'd go to -- she
22 will recruit the girls. Was never, never done by me
23 or Mr. Epstein or anyone else that I know of."

24 Is that truthful testimony?

25 A. It is truthful; however, I think

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1 JOHN ALESSI

2 "recruiting," for myself, for my point of view, is
3 hiring immediately and recruit the person.

4 I think she was looking for massage
5 therapists. She was looking for the best kind. She
6 went -- and you're right, I went one time with her,
7 or twice maybe, to different spas and different
8 clubs, great clubs, I mean, in Boca, in Fort
9 Lauderdale, in -- in Palm Beach. She was looking
10 for the best massage therapists available.

11 How she find these girls, I don't know. I
12 just drove there. I just was the driver. I never
13 was involved with any of the offerings or
14 negotiations or meeting these girls. Never.

15 Q. Okay. Ms. Maxwell was the one that would
16 meet the girls?

17 A. Yeah.

18 Q. Okay. Did you ever check any of the IDs
19 for any of these girls?

20 A. I was not -- that was not in my everyday
21 things to do. It was not.

22 Q. That was just not part of your job?

23 A. That was not my job.

24 Q. Did Ms. Maxwell take photographs while she
25 was at the Palm Beach house?

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1 JOHN ALESSI

2 MR. PAGLIUSCA: Object to form and
3 foundation.

4 THE WITNESS: Himself. Himself.

5 BY MR. EDWARDS:

6 Q. And you do not know the ages of the
7 various massagists, right?

8 A. No.

9 Q. Did you have occasion to clean up after
10 the massages?

11 A. Yes.

12 Q. Okay. And that is after both a massage
13 for Jeffrey Epstein, as well as clean up after a
14 massage that Ghislaine Maxwell may have received?

15 A. Yes.

16 Q. And on occasion, after -- in cleaning up
17 after a massage of Jeffrey Epstein or Ghislaine
18 Maxwell, did you have occasion to find vibrators or
19 sex toys that would be left out?

20 MR. PAGLIUSCA: Object to form and
21 foundation.

22 THE WITNESS: Yes, I did.

23 BY MR. EDWARDS:

24 Q. Can you describe the types of vibrators or
25 sex toys that you found left out after a massage

1 JOHN ALESSI

2 that Jeffrey Epstein had just received or Ghislaine
3 Maxwell had just received?

4 MR. PAGLIUSCA: Object to form and
5 foundation.

6 THE WITNESS: It was probably two to three
7 times, I would say. It was not all the time.
8 I would find things like a dildo, it's called a
9 double. I hate to say it because these ladies.
10 But I find these things, put my gloves on, took
11 it out and rinse it, and put it in
12 Ms. Maxwell's closet.

13 BY MR. EDWARDS:

14 Q. Why would you put the dildo or sex toy in
15 Ms. Maxwell's closet?

16 A. Because I knew that's where they were
17 kept.

18 Q. How did you know that the sex toys were
19 kept in Ms. Maxwell's closet?

20 A. Because I know where everything was in
21 that house. Every single room, every single thing,
22 it was a place, it was placed by me, by the cleaning
23 lady or my wife. Every -- everything that happened
24 in that house, I knew it.

25 Q. Who showed you where the dildo or sex toys

1 JOHN ALESSI

2 were kept in the house the first time?

3 MR. PAGLIUSCA: Object to form and
4 foundation.

5 THE WITNESS: Nobody. Nobody show me.

6 BY MR. EDWARDS:

7 Q. You just saw it?

8 A. I saw it.

9 Q. So you knew where to put it back?

10 A. Yeah. We had to open the closet, clean
11 the closet, put the clothes in place, put the shoes
12 in place, put everything in place. So it was a
13 matter of tidying things up.

14 Q. Did you ever find any costumes?

15 A. I saw one shiny black costume, but I
16 didn't even know --

17 Q. Where did you see it?

18 A. The same place.

19 Q. In Ms. Maxwell's closet?

20 A. Yes.

21 Q. And where was Ms. Maxwell's closet in the
22 house?

23 A. In the house? It was in the opposite side
24 of his bathroom. It was her bathroom in the master
25 bedroom. It was in the middle. So it was on the

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1 JOHN ALESSI

2 BY MR. EDWARDS:

3 Q. That demonstrates that she was, I believe,
4 terminated from her employment in 2000.

5 My question to you is: Do you remember
6 what time of year or what month it would have been,
7 whether spring, summer, fall, winter; January,
8 February, December?

9 A. Of what year?

10 Q. Of 2000, that you would have gone to the
11 Mar-a-Lago?

12 A. It wasn't 2000.

13 MR. PAGLIUSCA: Object to form and
14 foundation.

15 BY MR. EDWARDS:

16 Q. Okay. Do you think it was a different
17 year that you went to Mar-a-Lago?

18 A. Yes.

19 Q. Okay. What year do you believe that you
20 went to the Mar-a-Lago to pick Virginia up?

21 A. I think it was 2000 and -- I think it was
22 the summer of 2002.

23 Q. Okay.

24 A. Summer, because I remember that day that I
25 was sweating like hell in the -- in the car, waiting

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1 JOHN ALESSI

2 for Ms. Maxwell to come out of the massage.

3 Q. Okay. So what month of the summer do you
4 remember it being?

5 A. I think in June, July, maybe, 2001.

6 Q. 2000 and what?

7 A. 2001.

8 Q. June, July, 2001, that's when you believe
9 that it was?

10 A. Yes.

11 Q. Okay. And do you remember the month --

12 A. No, sorry. Sorry. Not 2001. We left in
13 December 31st. It was 2000 -- the last year that I
14 was working for Jeffrey, when I met Virginia.

15 Q. Your recollection, as you sit here
16 today --

17 A. It was 2002.

18 Q. -- is that it was June or July of 2002 --

19 A. 2002.

20 Q. -- when you met Virginia Roberts at the
21 Mar-a-Lago?

22 A. My recollection.

23 Q. Okay. And other than the fact that you
24 were sweating, what else tells you what month that
25 it was that you remember meeting her at the

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1 JOHN ALESSI

2 Mar-a-Lago?

3 A. It was -- I know it was summer of 2002,
4 and she spoke to -- far away. I wasn't -- I was in
5 the driveway, and she was far away talking to
6 Virginia. She spoke to her maybe five minutes.

7 Q. Okay.

8 A. And she came to the car, and we went home.
9 In the afternoon, about 4:00 or 5:00 in the
10 afternoon, the same day, Virginia came to the house.

11 Q. Who brought her to the house?

12 A. I don't know. She came to the back door,
13 I remember. And she was dressed differently. She
14 came to the house.

15 Q. When you first arrived to the Mar-a-Lago
16 with -- are you driving the car and Ms. Maxwell is
17 in the passenger seat?

18 A. Yes.

19 Q. And could you see Virginia Roberts from
20 the car?

21 A. Yes.

22 Q. Where was she sitting or standing? How
23 far away from the car?

24 A. She was standing right in front of the
25 driveway. This is the Mar-a-Lago, the house, and

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1 JOHN ALESSI

2 here is the spa, and the driveway that's here. I
3 was parked this way, and I would see her with
4 Ms. Maxwell, talking.

5 Q. Did you --

6 A. I could not hear what they were saying,
7 but I did see it.

8 Q. Did you park the car or did you stop right
9 there and --

10 A. I parked the car because we are not
11 allowed to go into Mar-a-Lago.

12 Q. Okay. Let me finish my question.

13 Did you park the car in a parking space in
14 the parking lot or did you just stop on the side of
15 the road and Ms. Maxwell got out?

16 A. Mar-a-Lago has a -- has a long wide
17 driveway, and on the right of the driveway is -- is
18 the parking spots like this or something. And I
19 parked in one of those spaces. And waiting for her,
20 I think it was over an hour that I wait for her.

21 Q. Okay. So did you watch her first talk
22 to --

23 A. No. At the end. Right at the end,
24 before -- when she was leaving.

25 Q. So Ms. Maxwell gets out of the car. And

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1 JOHN ALESSI

2 when you're pulling up to the Mar-a-Lago, could you
3 see Virginia Roberts then?

4 A. No. No.

5 Q. So after you wait an hour, Ms. Maxwell is
6 coming out?

7 A. And then she saw Virginia and she
8 stopped -- she went to her, she talked to her, she
9 came back to the car.

10 Q. And prior to that day, you had never seen
11 Virginia at the house?

12 A. Never. Never.

13 Q. Okay. Did Ms. Maxwell tell you that
14 Virginia's father worked at the Mar-a-Lago?

15 A. I don't think so. I think it was -- I
16 think we find out later, after the -- she says, My
17 father works -- I think it was from Virginia, that
18 she says her father works at Mar-a-Lago.

19 It is information from her. I don't think
20 it was Ms. Maxwell that told me anything. She don't
21 have to -- she don't have to talk to me. I mean,
22 Ms. Maxwell will not go and talk to me about this --
23 these people's family. I don't know. She never
24 did.

25 Q. Okay. I only have to go by what I have.

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1 JOHN ALESSI

2 I don't remember that day, how she got
3 home. I don't know. I can't remember.

4 Q. After that day, do you recall that she
5 started coming to the house more frequently?

6 A. Yes, she did.

7 Q. In fact, did she start coming to the house
8 approximately three times a week?

9 A. Yes, probably.

10 Q. And at times, would you go pick her up?

11 A. Yes. This happened maybe twice, three
12 times.

13 Q. And at times, would you take her home?

14 A. Yes.

15 Q. And did there come a point in time where
16 Virginia starting bringing other girls with her?

17 MR. PAGLIUSCA: Object to form and
18 foundation.

19 THE WITNESS: That was maybe two weeks
20 before we left. I saw her bringing some
21 friends with her to the house. And I cannot
22 remember how many times, but I was at the end
23 of our stay.

24 BY MR. EDWARDS:

25 Q. At the end of her [sic] stay, you saw when

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1 JOHN ALESSI

2 she would come over to the house, she would bring
3 certain friends who were girls --

4 MR. PAGLIUSCA: Object to form and
5 foundation.

6 BY MR. EDWARDS:

7 Q. -- to the house, right?

8 A. Yes, females, yes.

9 Q. Do you know how long Virginia had been
10 coming over to the house before she started
11 traveling on an airplane with Ghislaine and Jeffrey?

12 MR. PAGLIUSCA: Object to foundation.

13 THE WITNESS: Not too long. I don't think
14 it was too long after that.

15 BY MR. EDWARDS:

16 Q. Would you drive her to the airport with
17 them?

18 A. Occasionally, I think so, yes. I would
19 drive everybody to the airport. My wife would drive
20 the chefs, the service people, the luggage to Jet
21 Aviation.

22 Q. Is that where Mr. Epstein kept his plane,
23 Jet Aviation?

24 A. Yes.

25 Q. At some point did Ghislaine Maxwell become

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1 JOHN ALESSI

2 MR. PAGLIUSCA: Seven.

3 MR. EDWARDS: Seven?

4 (The referred-to document was marked by
5 the court reporter for Identification as
6 Deposition Exhibit 7.)

7 MR. EDWARDS: I apologize, Jeff. I just
8 can't find a copy right now.

9 MR. PAGLIUSCA: I have it.

10 MR. EDWARDS: Okay.

11 BY MR. EDWARDS:

12 Q. So this is a composite exhibit. It is
13 four pages. The first one that you're looking at
14 should be -- do you have SAO 01456?

15 MR. PAGLIUSCA: Yes.

16 MR. EDWARDS: Okay.

17 BY MR. EDWARDS:

18 Q. Does the format of this look familiar to
19 you?

20 A. Yes. It looks like the books that we used
21 to have that has -- the message books.

22 Q. How would that work? How would that
23 process work?

24 A. Somebody called, you write it down, and
25 you take the -- you leave the copy in the -- in the

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1 JOHN ALESSI

2 many things?

3 A. Yes, she did.

4 Q. Interesting buildings?

5 A. No. She -- she liked -- she had a dog,
6 and she took a lot of photographs of her dog. And
7 us. And she took photographs of the cars and the
8 house. Everything inside. She had an album full of
9 photographs of people, young girls, girls. And I
10 remember that she had. Like a hobby.

11 Q. Right.

12 You never saw any pictures that were very
13 upsetting to you, though, correct?

14 A. No. No.

15 Q. Okay. And the pictures that you saw were
16 sort of -- would you describe them as being artistic
17 kind of pictures?

18 MR. EDWARDS: Objection, counsel
19 testifying.

20 THE WITNESS: I think so. I don't think
21 they were pornographic. I don't think it was
22 any vaginal or things, you know, female parts
23 showing. It was some girls were topless,
24 taking the sun. It was a beautiful house, it
25 was a beautiful setting, so she took a lot of

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1 JOHN ALESSI
2 CERTIFICATE OF OATH
3 STATE OF FLORIDA)
4 COUNTY OF MIAMI-DADE)
5

I, the undersigned authority, certify
that JOHN ALESSI personally appeared before me
and was duly sworn.

7 WITNESS my hand and official seal
this 1st day of June, 2016.

8
9

Kelli Ann Willis, RPR, CRR
Notary Public, State of Florida
Commission FF928291, Expires 2-16-20

13 STATE OF FLORIDA)
14 COUNTY OF MIAMI-DADE)

15 I, Kelli Ann Willis, Registered
Professional Reporter and Certified Realtime
16 Reporter do hereby certify that I was
authorized to and did stenographically report the
17 foregoing deposition of JOHN ALESSI; that a review
of the transcript was not requested; and that the
18 transcript is a true record of my stenographic
notes.

19 I FURTHER CERTIFY that I am not a
relative, employee, attorney, or counsel of any
20 of the parties, nor am I a relative or employee of
any of the parties' attorney or counsel connected
21 with the action, nor am I financially interested
in the action.

22 Dated this 1st day of June, 2016.

23
24
25

KELLI ANN WILLETS, RPR, CRR

EXHIBIT 2

(Filed Under Seal)

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 15-cv-07433-RWS

VIRGINIA GIUFFRE,

Plaintiff,

vs.

GHISLAINE MAXWELL

Defendant.

1 A Yes.

2 Q Was it is a franchise, if you know?

3 A I know when I first started there, they were
4 corporate, but then they were a franchise. They were
5 bought out. But I'm not sure if when I got there they
6 were a franchise or not.

7 Q Got it.

8 Do you know if Ms. Roberts had any previous
9 employment before she worked at Taco Bell?

10 A I think by the apartment, she worked for KFC for
11 a little while.

12 MS. MENNINGER: Are you looking at Ms.
13 Roberts?

14 THE WITNESS: I'm thinking. I can't
15 remember. I remember something with KFC. They
16 had one really close to us. I think she worked
17 there for a tiny, tiny bit. I'm not sure.

18 MS. MENNINGER: Okay.

19 BY MS. MENNINGER:

20 Q Before the Taco Bell?

21 A Or she could've applied there. It's just in my
22 head. She might have just applied there, and didn't get
23 it, and that's why I brought her to Taco Bell.

24 Q Okay.

25 A Because we were both the night managers.

1 A No.

2 Q Do you know about what years this was?

3 A Not really.

4 Q Do you know about how old you were?

5 A When, what?

6 Q I'm just focused on the period of time in which
7 you were living at her parent's house in the trailer.

8 A I was probably 18 when we moved in there.

9 Q And you said you were only there for a couple of
10 months?

11 A Not that I remember. Like, it might have been a
12 little longer. I'm not sure.

13 Q Were you engaged to Ms. Roberts?

14 A Yes.

15 Q When did you become engaged to her?

16 A When we were living in Oakland Park.

17 Q Tell me about the engagement. How did it come
18 about?

19 A Well, we fell in love, and -- I believe it was
20 Valentine's Day when I proposed.

21 Q Did you have a ring?

22 A Yes.

23 Q Did she accept?

24 A Yes.

25 Q How long were you engaged?

1 A Yes -- well, for a while. I mean, I know at the
2 end, I wasn't working anywhere.

3 Q Why weren't you working?

4 A I don't remember the exact reason.

5 Q Had you quit?

6 A I believe so. I know the pet store let me go
7 for walking on to the other side talking to somebody. But
8 I don't remember why I left Dunkin' Donuts.

