

Doe' (who was represented by Plaintiff's counsel, and therefore had the ability to furnish such an affidavit). Indeed, Plaintiff acknowledges that the "other Jane Doe" "does not know Ms. Giuffre." These facts must be deemed admitted. [REDACTED], who is NOT the other Jane Doe, is irrelevant to the undisputed fact asserted. She also offers no corroboration of the 'same pattern of abuse,' and in fact does not "remember" any such facts, as already briefed. *See Doc. 567 at 12-14.*

16. Undisputed Fact 16: Also notably, in her multiple and lengthy consensual interviews with Ms. Churcher three years earlier, plaintiff told Ms. Churcher of virtually *none* of the details she described in the joinder motion. Exs. A-B.

a. **Reply:** Plaintiff's protestation aside, the Churcher articles (attached to Ms. Churcher's sworn affidavit filed in this case at Doc. 216 and 216-1 through 216-8) fail to include the vast majority of details included in Plaintiff's CVRA joinder motion, as any side-by-side comparison will reveal. Plaintiff's simple facile response is that she "did reveal details in 2011 consistent with those in the joinder motion." She offers no admissible evidence of these details she "revealed" to Ms. Churcher, instead citing to a heavily redacted interview she purportedly gave to *the FBI*, not Ms. Churcher. The purported FBI report is itself hearsay, not to mention, redacted and prepared years after any supposed interview of Plaintiff. McCawley Decl. Ex.31. Because Plaintiff offers no admissible evidence to contradict the discrepancies between the Churcher articles and the joinder motion, these facts should be deemed admitted.

17. Undisputed Fact 17: Ms. Maxwell's response to plaintiff's "lurid" accusations: the January 2015 statement. As plaintiff and her lawyers expected, before District Judge Marra in the CVRA action could strike the "lurid details" of plaintiff's allegations in the joinder

motion, members of the media obtained copies of the motion. Ex.G at 31:2-36:4 & Depo. Exs. 3-4.

a. **Reply:** Plaintiff cites no contrary evidence and therefore the facts should be deemed admitted.

18. **Undisputed Fact 18:** At Mr. Barden's direction, on January 2, 2015, Mr. Gow sent to numerous representatives of British media organizations an email containing "a quotable statement on behalf of Ms Maxwell." Ex.F; Ex.G, at 33:8-23. The email was sent to more than 6 and probably less than 30 media representatives. *See* Ex.G, at 33:8-34:3. It was not sent to non-media representatives. *See id.* at 31:2-35:21.

a. **Reply:** Plaintiff disputes as "blatant falsehood," without admissible evidence, that it was Mr. Barden who directed that the January 2 email be sent to media organizations. She then goes on to quote the very section of Mr. Gow's deposition in which he surmises (but does not know, indicated by his statement it was his "understanding") that it was something that had been sent to Maxwell by Barden. Indeed, Mr. Barden clears up this confusion in his Declaration, in which he unequivocally swore,

10. In liaison with Mr. Gow and my client, on January 2, 2015, I prepared a further statement denying the allegations, and I instructed Mr. Gow to transmit it via email to members of the British media who had made inquiry about plaintiff's allegations about Ms. Maxwell. Attached as Exhibit A1 is an email containing a true and correct copy of this statement. The statement was issued on my authority. Although it is possible others suggested or contributed content, I prepared the vast majority of the statement and ultimately approved and adopted all of the statement as my work.

Ex.K ¶ 10. Mr. Gow's surmise as to how the statement was "forwarded to him" and by whom does not controvert the sworn testimony of Mr. Barden himself. Again, without admissible evidence to the contrary, the facts must be deemed admitted.

With regard to the number of media representatives to whom he sent the email, Mr. Gow testified it was between 6 and 30. Ex.G at 33-34. His further testimony, offered by Plaintiff, that he spoke to "over 30 journalists" does not contradict that statement. Nowhere does Plaintiff offer testimony that he *read the statement* to over 30 journalists. Instead, Mr. Gow acknowledged it was "very possible" that he had "*ever* read[] the statement to press or media over the phone," *not* that he read it to "over 30 journalists." Plaintiff's selective cutting and pasting undercuts her so called evidence that the facts in Paragraph 18 are "false," and thus they ought be deemed admissible.

19. **Undisputed Fact 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 plaintiff's allegations in the motion. *See, e.g.*, Ex.G, at 30:23-35:21 & Depo.Ex.3.

a. **Reply:** While Plaintiff decries the second sentence as "false," her cited evidence contradicts her conclusion. Mr. Gow testified that "any time there was an incoming query it was either dealt with on the telephone by referring them back to the two statements...or someone would email them the statement. So no one was left unanswered." McCawley Decl., Ex.6 at 67. As his testimony makes clear, Mr. Gow sent

the statement to those journalists who made inquiry; he did not sent it to anyone who did not. Based on the admissible evidence, this fact remains undisputed.

20. **Undisputed Fact 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 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.

Ex.F.

a. **Reply:** Plaintiff does not dispute the contents of the email and therefore it should be deemed admitted.

21. **Undisputed Fact 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. Ex.K ¶¶ 10,15.

a. **Reply:** Plaintiff makes two responses. As to the first sentence, she asserts without evidentiary support that “the Court should not consider” the Barden Declaration. This argument is frivolous for the reasons given on pages 8, 11-12, 18-19 of the Reply Brief in Support of Motion for Summary Judgment. It is a Declaration provided by an attorney with knowledge of the facts, Mr. Barden, disclosed by Defendant in her Rule 26 witnesses, whom Plaintiff chose not to depose. As to the second sentence, Plaintiff offers two pieces of evidence which she argues dispute the facts in question; they do not. That Mr. Gow forwarded the statement, prepared by Mr. Barden, to the media is not disputed. Rather, as Mr. Barden asserted in his declaration, and Plaintiff failed to cite contradictory evidence, he was the one who prepared the vast majority of the statement and instructed Mr. Gow to transmit it via email to members of the British media. Ex.K ¶¶ 10. He likewise avers that he “did not intend the January 2015 statement as a traditional press release solely to disseminate information to the media [and] this is why I intentionally did not request that Mr. Gow or any other public relations specialist prepare or participate in preparing the statement.” *Id.* at ¶ 15. Plaintiff fails to contradict Mr. Barden’s sworn statement.

22. **Undisputed Fact 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 plaintiff’s false allegations. He believed these ends could be accomplished by suggesting to the media that, among other things, they should subject plaintiff’s allegations to inquiry and scrutiny. For example, he noted in the statement that plaintiff’s allegations changed dramatically over time, suggesting that they are “obvious lies” and therefore should not be “publicised as news.” *Id.* ¶ 11.

a. **Reply:** This paragraph, eliciting Mr. Barden's intent, is uncontroverted by Plaintiff. She fails to cite any contradictory admissible evidence, instead making legal arguments. Her arguments are not admissible evidence (e.g., "it is her statement and she directed that it be sent to the media and public," lacks any citation to record evidence). Plaintiff's list of evidence she contends "corroborates" Plaintiff's claims should be ignored as they do not pertain to Mr. Barden's purposes in drafting the January 2 statement.

23. **Undisputed Fact 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 plaintiff's allegations without conducting any inquiry of their own. Accordingly, in the statement he repeatedly noted that plaintiff'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 plaintiff's obviously false allegations and the legal indefensibility of their own conduct. *Id.* ¶ 17.

a. **Reply:** Again, Plaintiff "disputes" Mr. Barden's intent without citation to record evidence. Plaintiff claims that Barden did not "note" anything in the statement, but the statement itself contains the phrase: "Ms. Roberts claims are obvious lies and should be treated as such and not publicized as news, *as they are defamatory.*" Plaintiff's unsupported arguments should be ignored and these facts pertaining to Mr. Barden's intent deemed admitted.

24. **Undisputed Fact 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 plaintiff’s December 30, 2014, allegations that would give the media Ms. Maxwell’s response. *Id.* ¶ 18. The purpose of the prefatory statement was to inform the media-recipients of this intent. *Id.*

a. **Reply:** Plaintiff again “disputes” any statement related to Mr. Barden’s purpose or intent, but offers no evidence contradicting his purpose or intent. She simply points out that Ms. Maxwell retained Mr. Gow in early 2015, and that he works for a public relations firm, which is non-responsive to the fact at issue, i.e., Mr. Barden’s intent with respect to language included in the statement. No one has contested that it was Mr. Gow who actually forwarded the statement to select members of the media who had requested a response. The fact set forth should be deemed admitted.

25. Undisputed Fact 25: Plaintiff’s activities to bring light to the rights of victims of sexual abuse. Plaintiff 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.

a. **Reply:** Plaintiff offers no evidence to dispute the facts cited and so they should be deemed admitted.