9 Q Do you believe that you were fired from Dunkin'
10 Donuts?

11 A No. That pet store was the only time anybody
12 ever fired me.

13 Q That will stick in your brain.

14 A Yeah.

15 Q At the time that you left the pet store, was
16 Ms. Roberts still working there?

17 A Yes.

18 Q And how long do you recall her working there?

19 A Not long.

20 Q I hate to do this to you, but what does "not
21 long" mean to you, weeks, months, days?

22 A Over a month. That's really all I can say.
23 Maybe over a month before she went to work at the
24 Mar-a-Lago or Donald Trump's country club.

25 Q Did she leave the pet store to go work at
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1 BY MS. MENNINGER:

2 Q Did you know her friend by the name of Tony
3 Figueroa?

4 A Somewhat.

5 Q Tell me what you remember about Tony Figueroa.

6 A Other than him being an idiot, not much.

7 Q Did you have any interactions with Mr. Figueroa?

8 A Very little.

9 Q When do you recall seeing him, like, in what
10 city, I mean?

11 A Up in West Palm Beach.

12 Q Did he come over to your apartment?

13 A I believe so.

14 Q Did you believe them to be having a
15 relationship?

16 A At the very end when I left, yes.

17 Q Was that one of the reasons for your leaving?

18 A One of them.

19 Q What were the others?

20 A Well, after I found out about that, that's when
21 I heard about all the other stuff that was happening.

22 Q What did you hear about all the other stuff?

23 A Well, I mean, after she went to work for
24 Mar-a-Lago then she was, I guess, recruited to go work for
25 Jeff something. I don't remember his last name.

1 Q Is that what she told you "she was recruited"?

2 A Yeah. Well, she didn't use those words. But I
3 don't know why else anybody would take -- like, they hired
4 her over there as a massage therapist, but she didn't have
5 any experience.

6 Q At Mar-a-Lago --

7 A At Mar-a-Lago, yes. Then all of a sudden one
8 day, she was working for Jeff, whatever his name was.

9 Q Let me just take a step back. You found out
10 towards the end of your relationship with Ms. Roberts that
11 she was then having a relationship with Mr. Figueroa. Is
12 that right?

13 A I don't know if it was a relationship. But,
14 yes.

15 Q Enough to cause you to think you didn't want to
16 be engaged anymore?

17 A Yes.

18 Q Did you and Ms. Roberts have a fight at that
19 time?

20 A Yes.

21 Q What do you remember about the fight? What do
22 you recall?

23 A I don't recall. I remember us having a fight
24 and then leaving not too long afterwards.

25 Q You referred to finding out all this other stuff
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P.O. Box 157, Ocala, Florida
352.624.2258 * owenassocs@aol.com

1 Q When you got the apartment in Oakland Park, you
2 got it with Virginia?

3 A Well, yeah. She was living with us -- and
4 Mario.

5 MS. MENNINGER: All right. I think that's
6 all I have.

7 MR. EDWARDS: Okay.

8 THE VIDEOGRAPHER: We're going off the
9 record. This concludes disc one, volume one of
10 the video-deposition of James Michael Austrich.
11 We're going off the record. The time is
12 approximately 11:20 a.m.

13 (Break taken.)

14 THE VIDEOGRAPHER: We're back on the record
15 with disc two, volume one, of the video-
16 deposition of James Michael Austrich. And the
17 time is approximately 11:23 a.m. Thank you.

18 CROSS-EXAMINATION

19 BY MR. EDWARDS:

20 Q Mr. Austrich, as you know, my name is Brad
21 Edwards, and I represent Virginia.

22 A Yes.

23 Q I'm going to ask you some follow-up questions to
24 the questions that you were asked previously.

25 All right?

1 how long we lived there.

2 Q Okay. At some point in time, though, while
3 you're living on her parent's property, it becomes 1999?

4 A Yeah, I believe.

5 Q Okay. And so when you started living at her
6 parent's property, you're 18, she's 15, but at some point
7 in time you turn 19 and she turned 16?

8 A Yes.

9 Q Okay. And at some other point in time, she
10 leaves the job at the pet store?

11 A Pet store, yeah.

12 Q And goes to work at the Mar-a-Lago?

13 A Yes. At Donald Trump's country club, yeah.

14 Q Okay. Donald Trump's country club is called the
15 Mar-a-Lago?

16 MS. MENNINGER: Objection.

17 THE WITNESS: Yeah, that's what I always
18 remember it as. Yes.

19 BY MR. EDWARDS:

20 Q Is that right?

21 MS. MENNINGER: Objection, leading. I do get
22 a chance to object. Leading.

23 BY MR. EDWARDS:

24 Q When you used the term "Mar-a-Lago" and used the
25 term "Donald Trump's country club," are we talking about

1 A But if she had to get clean for her job, she
2 would have gotten clean for the job.

3 Q Okay. Do you remember her being hired as a
4 bathroom attendant there, a locker room attendant?

5 A Now that you're saying that, some kind of
6 attendant sounds familiar. But I don't really remember.
7 All I remember is for the massage. As a -- I don't
8 remember exactly what she got hired for at Donald Trump's
9 place. But I just remember the masseuse thing.

10 But as you're saying "the attendant," the
11 attendant sounds familiar because I doubt her father would
12 hire her as a massage therapist without knowing anything.

13 Q So you had known her for some period of time
14 before she gets this job at the Mar-a-Lago, right?

15 A Right.

16 Q Did she have any massage therapy training
17 whatsoever?

18 A No.

19 Q Ever given a massage to anyone?

20 A Not that I remember.

21 Q Ever given a massage to you?

22 A Not until she was already doing the massage
23 stuff. But, no, I don't remember any kind of massage
24 training or even like an inkling for it.

25 Q Okay. Then when she goes to work for
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1 Mar-a-Lago, you don't remember, I think is the words you
2 used, whether she worked there for weeks or months?

3 A Yes.

4 Q You don't remember?

5 A No, not at all.

6 Q And at the time when she gets the job at the
7 Mar-a-Lago, do you remember where you were working, if
8 anywhere?

9 A No. I mean, I think at that time, I was working
10 at one of the places. But I don't really remember where.

11 Q And then, and I believe that you used this word,
12 correct me if I'm wrong, she's recruited to work for Jeff?

13 A Yes.

14 Q And do you remember her telling you that it was
15 an assistant or somebody associated with Jeff that
16 recruited her to work with Jeff?

17 MS. MENNINGER: Objection, leading.

18 THE WITNESS: I don't remember.

19 MS. MENNINGER: Misstates the testimony.

20 THE WITNESS: Sorry. I don't remember. All
21 I remember was that somebody got her from there to
22 Jeff.

23 MR. EDWARDS: Got it.

24 BY MR. EDWARDS:

25

1 Q Then there's months; November, December.

2 A So this is the year 2000, and these are the
3 months?

4 MS. MENNINGER: Objection to this entire line
5 of questioning. The witness has no foundation for
6 talking about this particular document.

7 BY MR. EDWARDS:

8 Q Okay. So do you know how long that -- as you
9 sit here today, do you remember how long Virginia had been
10 going over to Jeff's house before she started traveling on
11 an airplane with him?

12 MS. MENNINGER: Objection, foundation.

13 THE WITNESS: No.

14 BY MR. EDWARDS:

15 Q It could be months, it could be a year?

16 MS. MENNINGER: Objection, foundation.

17 THE WITNESS: I don't think it -- I don't
18 think she was there for very long without doing
19 traveling.

20 BY MR. EDWARDS:

21 Q But in your mind, you can't tell me how long
22 "very long" is?

23 A No, I mean, I don't.

24 Q Okay. And is there anything that would tell you
25 the year or the month in which you remember Virginia first

1 going over to Jeff's house?

2 A Not really.

3 Q There's nothing I could really show you in this
4 world that would remind you right now?

5 A No.

6 Q Okay. Before going over to work with Jeff, did
7 Virginia have any massage experience?

8 A No.

9 Q When -- I think you said with respect to
10 "bringing other girls, that sounds familiar," what other
11 girls do you remember her bringing? Do you remember their
12 names?

13 A I don't remember names.

14 MS. MENNINGER: Objection, foundation.

15 BY MR. EDWARDS:

16 Q Did you ever drive any of the other girls over
17 to Jeff's house?

18 A I don't think so.

19 Q Okay. How many times did you to to Jeff's
20 house?

21 A A few times. Like, I think I went -- I think I
22 dropped her off and somebody always brought her back. I
23 don't really remember picking her up too much.

24 Q Okay. And in the beginning, she was telling you
25 that she was performing massages?

1 A Yeah, something like that.

2 Q Do you know what time of year?

3 A No.

4 Q Do you know whether the spa at Mar-a-Lago closes
5 during the summers?

6 MR. EDWARDS: Form.

7 THE WITNESS: No, I have no idea.

8 BY MS. MENNINGER:

9 Q You don't know how she got the job with Jeff?

10 A No. I know somebody -- somebody -- like,
11 that's why I said "recruited" -- that's the only word I
12 can think of -- that worked for Jeff.

13 Q Why do you use the word "recruited"?

14 A Because that's the only word -- I don't know,
15 football or everything. That's the only word I can think
16 of, you recruit somebody.

17 Q Hired her?

18 A Yeah, I guess. It was -- it was just a very
19 fast thing.

20 Q You don't know who that person was?

21 A No.

22 Q You don't know what she said to that person?

23 A No.

24 Q You don't know what that person said to her?

25 A Nope.

1 Q Do you remember her coming home and saying "I
2 got a job with Jeff"?

3 A I remember she said she got a job with Jeff.

4 Q Did she tell about that job?

5 A I think it was -- I think at the time it was for
6 massage therapy, like, she was going to be a masseuse.

7 Q And she was excited about it?

8 A Yeah.

9 Q She wasn't sad about it?

10 A Not that I remember. But I really don't
11 remember much from back then.

12 Q She wasn't crying when she came home and said "I
13 just got a job with Jeff," right?

14 A No.

15 Q You're guessing that you -- she got the job with
16 Jeff before you moved into the Bent Oak apartment, but you
17 don't know. Correct?

18 MR. EDWARDS: Form

19 THE WITNESS: Yes. But I would think we
20 would have had to have had the money by then. So
21 that was the only time she was making real good
22 money.

23 BY MS. MENNINGER:

24 Q And do you know how much that apartment cost?

25 A I know it was expensive.

1 C E R T I F I C A T E

2 STATE OF FLORIDA

3 COUNTY OF MARION

4 I, Karla Layfield, RMR, Stenographic Court
5 Reporter, do hereby certify that I was authorized to and
6 did stenographically report the foregoing deposition of
7 James Michael Austrich; that said witness was duly sworn
8 to testify truthfully; and that the foregoing pages,
9 numbered 1 through 145, inclusive, constitute a true and
10 correct record of the testimony given by said witness to
11 the best of my ability.

12 I FURTHER CERTIFY that I am not a relative or
13 employee or attorney or counsel of any of the parties
14 hereto, nor a relative or employee of such attorney or
15 counsel, nor am I financially interested in the action.

16 WITNESS MY HAND this ____ day of June, 2016, at
17 Ocala, Marion County, Florida.

18
19 _____
20 Karla Layfield, RMR
Stenographic Court Reporter
21
22
23
24
25

EXHIBIT 3

(Filed Under Seal)

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

VIRGINIA L. GIUFFRE,
Plaintiff,
-against-
GHISLAINE MAXWELL,
Defendant.

/

250 N. Australian Avenue,
Suite 1400
West Palm Beach, Florida 33401
Friday, September 9, 2016
8:35 a.m. - 2:08 p.m.

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

VIDEOTAPED DEPOSITION OF JEFFREY EPSTEIN

Taken before Darline M. West,
Registered Professional Reporter, Notary Public
in and for the State of Florida At Large,
pursuant to Notice of Taking Deposition filed
by the Plaintiff in the above cause.

MAGNA LEGAL SERVICES
1200 Avenue of the Americas
New York, New York 10026

(866) 624-6221

Page 74

1 J. Epstein - Confidential

2 BY MR. CASSELL:

3 Q. Isn't it true that Maxwell led Virginia up
4 to your Palm Beach mansion massage room the first
5 time you met her?

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

8 THE WITNESS: Fifth.

9 BY MR. CASSELL:

10 Q. You saw Maxwell bringing Virginia up to
11 your room, true, sir?

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

14 THE WITNESS: Fifth.

15 BY MR. CASSELL:

16 Q. Isn't it true that it was standard
17 operating procedure for Maxwell to bring underage
18 girls up to your room?

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

21 THE WITNESS: Fifth.

22 BY MR. CASSELL:

23 Q. Isn't it true that it was standard
24 operating procedure for Maxwell to bring underage
25 girls up to your room for you to sexually abuse?

Page 116

1 J. Epstein - Confidential

2 THE WITNESS: Fifth.

3 BY MR. CASSELL:

4 Q. In 2000, Virginia was approached by
5 Maxwell, true?

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

8 THE WITNESS: Fifth.

9 BY MR. CASSELL:

10 Q. Maxwell was one of the main women whom you
11 used to procure underage girls for sexual activities,
12 true?

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

15 THE WITNESS: Fifth.

16 BY MR. CASSELL:

17 Q. It was your understanding that Maxwell met
18 Virginia at the Mar-a-Lago Club in Palm Beach in
19 2000, true?

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

22 THE WITNESS: Fifth.

23 BY MR. CASSELL:

24 Q. In 2000, you were a member of the
25 Mar-a-Lago Club, true?

Page 117

1 J. Epstein - Confidential

2 MR. PAGLIUCA: Object to form.

3 THE WITNESS: Fifth.

4 BY MR. CASSELL:

5 Q. In 2000, Ms. Maxwell had access to the
6 Mar-a-Lago Club, true?

7 MR. PAGLIUCA: Object to form and
8 foundation.

9 THE WITNESS: Fifth.

10 BY MR. CASSELL:

11 Q. The reason Maxwell had access to the
12 Mar-a-Lago Club in 2000 was because of your
13 connections to the club, true?

14 MR. PAGLIUCA: Object to form and
15 foundation.

16 THE WITNESS: Fifth.

17 BY MR. CASSELL:

18 Q. Maxwell was a primary co-conspirator in
19 your sexual abuse scheme, true?

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

22 THE WITNESS: Fifth.

23 BY MR. CASSELL:

24 Q. Maxwell was a primary co-conspirator in
25 your sex trafficking scheme, true?

Page 118

1 J. Epstein - Confidential

2 MR. PAGLIUCA: Object to form and
3 foundation.

4 THE WITNESS: Fifth.

5 BY MR. CASSELL:

6 Q. Maxwell herself regularly participated in
7 your sexual exploitation of minors, true?

8 MR. PAGLIUCA: Object to form and
9 found.

10 THE WITNESS: Fifth.

11 BY MR. CASSELL:

12 Q. In 2000, Maxwell herself regularly
13 participated in your sexual exploitation of minors,
14 true?

15 MR. PAGLIUCA: Object to form and
16 foundation.

17 THE WITNESS: Fifth.

18 BY MR. CASSELL:

19 Q. Maxwell herself regularly participated in
20 your sexual exploitation of Virginia, true?

21 MR. PAGLIUCA: Object to form and
22 foundation.

23 THE WITNESS: Fifth.

24 BY MR. CASSELL:

25 Q. Did Maxwell participate in your sexual

Page 376

1

REPORTER'S CERTIFICATE

2

STATE OF FLORIDA

3 COUNTY OF PALM BEACH

4

5 I, DARLINE MARIE WEST, RPR, certify that I was
6 authorized to and did stenographically report the
7 foregoing deposition; and that the transcript is a
8 true record thereof.