26. Undisputed Fact 26: Plaintiff created an organization, Victims Refuse Silence, Inc., a Florida corporation, directly related to her alleged experience as a victim of sexual abuse. Doc. 1 (Complaint), ¶¶ 24-25.

a. **Reply:** Plaintiff does not dispute this statement.

27. Undisputed Fact 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, plaintiff has "dedicated her professional life to helping victims of sex trafficking." *Id.*

a. **Reply:** Plaintiff "agrees."

28. **Undisputed Fact 28:** Plaintiff repeatedly has sought out media organizations to discuss her alleged experience as a victim of sexual abuse. This Reply Statement at ¶¶ 51-54 (citing *inter alia* Doc. 216 ¶¶ 2-11 and referenced exhibits, Doc. 261-1 to 216-8; Exs. N, KK, LL, MM).

a. **Reply:** Plaintiff "denies" this contention, points to an email from Sharon Churcher seeking to interview her, and asserts that it was the media that sought her out. The weight of evidence, cited by Defendant at paragraphs 51-54, in addition to Plaintiff's own documents, belie this assertion. She through her attorneys sought out a videotaped interview with ABC News, she sent her "book manuscript" to publishers and literary agents, and expressed anticipation and frustration that her "exclusive contract" with The Mail prevented her for a period of time from marketing her book. *See, e.g., EXHIBIT QQ at GIUFFRE003959.*

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

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

Take care,
Jenna

Plaintiff has disputed none of these activities she freely engaged in for years, and thus these facts should be deemed admitted.

29. **Undisputed Fact 29:** On December 30, 2014, plaintiff 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.” Ex.J ¶ 24; Ex.K ¶¶ 2-3.

a. **Reply:** Plaintiff argues that her “lurid details” were necessary legally. Judge Marra, however, has already held that they were not and her legal arguments, unsupported by any actual evidence in this case, cannot serve to controvert his findings as quoted.

30. **Undisputed Fact 30:** The plaintiff’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 plaintiffs’ 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.” Ex.D, at 1, 6-7, 10 (emphasis supplied).

a. **Reply:** Plaintiff fails to offer any evidence to controvert the contents of her CVRA Joinder Motion and thus, the fact should be deemed admitted.

31. **Undisputed Fact 31:** Plaintiff 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.” Ex.KK.

a. **Reply:** Plaintiff directs the Court to her response to paragraph 52 and suggests the factual statement is misleading. She, however, offers no contradictory admissible evidence and thus the fact should be deemed admitted.

32. **Undisputed Fact 32: Republication alleged by plaintiff.** Plaintiff 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 plaintiff alleged in Paragraph 9 of Count I of her complaint. In response, plaintiff 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. Ex.H, at 7-8; Ex.I, at 4.

a. **Reply:** Her argument aside, Plaintiff offers no admissible evidence to controvert the interrogatory request and her response, which was limited to “nine instances” in which the press published “portions of the January 2015 statement.” For example, Plaintiff does not point to a single news story that published the entirety of the January 2015 statement. In the absence of contrary evidence, the fact should be deemed admitted.

33. **Undisputed Fact 33:** In none of the nine instances was there any publication of the entire January 2015 statement. Ex.H, at 7-8; Ex.I, at 4.

a. **Reply:** Plaintiff does not and cannot point to any of the nine publications she disclosed, or any other publication, that published the entire January 2015 statement, and this fact thus must be deemed admitted.

34. **Undisputed Fact 34:** Ms. Maxwell and her agents exercised no control or authority over any media organization, including the media identified in plaintiff’s response to

Interrogatory No. 6, in connection with the media's publication of portions of the January 2015 statement. Ex.J ¶ 24; Ex.K ¶¶ 2-3.

a. **Reply:** Plaintiff's proffered evidence, testimony from Mr. Gow, fails to support her argument and fails to controvert the Barden Declaration as cited by the defendant. Nothing in the testimony establishes, as Plaintiff argues, that "Defendant hired Gow because his position allowed him to influence the press to publish her defamatory statement." The testimony is irrelevant to the factual point. The Gow testimony at most relates to why Ms. Maxwell engaged Mr. Gow. It does not bear on the factual point, i.e., that Ms. Maxwell, Mr. Gow or Mr. Barden did not exercise any control or authority over the media in the media's republication of portions of the statement. On this point plaintiff has failed to introduce any contrary evidence. Accordingly, the fact should be deemed admitted.

35. **Undisputed Fact 35: Plaintiff's defamation action against Ms. Maxwell.** Eight years after Epstein's guilty plea, plaintiff brought this action, repeating many of the allegations she made in her CVRA joinder motion. Doc. 1, ¶ 9.

a. **Reply:** Plaintiff "agrees."

36. **Undisputed Fact 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."

Doc. 1 ¶ 30 (boldface and underscoring omitted).

- (a) **Reply:** Plaintiff "agreed."

37. **Undisputed Fact 37: Plaintiff 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, plaintiff moved in with the family of a fellow patient. Ex.L at 7-8, 12-14. There she met, and became engaged to, her friend's brother, James Michael Austrich. *Id.* and at 19. She and Austrich thereafter rented an apartment in the Ft. Lauderdale area with another friend and both worked at various jobs in that area. *Id.* at 11, 13-17. Later, they stayed briefly with plaintiff'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. *Id.* at 17, 19, 25-27. Although plaintiff agreed to marry Austrich, she never had any intention of doing so. Ex.N at 127-128.

a. **Reply:** Plaintiff offers argument, without an affidavit or any other contradictory evidence, regarding whether Plaintiff "voluntarily live[d] independently" or whether a "reasonable person" could assert she was "engaged." Mr. Austrich and Plaintiff agreed that they were engaged and testified accordingly, as cited. In the absence of admissible evidence to the contrary, the facts as described by her fiancé in his deposition should be deemed admitted.

38. **Undisputed Fact 38: Plaintiff 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, plaintiff re-enrolled at Wellington Adult High School on June 21, 2000, again on August 16, 2000 and on August 14, 2001. Ex.O. On September 20, 2001, Plaintiff then enrolled at Royal Palm Beach High School. *Id.* 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. Ex.P at 23-24. Plaintiff

remained enrolled at Survivor's Charter School until March 7, 2002. Ex.O. She was present 56 days and absent 13 days during her time there. *Id.* Plaintiff never received her high school diploma or GED. Ex.Q at 475, 483. Plaintiff and Figueroa went "back to school" together at Survivor's Charter School. Ex.P at 23-27. The school day there lasted from morning until early afternoon. *Id.* at 23-27, 144-146.

a. **Reply:** Plaintiff argues, again without evidentiary support, that the "codes" on the school records indicate "semester start and end dates" rather than dates Plaintiff was in school. Her mis-reading of the records is apparent from their face. One column is labelled "Entry date," and the next "Withdrawal Date." Neither say "semester start date" or "semester end" date. Moreover, the "codes" simply prove the point: Plaintiff "entered" school (codes E01 and EA1) on the designated "entry date" and withdrew (either prior to completion, to enter another training program, or who "will continue in the class/program the next term or school year") on the dates designated "withdrawal." The school records display entry and withdrawal dates for Wellington High School Adult Program, from June 21, 2000 – August 15, 2000, from August 16, 2000 – August 13, 2001, and from August 14, 2001- September 20, 2001 and then an entry, that same day, September 20, 2001 at Survivor's Charter School. Plaintiff would have one believe that the records show a school on Plaintiff's official transcript that she never went to, Wellington High School Adult Program, that indicates she withdrew the very day she concededly entered Survivor's Charter School. Her intentional misreading of the record is yet another attempt to obfuscate Plaintiff's lack of memory regarding where and when she went to school, just like she failed to remember 8 jobs she held in 2000 whereas she claimed to have had one. The test is admissible evidence to the contrary, and Plaintiff

offers none. The flight logs (which show trips in early 2001) do not contradict the evidence because they are during the period of time she was enrolled in “Adult High School,” a place where night classes were taught and where one might circumstantially infer, careful attendance records were not kept.

39. Undisputed Fact 39: During the year 2000, plaintiff worked at numerous jobs.

In 2000, while living with her fiancé, plaintiff 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. Ex.R. Her taxable earnings that year totaled nearly \$9,000. *Id.* Plaintiff cannot now recall either the Southeast Employee Management Company or the Oasis Outsourcing jobs. Ex.Q at 470-471.

a. Reply: Plaintiff does not dispute the facts as presented, merely argues regarding their significance. The Social Security Administration records detail the five jobs at which she worked in 2000; the month and day of the jobs are irrelevant for purposes of this recitation of facts. Likewise, Plaintiff does not dispute the taxable earnings she made that year, or that she does not “remember” the jobs associated with Southeast Employee Management Company or Oasis Outsourcing (whether they were payroll or not), where she made \$3,212 and \$2,037 that year. She also “forgot” about her job at Neiman Marcus, where she made \$1,440 in 2000, until she was confronted with the SSA records. McCawley Dec. Ex.5 at 53, 470.

40. Undisputed Fact 40: Plaintiff’s employment at the Mar-a-Lago spa began in fall 2000. Plaintiff’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. Ex.S. Mr. Roberts worked there year-round for approximately 3 years. *Id.*; Ex.T at 72-73. After working there for a period

of time, Mr. Roberts became acquainted with the head of the spa area and recommended plaintiff for a job there. *Id.* at 72. Mar-a-Lago closes every Mother's Day and reopens on November 1. Ex.U at Mar-a-Lago0212. 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. Ex.T at 72-73; Ex.U at Mar-a-Lago0212; Ex.V. Plaintiff 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.

a. **Reply:** Plaintiff's response is misleading. First, she does not dispute that Mr. Roberts, her father began working at Mar-a-Lago in April 2000, nor that he worked there for some time, became acquainted with the head of the spa area and recommended his daughter for a job.

Second, Plaintiff contends that "job postings and job descriptions" "from 2002 and later are irrelevant." There are no such "job postings" cited. Rather, the job posting cited was from October 2000, the same time that Plaintiff was hired. *Compare* Ex.V (posting for "Saturday October 14 and Sunday October 15") with calendar for year 2000, showing Saturday and Sundays in October corresponding to those dates.

Finally, Plaintiff points to her own "recollection" as contrary proof. Her "recollection" about when she worked at Mar-a-Lago has shifted dramatically over time. First, she claimed it was 1998. *See* Jane Doe 102 complaint. Then, it was 1999. *See* Doc. 1, Complaint in this matter. Now, in this response she has changed her answer to 2000. Her vague recollections about what year have been off base, no credit should be given to her newfound recollection of which month she worked there. In any event, she presents no admissible credible evidence to contradict Mar-a-Lago's own records. Ex.U

at Mar-a-Lago0212 (spa not open from Mother's Day until November 1). Even Plaintiff's father, a longtime employee of Mar-a-lago admitted that the place "closed down" in the summer. Ex.T at 72-73. Plaintiff simply is not credible in her testimony that she recalls it being a "summer job," and the fact that she did not work at the spa until at least November 2000 at the age of 17 should be deemed admitted.

41. Undisputed Fact 41: Plaintiff represented herself as a masseuse for Jeffrey Epstein. While working at the Mar-a-Lago spa and reading a library book about massage, plaintiff met Ms. Maxwell. Plaintiff thereafter told her father that she got a job working for Jeffrey Epstein as a masseuse. Ex.T at 79. Plaintiff's father took her to Epstein's house on one occasion around that time, and Epstein came outside and introduced himself to Mr. Roberts. *Id.* at 82-83. Plaintiff commenced employment as a traveling masseuse for Mr. Epstein. Plaintiff was excited about her job as a masseuse, about traveling with him and about meeting famous people. Ex.L at 56; Ex.P at 126. Plaintiff represented that she was employed as a masseuse beginning in January 2001. Ex.M; Ex.N. Plaintiff never mentioned Ms. Maxwell to her then-fiancé, Austrich. Ex.L at 74. Plaintiff's father never met Ms. Maxwell. Ex.T at 85.

a. **Reply:** Plaintiff does not actually refute any of the facts set forth above, but rather spends her time discussing different facts. Plaintiff's father testified to what she told him, that she "was going to learn massage therapy." Ex.T at 79. She does not contest her father's testimony that Mr. Epstein came out of the house and greeted her father and that her father never met Ms. Maxwell. *See Reply to Undisputed Fact 41.* Whether someone can receive a "massage license" under Florida law without a high school equivalency diploma is of no moment. Plaintiff does not dispute she represented

herself as a masseuse to others, in her own handwriting, beginning in January 2001. Exs. M and N. These facts should be deemed admitted.

42. Undisputed Fact 42: Plaintiff resumed her relationship with convicted felon

Anthony Figueroa. In spring 2001, while living with Austrich, plaintiff lied to and cheated on him with her high school boyfriend, Anthony Figueroa. Ex.L at 68, 72. Plaintiff and Austrich thereafter broke up, and Figueroa moved into the Bent Oak apartment with plaintiff. Ex.L at 20; Ex.P at 28. When Austrich returned to the Bent Oak apartment to check on his pets and retrieve his belongings, Figueroa in Plaintiff's presence punched Austrich in the face. Ex.X; Ex.L at 38-45. Figueroa and plaintiff fled the scene before police arrived. Ex.X. Figueroa was then a convicted felon and a drug abuser on probation for possession of a controlled substance. Ex.Y.

a. **Reply:** Plaintiff argues relevance regarding these facts, but contests none of them. They should be deemed admitted. Plaintiff's lies, cheating, and association with a convicted felon and known drug abuser all are relevant in this defamation case concerning her reputation, purported damage to such reputation, and whether she was a known liar, as the January 2015 statement contends.

43. Undisputed Fact 43: Plaintiff 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, plaintiff and Figueroa hosted a party with a number of guests. Ex.Z. During the party, according to plaintiff, someone entered plaintiff's room and stole \$500 from her shirt pocket. *Id.* Plaintiff 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, plaintiff contacted the police to report that her former landlord had left her belongings by the roadside and

had lit her mattress on fire. Ex.AA. Again, plaintiff 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.” *Id.*

a. **Reply:** Plaintiff, again, presents no admissible evidence to contradict these facts, instead arguing their relevance. They should be deemed admitted.

44. From August 2001 until September 2002, Epstein and Maxwell were almost entirely absent from Florida on documented travel unaccompanied by Plaintiff. 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 Plaintiff, between August 2001 and September 2002. Ex.BB. Rodgers maintained a log of all flights on which Epstein and Maxwell traveled with him. Ex.CC at 6-15. Epstein additionally traveled with another pilot who did not keep such logs and he also occasionally traveled via commercial flights. *Id.* at 99-100, 103. For substantially all of thirteen months of the twenty-two months (from November 2000 until September 2002) that Plaintiff lived in Palm Beach and knew Epstein, Epstein was traveling outside of Florida unaccompanied by Plaintiff. Ex.BB. During this same period of time, Plaintiff was employed at various jobs, enrolled in school, and living with her boyfriend.

a. **Reply:** Plaintiff goes to great lengths to dispute facts other than those presented as Undisputed Fact 44. Her voluminous, repetitive recitation of the flights that Plaintiff *was on* do nothing to demonstrate the 13 months of flights from July 2001 until August 2002 that Epstein and Maxwell *were on without Plaintiff*, as reflected in the logs. Her assertions regarding the other flights that she took, commercial or on another plane, do nothing to establish all of the many flights she *was not on* during 13 of the 22 month period during which Epstein and Maxwell were away from Palm Beach. Plaintiff does

not dispute that Epstein and Maxwell were on the flights without her. The facts as presented by Defendant should be deemed admitted.

45. Undisputed Fact 45: Plaintiff and Figueroa shared a vehicle during 2001 and 2002. Plaintiff and Figueroa shared a '93 white Pontiac in 2001 and 2002. Ex.P at 67; Ex.EE. Plaintiff freely traveled around the Palm Beach area in that vehicle. *Id.* In August 2002, Plaintiff acquired a Dodge Dakota pickup truck from her father. Ex.P at 67-68. Figueroa used that vehicle in a series of crimes before and after Plaintiff left for Thailand. *Id.*; Ex.FF.

a. **Reply:** Again, the Response has nothing to do with the facts stated. As Plaintiff concedes, she and Mr. Figueroa had one car that they both used. In fact, they traveled to and from school together. Ex.P at 67-68. She also does not dispute that she traveled freely around the Palm Beach area in that vehicle, or that "her car" was used in a series of thefts while she was in Thailand. All should be deemed admitted.

46. Undisputed Fact 46: Plaintiff held a number of jobs in 2001 and 2002. During 2001 and 2002, plaintiff 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. Ex.R. She also was employed at Courtyard Animal Hospital (aka Marc Pinkwasser DVM). *Id.*; Ex.W.

a. **Reply:** Plaintiff admits all of the facts set forth above, aside from the use of the word "gainfully." They should be deemed admitted.

47. Undisputed Fact 47: In September 2002, Plaintiff traveled to Thailand to receive massage training and while there, met her future husband and eloped with him.
Plaintiff 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. Ex.P at 35. 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. *Id.* at 29, 37.

a. **Reply:** Again, Plaintiff does not refute the facts set forth, she simply offers her own interpretation of those facts. In the absence of any contrary evidence, they should be deemed admitted.