9

10 I further certify that I am not a relative,
11 employee, attorney, or counsel of any of the parties,
12 nor am I a relative or employee of any of the
13 parties' attorney or counsel connected with the
14 action, nor am I financially interested in the
15 action.

16

17 Dated this 13th day of September 2016.

18

19

20

21

22 DARLINE MARIE WEST, RPR

23

24

25

EXHIBIT 4

(Filed Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

/

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

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

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

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

1 Q Right?

2 A Yeah.

3 Q And she travelled the world?

4 A Uh-huh (affirmative). Yes.

5 Q Did JJ say there was anything weird about
6 her job?

7 A No.

8 MR. EDWARDS: Object to the form.

9 BY MS. MENNINGER:

10 Q Did you know whether she had any massage
11 training?

12 A I did not. Like I said, the past three --
13 three or four years before then, I had no contact
14 with her whatsoever. So I had no clue what she was
15 certified in or had done with her life.

16 Q Okay. I would like to take about a five-
17 or ten-minute break, if that's okay with you.

18 A That's fine.

19 THE VIDEOGRAPHER: The time is 10:13. We
20 are off the record.

21 The time is 10:27. We are back on the
22 record.

23 MS. MENNINGER: All right. I would like
24 to mark as an exhibit now Defendant's
25 Exhibit 4.

1 certain times and stuff. And it would just -- you
2 know, it just did not make sense to me that it it
3 was just a masseuse, you know. Like I said, he's a
4 billionaire. You can afford another masseuse. Why
5 do you need her, you know.

6 Q Do you know whether he --
7 (Brief interruption.)

8 A Let me turn this down.

9 Q Sorry.

10 A I'm sorry.

11 (Briefly off the record.)

12 Q Do you know whether he had other masseuses
13 at the time?

14 A I -- I really don't know. All I know is
15 he would have Virginia, obviously, go out and look
16 for other girls, also, to bring back, as well.

17 Q And how do you know that?

18 A Because she had explained to me that
19 sometimes when she would go out on trips that her
20 and Ms. Maxwell and stuff would go out to, like,
21 clubs and stuff and just try and pick up girls to
22 bring back, so...

23 Q That's what Virginia told you?

24 A Yes.

25 Q All right. Did any of your information --

1 (Brief interruption.)

2 A I thought I muted it.

3 Q Did any of your information come from
4 anywhere other than Virginia?

5 A No.

6 MR. EDWARDS: Object to the form.

7 A Like I said, I did not talk -- I did not
8 really speak to any of them other than, you know,
9 hi, how's it going and stuff like that, until I had
10 actually met Jeffrey. And then he was the only one
11 I ever really spoke with. I had met Ms. Maxwell a
12 couple of times, but it was never, like, you know,
13 actual conversations, so...

14 BY MS. MENNINGER:

15 Q All right. Well, let me -- when did you
16 meet Jeffrey?

17 A I'd probably say -- probably a few months
18 after I had moved in with her.

19 Q Okay. And how did you come to meet
20 Jeffrey?

21 A Dropping her off over at his mansion.

22 Q And did you drop her off using her car?

23 A Yes.

24 Q And so she just asked you: Can you take
25 me over there?

1 A Yeah.

2 Q And did she tell you where to go?

3 A Yeah. She told where he lived and
4 everything. And then obviously I got to take the
5 car, because she was going somewhere else in the
6 world and did not need it, so...

7 Q You were dropping her off for a multi-day
8 trip?

9 A Yeah. She would normally go about two
10 weeks out of every month, so...

11 Q Two weeks straight?

12 A Yeah. It was two weeks home and two weeks
13 gone, basically.

14 Q Did you always take her to his house,
15 or...

16 A Yeah. Pretty much every time I took her
17 there, it was always to his mansion. I picked her
18 up one time -- maybe it was a couple of times --
19 from the jet stream place. But pretty much every
20 single time it was at the hou- -- at the mansion.

21 (Brief interruption.)

22 Q Okay. So you're -- is that your phone?
23 I'm --

24 A No, it is. I thought I muted it.

25 Q That's okay.

1 talking like that, so...

2 Q Okay. Where did your first conversation
3 with Jeffrey take place?

4 A I'm pretty sure it was in the kitchen or
5 the living room.

6 Q Inside the house?

7 A Yeah, it was inside the house. I've never
8 seen him anywhere else other than in the mansion or
9 getting off the jet.

10 Q So you were allowed to go inside the
11 house --

12 A Yeah.

13 Q -- with Ms. Roberts?

14 A Yeah. But I never went upstairs. I've
15 only been in the kitchen, the living room, and by
16 the pool.

17 Q How many times would you estimate that you
18 had been over to the house?

19 A I mean, at least once every two weeks to
20 drop her off, you know.

21 Q Was there a period of time between 2001
22 and when she left in 2002 where she was not working
23 for Jeffrey?

24 A Yes.

25 Q What period of time was that?

1 A It was pretty much, like, when she was
2 actually working as a server. Like, basically
3 because we were trying to not have her go back
4 there. Like, she did not want to go back there.
5 And we were trying to just work without needing his
6 money, you know.

7 Q All right. And if I can re-call up that
8 Exhibit 2, can you see from here when about she was
9 working as a server?

10 A March 4th, '02.

11 Q Do you know about how long she worked
12 there?

13 A I do not. I'm not sure.

14 Q Days? Weeks? Months? Anything?

15 A I really have no clue.

16 Q Okay. How old was Ms. Roberts in 2002, if
17 you know?

18 A I'd probably say, like, 18 or so, maybe.

19 Q If her birthday is in '83 --

20 A Oh, if it's in '83, then I'd say --
21 because I was born in '82, so a year younger than me
22 would be...

23 Q 18, 19?

24 A Yeah, somewhere around there.

25 MR. EDWARDS: Object to the form.

1 Q I guess my question is: Did she ever tell
2 you that she had started as a regular masseuse for
3 him and then transitioned to something other than a
4 masseuse?

5 A No. She never said that it transitioned.
6 But she ended up explaining to me what had happened
7 before, so...

8 Q What has -- what is that?

9 A That her and Ms. Maxwell and Jeffrey would
10 obviously be doing stuff, all three of them
11 together. Like I said, that they would all go out
12 to clubs to pick up girls and try and find them to
13 bring back for Jeffrey. And then she told me about
14 how, like I said, her and Ms. Maxwell and Jeffrey
15 were all intimate together on multiple occasions.

16 Q When did she tell you this?

17 A I'm not exactly sure on the dates.

18 Q Was it while you were still together?

19 A Yes.

20 Q Did you -- had you met Ms. Maxwell?

21 A Yeah, I had met her a couple of times.

22 Q When did you meet Ms. Maxwell?

23 A Dates, I'm unsure of. But it was pretty
24 much, like I said, at Jeffrey's house in the
25 kitchen.

1 Q Was it earlier in the time you were with
2 her, or...

3 A It was about -- I'd say about six months
4 or so. I don't know. I'm not exactly positive.

5 Q All right. So at the time you met
6 Ms. Maxwell, had Ms. Roberts already told you that
7 she had been intimate?

8 A No. She had told me about that, I
9 believe, after I had max- -- after I had already met
10 her.

11 Q Okay. And tell me everything that you
12 remember about what Ms. Roberts said about being
13 intimate with Ms. Maxwell and Mr. Epstein at the
14 same time.

15 A I remember her talking about, like,
16 strap-ons and stuff like that. But, I mean, like I
17 said, all the details are not really that clear.
18 But I remember her talking about, like, how they
19 would always be using and stuff like that.

20 Q She and Ms. Maxwell and Mr Epstein would
21 used strap-ons?

22 A Uh-huh (affirmative).

23 Q How did you feel about that?

24 A I just -- obviously not happy about it.

25 Q What did you say?

1 A I did not.

2 Q When the FBI interviewed you, did you
3 mention this to them?

4 A I mentioned -- anything they asked me, I
5 did not hold anything back.

6 Q Okay. Do you recall specifically talking
7 about sex with the Prince?

8 A I -- I don't recall talking to them about
9 that, but, I mean, it's -- it could be possible.

10 Q Other than sex with the Prince, is there
11 anyone else that Jeffrey wanted Ms. Roberts to have
12 sex with that she relayed to you?

13 A Mainly, like I said, just Ms. Maxwell and
14 all the other girls.

15 Q Ms. Maxwell wanted -- Jeffrey wanted
16 Virginia to have sex with Ms. Maxwell?

17 A And him, yeah.

18 Q And did she tell you whether she had ever
19 done that?

20 A Yeah. She said that she did.

21 Q And when did she tell you that?

22 A I'm not sure on the date.

23 Q And what did she describe having happened?

24 A I believe I already told you that. With
25 the strap-ons and dildos and everything.

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)
3 COUNTY OF VOLUSIA)

5

6

I, Leanne W. Fitzgerald, Court Reporter, do hereby certify that I was authorized to and did stenographically report the deposition of TONY FIGUEROA; and that the foregoing transcript is a true record of my stenographic notes.

10 I further certify that I am not a relative,
11 employee, attorney, or counsel of any of the
12 parties, nor am I a relative or employee of any of
the parties' attorneys or counsel connected with the
action, nor am I financially interested in the
action.

13

Dated this 5th day of July, 2016.

14

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19

20

Leanne W. Fitzgerald, FPR
Florida Professional Reporter

Digital Certificate Authenticated By Symantec

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

/

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 2 of 2

Pages 158 - 258

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

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

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

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

1 A Yes.

2 Q All right. And that belief was based on
3 virginia telling you that?

4 A And JJ and Michael.

5 Q Okay. So you had heard from some other
6 people, and then later --

7 A Yeah. Before she had come back to the
8 apartment, they said that she was a masseuse for
9 this guy. And then when she came back, she told me.

10 Q All right. Once you started dating her
11 again -- I'm sorry.

12 Prior to dating her. Go back to the first
13 time you were dating her. Did she have money?

14 A No.

15 Q All right. Was she able to afford her own
16 place?

17 A No.

18 Q Was she doing massages, at all?

19 A No.

20 Q All right. Fast forward to the second
21 time when you get back together with her sometime in
22 2001.

23 A Uh-huh (affirmative).

24 Q Did she appear to you to have any massage
25 training?

1 A No.

2 Q As a seventeen-year-old at that time, was
3 she able to afford things?

4 MS. MENNINGER: Objection. Form.

5 Foundation.

6 BY MR. EDWARDS:

7 Q Did she have money --

8 A She had money.

9 Q -- while working with Jeff?

10 And was the money in the form of cash?

11 A Yes.

12 Q And did she always have cash?

13 A Yes.

14 Q And how was the apartment paid for?

15 MS. MENNINGER: Objection. Form.

16 Foundation.

17 A Cash.

18 BY MR. EDWARDS:

19 Q And did you see how she was paying for the
20 apartment?

21 A I did not watch her pay the bill, but...

22 Q Okay. When you would go to dinner, who
23 would pay?

24 A Just whoever.

25 MS. MENNINGER: Objection. Form.

1 MS. MENNINGER: Objection. Form.

2 Foundation.

3 A For Jeffrey.

4 BY MR. EDWARDS:

5 Q All right. Let me fix this. Ghislaine --
6 when Ghislaine Maxwell would call you during the
7 time that you were living with Virginia, she would
8 ask you what, specifically?

9 MS. MENNINGER: Objection. Form.

10 Foundation.

11 A Just if I had found any other girls just
12 to bring to Jeffrey.

13 BY MR. EDWARDS:

14 Q Okay.

15 A Pretty much every time there was a
16 conversation with any of them, it was either asking
17 Virginia where she was at, or asking her to get
18 girls, or asking me to get girls.

19 Q All right. Let's go to that second
20 category you just identified, which is asking
21 Virginia to get girls. How many times were you in a
22 room where specifically Ghislaine Maxwell would ask
23 Virginia to bring girls?

24 A None that I can recall.

25 Q Okay. How many times -- when you say they

1 went with Virginia, and you dropped her off; and
2 some occasions you went inside?

3 A Yeah.

4 Q And some of the occasions you went inside,
5 you hung out by the pool?

6 A Yes.

7 Q Or in the kitchen with the chef?

8 A Yeah.

9 Q All right. And in the total of all the
10 times that you went inside the house, you saw
11 Ms. Maxwell -- I think you got up to six times?

12 A Yeah, about five or six times.

13 Q All right. Total?

14 A Total.

15 Q That's not five or six times where --

16 A That was period, all together.

17 Q -- you brought girls?

18 A No. All together, period.

19 Q All right. I thought you said when I was
20 asking you questions that Ms. Maxwell never asked
21 you to bring girls.

22 A I don't remember saying that.

23 Q Okay. Well, tell me. When did
24 Ms. Maxwell ask you to bring a girl?

25 A Never in person. It was, like, literally,

1 like, on the phone maybe, like, once or twice.

2 Q All right. Did Ms. Maxwell call you
3 frequently?

4 A No.

5 Q All right. How many times do you think
6 Ms. Maxwell called you, at all?

7 A I'd just say that probably a just a few, a
8 couple of times. Maybe once or twice.

9 Q One or two --

10 A The majority of the time it was pretty
11 much his assistant.

12 Q How do you know Ms. Maxwell's voice?

13 A Because she sounds British.

14 Q So someone with a British accent called
15 you once or twice and asked for --

16 A Well, she told me who she was.

17 Q Okay. And what did she say when she
18 called you and asked you to bring girls?

19 A She just said, "Hi. This is Ghislaine.
20 Jeffrey was wondering if you had anybody that could
21 come over."

22 Q Okay. When did that happen?

23 A I'm not exactly sure on the time frame.

24 Q Was it after the Roadhouse Grill or
25 before?

1 Q So the thing that Virginia was tired of --
2 just so that the record is clear -- well, I'll let
3 you answer in your words. Just be clear.

4 What was it that Virginia was trying to
5 get away from and stop with respect to working at
6 Jeffrey Epstein's house?

7 MS. MENNINGER: Objection. Form,
8 foundation -- as to Virginia's thought
9 processes.

10 A To stop being used and abused.

11 BY MS. MENNINGER:

12 Q How do you know that?

13 MS. MENNINGER: Objection. Form.

14 Foundation.

15 A Due to all the things that I have come
16 to -- that have been brought to light, and in the
17 experiences that I've had, and the conversations
18 that I have had with her. Like, it just all adds up
19 to that, so...

20 BY MS. MENNINGER:

21 Q When Virginia was wanting to get out, did
22 she ever express that it was the times of work that
23 she was trying to get away from?

24 A No.

25 Q Okay. What was she specifically

1 Q Was she getting paid as much as she was
2 getting paid to work for Jeff Epstein?

3 A Definitely not.

4 Q She no longer had cash all around?

5 A Nope.

6 Q You mentioned that there was -- you had
7 several conversations with Virginia when she was
8 discussing them wanting -- or I think the word you
9 used was force, but later we tried to clarify that,
10 but them forcing her to have sex with Prince Andrew.
11 Do you remember that?

12 A Yeah.

13 Q And that you expressed that you were
14 worried for her safety if she were to decline that?

15 A Yes.

16 Q What about your conversation with Virginia
17 on that particular occasion made you worried for
18 Virginia's safety?

19 A Just the way she was talking to me. Like,
20 she just sounded scared.

21 Q And what -- what -- try to dig back and
22 remember what exactly she was saying and how she was
23 saying it, if you could just describe that for us.

24 A She said that she went to go in -- I
25 remember at one time she was talking to me about how

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)
3)
4 COUNTY OF VOLUSIA)

5

6

7 I, Leanne W. Fitzgerald, Court Reporter, do
8 hereby certify that I was authorized to and did
9 stenographically report the deposition of TONY
FIGUEROA; and that the foregoing transcript is a
true record of my stenographic notes.