48. Undisputed Fact 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. Ex.GG at 10. That investigation commenced in 2005. *Id.* Recarey worked only on the Epstein case for an entire year. *Id.* at 274. 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. *Id.* at 212-215. 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. *Id.* at 10-11, 180-82, 187-96, 241-42, 278. 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. *Id.* 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. *Id.* at 214-215. The arrest warrant did not mention Ms. Maxwell

and her name was never mentioned before the grand jury. *Id.* at 203, 211. No property belonging to Maxwell, including “sex toys” or “child pornography,” was seized from Epstein’s home during execution of the search warrant. *Id.* at 257. Detective Recarey, when asked to describe “everything that you believe you know about Ghislaine Maxwell’s sexual trafficking conduct,” replied, “I don’t.” *Id.* at 278. He confirmed he has no knowledge about Ms. Maxwell sexually trafficking anybody. *Id.* at 278-79. Detective Recarey also has no knowledge of Plaintiff’s conduct that is subject of this lawsuit. *Id.* at 259-260.

a. **Reply:** Plaintiff offers several misleading “contrary” facts, none of which actually address the facts presented herein, namely whether Ms. Maxwell was ever mentioned by any of Epstein’s alleged victims, whether she was the target of their investigation, and whether any of her property was seized from Epstein’s home. Plaintiff cites to numerous inadmissible pieces of evidence on facts other than those. Mr. Rodriguez, a convicted felon for obstructing justice related to the Epstein case, is dead and his deposition testimony is the subject of a motion in limine because Ms. Maxwell has never had the opportunity to cross examine him. Doc. 567 at 14. Ms. Rabuyo likewise is not a witness who has been deposed in this case, and therefore her “testimony” is not admissible against Ms. Maxwell. The message pads are not authenticated by anyone, as will be the subject of a forthcoming motion *in limine*. And there is not one shred of evidence that any child pornography, as opposed to a topless photo of a very adult Ms. Maxwell, were ever found in Epstein’s home. The facts should be deemed admitted, as those proffered by Defendant are based on admissible evidence.

49. Undisputed Fact 49: No nude photograph of Plaintiff was displayed in Epstein’s home. Epstein’s housekeeper, Juan Alessi, “never saw any photographs of Virginia

Roberts in Mr. Epstein's house." Ex.HH at ¶ 17. 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. Ex.GG at 289-90.

a. **Reply:** Plaintiff offered no evidence that a nude photograph of *her* was displayed in Epstein's home. All of the testimony she submits has nothing to do with a nude photograph of herself. The fact should be deemed admitted.

50. Undisputed Fact 50: Plaintiff intentionally destroyed her "journal" and "dream journal" regarding her "memories" of this case in 2013 while represented by counsel. Plaintiff 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. Ex.II at 64-65, 194; Ex.N at 205-08. 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.* Plaintiff also kept a "dream journal" regarding her thoughts and memories that she possessed in January 2016. Ex.II at 194-96. To date, Plaintiff cannot locate the "dream journal." *Id.*

a. **Reply:** Plaintiff offers no contrary admissible regarding her destruction of her journal and it should be deemed admitted.

51. Undisputed Fact 51: Plaintiff publicly peddled her story beginning in 2011. Plaintiff granted journalist Sharon Churcher extensive interviews that resulted in seven (7) widely distributed articles from March 2011 through January 2015. Doc. 216 ¶¶ 2-11 and referenced exhibits; Doc. 261-1 to 216-8, incorporated by reference. Churcher regularly communicated with plaintiff and her "attorneys or other agents" from "early 2011" to "the present day." Plaintiff received approximately \$160,000 for her stories and pictures that were published by many news organizations. Ex.N at 247-248.

a. **Reply:** Plaintiff offers no evidence to contradict the facts asserted and they should therefore be deemed admitted. Plaintiff's unsupported spin of those facts should be stricken.

52. Undisputed Fact 52: Plaintiff drafted a 144-page purportedly autobiographical book manuscript in 2011 which she actively sought to publish. In 2011, contemporaneous with her Churcher interviews, plaintiff drafted a book manuscript which purported to document plaintiff's experiences as a teenager in Florida, including her interactions with Epstein and Maxwell. Ex.KK. Plaintiff 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.

a. **Reply:** Plaintiff cites inadmissible evidence, and attorney argument, in contradiction of these facts. They should be ignored. The "Victim Notification Letter" is inadmissible hearsay. The psychologist records likewise are inadmissible hearsay. The FBI interview is inadmissible hearsay. Plaintiff's counsel then flatly misrepresents to the Court her own client's characterization of the book manuscript, calling it a "fictionalized account." Plaintiff, contradicting her counsel, testified that the book manuscript is "99% true."

Q Is there anything -- well, first of all, did you author that entire manuscript?

A Yes, I did.

Q Did anyone else author part of that manuscript?

A Do you mean did anyone else write this with me?

Q Right.

A No.

Q That's all your writing?

A This is my writing.

Q Okay. To the best of your recollection as you sit here right now, is there anything in that manuscript about Ghislaine Maxwell that is untrue?

A I don't believe so. Like I said, there is a lot of stuff that I actually have left out of here.

Q Um-hum.

A. So there is a lot more information I could put in there. But as far as Ghislaine Maxwell goes, I would like to say that there is 99.9 percent of it would be to the correct knowledge.

Q All right. Is there anything that you -- and I understand you're doing this from memory. Is there anything that you recall, as you're sitting here today, about Ghislaine Maxwell that is contained in that manuscript, that is not true?

A You know, I haven't read this in a very long time. I don't believe that there's anything in here about Ghislaine Maxwell that is not true.

EXHIBIT RR at 42-43 (emphasis added).

Plaintiff clearly now would like to spin the book manuscript as “fictionalized” because she is well aware that the “facts” presented by her in that manuscript are contradicted by many other documentary and testimonial records. Yet she offers no admissible evidence that Plaintiff intended the manuscript to be fictional. Citations to social scientists who have not testified in this case and whose work has not even be cited by any expert in this case is wholly improper and should be stricken.

53. Undisputed Fact 53: Plaintiff'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, plaintiff, 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 (Ex.D) and two further declarations in January and February 2015, which repeated many of plaintiff’s claims. These CVRA pleadings generated a media maelstrom and spawned highly publicized litigation between plaintiff’s lawyers, Edwards and Cassell, and Alan

Dershowitz. After plaintiff publicly alleged Mr. Dershowitz of sexual misconduct, Mr. Dershowitz vigorously defended himself in the media. He called plaintiff 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. Doc. 363 at 363-1 through 363-14.

a. **Reply:** Plaintiff offers no contrary facts and so they should be deemed admitted.

54. Undisputed Fact 54: Plaintiff formed non-profit Victims Refuse Silence to attract publicity and speak out on a public controversy. In 2014, plaintiff, with the assistance of the same counsel, formed a non-profit organization, Victims Refuse Silence. According to plaintiff, the purpose of the organization is to promote plaintiff'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. Ex.LL. Plaintiff attempts to promote Victims Refuse Silence at every opportunity. Ex.MM at 17-18. For example, plaintiff participated in an interview in New York with ABC to promote the charity and to get her mission out to the public. *Id.* at 28.

a. **Reply:** Plaintiff offers no contrary evidence and the facts should be deemed admitted.

II. The Court should strike plaintiff's statement of "undisputed facts."

The summary-judgment procedure is well established. When the summary-judgment non-movant bears the burden of proof at trial, as in the case at bar, the movant may show a *prima facie* entitlement to summary judgment in one of two ways: (1) the movant may point to evidence that negates the non-movant's claims, or (2) the movant may identify those portions of its opponent's evidence that demonstrate the absence of a genuine issue of material fact.

Salahuddin v. Goord, 467 F.3d 263, 272-73 (2d Cir. 2006). If the movant makes this showing in either manner, the burden shifts to the nonmovant to identify record evidence creating a genuine issue of material fact. *Id.* at 273.

Local Civil Rule 56.1(a) carries out this summary-judgment procedure by requiring the summary-judgment movant to set forth “material facts as to which she contends there is no genuine issue to be tried.” Subsection (b) of the rule requires the party opposing summary judgment to set forth a “statement of additional material facts as to which it is contended that *there exists a genuine issue to be tried*” (emphasis supplied).

Ms. Maxwell has moved for summary judgment; plaintiff has not. As movant, Ms. Maxwell is required under Local Civil Rule 56.1 to enumerate the facts she is asserting as undisputed; as the party opposing summary judgment, plaintiff is permitted—if she can—to introduce admissible evidence creating a genuine issue of material fact. *See Fed. R. Civ. P. 56(c)(1)*.

Plaintiff is confused. Plaintiff believes she—the party *opposing* summary judgment—must enumerate facts she is asserting as undisputed, and so she has submitted her own Rule 56.1 statement of “undisputed facts.” That gets the summary-judgment procedure exactly backwards. Plaintiff’s “undisputed facts” are irrelevant. Plaintiff cannot avoid summary judgment by proposing “undisputed facts”; she may only do so by creating a genuine issue of material fact *as to Ms. Maxwell’s statement of undisputed facts*. Accordingly, this Court should strike plaintiff’s statement of “undisputed facts.”

Although Ms. Maxwell as the summary-judgment movant has no duty to respond to plaintiff’s alleged “undisputed facts,” we hasten to add that Ms. Maxwell in fact opposes and disputes most of plaintiff’s alleged “undisputed facts.” For example, Defendant’s Undisputed

Fact 40 includes the statement, “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.” Yet, Plaintiff sets forth as her own “Undisputed Fact 58” that “Virginia [got] job at Mar-a-Lago in 2000, either months before or just after [her] 17th birthday.” Plaintiff has done nothing more than set forth her “dispute” with Defendant’s Undisputed Fact 40 as her own “undisputed fact.” It makes no sense. *See also* Plaintiff’s “Undisputed Fact” 63. The other alleged undisputed facts are simply Plaintiff’s assertion of her deposition testimony, and hearsay of her statements to other witnesses, couched as “Undisputed Facts.” Ms. Maxwell strenuously disputes almost all of the alleged “undisputed facts” claiming that she engaged in any sexual acts, misconduct or communications with plaintiff or others; indeed, over the course of two days and thirteen hours of deposition Ms. Maxwell disputed all such allegations.

Because none of Plaintiff’s “undisputed facts” have anything to do with the issues raised by Defendant’s Motion for Summary Judgment, Ms. Maxwell moves to strike plaintiff’s statement of “undisputed facts.”

Conclusion

For the foregoing reasons, Ms. Maxwell requests that the Court deem her Undisputed Facts admitted, and that the Court strike plaintiff’s statement of “undisputed facts.”

Dated: February 10, 2017

Respectfully submitted,

/s/ Laura A. Menninger

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

Attorneys for Ghislaine Maxwell

CERTIFICATE OF SERVICE

I certify that on February 10, 2017, I electronically served this *Defendant's Reply to Plaintiff's Statement of Contested Facts and Plaintiff's "Undisputed Facts" Pursuant to Local Civil Rule 56.1* via ECF on the following:

Sigrid S. McCawley
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mschultz@bsflp.com

Bradley J. Edwards
Farmer, Jaffe, Weissing, Edwards, Fistros &
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Paul G. Cassell
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J. Stanley Pottinger
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StanPottinger@aol.com

/s/ *Nicole Simmons*
Nicole Simmons

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendant.

-----X

**Declaration of Laura A. Menninger in Support of
Defendant's Reply in Support of Motion for Summary Judgment**

I, Laura A. Menninger, declare as follows:

1. I am an attorney at law duly licensed in the State of New York and admitted to practice in the United States District Court for the Southern District of New York. I am a member of the law firm Haddon, Morgan & Foreman, P.C., counsel of record for Defendant Ghislaine Maxwell in this action. I respectfully submit this Declaration in support of Ms. Maxwell's Reply in Support of Motion for Summary Judgment.¹

2. In Defendant's Memorandum of Law in Support of Motion for Summary Judgment (filed Jan. 9, 2017), I included numbered paragraphs corresponding to undisputed facts from the movant's perspective as contemplated by Local Civil Rule 56.1(a), together with the citation to admissible evidence as required by Fed. R. Civ. P. 56(c). *See Doc. 541, passim.*

¹At trial, defendant intends to produce either the custodian of record relevant to any disputed document or a certification in compliance with either Fed. R. Evid. P. 803 and/or 902. *See* Fed. R. Civ. P. 56(c). Apart from deposition testimony, the majority of non-deposition documents herein were either produced by plaintiff or obtained with releases signed by plaintiff.

3. On January 9, 2017, I also prepared and served on the Court and counsel, under seal, Defendant's Statement of Material Undisputed Facts Pursuant to Local Civil Rule 56.1 ("Statement"). Those paragraphs mirror the numbered paragraphs contained within the Memorandum of Law, minus the citations to the evidentiary record. The Statement was filed with the Court in hard-copy and placed in the vault (*see* Doc.543).

4. Through a clerical oversight, a redacted version of the Statement was not appended to the filed ECF version of the Notice of Motion for Summary Judgment (Doc. 537). However, as noted in the previous two paragraphs, Ms. Maxwell enumerated all undisputed facts in accordance with Local Civil Rule 56.1(a) in:

- Ms. Maxwell's Memorandum of Law in Support of Motion for Summary Judgment (Doc.541); and
- the Local Rule 56.1 Statement served on the the Court and counsel and filed in hard copy with the Court.

5. Attached as Exhibit NN (filed under seal) is a true and correct copy of Defendant, Ghislaine Maxwell's Initial Disclosure Pursuant to Fed. R. Civ. P. 26, served February 24, 2016.

6. Attached as Exhibit OO (filed under seal) is a true and correct copy of an email correspondence from Plaintiff to Sharon Churcher, dated May 12, 2011, Bates stamped GIUFFRE004096-7; 004028-30.

7. Attached as Exhibit PP (filed under seal) are true and correct copies of excerpts from the November 14, 2016 deposition of Virginia Giuffre, designated Confidential under the Protective Order.

8. Attached as Exhibit QQ (filed under seal) is a true and correct copy of an email correspondence from Plaintiff to Sharon Churcher, dated May 12, 2011, Bates stamped GIUFFRE003959.

9. Attached as Exhibits RR (filed under seal) are true and correct copies of excerpts from the May 3, 2016 deposition of Virginia Giuffre, designated Confidential under the Protective Order.

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

Executed on February 10, 2017.

s/ Laura A. Menninger
Laura A. Menninger

CERTIFICATE OF SERVICE

I certify that on February 10, 2017, I electronically served this *Declaration of Laura A. Menninger in Support of Defendant's Reply to Her Motion for Summary Judgment* via ECF on the following:

Sigrid S. McCawley
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South Salem, NY 10590
StanPottinger@aol.com

/s/ *Nicole Simmons*
Nicole Simmons

EXHIBIT NN

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

-----X

Virginia L. Giuffre,

Plaintiff,

v.

15-cv-07433-RWS

Ghislaine Maxwell,

Defendant.

-----X

**DEFENDANT GHISLAINE MAXWELL'S
INITIAL F.R.C.P. 26(a)(1)(A) DISCLOSURES**

Pursuant to F.R.C.P. 26(a)(1)(A), Defendant Ghislaine Maxwell makes the following disclosures:

I. IDENTITIES OF INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION RELEVANT TO DISPUTED FACTS ALLEGED WITH PARTICULARITY IN THE PLEADINGS

1. Ghislaine Maxwell
c/o Laura A. Menninger, Esq.
Haddon, Morgan & Foreman, P.C.
150 E. 10th Ave.
Denver, CO 80203
303-831-7364
LMenninger@HMFLaw.com

Ms. Maxwell is the Defendant and may have knowledge concerning matters at issue, including the events of 1999-2002 and the publication of statements in the press in 2011-2015.

2. Virginia Lee Roberts Giuffre
c/o Sigrid S. McCawley, Esq.
Boies, Schiller & Flexner LLP
401 East Las Olas Boulevard, Suite 1200

Miami, Florida 33301
(954) 356-0011
smccawley@bsflp.com

Ms. Giuffre is the Plaintiff and has knowledge concerning the matters at issue in her Complaint, including the events of 1996-2015 and the publication of statements in the press in 2011-2015.

3. Philip Barden
Devonshires Solicitors LLP
30 Finsbury Circus
London, United Kingdom
EC2M 7DT
DX: 33856 Finsbury Square
(020) 7628-7576
Philip.Barden@devonshires.co.uk

Mr. Barden has knowledge concerning press statements by Plaintiff and Defendant in 2011-2015 at issue in this matter.

4. Paul Cassell
College of Law, University of Utah
383 South University Street
Salt Lake City, UT 84112
801-585-5202
paul.cassell@law.utah.edu

Mr. Cassell has knowledge concerning press statements by Plaintiff, Plaintiff's court pleadings, and Plaintiff's sworn testimony.

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

Mr. Dershowitz has knowledge concerning Plaintiff's false statements to the press, in court pleadings, and in sworn testimony, at issue in this matter.

6. Bradley Edwards
Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.
425 N. Andrews Ave., Suite 2
Ft. Lauderdale, FL 33301
(954) 524-2820
brad@pathtojustice.com

Dated: February 24, 2016.