10 I further certify that I am not a relative,
11 employee, attorney, or counsel of any of the
12 parties, nor am I a relative or employee of any of
the parties' attorneys or counsel connected with the
action, nor am I financially interested in the
action.

13

Dated this 5th day of July, 2016.

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Leanne W. Fitzgerald, FPR
Florida Professional Reporter

21

22

Digital Certificate Authenticated
By Symantec

23

24

25

EXHIBIT 5

(Filed Under Seal)

GIUFFRE

VS.

MAXWELL

Deposition

VIRGINIA GIUFFRE

05/03/2016

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 VIDEOTAPED DEPOSITION OF
VIRGINIA GIUFFRE May 3, 2016

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

APPEARANCES:

FAMER, JAFFE, WEISSING, EDWARDS, FISTOS &
LEHRMAN, P.L.

By Brad Edwards, Esq.
425 N. Andrews Avenue
Suite 2
Fort Lauderdale, FL 33301
Phone: 954.524.2820
brad@pathtojustice.com
Appearing on behalf of the
Plaintiff

BOIES, SCHILLER & FLEXNER LLP

By Sigrid S. McCawley, Esq. (For Portion)
401 East Las Olas Boulevard
Suite 1200
Fort Lauderdale, FL 33301-2211
Phone: 954.356.0011
smccawley@bsfllp.com
Appearing on behalf of the
Plaintiff

Agren Blando Court Reporting & Video, Inc.

1 APPEARANCES: (Continued)

2 HADDON, MORGAN AND FORMAN, P.C.
3 By Laura A. Menninger, Esq.
Jeffrey S. Pagliuca, Esq.
150 East 10th Avenue
4 Denver, CO 80203
Phone: 303.831.7364
5 lmenninger@hmflaw.com
jpagliuca@hmflaw.com
6 Appearing on behalf of the
Defendant

7 Also Present:

8 Brenda Rodriguez, Paralegal
Nicholas F. Borgia, CLVS Videographer

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Agren Blando Court Reporting & Video, Inc.

1 you don't.

2 Do you have any reason to believe that any
3 of your previous sworn statements that you have made
4 are not true?

5 A No.

6 MR. EDWARDS: I just object and ask that
7 if we're going to ask the witness questions about any
8 of her statements in whole or in part that the
9 witness be allowed to see the statement, review the
10 statement and then answer your questions.

11 Q (BY MS. MENNINGER) You may answer the
12 question.

13 A Can you reask the question? I'm sorry.

14 Q Do you have any reason to believe that any
15 of your prior sworn statements are untrue?

16 A I have no reason to believe that my prior
17 statements are untrue.

18 Q Has anyone told you to say something that
19 was not true in connection with this case?

20 A No, ma'am.

21 Q All right. I'd like to start with a
22 lawsuit that you filed under the caption Jane Doe
23 versus Jeffrey Epstein.

24 Do you recall that lawsuit?

25 A I believe so.

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(Exhibit 1 marked.)

Q (BY MS. MENNINGER) I'm going to show you
an exhibit that we are marking as Defendant's
Exhibit 1.

MR. EDWARDS: Can I see that for a second?

I'd just like to make an objection on the record for the misidentification of this document.

While there was a lawsuit filed under the style of Jane Doe versus Jeffrey Epstein, Jane Doe was not Virginia Giuffre. And the lawsuit that's now being handed to this witness is Jane Doe 102 versus Jeffrey Epstein.

Is that the document we're talking about?

MS. MENNINGER: Counsel, if you have an objection, you should state the basis for your objection in a non-leading, non-suggestive manner.

If you have any other record to make, you can do so in a pleading filed with the Court.

MR. EDWARDS: Sure. My objection is you've misrepresented what you've handed the witness. I want to make sure that the witness is holding what you actually want her to be holding as opposed to the lawsuit you said that you were going to hand her.

That's it.

MS. MENNINGER: Counsel, I will ask the

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1 January 19th, 2015?

2 A At the very top of the page it says
3 January 21st, 2015.

4 Q The date it was filed. Is there a date
5 just above the signature block?

6 A Oh, yes, sorry. Yes, there is.

7 Q And what date -- what date was that?

8 A The 19th day of January, 2015.

9 Q Okay. And this document is something that
10 you believe contains the truth, correct?

11 A To the best of my knowledge at the time,
12 yes.

13 Q All right. Did something change between
14 the time then and today that makes you believe that
15 it's not all accurate?

16 A Well, as you can see, in line 4 on page 1,
17 I wasn't aware of my dates. I was just doing the
18 best to guesstimate when I actually met them.

19 Since then I've been able to find out that
20 through my Mar-a-Lago records that it was actually
21 the summer of 2000, not the summer of 1999.

22 Q Oh, I'm sorry. Are you back on page 1?

23 A On the first page.

24 Q Okay.

25 A Yes.

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1 MR. EDWARDS: Objection. Asked and
2 answered.

3 Q (BY MS. MENNINGER) You may answer.

4 MR. EDWARDS: Answer again.

5 A Again, I wouldn't say it's untrue. Untrue
6 would mean that I would have lied. And I didn't lie.
7 This was my best knowledge at the time. And I did my
8 very best to try to pinpoint time periods going back
9 such a long time ago.

10 It wasn't until I found the facts that I
11 worked at Mar-a-Lago in 2000 that I was able to
12 figure that out.

13 Q (BY MS. MENNINGER) And approximately when
14 did you learn those facts about the dates you worked
15 at Mar-a-Lago?

16 A I would say it was mid-2015.

17 Q Mid-2015 is the first time you became
18 aware of the dates --

19 A I don't know the exact --

20 Q If you could just let me finish.

21 A I'm sorry.

22 Q That's all right. Approximately mid-2015
23 when you learned the true dates that you had worked
24 at Mar-a-Lago?

25 A That's correct. Sorry.

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1 MR. EDWARDS: Object to the form.

2 A Uhm, I don't know, to be honest.

3 Q (BY MS. MENNINGER) And in what order did
4 Taco Bell, Publix and Mar-a-Lago go, and the aviary,
5 sorry?

6 A Oh, I would have to guess. Do you want me
7 to guess?

8 Q Sure.

9 A Um, I would say Publix. And then, I think
10 that's when I helped my boyfriend out at Taco Bell
11 and then I think the aviary.

12 Q And where was the Taco Bell?

13 A I was living in Fort Lauderdale -- I think it
14 was Fort Lauderdale. Don't quote me on that, but
15 somewhere in Florida, Broward County, something like
16 that.

17 Q And who were you living with at that time?

18 A Michael. His name is James, but Michael.

19 Q So you were living with Michael when you
20 worked at the Taco Bell, right?

21 A Yes, I was living with him.

22 Q And you worked with Michael when you
23 worked at the Publix, correct?

24 A No.

25 Q Okay. So Publix came after Taco Bell or

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1 Q Whatever address you were living at, at
2 the time you started at Mar-a-Lago.

3 A [REDACTED] Loxahatchee, Florida
4 33470.

5 Q How is it that you came to work at
6 Mar-a-Lago?

7 A My dad is a maintenance manager or
8 supervisor, I don't know what you call it. But he
9 worked in the maintenance department, mostly on
10 tennis courts, working on the air conditioning,
11 helping set up for functions. And he got me a summer
12 job there.

13 Q Okay. And you said you were on a break?

14 A Yes.

15 Q What were you on a break from?

16 A I think like -- this is going back so long
17 now, but I was attempting to get my GED. And it,
18 summer came, so school stops during the summertime
19 here in America, and I got a summer job.

20 Q All right. And where were you in school?

21 A I don't actually know the name of the
22 place. It's -- yeah, I know.

23 Q A GED place?

24 A Yeah, it was, like, I was previously in
25 Royal Palm Beach High School, but, I mean, because of

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1 Q Okay. If I can direct your attention back
2 to Defendant's Exhibit 12 at page 15. And under the
3 heading Response to Interrogatory Number 9, do you
4 see that where it says --

5 A Yes.

6 Q -- Ms. Joffrey (pronouncing) -- Giuffre,
7 excuse me, responds as follows?

8 A Yes.

9 Q Okay. It says you worked as a locker room
10 attendant for the spa area, correct?

11 A Yes.

12 Q And it says records produced in this case
13 identify the date of employment as 2000, correct?

14 A Yes.

15 Q What records that were produced in this
16 case cause you to believe that the employment began
17 in 2000?

18 A Uhm, is this going back to another
19 question that I'm not allowed to answer?

20 Q No.

21 A I have seen the documents, and I know that
22 my employment now was in 2000.

23 Q What documents did you see that caused you
24 to make that answer?

25 A The Mar-a-Lago employment documents.

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1 masseuses had their own uniforms.

2 Q What did the masseuses' uniform look like?

3 A I don't remember.

4 Q No recollection at all?

5 A None whatsoever.

6 Q Color?

7 A No, sorry. I remember mine.

8 Q Okay. How did it come to pass that you
9 were no longer working at Mar-a-Lago in two to three
10 weeks?

11 A I was approached by Ghislaine Maxwell.

12 Q Okay. And how long had you been working
13 at Mar-a-Lago when you were approached by Ghislaine
14 Maxwell?

15 A Roughly two to three weeks.

16 Q Okay. Where in the spa were you when you
17 were approached by Ghislaine Maxwell?

18 A Just outside the locker room, sitting
19 where the other girl that works there usually sits.
20 She was away from the desk. I was reading a book on
21 massage therapy.

22 Q Was that indoors or outdoors?

23 A Outdoors.

24 Q Okay. And what -- were you in the sun or
25 in the shade?

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1 wanted to aim for something higher than being a
2 locker room attendant one day. And. Yeah.

3 Q What was the name of the massage therapist
4 that you were speaking with?

5 A Oh, I have no idea.

6 Q Can you give me any physical description
7 of any of them?

8 A Um, there was one who had blonde short
9 hair. There was -- I would say there's probably
10 about four massage therapists that work in there.
11 So, I mean, I don't remember all of them.

12 Q Okay. What time of day was it?

13 MR. EDWARDS: Object to the form.

14 A Afternoon.

15 Q (BY MS. MENNINGER) How late?

16 A Anywhere between 2 to 4.

17 Q And what time did you get off of work?

18 A I believe I got off at 5.

19 Q And what was the rest of your conversation
20 with Ms. Maxwell?

21 I'm sorry, I don't think you finished.

22 A Thank you. Well, she noticed I was
23 reading the massage book. And I started to have
24 chitchat with her just about, you know, the body and
25 the anatomy and how I was interested in it. And she

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1 told me that she knew somebody who was looking for a
2 traveling masseuse.

3 And I said, Well, I don't have any
4 accreditations. This is the first book I've ever
5 read. She goes, That's okay. I know somebody. We
6 can train you. We can get you educated. You know,
7 we can help you along the way if you pass the
8 interview.

9 If the guy likes you, then, you know, it
10 will work out for you. You'll travel. You'll make
11 good money. You'll be educated, and you'll finally
12 get accredited one day.

13 Q Okay.

14 A She finished off by, you know, giving me
15 her number. And I told her I'd have to ask my dad.
16 And I called my dad. I ran over, actually, to see my
17 dad, talked to him. He said it would be okay. I
18 used the phone from Mar-a-Lago to call her and tell
19 her that I was allowed to come over.

20 And she said, Great. Meet me here at -- I
21 don't remember the exact address, but it was
22 El Brillo Way in Palm Beach -- after you get off.
23 And my dad drove me.

24 Q Did you write down her add -- the address
25 that she gave?

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1 A Yes.

2 Q Did you write down her phone number?

3 A Yes.

4 Q So did you go run and talk to your dad
5 while she was still there?

6 A No, I believe she left. And she told me
7 to ask my dad and then to give her a phone call.

8 Q Okay. Did she ask you your age when she
9 had that conversation with you?

10 A No, she did not.

11 Q Did you tell her your age?

12 A No, I did not.

13 Q And so somewhere you wrote down a phone
14 number to call her back at?

15 A Um-hum.

16 Q All right. And where did you write that
17 down?

18 A Probably just a piece of paper lying
19 around the desk.

20 Q Okay. But you don't remember?

21 A I mean, no, I don't have that piece of
22 paper anymore, so no.

23 Q Okay. And did you write down an address?

24 A Yes.

25 Q And what number do you think you called?

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1 Q When did you get your first car?

2 A After my trip to London to meet Prince
3 Andrew.

4 Q Okay. What kind of car did you get?

5 A A Dodge Dakota.

6 Q And did you purchase that yourself?

7 A Yes, I did.

8 Q And how much did it cost?

9 A I don't remember off the top of my head
10 how much it cost.

11 Q Who did you buy it from?

12 A My dad helped me bargain with it. I don't
13 remember where we bought it from.

14 Q And was the title put in your name or your
15 dad's name?

16 A I think the title was put in my name. I
17 think. I mean, my dad was with me. I've never
18 registered a car or anything like that before. So --

19 Q So that was your first time?

20 A Yes.

21 Q Memorable, right?

22 A Yes.

23 Q When you got there, a butler or someone
24 answered the door, is that what you said?

25 A No, Ghislaine answered the door.

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1 A Yes.

2 Q Who else was at home when you got home?

3 A My mom, my dad and my brother.

4 Q Which brother?

5 A Sky.

6 Q And anyone else who was there at the time?

7 A I believe Michael might have been living
8 with me at that time. So he might have been there.

9 Q Do you recall if he was there when you got
10 home?

11 A I don't really remember. I remember what
12 I did when I got home, that I basically made a
13 beeline for the bathroom.

14 Q Let me ask you a question. Michael was
15 living with you at that home, at your parents' home
16 at the time, is your best recollection today; is that
17 right?

18 A That's my best recollection, yes.

19 Q When you say living with you, were you
20 guys staying in the same room?

21 A Yes.

22 Q Were you engaged at that time to him?

23 A That was a really weird relationship. He
24 was a friend who looked after me, and he did propose
25 to me and I did say yes. But my heart was never in

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1 it.

2 He was somebody that helped me off the
3 streets so I felt compelled to say yes to him.

4 Q Okay. So when he proposed to you and you
5 said yes, did that take place before you started
6 working at Mar-a-Lago or after you started working at
7 Mar-a-Lago?

8 A Before.

9 Q And so if he were living with your parents
10 at that time, you were living in the same room; is
11 that correct?

12 A I believe so.

13 Q And your parents understood him to be your
14 fiance?

15 A I don't think they agreed with it, but I
16 think they understood it as that. I mean --

17 Q I mean, you communicated to them that he
18 had proposed and you had accepted?

19 A Yeah, in not such a pretty way. I mean,
20 they obviously weren't very happy about it. And it
21 wasn't my true intentions to ever marry him.

22 Q Okay.

23 A But I did it to make him feel okay. I
24 didn't want to be mean.

25 Q What did your mom say about your

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1 A I believe Juan Alessi was pretty much
2 within ear distance.

3 Q Could you see him?

4 A Yes.

5 Q Okay.

6 A Like I said, in ear distance, when I mean
7 ear distance like hearing, in the hearing vicinity.
8 And it was in the same time that she was asking him
9 to drop me off at home.

10 Q Okay. When you were driving home the
11 first night with Juan Alessi, did you have any
12 conversation with him?

13 A No. I had told him my address. It was a
14 very quiet ride.

15 Q Did you ride in the front or the back?

16 A The front.

17 Q It is your contention that, Ghislaine
18 Maxwell had sex with underage girls virtually every
19 day when I was around her, correct?

20 A Yes.

21 Q All right. With whom did Ghislaine
22 Maxwell have sex in your presence?

23 A Well, there's a lot of girls that were
24 involved. We weren't on a first name basis with each
25 other. I wouldn't be able to give you lists of names

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1 of girls. It was continuous.

2 Q It was continuous. Name one girl that
3 Ghislaine Maxwell had sex with in your presence.

4 A Emmy Taylor. I mean, that's a name that I
5 know well because Emmy was always around.

6 I'm trying to think of her name, sorry.
7 Sarah. Her name used to be Sarah Kellen. I think
8 she's changed it now that she's married.