Respectfully submitted,

s/ Laura A. Menninger

Laura A. Menninger (LM-1374)

HADDON, MORGAN AND FOREMAN, P.C.

150 East 10th Avenue

Denver, CO 80203

Phone: 303.831.7364

Fax: 303.832.2628

lmenninger@hmflaw.com

Attorney for Ghislaine Maxwell

CERTIFICATE OF SERVICE

I certify that on February 24, 2016, I electronically served this *DEFENDANT GHISLAINE MAXWELL'S INITIAL F.R.C.P. 26(A)(1) DISCLOSURES* via e-mail on the following:

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

s/ Laura A. Menninger

Laura A. Menninger

EXHIBIT OO

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

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

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

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

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

|----->
|From: |
|----->
>
|Virginia Giuffre [r...]|
>
|----->
|To: |
|----->
>
|Sharon Churcher|
>
|----->
|Date: |
|----->
>
|10/05/2011 23:00 GDT|
>
|----->
|Subject: |
|----->
>
|Good News!!|
>

|-----|
Hi Sharon,
Hello gorgeous, I hope this message comes to you on a bright, sunny day!!!!
I took your advice about what to offer Sandra and she accepted. We're
drawing up a contract through her agent right now and getting busy to meet

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

|
|Thanks,
Jenna

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

This e-mail and any attached files are intended for the named addressee only. It contains information, which may be confidential and legally privileged and also protected by copyright. Unless you are the named addressee (or authorised to receive for the addressee) you may not copy or use it, or disclose it to anyone else. If you received it in error please notify the sender immediately and then delete it from your system. Please be advised that the views and opinions expressed in this e-mail may not reflect the views and opinions of Associated Newspapers Limited or any of its subsidiary companies. We make every effort to keep our network free from viruses. However, you do need to check this e-mail and any attachments to it for viruses as we can take no responsibility for any computer virus which may be transferred by way of this e-mail. Use of this or any other e-mail facility signifies consent to any interception we might lawfully carry out to prevent abuse of these facilities.

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Registered No 84121 England.

To: Sharon Churcher [Sharon.Churcher@mailonSunday.co.uk]
From: Virginia Giuffre
Sent: Wed 6/8/2011 11:19:55 PM
Importance: Normal
Subject: Re: Virginia Roberts
Received: Wed 6/8/2011 11:19:55 PM

Hi Buddy,

You are absolutely right...nail biting is an understatement of the century!!!

We didn't have any trouble with spiders or anything like that yesterday, it was more my daughter that gave everyone a spook! She wandered off when I turned my back to look at homemade jam and found her outside in the bush chasing the roo's!! My own miniature Tarzan!!!

My fingers and toes are crossed and I'm thinking positive!!!

Much Love,
Jenna

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

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

Subject: Re: Virginia Roberts

TOC

Received: Wednesday, 8 June, 2011, 11:59 AM

Roos. You lucky things - but did you have to duck under spider webs? They were strung between trees when I went.

Re Jarred: it is a nailbiting wait but remember he is only one agent. He was keen to see it which is good. If he doesn't go for it, there are others. Different tastes. When did you send it?

卷之三

$$X(\mathbb{C})\}$$

From: Virginia Giuffre [REDACTED]
Sent: Wednesday, June 08, 2011 07:27 AM
To: Sharon Churcher
Subject: Re: Virginia Roberts

Dearest Shazza,

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

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

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

I hope we hear back from Jarred soon!!

xoxoxo Jenna

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

From: Sharon Churcher <Sharon.Churcher@mail.on.sunday.co.uk>

Subject: Virginia Roberts

To: "jarred halperin agent (jarred@objectivecent.com)" <jarred@objectivecent.com>

Cc: "Virginia Giuffre" <

Received: Wednesday, 8 June, 2011, 2:31 AM

Hi Jarred

Hopefully you have Virginia's book pitch by now.

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

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

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

Best regards,

Sharon

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

<http://www.dailymail.co.uk/news/article-1363452/Bill-Clinton-16-year-old-masseuse-I-met-twice-claims-Epsteins-girl.html>

http://www.nypost.com/p/news/local/manhattan/pervy_magui_lent_me_out_BaIV1IrcQq9ADFOXewiy0J

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

<http://billionsairas.forbes.com/article/03rxgt12/P9ny> (This one, in Forbes Magazine, seems to require subscribing but you get the gist)

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

<http://www.dailymail.com.au/news/the-prince-a-paedophile-and-the-sex-slave-teen/story-edfreuy9-1226013733994>

http://nymag.com/nymetro/news/people/n_7912/

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EXHIBIT PP

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:

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7 Also Present:

8 Ann Lundberg, Paralegal
Maryvonne Tompkins, Videographer

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Pursuant to Notice and the Federal Rules
of Civil Procedure, the continued video
deposition of VIRGINIA GIUFFRE, called by Defendant,
was taken on Monday, November 14, 2016, commencing at
8:04 a.m., at 150 East 10th Avenue, Denver, Colorado,
before Pamela J. Hansen, Registered Professional
Reporter, Certified Realtime Reporter and Notary
Public within Colorado.

* * * * *

T N D F X

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13 By Ms. Menninger 354

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1 didn't see them take pictures of the backs of them.

2 I'm not too sure who.

3 Q You don't remember sending to them a
4 photograph that included this wood around another
5 photograph?

6 A No.

7 Q Okay. You have mentioned a journalist by
8 the name of Sharon Churcher.

9 A Yes.

10 Q You are aware that Sharon Churcher
11 published news stories about you?

12 A Yes.

13 MS. MCCAWLEY: Objection.

14 Go ahead.

15 Q (BY MS. MENNINGER) Is anything that you
16 have read in Sharon Churcher's news stories about you
17 untrue?

18 A I think Sharon did print some things that
19 I think she elaborated or maybe misheard. But, I
20 mean, if you have a specific document to show me, I'd
21 love to look at it and read it and tell you what I
22 think.

23 Q Is there anything, as you sit here today,
24 that you know of that Sharon Churcher printed about
25 you that is not true?

1 A Not off the top of my head. If you show
2 me, like, a news clipping article or something, I can
3 definitely read it for you.

4 Q Is there anything that you know of that
5 Sharon Churcher has printed about Ghislaine Maxwell
6 that is not true?

7 A No, not off -- no, not off the top of my
8 head.

9 Q Is there anything that you recall saying
10 to Sharon Churcher that she then printed something
11 different than what you had said to her?

12 A Yeah, I've read stuff. I mean, I just --
13 I can't remember what, but I read something that I
14 think was, Oh, she got that wrong. I can't remember
15 an exact example off the top of my head.

16 Q Did you ever complain to Sharon Churcher
17 about things that she got wrong?

18 A I didn't see a point. I might have, but
19 I -- I didn't see a point really because it's already
20 printed, you know.

21 Q You had a fairly voluminous set of
22 communications with Sharon Churcher by e-mail,
23 correct?

24 MS. MCCAWLEY: Objection.

25 A Voluminous, like a lot of them?

1 Q (BY MS. MENNINGER) Yes.

2 A Yes.

3 Q And during any of those communications, do
4 you know whether she printed things about you after
5 you had any of those communications?

6 MS. MCCAWLEY: Objection.

7 A I don't know. I know a lot of stuff was
8 printed, and I never really stopped to read who
9 printed the article, or wrote the article, I should
10 say. Sorry.

11 Q (BY MS. MENNINGER) Okay. I'll show you
12 Defendant's Exhibit 7.

13 (Exhibit 7 marked.)

14 THE DEPONENT: Thank you.

15 Q (BY MS. MENNINGER) I'll let you read
16 through the statements on the first page there, and
17 if there is anything that is not absolutely true,
18 just put a check by it and we'll come back to it.

19 A It's not very clear how she wrote it. "I
20 flew to the Caribbean with Jeffrey and then Ghislaine
21 Maxwell went to pick up Bill in a huge black
22 helicopter that Jeffrey had bought her."

23 That wasn't an eyewitness statement.
24 Like, I didn't see her do it. Ghislaine was the one
25 who told me about that; that she's the one who flew

1 Bill.

2 Q All right. If you just want to put a
3 check by it, then we'll just come back and talk about
4 each one.

5 A Okay.

6 Q Just to move things along.

7 A Okay. I have made three checkmarks.

8 Q All right.

9 MS. MCCAWLEY: And I just -- before you
10 continue, I just want to identify for the record,
11 since this doesn't have any identifiers on it, are
12 you representing that these are statements from
13 Sharon Churcher?

14 MS. MENNINGER: I'm not representing
15 anything. I'm asking the witness questions about
16 these statements. I asked her is anything on here
17 not true. That's all I asked her.