9 [REDACTED] (phonetic) -- I can't
10 pronounce her last name properly, but it's around
11 those lines.

12 There were a lot of other girls that I
13 honestly can't remember their names. I'm sorry. I
14 wish I could help out more because I really would
15 like to provide more witnesses for this, but I can't
16 remember a lot of girls' names.

17 Q So those are the three names of females
18 that you observed Ghislaine Maxwell have sex with --

19 MR. EDWARDS: Object to the form.
20 Mischaracterizes testimony.

21 Q (BY MS. MENNINGER) -- is that what I
22 understand your answer to be?

23 MR. EDWARDS: Objection. Mischaracterizes
24 her testimony.

25 A Those are -- those are some three of the

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1 Q More than 20?

2 A I would say more than 20.

3 Q More than 50?

4 A I don't think more than 50, but --

5 Q Did --

6 A I don't have an exact number. I mean,
7 if -- I think if you look at the flight logs, you
8 know, that helps, but then they're not fully
9 complete. We only have flight logs to one plane and
10 then there's a time I was flown commercially into the
11 island.

12 Q Um-hum.

13 A So it's really hard for me to gauge a
14 number.

15 Q Okay. Do you have any photographs of
16 yourself on the island?

17 A I know I used to, but they would be left
18 in that apartment.

19 Q What other locations did you participate
20 in sexual contact with Ghislaine Maxwell, other than
21 the island?

22 A Everywhere. New York, Palm Beach.

23 Q Where in New York?

24 A The mansion, Jeffrey's mansion.

25 Q Okay. Anywhere else in New York?

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1 think I met Prince Andrew in 2001. And Glenn Dubin
2 and Stephen Kaufmann were, like I said, the first
3 people I was sent out to after my training. So I
4 don't know. I'm not going to give you an exact time
5 if I don't know it.

6 Q I asked you the relative order.

7 A And I'm trying to give you it.

8 Q And where does Alan Dershowitz fit into
9 that group of people?

10 A Same. I can't tell you piece by piece by
11 piece who -- I know Glenn Dubin was first.

12 Q Okay.

13 A And I know Stephen Kaufmann was one of the
14 first I was sent to. Alan Dershowitz could have been
15 between there. Between, sorry, between Glenn and
16 Stephen. The first time I was with Alan Dershowitz
17 was in New York, so I wasn't actually sent to him.
18 It actually happened at one of Jeffrey's residences.

19 (Ms. McCawley left the deposition.)

20 A So it's very hard for me to
21 chronologically give you each person individually.

22 Q (BY MS. MENNINGER) Okay. Name the other
23 politically connected and financially powerful people
24 that Ghislaine Maxwell told you to go have sex with?

25 A Again, I'm going to tell you "they"

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1 because that's how it went. They instructed me to go
2 to George Mitchell, Jean Luc Brunel, Bill Richardson,
3 another prince that I don't know his name. A guy
4 that owns a hotel, a really large hotel chain, I
5 can't remember which hotel it was. Marvin Minsky.

6 There was, you know, another foreign
7 president, I can't remember his name. He was
8 Spanish. There's a whole bunch of them that I
9 just -- it's hard for me to remember all of them.
10 You know, I was told to do something by these people
11 constantly, told to -- my whole life revolved around
12 just pleasing these men and keeping Ghislaine and
13 Jeffrey happy. Their whole entire lives revolved
14 around sex.

15 They call massages sex. They call
16 modeling sex. They call --

17 Q I asked you the names for people. Are you
18 going to tell me any other names or is that all of
19 them?

20 A I'm trying to think. That's the answer
21 I'm trying to give to you. It's that it's so hard to
22 just keep naming and naming and naming.

23 Q All right.

24 A A lot of times I would be introduced to
25 them. I didn't know --

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1 many times you want me to keep answering this
2 question. Both told me to do this, okay? They both
3 sent me to these people.

4 How many times do you want me to answer
5 this?

6 Q (BY MS. MENNINGER) I think you're
7 answering a different question so that's why I'm
8 going to ask you again. I am not asking you anything
9 about a time when Jeffrey and Ghislaine together told
10 you to go do something. I'm asking you to name a
11 single time during which Ghislaine Maxwell acting
12 alone directed you to go have sex with another
13 person?

14 MR. EDWARDS: Objection. Asked and
15 answered. Harassing. Argumentative.

16 A I've given you the names of the people
17 that Ghislaine instructed me to go have sexual
18 relations with. I am not discluding (sic) the fact
19 that Jeffrey also told me.

20 Ghislaine told me from her mouth to do
21 these things. Jeffrey told me from his mouth to do
22 these things with these people. Ghislaine instructed
23 me to do the things that I did with Jeffrey Epstein
24 on the very first meeting that I had with him. She
25 brought me there under the preclusion (sic) that I

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1 was going to be trained as a masseuse and that she
2 instructed me to take off my clothes and to give oral
3 sex to Jeffrey Epstein.

4 Q (BY MS. MENNINGER) Excuse me. I've asked
5 you for the names.

6 A I've just given you a name. Jeffrey
7 Epstein is a big name.

8 Q All right.

9 A She instructed me on that one.

10 Q So you're saying --

11 MR. EDWARDS: The witness is finishing her
12 answer right now. She's in the process of explaining
13 one of the people Ghislaine told her to have sex
14 with.

15 Q (BY MS. MENNINGER) So you're saying
16 Ghislaine Maxwell directed you to have sex with
17 Jeffrey Epstein?

18 A Correct.

19 Q Ghislaine Maxwell directed you to have sex
20 with Glenn Dubin?

21 A Correct.

22 Q What words did Ghislaine Maxwell tell you
23 to go have sex with Glenn Dubin?

24 A It was the same all the time, all right?
25 They want me to go provide these men with a massage.

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1 A When it happened?

2 Q When Ghislaine Maxwell used the words, Go
3 give a massage to Bill Richardson, where were you?

4 MR. EDWARDS: Object to the form.

5 Mischaracterizes her testimony.

6 A I can't tell you where we were. I know
7 where I was sent to. I don't know where we were when
8 she told me to do that.

9 Q (BY MS. MENNINGER) Where were you sent
10 to --

11 A New Mexico.

12 Q -- by Ghislaine Maxwell?

13 MR. EDWARDS: Object to the form.
14 Mischaracterizes her testimony again.

15 A Are you smiling at me because --

16 Q (BY MS. MENNINGER) No, I'm asking you to
17 answer the question.

18 A I have answered the question. I was sent
19 to New Mexico.

20 Q Okay. Where were you sent from?

21 A I already answered that. I don't know
22 where I was sent from.

23 Q Okay.

24 A I was flying everywhere with these people.

25 Q Where were you sent by Ghislaine Maxwell

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1 A No, she was not in the room. She was in
2 another cabana.

3 Q And other than telling you to go give the
4 owner of this large hotel chain a massage, do you
5 remember any other words she used to you to direct
6 you in what you should do?

7 A Not at the time, no.

8 Q Where did -- where were you and where was
9 Ms. Maxwell when she directed you to go have sex with
10 Marvin Minsky?

11 MR. EDWARDS: Object to the form.

12 A I don't know.

13 Q (BY MS. MENNINGER) Where did you go to
14 have sex with Marvin Minsky?

15 A I believe it was the U.S. Virgin Islands,
16 Jeff's -- sorry, Jeffrey Epstein's island in the U.S.
17 Virgin Islands.

18 Q And when was that?

19 A I don't know.

20 Q Do you have any time of year?

21 A No.

22 Q Do you know how old you were?

23 A No.

24 Q Other than Glenn Dubin, Stephen Kaufmann,
25 Prince Andrew, Jean Luc Brunel, Bill Richardson,

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1 another prince, the large hotel chain owner and
2 Marvin Minsky, is there anyone else that Ghislaine
3 Maxwell directed you to go have sex with?

4 A I am definitely sure there is. But can I
5 remember everybody's name? No.

6 Q Okay. Can you remember anything else
7 about them?

8 A Look, I've given you what I know right
9 now. I'm sorry. This is very hard for me and very
10 frustrating to have to go over this. I don't -- I
11 don't recall all of the people. There was a large
12 amount of people that I was sent to.

13 Q Do you have any notes of all these people
14 that you were sent to?

15 A No, I don't.

16 Q Where are your notes?

17 A I burned them.

18 Q When did you burn them?

19 A In a bonfire when I lived at Titusville
20 because I was sick of going through this shit.

21 Q Did you have lawyers who were representing
22 you at the time you built a bonfire and burned these
23 notes?

24 A I've been represented for a long time, but
25 it was not under the instruction of my lawyers to do

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1 this. My husband and I were pretty spiritual people
2 and we believed that these memories were worth
3 burning.

4 Q So you burned notes of the men with whom
5 you had sex while you were represented by counsel in
6 litigation, correct?

7 MR. EDWARDS: Object to the form.

8 A This wasn't anything that was a public
9 document. This was my own private journal, and I
10 didn't want it anymore. So we burned it.

11 Q (BY MS. MENNINGER) When did you write
12 that journal?

13 A Just over time. I started writing it
14 probably in, I don't know, I can't speculate, 2012,
15 2011.

16 Q So you did not write this journal at the
17 time it happened?

18 A No.

19 Q You started writing this journal
20 approximately a decade after you claim you finished
21 being sexually trafficked, correct?

22 A Yes.

23 Q And you started writing a journal after
24 you had a lawyer, correct?

25 A Correct.

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1 THE VIDEOGRAPHER: We're back on the
2 record at 2:55.

3 Q (BY MS. MENNINGER) Do you have any
4 photographs of yourself either nude or in a sexually
5 compromising position that you claim were taken by
6 Ghislaine Maxwell?

7 A I do not have any of those in my evidence.
8 But if you ask Ghislaine Maxwell, she would have
9 plenty.

10 Q Do you have any in your storage boxes in
11 Sydney?

12 A No.

13 Q Do you know whether your attorneys have
14 any such photographs that you claim were taken by
15 Ghislaine Maxwell?

16 A No.

17 Q You don't know or they don't have them?

18 A I don't know. And I don't think they have
19 them. If they had them, they would have told me.
20 You should ask your client. She's got plenty of
21 them.

22 Q What type of camera did Ghislaine Maxwell
23 use?

24 A It was a black camera. And it had a, I
25 don't know the types and names of them, but the lens

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1 that goes out.

2 Q Was it digital or single reflex?

3 A Again, I don't know types of cameras. I
4 mean, I use my phone for using a camera. So it's a
5 black camera and it had a lens that you could put out
6 further or bring back.

7 Q Did you ask her to take any photographs of
8 you?

9 A No. She asked to take photographs of me.

10 Q Was it a film or a digital camera?

11 A I never saw how she printed them out.

12 Q What's the first time you told anybody
13 that you had been sexually trafficked?

14 MR. EDWARDS: Form.

15 A Tony Figueroa, my ex-boyfriend, knew some
16 of the stuff that was happening, though I did not go
17 in great detail to him, being that he's my boyfriend.
18 And then the first person I really opened up to about
19 everything was my husband.

20 Q (BY MS. MENNINGER) Did you tell Tony
21 Figueroa that you were forced to have sex with
22 Jeffrey Epstein?

23 A Yes.

24 Q Did you tell Tony Figueroa you were forced
25 to have sex with Ghislaine Maxwell?

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1 any interactions with law enforcement?

2 A Yes.

3 Q When?

4 A When I tried to break away from Jeffrey
5 and Ghislaine, I started making myself unavailable.
6 And I got a job at Road House Grill. And Tony used
7 to come pick me up in the afternoons, at nighttime,
8 and he'd sit at the bar. And there's this big cup
9 that's got tips in it.

10 I was in the back room. And I had to --
11 first you have to sign out and you have to take off
12 your aprons, put your aprons away. And there's a
13 whole bunch of cleaning up stuff you have to do.

14 In that time period, Tony grabbed money
15 from a cup that had money in it. That was for the
16 bartenders for their tips. My boss called me the
17 next day. He told me that I had stolen the money,
18 which I hadn't. And I came back and I returned the
19 money after I confronted Tony about it. Gave the
20 money back to him and he said, I'm sorry, but it's
21 just law that I have to call the police. So he
22 called the police.

23 And knowing that Jeffrey has got the Palm
24 Beach Police Department in his pocket, I went to
25 Jeffrey Epstein and I told him what had happened.

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1 And Jeffrey said, Don't worry about it. Let me take
2 care of it for you.

3 Q Okay. I'm sorry. When did you have
4 interaction with law enforcement, then?

5 A What year?

6 Q Did you speak with a law enforcement
7 officer?

8 A I don't believe I spoke to them. Jeffrey
9 handled everything.

10 Q Okay. And you said that you had finished
11 your shift at -- this is at the Road House Grill,
12 correct?

13 A Correct.

14 Q You had finished your shift?

15 A Yeah, it was the end of the shift.

16 Q Okay. And you had cleaned up and were
17 checking out, correct?

18 A Yeah, it's a completely separate part of
19 the -- it's like back of the house. Do you know what
20 that means, like in waitering terms?

21 Q (Indicating.)

22 A Yeah, back of the house.

23 Q And what was -- who was this boss that you
24 spoke to?

25 A I can't remember his name.

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1 exclusivity?

2 A Yes.

3 Q What was that period?

4 A I believe it was like a three-month period
5 or something.

6 Q Okay. And what other terms of the
7 contract, do you recall?

8 A I couldn't talk to any other news
9 publication about the story.

10 Q Anything else?

11 A Not that I know of.

12 Q Were you happy when the period was up?

13 A Well, I mean, at that time I wanted to
14 write about my story. So I guess, yes, I was happy
15 when that period was up.

16 Q And you were actively writing a book at
17 that time, correct?

18 A My manuscript. I've never published it.

19 Q You were writing the manuscript at the
20 time of your period of exclusivity with Sharon
21 Churcher, correct?

22 A Those three months were just craziness. I
23 think I started after that.

24 Q You think you started writing the book
25 after the 90 days were up?

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1 A Yeah.

2 Q And then you attempted to sell that
3 manuscript, correct?

4 A I didn't attempt to sell it. I went to
5 other publications, like, what do you call them?
6 People -- I'm trying to think of the name of the
7 word. People who publish books, not like a newspaper
8 or anything. And I inquired about what they thought
9 of my manuscript and if they thought it was, you
10 know, a good story. And, yeah.

11 Q So you sent the manuscript to these people
12 for the purposes of trying to publish the book,
13 correct?

14 A Some people, yes.

15 Q And you were trying to get money from the
16 book publication, correct?

17 A Well, I wasn't going to sell it to them
18 for free.

19 Q But you were unsuccessful in finding
20 someone to publish it, correct?

21 A Well, I was always on the fence with it.
22 I wasn't too sure if I wanted to or didn't want to.
23 I was more seeking judgment based upon these people
24 who have done this plenty and plenty of times.

25 Still to this day, I mean, I've had people

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1 who have been interested in it and I still don't know
2 if I want to do it yet. I mean, I think there's a
3 lot more that can go into it, you know.

4 Q You were actively sending the manuscript
5 to people for purposes of having them reach a deal
6 with you and publish it, correct?

7 A No deal was ever talked about. What we
8 talked about was the possibility of publishing it, is
9 it publishing-worthy, would I need to get a
10 ghostwriter. You know, this is the first time I've
11 ever written a manuscript so I didn't know what I was
12 doing.

13 Q Okay. You contacted Jarred Weisfeld,
14 correct?

15 A Correct.

16 Q I'm going to mark a document as
17 Defendant's Exhibit 16. It is a composite exhibit.

18 (Exhibit 16 marked.)

19 MR. EDWARDS: Thank you.

20 Q (BY MS. MENNINGER) I'm not going to ask
21 you to read every single page of this, but if you
22 look at the first page.

23 A Um-hum.

24 Q Can you tell what this is in terms of what
25 type of document?

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1 calm the anxiety and everything down.

2 Q Before you met Jeffrey Epstein, had you
3 used any drugs?

4 A Sure, yes.

5 Q Which drugs had you used prior to meeting
6 Jeffrey Epstein?

7 A I smoked pot. I've taken Ecstasy.

8 Q Cocaine?

9 A Yeah, I would have snorted cocaine,
10 um-hum.

11 Q Did you ever abuse alcohol before meeting
12 Jeffrey Epstein?

13 A No, I was -- I wasn't even of age to be
14 able to buy it. I mean, if there was alcohol at
15 parties I would have drank it, but I wouldn't say I
16 abused it.

17 Q Okay. Were there ever occasions upon
18 which you were observed to be drunk by other people,
19 prior to meeting Jeffrey Epstein?

20 A If you're drinking, the possibility of
21 getting drunk is always there. I don't -- I can't
22 recall exact situation where that was the case,
23 but --

24 Q Were you diagnosed as a drug addict prior
25 to meeting Jeffrey Epstein?

Agren Blando Court Reporting & Video, Inc.

1 AGREN BLANDO COURT REPORTING & VIDEO, INC.
2 216 - 16th Street, Suite 600
3 Denver, Colorado 80202
4 4450 Arapahoe Avenue, Suite 100
5 Boulder, Colorado 80303

6 May 11, 2016

7 Sigrid S. McCawley, Esq.
8 BOIES, SCHILLER & FLEXNER LLP
9 401 East Las Olas Boulevard
10 Suite 1200
11 Fort Lauderdale, FL 33301-2211

12 Re: Videotaped Deposition of VIRGINIA GIUFFRE
13 Giuffre v. Maxwell
14 Case No. 15-cv-07433-RWS

15 The aforementioned deposition is ready for reading
16 and signing. Please attend to this matter by
17 following BOTH of the items indicated below:

18 Call 303-296-0017 and arrange with us to read
19 and sign the deposition in our office.

20 XXX Have the deponent read your copy and sign
21 the signature page and amendment sheets, if
22 applicable; the signature page is attached.

23 Read the enclosed copy of the deposition and
24 sign the signature page and amendment
25 sheets, if applicable; the signature page is
 attached.

26 XXX WITHIN 30 DAYS OF THE DATE OF THIS LETTER

27 By due to a trial date of

28 Please be sure the original signature page and
29 amendment sheets, if any, are SIGNED BEFORE A NOTARY
30 PUBLIC and returned to Agren Blando for filing with
31 the original deposition. A copy of these changes
32 should also be forwarded to counsel of record.
33 Thank you.

34 AGREN BLANDO COURT REPORTING & VIDEO, INC.

35 cc: All Counsel

GIUFFRE

VS.

MAXWELL

Deposition

VIRGINIA GIUFFRE VOLUME II

11/14/2016

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 VIDEO DEPOSITION OF
VIRGINIA GIUFFRE, VOLUME II

November 14, 2016

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

APPEARANCES:

BOIES, SCHILLER & FLEXNER LLP
By Sigrid S. McCawley, Esq.
401 East Las Olas Boulevard
Suite 1200
Fort Lauderdale, FL 33301
Phone: 954.356.0011
smccawley@bsfllp.com
Appearing on behalf of the Plaintiff

Agren Blando Court Reporting & Video, Inc.

1 APPEARANCES: (Continued)

2 HADDON, MORGAN AND FORMAN, P.C.
3 By Laura Menninger, Esq.
4 Jeffrey S. Pagliuca, Esq.
5 150 East 10th Avenue
6 Denver, CO 80203
7 Phone: 303.831.7364
8 lmenninger@hmflaw.com
9 jpagliuca@hmflaw.com
10 Appearing on behalf of the
11 Defendant

12 Also Present:

13 Ann Lundberg, Paralegal
14 Maryvonne Tompkins, Videographer

15

16

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1 A Yes.

2 Q And you believe the Neiman Marcus was
3 located in which city?

4 A Well, it's around Fort Lauderdale. I
5 can't tell you exactly. Fort Lauderdale is so big,
6 like Broward County? Is that the word for it?

7 Q And what did you do at Neiman Marcus?

8 A I worked in the changing rooms.

9 Q And what did you do in the changing room?

10 A I think I just like -- if I remember
11 right, I just put clothes away that people left in
12 there. Probably went out to get sizes, different
13 sizes for women who wanted different sizes of the
14 same product.

15 Q And where did you work after Neiman
16 Marcus?

17 A Taco Bell.

18 Q Did you work at Southeast Employee
19 Management Company?

20 A I don't recognize that. I don't know if
21 that's a payroll company or what it is. I don't know
22 what Southeast -- what is it called?

23 Q Southeast Employee Management Company.

24 A No, I don't remember that.

25 Q Did you ever work as a temp?

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1 A Not that I remember.

2 Q Going to different offices and filling in?

3 A No.

4 Q Did you work for Oasis Outsourcing?

5 A I don't -- I don't know if that's a
6 payroll company or if that's an actual place, but
7 that doesn't ring a bell.

8 Q Did you -- do you know how much you got
9 paid when you were working at places like Oasis
10 Outsourcing?

11 A Well, considering I don't know if I worked
12 at Oasis Outsourcing, I wouldn't even know how much I
13 got paid.

14 Q Did you review your Social Security
15 records?

16 A Yes.

17 Q You saw Oasis Outsourcing listed there?

18 A Right, but like I said, it doesn't even
19 ding a bell at all.

20 Q Do you know how much money they said you
21 made from them?

22 MS. MCCAWLEY: Objection. If you want to
23 show her the documents, she can see what amount is
24 listed and answer your questions, but if you're not
25 going to show her the document, that's the best she

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1 can do.

2 A Yeah, if you could. I'm happy to answer
3 your questions. I want to be helpful, so...

4 Q (BY MS. MENNINGER) Great. Well, do you
5 remember how much money you made from Oasis
6 Outsourcing?

7 A Like I said, I don't even remember working
8 for Oasis Outsourcing, or what it is, so I couldn't
9 tell you.

10 Q Do you remember how much money you were
11 making per hour at Neiman Marcus?

12 A No, not off the top of my head.

13 Q Do you know how many months you worked
14 there?

15 A Not long. I'd probably say -- I mean, I
16 don't know. I'm not going to guess. But around the
17 three-month mark would be my -- I don't know the
18 exact answer.

19 Q Do you remember any of your coworkers?

20 A No.

21 Q Did you work at Mannino's?

22 A Briefly, yes.

23 Q What is Mannino's?

24 A A cute little Italian restaurant in
25 Wellington.

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1 Q And what did you do at Mannino's?

2 A I did waitressing.

3 Q And how much did you make?

4 A Oh, I don't know. I don't remember.

5 Q Did you work at TGI Fridays?

6 A Again, very shortly. Short time period,
7 and I was a waitress again.

8 Q And how much did you make there?

9 A I have no idea.

10 Q Did you get fired?

11 A No.

12 Q Why did you leave?

13 A I was -- that's around the time period
14 that I was approached by -- I can't remember his
15 name, but he owned a veterinary clinic or he was a
16 vet, one of the two, and he offered me to come work
17 for him.

18 Q When you were working at TG -- TGI
19 Fridays, were you also working at the Roadhouse
20 Grill?

21 A No.

22 Q Those were not at the same time?

23 A I don't know. I don't think so. Maybe
24 consecutively like after each other.

25 Q Do you recall working at the Roadhouse

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1 Grill?

2 A Yes.

3 Q And why did you leave there?

4 A We all know that the thing that went down
5 there. Tony picked me up and took some money out of
6 a jar, and then I went to go give it back to the guy,
7 thinking that it would be all right, and it wasn't.
8 So I got fired, I think.

9 Q Sure. Okay. I show you some -- are we on
10 9?

11 MR. PAGLIUCA: Yes, 9.

12 Q (BY MS. MENNINGER) I'd like to show you
13 Defendant's Exhibit 9.

14 (Exhibit 9 marked.)

15 THE DEPONENT: Thank you.

16 Q (BY MS. MENNINGER) Do you recognize your
17 handwriting on this document?

18 A Yes.

19 Q Did you fill out an application for
20 employment --

21 A Yes.

22 Q -- on March 26th of 2002?

23 A Yes.

24 Q And where were you living at that time?

25 A I've put down my parents' address, but I

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1 and seasonal employee, correct?

2 A Correct.

3 Q And your dad was a full-time year-round
4 employee, right?

5 A Yes.

6 Q He worked there all the time.

7 A Yes.

8 Q And your job was a seasonal employment.

9 A Well, as far as I know --

10 MS. MCCAWLEY: Objection.

11 A -- I was hired for the summer, so....

12 Q (BY MS. MENNINGER) Right. Okay. So the
13 work hours, in the next paragraph, what -- what is
14 that -- can you just read that bottom paragraph for
15 us?

16 A "The Club never shuts down from
17 November 1st to Mother's Day; for 24 hours a day, 7
18 days a week, it serves the diverse needs of our
19 members. Therefore to ensure the adequate coverage
20 at all times, departments have arranged different
21 schedules for their employees."

22 Q Okay. I'm going to show you Defendant's
23 Exhibit 20.

24 A Close this one?

25 Q Yeah.

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1 STATE OF COLORADO)

2) ss. REPORTER'S CERTIFICATE

3 COUNTY OF DENVER)

4 I, Pamela J. Hansen, do hereby certify that
5 I am a Registered Professional Reporter and Notary
6 Public within the State of Colorado; that previous to
7 the commencement of the examination, the deponent was
8 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 23rd day of November, 2016.

20 My commission expires September 3, 2018.

21
22
23 Pamela J. Hansen, CRR, RPR, RMR
24 216 - 16th Street, Suite 600
25 Denver, Colorado 80202

EXHIBIT 6

(Filed Under Seal)

ROSS NEIL SUTHERLAND GOW 11/18/2016

1 IN THE HIGH COURT OF JUSTICE
2 QUEEN'S BENCH DIVISION

3 Claim No. CR 2016 624

4 BETWEEN:

5 VIRGINIA L. GIUFFRE Applicant,
6 and
7 ROSS GOW,
8 Respondent.

9 AND:

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF NEW YORK

12 Virginia L. Giuffre,)
13 Plaintiff,)
14)
15 v.) Case No. 15 cv 07433 RWS
16)
17 Ghislaine Maxwell,)
18 Defendant.)

19

20 Friday, November 18, 2016

21 AT: 8:27 a.m.

22 Taken at:

23

24 Essex Chambers 29,
25 81 Chancery Lane,
London, UK, WC2A 1DD

26 Court Reporter: Lisa Barrett, Accredited Real time
27 Reporter

28

ROSS NEIL SUTHERLAND GOW 11/18/2016

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1	A. No, I have not.	08:31:58
2	Q. When you met her last night, did she assist you	08:32:01
3	in preparation for this deposition?	08:32:04
4	A. No.	08:32:07
5	Q. Did she tell you anything about this case?	08:32:10
6	A. No.	08:32:13
7	Q. Do you know Ghislaine Maxwell?	08:32:20
8	A. I do know Ms. Maxwell, yes.	08:32:24
9	Q. How did you meet her?	08:32:26
10	A. I met her in the offices of Devonshires law	08:32:27
11	firm on or around March 2011.	08:32:31
12	Q. So your first meeting was in person?	08:32:37
13	A. First meeting was in person, yes.	08:32:41
14	Q. Had you spoken to her prior to that?	08:32:42
15	A. I believe that the very first engagement was --	08:32:45
16	I was introduced to her by my chairman Brian Basham but	08:32:50
17	I believe the first words we had were in the Devonshire	08:32:54
18	law office.	08:32:58
19	Q. Did Ms. Maxwell retain the services of you or	08:33:00
20	your firm?	08:33:03
21	A. Yes, she did.	08:33:04
22	Q. And was that in March of 2011?	08:33:06
23	A. It was.	08:33:09
24	Q. Do you have a written agreement?	08:33:11
25	A. We did have a written agreement but I can no	08:33:14

ROSS NEIL SUTHERLAND GOW 11/18/2016

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1	longer locate that agreement.	08:33:16
2	Q. Was that agreement ever renewed?	08:33:19
3	A. It was renewed, I believe on or around the	08:33:21
4	beginning of January 2015, potentially the 2nd of January	08:33:26
5	via email.	08:33:32
6	Q. Was the agreement revised when it was renewed?	08:33:34
7	A. It wasn't revised. It was a straightforward	08:33:38
8	re-establishment of the original agreement.	08:33:42
9	Q. Is it your belief that that agreement was in	08:33:45
10	effect on January 2nd, 2015?	08:33:49
11	A. Yes.	08:33:53
12	Q. Do you recall the terms of that agreement?	08:33:59
13	A. Well, it was a re-establishment of an existing	08:34:03
14	agreement so if we go back to the original agreement, it	08:34:06
15	was to provide public relations services to Ms. Maxwell	08:34:08
16	in the matter of Guiffre and her activities.	08:34:13
17	MS. SCHULTZ: I'm marking as Exhibit 2, a	08:34:29
18	document labeled GM 00068.	08:34:31
19	(Exhibit 2 was marked for identification)	08:30:48
20	MR. DYER: Why don't you start making a pile of	08:34:38
21	them, Mr. Gow, because it may be that later on you'll be	08:34:40
22	asked to go back to them.	08:34:43
23	THE WITNESS: Yes, sir.	08:34:44
24	MR. DYER: You don't have copies for me of	08:34:55
25	these documents?	08:34:57

ROSS NEIL SUTHERLAND GOW 11/18/2016 Page 14

1	MS. SCHULTZ: I do not have any more copies on	08:34:58
2	that.	08:34:59
3	MR. DYER: No, no, no, it's much more important	08:35:00
4	that ... just for the purpose of following things, it's	08:35:00
5	easier.	08:35:03
6	BY MS. SCHULTZ:	08:35:12
7	Q. Is ross@acuityreputation.com your email	08:35:12
8	address?	08:35:15
9	A. It is, my business email, yes.	08:35:16
10	Q. Did you send the email depicted in this	08:35:18
11	document?	08:35:21
12	A. Yes, I did.	08:35:26
13	Q. Did you send it on January 2nd, 2015?	08:35:27
14	A. I believe I did.	08:35:31
15	Q. When you sent that email were you acting	08:35:34
16	pursuant to Ms. Maxwell's retention of your services?	08:35:36
17	A. Yes, I was.	08:35:41
18	Q. Could you please tell me everything you know	08:35:58
19	about Virginia Roberts Guiffre.	08:36:00
20	MS. MENNINGER: Objection, foundation and form.	08:36:09
21	MR. DYER: You may answer.	08:36:11
22	BY MS. SCHULTZ:	08:36:11
23	Q. You testified earlier that you were retained --	08:36:12
24	MR. DYER: Are you withdrawing that question?	08:36:15
25	BY MS. SCHULTZ:	08:36:17

ROSS NEIL SUTHERLAND GOW 11/18/2016 Page 15

1	Q. No, I'm not, I'm not. Please -- I am	08:36:17
2	withdrawning that question.	08:36:20
3	MR. DYER: Alright.	08:36:20
4	MS. SCHULTZ: I am withdrawning that question.	08:36:20
5	BY MS. SCHULTZ:	08:36:22
6	Q. You testified previously that you were retained	08:36:22
7	to handle matters relating to Virginia Roberts Guiffre;	08:36:24
8	is that correct?	08:36:29
9	A. Correct.	08:36:30
10	Q. Okay. So you are aware of who Ms. Roberts	08:36:31
11	Guiffre is?	08:36:35
12	A. I am.	08:36:36
13	Q. Okay. Please tell me everything you know about	08:36:37
14	Virginia Roberts Guiffre, please.	08:36:39
15	MS. MENNINGER: Objection, foundation, form,	08:36:42
16	and may call for privileged materials.	08:36:43
17	BY MS. SCHULTZ:	08:36:45
18	Q. You can answer -- to the extent that anything	08:36:46
19	you testify to is not protected by a privilege.	08:36:48
20	A. Ms. Roberts first came to my attention on or	08:36:58
21	around March 2011 when I was called into a meeting with	08:37:03
22	Philip Barden and Ms. Maxwell at Devonshires law office,	08:37:08
23	that she had made -- Ms. Guiffre had made extremely	08:37:14
24	unpleasant allegations about Ms. Maxwell's private life.	08:37:20
25	We were -- Acuity Reputation, my firm	08:37:26