18 Q (BY MS. MENNINGER) So which ones did you
19 put checkmarks by, Ms. Giuffre?

20 A I'd have been -- I'm sorry. "I'd have
21 been about 17 at the time. I flew to the Caribbean
22 with Jeffrey and then Ghislaine Maxwell went to pick
23 up Bill in a huge black helicopter that Jeffrey had
24 bought her."

25 Q Okay. And what else did you put a check

1 by?

2 A "I used to get frightened flying with her
3 but Bill had the Secret Service with him and I
4 remember him talking about what a good job" --
5 sorry -- "job she did."

6 Q Okay. And what else did you put a check
7 by?

8 A "Donald Trump was also a good friend of
9 Jeffrey's. He didn't partake in any sex with any of
10 us but he flirted with me. He'd laugh and tell
11 Jeffrey, 'you've got the life.' "

12 Q Other than the three you've just
13 mentioned --

14 A Yeah.

15 Q -- everything else on here is absolutely
16 accurate?

17 MS. MCCAWLEY: Objection.

18 A Yes. Well, to the best of my
19 recollection, yes.

20 Q (BY MS. MENNINGER) All right. What is
21 inaccurate about, "I'd have been about 17 at the
22 time. I flew to the Caribbean with Jeffrey and then
23 Ghislaine Maxwell went to pick up Bill in a huge
24 black helicopter that Jeffrey had bought her"?

25 A Because it makes it kind of sound like an

1 eyewitness thing.

2 Q Okay. Did you say that statement to
3 Sharon Churcher?

4 A I said to Sharon that Ghislaine told me
5 that she flew Bill in the heli- -- the black
6 helicopter that Jeffrey bought her, and I just wanted
7 to clarify that I didn't actually see her do that. I
8 heard from Ghislaine that she did that.

9 Q You heard that from Ghislaine, and then
10 you reported to Sharon Churcher that you had heard
11 that from Ghislaine.

12 A Correct.

13 MS. MCCAWLEY: Objection.

14 A I heard a lot of things from Ghislaine
15 that sounded too true -- too outrageous to be true,
16 but you never knew what to believe, so...

17 Q (BY MS. MENNINGER) Okay. And after
18 Sharon Churcher printed what she said you said, did
19 you complain to her that it was inaccurate?

20 A I might have verbally with her, but again,
21 I didn't see a point in making a hissy over it
22 because what was done was done. She had already
23 printed.

24 Q What was inaccurate about, "I used to get
25 frightened flying with her but Bill" said -- "had the

1 Secret Service with him and I remember him talking
2 about what a good job she did"?

3 A I just don't remember saying that to her.
4 I don't remember saying I remember him talking about
5 what a good job she did.

6 Q All right.

7 A I just don't remember that at all.

8 Q Okay. And I guess, just to be clear, my
9 questions wasn't do you remember saying this to
10 Sharon Churcher; my question is, is that statement
11 accurate?

12 MS. MCCAWLEY: Well, objection.

13 Q (BY MS. MENNINGER) Did you used to get
14 frightened flying with her?

15 A Yes.

16 Q Okay. Did Bill have the Secret Service
17 with him?

18 A They were there, but not like on the --
19 not where we were eating.

20 Q Do you remember Bill talking about what a
21 good job she did?

22 A I don't remember that.

23 Q So what is inaccurate about that
24 statement?

25 A I just -- it's inaccurate because I don't

1 remember him talking about what a good job she did.

2 I don't remember that.

3 Q Does it inaccurately suggest that Bill had
4 the Secret Service with him on a helicopter?

5 MS. MCCAWLEY: Objection.

6 A Well, not being an eyewitness to it, I
7 wouldn't be able to tell you. I can't tell you what
8 I don't know.

9 Q (BY MS. MENNINGER) And do you believe you
10 said that statement to Sharon Churcher?

11 A I mean, Sharon and I talked a lot, and if
12 she misheard me or just wrote it in the way that she
13 thought she should, I have no control over that. So
14 I'm not too sure.

15 Q Did she record your interviews?

16 A Some of them. Some of them she didn't. I
17 mean, we, like -- we, like, met for like a week, and
18 we spent a lot of time together, and then even after
19 that we just continued, like, kind of a friendship.

20 Q All right. What's inaccurate about the
21 last statement on that page?

22 A "Donald Trump was also a good friend of
23 Jeffrey's." That part is true.

24 "He didn't partake in any" of -- "any sex
25 with any of us but he flirted with me." It's true

1 that he didn't partake in any sex with us, and but
2 it's not true that he flirted with me. Donald Trump
3 never flirted with me.

4 Then the next sentence is, "He'd laugh and
5 tell Jeffrey, 'you've got the life.'" I never said
6 that to her.

7 Q When you say, "he didn't partake in any
8 sex with any of us," who is "us"?

9 A Girls. Just --

10 Q How do you know who Donald Trump -- Trump
11 had sex with?

12 A Oh, I didn't physically see him have sex
13 with any of the girls, so I can't say who he had sex
14 with in his whole life or not, but I just know it
15 wasn't with me when I was with other girls.

16 Q And who were the other girls that you were
17 with in Donald Trump's presence?

18 A None. There -- I worked for Donald Trump,
19 and I've met him probably a few times.

20 Q When have you met him?

21 A At Mar-a-Lago. My dad and him, I wouldn't
22 say they were friends, but my dad knew him and they
23 would talk all the time -- well, not all the time but
24 when they saw each other.

25 Q Have you ever been in Donald Trump and

1 Jeffrey Epstein's presence with one another?

2 A No.

3 Q What is the basis for your statement that
4 Donald Trump is a good friend of Jeffrey's?

5 A Jeffrey told me that Donald Trump is a
6 good friend of his.

7 Q But you never observed them together?

8 A No, not that I can actually remember. I
9 mean, not off the top of my head, no.

10 Q When did Donald Trump flirt with you?

11 A He didn't. That's what's inaccurate.

12 Q Did you ever see Donald Trump at Jeffrey's
13 home?

14 A Not that I can remember.

15 Q On his island?

16 A No, not that I can remember.

17 Q In New Mexico?

18 A No, not that I can remember.

19 Q In New York?

20 A Not that I can remember.

21 Q All right. If you could turn to the
22 second page and read through those. Let me know if
23 any of those are inaccurate. Just put a check by
24 them and then we'll come back.

25 A Okay.

1 MS. MCCAWLEY: Before you go, Virginia,
2 I'm going to object to the use of the second page of
3 this document. There's no time frame on it. There's
4 no source reference to it, so it's entirely unclear
5 where this has come from.

6 Q (BY MS. MENNINGER) Okay. Are you done?

7 A Yes.

8 Q Okay. What's the first one you've put a
9 check by?

10 A "The hammock photo was all over the
11 houses," in parentheses. And Bill Clinton and -- I'm
12 sorry, "Bill Clinton and Andrew," in parentheses,
13 "had to have seen it."

14 "All over the houses" is not my statement
15 and an exaggeration. They did have that picture in
16 the houses. And I believe, if I remember the
17 conversation correctly, she asked, Could have Bill
18 Clinton and Andrew seen the picture? And I said,
19 Yes, it's possible that they could have seen it.

20 So, I mean, it's just that -- it's not
21 that it's totally inaccurate. I just think it's like
22 journalist writing, had to have seen it. It doesn't
23 mean they saw it. I just think that if it was in
24 front of them, they would have seen it.

25 Q So she told you that -- you told her that

1 the photograph was in the houses -- houses?

2 A Yes. I know he had it in New York on his
3 desk. I know he had it in Palm Beach. I know he had
4 it in the Caribbean. And I don't know if he had it
5 in New Mexico. I can't remember New Mexico. Maybe.

6 Q Where in Palm Beach was the photograph?

7 A The massage room.

8 Q Was that -- you did not say that they --
9 it was all over the houses?

10 A Correct. All over the houses would imply
11 that it's everywhere in the house, so....

12 Q You did not say that Andrew and Clinton
13 had to have seen the photograph?

14 A Correct. I -- it was more of a, if they
15 were in front of it, they would have seen it, kind of
16 a thing. I'm not saying it right. But it wasn't,
17 like, had to have seen it.

18 Q All right. What's the next statement that
19 you put a check by?

20 A I'm sorry, excuse me. My kids shared a
21 beautiful cough with me again.

22 "I spent four years as a millionaire's
23 personal masseuse."

24 Q What is inaccurate about that statement?

25 A We now know, according to the timelines

1 that Mar-a-Lago was able to provide for us, that it
2 was not four years.