ROSS NEIL SUTHERLAND GOW 11/18/2016 Page 16

1	was called in to protect Ms. Maxwell's reputation, and	08:37:29
2	to set the record straight. That was -- and that work	08:37:33
3	commenced on or around March of 2011.	08:37:42
4	Q. What do you mean by "set the record straight"?	08:37:46
5	A. Ms. Guiffre's allegations about Ms. Maxwell	08:37:51
6	were, we believe, and to this day continue to believe,	08:37:55
7	untrue, defamatory, and fantastical. And with	08:37:58
8	Devonshires' lawyers, we set about putting out --	08:38:09
9	crafting a statement which would put Ms. Maxwell's point	08:38:15
10	of view across that Ms. Guiffre's allegations were untrue	08:38:19
11	and, frankly, abhorrent.	08:38:25
12	Q. What advice did you give Miss Maxwell as part	08:38:28
13	of your retention?	08:38:31
14	A. It is standard procedure in cases where it's	08:38:32
15	understood that a party may be defaming one's client that	08:38:36
16	one puts out a statement correcting those allegations and	08:38:42
17	providing a clearer picture of where the truth lies. So	08:38:46
18	it was very much our counsel that Ms. Maxwell put out a	08:38:49
19	statement, vehemently denying the allegations.	08:38:55
20	Q. When you testified that Ms. Guiffre, I'm going	08:38:59
21	to refer to her by just her married name, came to your	08:39:03
22	attention at that March 2011 meeting at Devonshires with	08:39:06
23	Mr. Barden and Ms. Maxwell, correct, and you learned	08:39:12
24	about her at that meeting; is that correct?	08:39:16
25	A. Correct.	08:39:18

ROSS NEIL SUTHERLAND GOW

11/18/2016

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1	remaining, so...	08:58:14
2	I've marked as Exhibit 3 RG(UK) 00002. Do you	08:58:15
3	recognize this email?	08:58:47
4	A. I do.	08:58:48
5	Q. Did you receive this email?	08:58:49
6	A. I did, on the -- on New Year's Day 2015.	08:58:50
7	Q. Did you contact Ms. Maxwell after receiving	08:58:57
8	this email?	08:58:58
9	A. I did.	08:58:59
10	Q. Did you make any response to Mr. Ball in any	08:59:19
11	form?	08:59:22
12	A. I did.	08:59:22
13	Q. Can you tell me what you -- what response you	08:59:25
14	made?	08:59:26
15	A. Well, the response to Mr. Ball was part of a	08:59:27
16	series of responses having spoken to my client within 24	08:59:33
17	hours or so, we got back to Mr. Ball with an agreed	08:59:41
18	statement which went out to a number of media.	08:59:44
19	Q. When you say "agreed statement" can you tell me	08:59:50
20	more about what you mean? Who agreed to the statement?	08:59:52
21	A. I need to give you some context, if I may,	08:59:58
22	about that statement.	09:00:01
23	So, this is on New Year's Day. I was	09:00:02
24	in France so the email time here of 21:46, in French	09:00:04
25	time was 22:46, and I was getting up early the next	09:00:10

ROSS NEIL SUTHERLAND GOW 11/18/2016 Page 32

1	morning to drive my family back from the south of	09:00:14
2	France to England, which is a 14-hour journey, door to	09:00:17
3	door. So on the morning of the 2nd of January,	09:00:22
4	bearing in mind that Ms. Maxwell, I think was in New	09:00:26
5	York then, she was five hours behind, so there was	09:00:28
6	quite a lot of, sort of time difference between the	09:00:30
7	various countries here, I sent her an email, I	09:00:35
8	believe, saying -- parsing this -- forwarding this	09:00:38
9	email to her saying "How do you wish to proceed?" And	09:00:41
10	then I was on the telephone -- I had two telephones in	09:00:45
11	the car, I received in excess of 30 phone calls from	09:00:50
12	various media outlets on the 2nd of January, all	09:00:54
13	asking for information about how Ms. Maxwell was	09:01:00
14	looking to respond to the latest court filings, which	09:01:04
15	were filed on the 30th of December as I understand.	09:01:10
16	And by close -- towards close of play	09:01:13
17	on the 2nd, I received an email forwarded by	09:01:16
18	Ms. Maxwell, containing a draft statement which my	09:01:33
19	understanding was the majority of which had been	09:01:36
20	drafted by Mr. Barden with a header along the lines of	09:01:39
21	"This is the agreed statement." At close of play on	09:01:44
22	the 2nd.	09:01:48
23	So I -- I was -- I had gone under the	09:01:50
24	Channel Tunnel and I was sitting on the other side and	09:01:54
25	that email, which my understanding was that it had	09:01:57

ROSS NEIL SUTHERLAND GOW 11/18/2016 Page 33

1	been signed off by the client, effectively, was then	09:02:01
2	sent out to a number of media, including Mr. Ball and	09:02:05
3	various other UK newspapers.	09:02:09
4	Q. Mr. Gow, when you say "end of play" and "close	09:02:12
5	of play," are you referring to sending the email that's	09:02:15
6	Exhibit 2?	09:02:18
7	A. Yes, I am.	09:02:24
8	MR. DYER: My understanding is that it went to	09:02:29
9	people other than those listed?	09:02:30
10	THE WITNESS: Yes, that is --	09:02:32
11	MR. DYER: Just a sample.	09:02:34
12	THE WITNESS: That is a sample. Everyone who	09:02:35
13	effectively -- well, the detail on this, I was driving,	09:02:37
14	so my eldest son in the back had my BlackBerry and was	09:02:40
15	trying to capture -- it was a pretty chaotic day.	09:02:43
16	Most people in the UK were on holiday. In fact,	09:02:48
17	it was a holiday weekend, our office was closed, my PA was	09:02:50
18	on holiday, so my son was basically doing an internship in	09:02:54
19	the back of the car, downloading the names of the callers	09:02:58
20	from various media outlets and -- so we had a list of	09:03:02
21	those so when I got to the car park, at the end of the	09:03:05
22	Eurotunnel thing in the UK, I had numerous names, so the	09:03:09
23	email went out to a wide range of people.	09:03:14
24	But the 30 or so calls I had is an aggregate	09:03:17
25	number, so there might have been five calls from the BBC	09:03:20

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1	10 more seconds.	09:19:50
2	MS. SCHULTZ: Understood, and I apologize.	09:19:52
3	MR. SPEARMAN: This is what, Exhibit 9?	09:19:54
4	MR. DYER: Yes.	09:19:56
5	MS. SCHULTZ: Yes.	09:19:56
6	(Exhibit 9 was marked for identification.)	09:19:56
7	BY MS. SCHULTZ:	09:20:01
8	Q. This also appears to be an email chain with you	09:20:02
9	and Ms. Maxwell; is that correct?	09:20:05
10	A. It does appear to be so.	09:20:07
11	Q. Did you send the top email of the chain that	09:20:08
12	says "Okay, G, going with this"?	09:20:10
13	A. I did.	09:20:13
14	Q. And did you receive from Ms. Maxwell, the	09:20:14
15	bottom email of that chain?	09:20:16
16	A. I believe so. Well, I believe -- yes, yeah, it	09:20:17
17	was forwarded from Ms. Maxwell, yes.	09:20:21
18	MR. DYER: Sorry, I don't quite understand that	09:20:29
19	answer.	09:20:31
20	THE WITNESS: I misspoke that. I did receive	09:20:33
21	it from Ms. Maxwell.	09:20:34
22	MR. DYER: Okay.	09:20:38
23	BY MS. SCHULTZ:	09:20:38
24	Q. The subject line does have "FW" which to me	09:20:39
25	indicates it's a forward. Do you know where the rest of	09:20:42

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1	this email chain is?	09:20:45
2	A. My understanding of this is: It was a holiday	09:20:49
3	in the UK, but Mr. Barden was not necessarily accessible,	09:20:54
4	at some point in time, so this had been sent to him	09:20:59
5	originally by Ms. Maxwell, and because he was	09:21:03
6	unavailable, she forwarded it to me for immediate action.	09:21:07
7	I therefore respond, "Okay, Ghislaine, I'll go with	09:21:14
8	this."	09:21:19
9	It is my understanding that this is	09:21:20
10	the agreed statement because the subject of the second	09:21:22
11	one is "Urgent, this is the statement" so I take that	09:21:24
12	as an instruction to send it out, as a positive	09:21:27
13	command: "This is the statement."	09:21:30
14	Q. Okay.	09:21:33
15	A. And I say, "Thanks, Philip" because I'm aware	09:21:33
16	of the fact that he had a hand, a considerable hand in	09:21:37
17	the drafting.	09:21:40
18	Q. Okay. Could I ask you to please refer back to	09:21:41
19	Exhibit 2. Looking also at Exhibit 9, Exhibit 9 appears	09:21:47
20	to have five sentences in it. Do you agree that those	09:22:03
21	same five sentences are part of the communication that is	09:22:10
22	borne in Exhibit 2?	09:22:13
23	A. Sorry, could you say that again. I'm just	09:22:18
24	following what your --	09:22:20
25	Q. It was a bad question. Let me try that again.	09:22:21

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1	Q. Okay. Have you ever communicated anything	09:54:42
2	regarding Ms. Guiffre's criminal allegations to the press	09:54:52
3	or the media?	09:54:56
4	A. As part of a wider conversation about her	09:54:58
5	unsavory allegations about Ms. Maxwell, it's possible	09:55:04
6	that I might have done, but I can't recall the detail,	09:55:08
7	I'm afraid.	09:55:11
8	Q. Do you -- do you remember discussing that with	09:55:12
9	The Guardian?	09:55:20
10	A. No, I don't. I'm not saying I didn't but I	09:55:26
11	can't recall. You have to bear in mind, if you'd be so	09:55:29
12	kind, that I've been speaking to over 30 journalists and	09:55:34
13	media outlets about this, and I can't recall every single	09:55:39
14	-- the detail of every single conversation.	09:55:41
15	Q. Earlier you testified with regard to Exhibit 2	09:55:44
16	that in the days following sending that email, you also	09:55:47
17	communicated with other press and media outlets. Do you	09:55:53
18	recall today any of the other press and media outlets you	09:55:58
19	communicated with, in addition to those listed at the top	09:56:02
20	of that email?	09:56:07
21	A. The Guardian, The Sun, from the top of my	09:56:07
22	memory, but in addition to -- in addition to emails there	09:56:14
23	would have been telephone calls and I'm -- there may not	09:56:21
24	be a transcript of those calls, these are emails inter	09:56:25
25	alia, others, and I can't recall every single email that	09:56:33

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1	from John Swain?	09:58:42
2	A. I believe I did.	09:58:44
3	Q. That's all the questions I have about that	09:58:49
4	document.	09:58:51
5	A. Thank you.	09:58:52
6	Q. Regarding communications you made after sending	09:59:05
7	the email in Exhibit 2, I believe, and please correct me	09:59:08
8	if I'm wrong, you testified that you received 30 or more	09:59:14
9	calls that were -- that you would classify as press	09:59:17
10	inquiries regarding Ms. Guiffre; is that correct?	09:59:20
11	A. Yes.	09:59:23
12	Q. Do you recall emailing the statement to other	09:59:24
13	entities beyond what is on the list on Exhibit 2?	09:59:29
14	A. Yes, I think I answered that previously. Yes,	09:59:33
15	I mean there is a far -- I said inter alia, so there is a	09:59:36
16	wider range of people that I would have emailed it to in	09:59:40
17	response to incoming queries --	09:59:43
18	Q. Do you --	09:59:46
19	A. But I --	09:59:46
20	Q. Sorry.	09:59:47
21	A. I can't remember every single one.	09:59:48
22	Q. Do you recall ever reading the statement to the	09:59:50
23	press or the media over the phone?	09:59:52
24	A. It's very possible that I would have done so,	09:59:56
25	yes.	09:59:57

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1	MR. DYER: Do you mean Exhibit 2?	09:59:58
2	MS. SCHULTZ: Yes. Exhibit 2.	10:00:00
3	THE WITNESS: To be clear, Exhibit 2 was the	10:00:02
4	base document.	10:00:03
5	MS. SCHULTZ: Uh-hmm.	10:00:05
6	THE WITNESS: In addition to the 2011 March	10:00:05
7	statement. Those were the two working documents that	10:00:10
8	were always referred to, both of which -- well, the first	10:00:15
9	one was in a public domain and was on record on the	10:00:17
10	Devonshires -- on -- with Devonshires name at the top on	10:00:21
11	PR Newswire which is a global delivery service. So that	10:00:24
12	was easily accessible by people. And the second one was	10:00:28
13	the -- further to the 2nd of January 2015.	10:00:31
14	BY MS. SCHULTZ:	10:00:38
15	Q. To the extent you can recall or could estimate,	10:00:37
16	how many other emails do you believe you sent bearing	10:00:40
17	that statement that's in Exhibit 2?	10:00:43
18	A. I really can't remember but certainly more than	10:00:47
19	six and probably less than 30, somewhere in between.	10:00:48
20	Any time there was an incoming query	10:00:52
21	it was either dealt with on the telephone by referring	10:00:54
22	them back to the two statements of March 2011 and	10:00:57
23	January 2015 or someone would email them the	10:01:00
24	statement. So no one was left unanswered, broadly, is	10:01:06
25	the -- is where we were. But I can't remember every	10:01:09

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1	single person we reached out to.	10:01:13
2	Q. Okay. So is it your testimony that you reached	10:01:19
3	out to individuals who did not first contact you?	10:01:22
4	A. No. We were in response mode.	10:01:26
5	Q. Okay.	10:01:28
6	A. There was enough to do responding to incoming	10:01:29
7	queries, I wouldn't have been making more work, to be	10:01:33
8	honest.	10:01:38
9	Q. Alright.	10:01:38
10	MR. DYER: So journalists paid no attention to	10:01:42
11	your "No further communication will be provided on the	10:01:44
12	matter."	10:01:47
13	A. No -- that's quite correct, sir, and there	10:01:48
14	probably was a -- it's regarded as tweaking their tales.	10:01:50
15	BY MS. SCHULTZ:	10:02:00
16	Q. Mr. Gow, I'm handing you what I've marked as	10:02:00
17	Exhibit 14. The Bates number is RG(UK) 000004. I'll	10:02:04
18	give you a moment to look at it.	10:02:17
19	(Exhibit 14 was marked for identification.)	10:02:19
20	BY MS. SCHULTZ:	10:02:43
21	Q. Thank you. Toward the top of the page there is	10:02:44
22	a passage that reads:	10:02:47
23	"Apologies, should read	10:02:49
24	Virginia Roberts all the way	10:02:51
25	through." [As read]	10:02:53

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1	servicing ultra high net worth clients, individuals,	11:23:14
2	corporates, governments and NGOs, managing their media	11:23:20
3	relations and protecting their reputation.	11:23:25
4	Q. Approximately how long have you been providing	11:23:27
5	such services?	11:23:30
6	A. Acuity was set up in 2010.	11:23:31
7	(Exhibit 26 was marked for identification.)	11:23:42
8	BY MS. SCHULTZ:	
9	Q. I'm going to hand you what I've marked as	11:23:37
10	Exhibit 26.	11:23:39
11	A. Thank you.	11:23:43
12	Q. Does this document fairly depict pages from	11:23:53
13	your -- from Acuity Reputation's website?	11:23:55
14	A. It does.	11:23:59
15	Q. Do you see where it says "We manage reputation	11:24:02
16	and forge opinion through public relations, strategic	11:24:06
17	communications and high level networking"?	11:24:10
18	A. I do.	11:24:13
19	Q. Is that a true statement?	11:24:13
20	A. Say it again. Sorry.	11:24:15
21	Q. Is that a true statement?	11:24:17
22	A. It is, yes. I wrote that statement.	11:24:18
23	MR. DYER: Sorry, you read it or you wrote it?	11:24:20
24	THE WITNESS: I wrote it, so I do recognize it.	11:24:22
25	BY MS. SCHULTZ:	11:24:28

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1	Q. Is it correct that public relations and	11:24:29
2	strategic communications are things that you personally	11:24:31
3	do as part of your professional activities?	11:24:36
4	A. I personally -- I'm involved in public	11:24:40
5	relations and strategic communications, yes.	11:24:44
6	Q. Is it correct that the media is the intended	11:24:48
7	recipient of this strategic communications.	11:24:51
8	A. It's -- the -- it's a larger ground than just	11:24:55
9	the media. There may be lobbyists, government think	11:24:59
10	tanks, focus groups, government departments.	11:25:05
11	Q. Would it be fair to say that the media is often	11:25:09
12	the intended recipient of strategic communications?	11:25:12
13	A. It is a frequent recipient.	11:25:16
14	Q. Referent recipient?	11:25:18
15	A. But not the sole recipient.	11:25:21
16	Q. Okay. Do you see where your website claims	11:25:23
17	that your company has "excellent relationships with the	11:25:25
18	media"?	11:25:28
19	A. I do.	11:25:30
20	Q. Is that a true statement?	11:25:31
21	A. That is true, yeah.	11:25:33
22	MR. DYER: Except Mr. Syson.	11:25:37
23	THE WITNESS: Except Mr. Syson, sir.	11:25:38
24	MS. SCHULTZ: Of course.	11:25:40
25	THE WITNESS: And representatives of the Daily	11:25:40

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1	Mirror.	11:25:41
2	BY MS. SCHULTZ:	11:25:42
3	Q. Is it correct that you advertise your	11:25:42
4	"excellent relationships with the media" because your	11:25:46
5	services often include giving communications to the media	11:25:49
6	on behalf of your clients?	11:25:52
7	A. Yes.	11:25:55
8	MS. SCHULTZ: That's all I have for right now.	11:25:59
9	MR. DYER: I just wanted to ask you one	11:26:01
10	question about Exhibit 25. This was the email from the	11:26:03
11	New York Daily News to you which you sent on to	11:26:13
12	Ms. Maxwell and Mr. Barden.	11:26:17
13	THE WITNESS: Yes.	11:26:20
14	MR. DYER: Do you recollect whether you were	11:26:29
15	asked to make any statement in response to this matter,	11:26:30
16	the issue of proceedings in September of last year?	11:26:35
17	THE WITNESS: I don't, sir. It's always been	11:26:40
18	the case that Mr. Barden and I were encouraging	11:26:45
19	Ms. Maxwell to make a statement, but she was very	11:26:50
20	reluctant to do so.	11:26:57
21	MR. DYER: Right. I think you've got him to	11:27:00
22	accept that up until some time March, April, May, he may	11:27:02
23	have spoken to Mr. Syson. And that was the last	11:27:06
24	statement that there's any evidence of him making about	11:27:10
25	this matter. But on the evidence, as I understand it,	11:27:14

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1

CERTIFICATE OF COURT REPORTER

2

3 I, Lisa M. Barrett, an Accredited Real-time Reporter,
4 hereby certify that the testimony of the witness Ross
5 Neil Sutherland Gow in the foregoing transcript,
6 numbered pages 1 through 122, taken on this 18th day
7 of November, 2016 was recorded by me in machine
8 shorthand and was thereafter transcribed by me; and
9 that the foregoing transcript is a true and accurate
10 verbatim record of the said testimony.

11

12

13 I further certify that I am not a relative, employee,
14 counsel or financially involved with any of the
15 parties to the within cause, nor am I an employee or
16 relative of any counsel for the parties, nor am I, in
17 any way, interested in the outcome of the within
18 cause.

19

20

21 Signed:

22 Name: Lisa M. Barrett, RPR, CRR, CRC, CSR

23 Date:

24

25

EXHIBIT 7

(Filed Under Seal)

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x
VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x
June 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.

Page 54

1 [REDACTED] - CONFIDENTIAL

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?

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1 [REDACTED] - CONFIDENTIAL

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?

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1 [REDACTED] - CONFIDENTIAL

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

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1 [REDACTED] - CONFIDENTIAL

2 Epstein?

3 MR. PAGLIUCA: Object to form and
4 foundation.

5 THE WITNESS: Yes.

6 MR. EDWARDS: All right. I don't have
7 anything further for you. I apologize that we
8 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 Q. Ms. [REDACTED], by name is Jeff Pagluica. I
13 live in Denver, Colorado. And, like you, I don't
14 want to be here today either, okay? I would rather
15 be in Denver.

16 I just want to -- as I understand it, and
17 I'm not trying to get into any of your treatment
18 over the last, let's say, 10 years, because I don't
19 know how long it's been, but as I understand what
20 you and your lawyer have said here today, you have
21 been involved in some number of years of therapy, in
22 which the purpose -- part of the purpose of the
23 therapy has been to forget all of these events that
24 Mr. Edwards was asking you questions about; is that
25 correct?

1 [REDACTED] - CONFIDENTIAL
2 CERTIFICATE OF OATH

3 STATE OF FLORIDA)
4 COUNTY OF MIAMI-DADE)

I, the undersigned authority, certify that
[REDACTED] personally appeared before me and
was duly sworn.

7 WITNESS my hand and official seal this
23rd day of June, 2016.

8
9

Kelli Ann Willis, RPR, CRR
Notary Public, State of Florida
Commission FF928291, Expires 2-16-20

11 + + + + + + + + + + + + + + + + + + +

12 CERTIFICATE

13 STATE OF FLORIDA)
14 COUNTY OF MIAMI-DADE)

15 I, Kelli Ann Willis, Registered
Professional Reporter and Certified Realtime
16 Reporter do hereby certify that I was
authorized to and did stenographically report the
17 foregoing deposition of [REDACTED] that a
review of the transcript was not requested; and
18 that the transcript is a true record of my
stenographic notes.

19 I FURTHER CERTIFY that I am not a
relative, employee, attorney, or counsel of any
20 of the parties, nor am I a relative or employee of
any of the parties' attorney or counsel connected
21 with the action, nor am I financially interested
in the action.

22 Dated this 23rd day of June, 2016.

23
24
25

KELLI ANN WILLIS, RPR, CRR

EXHIBIT 8

(Filed Under Seal)

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIRGINIA L. GIUFFRE,
Plaintiff,

v. CASE NO.:15-CV-07433-RWS

GHISLAINE MAXWELL,

Defendants.

January 25, 2017
9:05 a.m. - 12:44 p.m.
401 E. Las Olas Boulevard
Fort Lauderdale, Florida

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

VIDEOTAPE DEPOSITION OF SARAH KELLEN

Taken on behalf of the before
Michael J. D'Amato, RMR, Notary Public in and for the
State of Florida at Large, pursuant to Notice of Taking
Deposition in the above cause.

Job # 293966

Page 15

1 decline to answer.

2 Q. Who introduced you to Ghislaine Maxwell?

3 A. On advice of my counsel I must invoke my Fifth
4 and Sixth Amendment privilege which I understand
5 protect the innocent and therefore I must unfortunately
6 decline to answer.

7 Q. When you met Ghislaine Maxwell was she working
8 for Jeffrey Epstein?

9 A. On advice of my counsel I must invoke my Fifth
10 and Sixth Amendment privilege which I understand
11 protect the innocent and therefore I must unfortunately
12 decline to answer.

13 Q. Did Ghislaine Maxwell work as a recruiter for
14 young girls for Jeffrey Epstein when you met her?

15 A. On advice of my counsel I must invoke my Fifth
16 and Sixth Amendment privilege which I understand
17 protect the innocent and therefore I must unfortunately
18 decline to answer.

19 Q. I'm defining young girls to mean females the
20 ages 12 to 23. Do you understand that?

21 A. On advice of my counsel I must invoke my Fifth
22 and Sixth Amendment privilege which I understand
23 protect the innocent and therefore I must unfortunately
24 decline to answer.

25 Q. Didn't Ghislaine Maxwell approach you to

Page 20

1 girls for sex with Jeffrey Epstein?

2 A. On advice of my counsel I must invoke my Fifth
3 and Sixth Amendment privilege which I understand
4 protect the innocent and therefore I must unfortunately
5 decline to answer.

6 Q. Did you assist Ghislaine Maxwell in procuring
7 underage girls for sex with Jeffrey Epstein?

8 A. On advice of my counsel I must invoke my Fifth
9 and Sixth Amendment privilege which I understand
10 protect the innocent and therefore I must unfortunately
11 decline to answer.

12 Q. Isn't it true that Ghislaine Maxwell would
13 recruit underage girls for sex and sex acts with
14 Jeffrey Epstein?

15 A. On advice of my counsel I must invoke my Fifth
16 and Sixth Amendment privilege which I understand
17 protect the innocent and therefore I must unfortunately
18 decline to answer.

19 Q. Did Ghislaine Maxwell give you information on
20 what underage girls she had contact information for?

21 A. On advice of my counsel I must invoke my Fifth
22 and Sixth Amendment privilege which I understand
23 protect the innocent and therefore I must unfortunately
24 decline to answer.

25 Q. Did Ghislaine Maxwell teach you to offer these

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1 CERTIFICATE OF COURT REPORTER

2 I, MICHAEL J. D'AMATO, a Registered Merit Reporter
3 and Notary Public in and for the State of Florida at
4 Large, do HEREBY CERTIFY that I was authorized to and
5 did stenographically report the deposition of SARAH
6 KELLEN; that a review of the transcript was requested;
7 and that the foregoing transcript, pages from 1 to 197,
8 is a true and accurate record of my stenographic notes.

9 I FURTHER CERTIFY that I am not a relative,
10 employee, attorney, or counsel of any of the parties, nor
11 am I a relative or employee of any of the parties'
12 attorney or counsel connected with the action, nor am I
13 financially interested in the action.

14 Dated this 27th day of January 2017.

15

16 MICHAEL J. D'AMATO,
17 Registered Merit Reporter

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EXHIBIT 9

(Filed Under Seal)

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 15-cv-07433-RWS

VIDEOTAPE DEPOSITION OF: PETER KENT
November 29, 2016

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

PURSUANT TO SUBPOENA AND NOTICE, the videotape deposition of PETER KENT was taken on behalf of the Plaintiff at 150 East 10th Avenue, Denver, Colorado 80230, on November 29, 2016, at 9:00 a.m., before Sandra L. Bray, Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public within Colorado.

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1 MS. McCAWLEY: I'm just asking about his
2 retention, which I believe is discoverable under
3 Rule 26.

4 Q. (BY MS. McCAWLEY) Do you recall whether
5 you were retained to perform work for one expert or
6 two experts?

7 THE DEPONENT: Am I allowed to answer
8 this?

9 MR. PAGLIUCA: Yes.

10 A. I actually don't recall.

11 Q. (BY MS. McCAWLEY) Do you know whether
12 you were provided with one report or two reports when
13 you initially were retained?

14 A. I believe I was provided with both the
15 reports at the same time.

16 Q. Let me turn to about halfway back. So
17 it's going to be -- there's markings on the bottom.
18 It says PK-005.

19 A. Yes.

20 Q. And it indicates an amount there, an
21 invoice. Is this one of your invoices?

22 A. Yes.

23 Q. It indicates an amount of \$17,875?

24 A. Yes.

25 Q. Is that the total amount you've been

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1 paid, with the exception of what we paid you for your
2 testimony here today, in this matter?

3 A. I think so. What date was this?

4 Q. It looks like it's dated October 29th,
5 2016.

6 A. Oh, yes. In that case, yes.

7 Q. Have you performed any work after that
8 date that you've been paid for?

9 A. Only in preparation for this deposition.

10 Q. Have you been paid for that work?

11 A. No.

12 Q. No. Have you invoiced that work yet?

13 A. No.

14 Q. All right. And then I'm going to turn
15 you to the next page -- please don't put it away
16 yet -- which appear to be invoices.

17 A. Time sheets.

18 Q. Time sheets? You tell me.

19 A. It's a time sheet.

20 Q. Is this typically how you record your
21 time when you're doing expert work?

22 A. Yes.

23 Q. And this indicates -- the first entry is
24 on 9/28/2016. Is that when you commenced work on this
25 matter?

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REPORTER'S CERTIFICATE

STATE OF COLORADO)
)
) ss.
CITY AND COUNTY OF DENVER)

I, SANDRA L. BRAY, Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public ID 20084001729, State of Colorado, do hereby certify that previous to the commencement of the examination, the said PETER KENT was duly sworn by me to testify to the truth in relations to the matters in controversy between the parties hereto; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein nor otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have affixed my signature this 8th of December, 2016.

My commission expires January 16, 2020.

Reading and Signing was requested.

Reading and Signing was waived.

Reading and Signing is not required.

EXHIBIT 10

(Filed Under Seal)

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -
VIRGINIA L. GIUFFRE,

Plaintiff,

Case No.: 15-cv-07433-RWS

-against-

GHISLAINE MAXWELL,

Defendant.

- - - - -
x

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

Videotaped oral deposition of NADIA MARCINKO, taken pursuant to notice, was held at the law offices of BOIES SCHILLER & FLEXNER, LLP, 575 Lexington Avenue, New York, New York commencing January 17, 2017, 1:04 p.m., before Leslie Fagin, a Court Reporter and Notary Public in the State of New York.

- - -

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New York, New York 10026
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1 N. Marcinko - Confidential

2 reside, a dwelling that is paid for by either
3 Jeffrey Epstein or Ghislaine Maxwell?

4 A. Same answer.

5 Q. Do you know Jeffrey Epstein?

6 A. Same answer.

7 Q. Do you know Ghislaine Maxwell?

8 A. Same answer.

9 Q. How old were you when you met
10 either Jeffrey Epstein or Ghislaine Maxwell?

11 A. Same answer.

12 Q. Who introduced to you Ghislaine
13 Maxwell?

14 A. Same answer.

15 Q. When you met Ghislaine Maxwell, was
16 she working for Jeffrey Epstein?

17 A. Same answer.

18 Q. Did Ghislaine Maxwell work as a
19 recruiter of young girls for Jeffrey Epstein
20 when you met her?

21 A. Same answer.

22 Q. Did Ghislaine Maxwell instruct you
23 to recruit young girls for Jeffrey Epstein?

24 A. Same answer.

25 Q. Did Ghislaine Maxwell encourage

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1 N. Marcinko - Confidential

2 Ghislaine Maxwell?

3 A. Same answer.

4 Q. Have you observed Ghislaine Maxwell
5 and Jeffrey Epstein offering these young
6 girls money, education or other things of
7 value during the massage to get that young
8 girl to return to Jeffrey Epstein for sexual
9 purposes?

10 A. Same answer.

11 Q. Have you observed Ghislaine Maxwell
12 and Jeffrey Epstein convert what started as a
13 massage with these young girls into something
14 sexual?

15 A. Same answer.

16 Q. Have you understood when I talk
17 about young girls, I'm talking about girls
18 between the age range of 13 and 23 years old?

19 A. Same answer.

20 Q. Have you observed that when
21 Ghislaine Maxwell and Jeffrey Epstein used
22 the term, massage, it always includes sex?

23 A. Same answer.

24 Q. Was massage a word used by
25 Ghislaine Maxwell to lure girls into sex with