3 Q How many years was it?

4 A More like 2-1/2, I think, if I'm right, or
5 two. I'm sorry, I'm really bad at math. But yes,
6 the two period.

7 Q What's the next statement that you have
8 put a check by?

9 A "I was a pedophile's dream." I think she
10 took that out of context and made that her own little
11 headline.

12 Q Did you say that to her?

13 A I said something along the line like, I --
14 the -- the pedos loved me because I would do
15 everything that they wanted for them. But do I think
16 that -- yeah, I -- I know she made that line up
17 herself, the pedos -- pedophile's dream.

18 Q What's the next one you put a check by?

19 A I put a question mark next to the next
20 one. It says, "Three years later she was reunited
21 with her family." I don't know what that pertains
22 to. I don't know what timeline that means.

23 Q Was there a period of three years where
24 you were not with your family?

25 A There's been longer periods than that

1 that -- when I wasn't with my family. That's what I
2 mean, I don't understand where that comes from.

3 "Three years later she was reunited with her family."

4 Q Prior to 2002, was there a period of three
5 years where you were not with your family?

6 A No.

7 Q Okay. Did you say to Sharon Churcher,
8 three years later, she was reunited with her family?

9 A That's what I don't understand. I don't
10 even know what that time periods pertains to.

11 Q Do you recall saying that to Sharon
12 Churcher?

13 A No.

14 Q What's the next one you put a check by?

15 A "After about two years he started to ask
16 me to entertain his friends."

17 Q What's wrong with that statement?

18 A It wasn't two years. I don't know where
19 she got that from.

20 Q Okay. How long was it?

21 A Like, I can't give you an exact time
22 period, but it wasn't right in the beginning. It was
23 after my training, or so to speak training. So, I
24 mean, my best guesstimate would be anywhere between
25 four to six months.

1 Q So you did not say to Sharon Churcher,
2 "After about two years he asked me to entertain his
3 friends"?

4 A Correct.

5 Q What's the next one you put a check by?

6 A That's it. That's all I put a checkmark
7 next to.

8 Q So the rest of these are absolutely
9 accurate?

10 A Nothing a journalist writes is absolutely
11 accurate, but it's -- it sounds accurate, yes.

12 Q Do you recall Jeffrey Epstein saying to
13 you, "I've got a good friend and I need you to fly to
14 the island to entertain him, massage him and make him
15 feel how you make me feel"?

16 MS. MCCAWLEY: Objection.

17 Go ahead.

18 A I do remember him saying that, and I think
19 that's more of a general- -- generalization for all
20 the times that I was sent to the -- where is this --
21 the island to entertain people. And that would be a
22 quote that she made but from my words saying that's
23 what he said to me when I had to go be with these
24 people that he sent me to.

25 Q (BY MS. MENNINGER) Did you say that

1 sentence to her?

2 MS. MCCAWLEY: Objection.

3 A I -- I can't remember. Like I said, I
4 think it's more of a generalization.

5 Q (BY MS. MENNINGER) Did you meet Al Gore?

6 A Yes.

7 Q Did you meet Heidi Klum?

8 A Yes.

9 Q Did you meet Naomi Campbell?

10 A Yes.

11 Q Did you go on a six-week trip with Epstein
12 in 2001?

13 A Yeah. Yes. Sorry.

14 Q When in 2001 did you go on a six-week trip
15 with him?

16 A I don't remember exactly when it was, but
17 it's that -- it's the one where we went to Tangier,
18 Morocco, England. I can't remember where else we
19 went. France.

20 Q Did the FBI tell you that Epstein had
21 hidden cameras watching you the entire time, even
22 when you were in the bathroom?

23 A Yes.

24 Q Did the FBI tell you "Everything he did
25 was illegal because I was under age"?

1 A Yes.

2 Q Who in the FBI told you that?

3 A Whichever agent I was talking to.

4 Q Which agent were you talking to?

5 A I can't remember. I know I was talking to
6 Jason Richards, and there was a girl, I think -- I
7 want -- I want to say her name was Christina Pryor,
8 just off the top of my head. And then I think there
9 was two other agents actually at the consulate
10 building. I don't remember their names. Very hazy.

11 Q When was this conversation with the FBI?

12 A After Sharon printed the articles, the
13 first articles that came out. I don't know how many
14 she printed, but when the first articles came out,
15 after that the FBI contacted me.

16 Q And was the statement that the FBI told
17 you "Everything he did was illegal because I was
18 under age," in response to you telling them that you
19 were age 15 when you met Jeffrey?

20 MS. MCCAWLEY: Objection.

21 A Well, that was the closest proximity I had
22 to go off of.

23 Q (BY MS. MENNINGER) Okay.

24 A So, yes. Although I still was under age,
25 I mean, even if I was 16 and 17.

1 Q Okay. And then if you could do the last
2 page, same way; a check by anything that's not
3 absolutely accurate.

4 MS. MCCAWLEY: Okay. I'm going to object
5 to this as the last page has no identifier of time or
6 source on it.

7 A Okay. I'm ready.

8 Q (BY MS. MENNINGER) All right. Which ones
9 are inaccurate?

10 A The first one is, "Virginia got a
11 part-time job as a changing room assistant." I was a
12 full-time person there. Sorry.

13 Q Okay. So did you say that to Sharon?

14 A Again, I don't remember that exact
15 conversation, but I know it was a full-time job,
16 and -- I mean, full-time as in the, you know, the 9
17 to 5 or whatever hours it was, so it wasn't
18 part-time. I don't remember the exact conversation
19 that we had.

20 Q Okay. What's the next thing you put a
21 check by?

22 A I put a question mark next to, "Another
23 lady led me into Jeffrey's bedroom. The lady walked
24 me straight through into the massage room."

25 I have no idea what circumstance that

1 pertains to. Again, I don't know what that means. I
2 don't even know what other lady she's talking about.
3 So...

4 Q So you don't recall saying that to Sharon
5 Churcher?

6 A Correct. I don't even know what it means.

7 Q Okay. What's the next one you have a
8 check by?

9 A "Afterwards, she was given two \$100 bills
10 and told to return the next day. That was the
11 beginning of the four years she spent with Epstein."

12 Q All right. What's wrong about that
13 statement?

14 A Well, again, I just want to say that the
15 four years was inaccurate based upon memory and not
16 an actual timeline that we were able to get.

17 Q Did you say that to Sharon Churcher, that
18 it was four years?

19 A I don't know if I said that to her or --
20 oh, yeah, did I tell her it was four years? Yes, I
21 did. I'm sorry.

22 Q Okay. What else did you put a check by?

23 A Well, this one is a question mark again.

24 "Radar online has obtained exclusive diary entries of
25 a Teen Sex Slave."

1 It wasn't really a diary. It was, like, I
2 don't know how many pages of something that I wrote,
3 and Sharon used it, so...

4 Q Did you tell Sharon it was your diary
5 entry?

6 A She knew it wasn't a diary entry. No.

7 Q Okay. Were you a teen sex slave?

8 A Yes.

9 Q What's the next one you have a checkmark
10 by?

11 A "I also saw Prince Andrew at a Ranch in
12 New Mexico."

13 Q Did you tell that to Sharon Churcher?

14 A No. And I think it's a mistake. Maybe
15 she meant somewhere else, but because we had been
16 talking about so much, maybe she just put New Mexico.
17 I don't think Sharon intentionally lied on any of
18 these. I just -- I think we talked so much over a
19 period of a week, and then after that we had phone
20 conversations, and so on and so forth, that some of
21 the information just got misheard or mishandled, or
22 whatever.

23 Q And what was printed was inaccurate?

24 A Was that printed? I don't -- I don't
25 remember reading that in the papers, but if it was

1 printed it's inaccurate.

2 Q Do you recall reading any of the ones that
3 you put a checkmark by in the papers?

4 A There's been so much printed, it's hard
5 for me to remember. I mean, yes, it does sound like
6 stuff I read before.

7 Q When you spoke with Sharon Churcher, you
8 agreed to waive your anonymity, right?

9 A I did.

10 Q Why did you agree to do that?

11 A I felt it was time for me to tell my
12 story. I felt it was a good time for me to come
13 forward. I had done so much healing, and I thought
14 that it would be good for other people to hear what's
15 going on, how it's happening, how vulnerable other
16 girls can be and not even know the damage that it
17 causes later in life. And I just thought it would be
18 the right thing to do to come forward.

19 Q You authorized her to publish your name?

20 A I did.

21 Q And your photograph?

22 A Yes.

23 Q In 2011?

24 A I think that was the year, yes.

25 Q You posed for photographs with her,

1 I, VIRGINIA GIUFFRE, do hereby certify that
2 I have read the foregoing transcript and that the
3 same and accompanying amendment sheets, if any,
4 constitute a true and complete record of my
5 testimony.

6 _____
7 Signature of Deponent
8

- () No amendments
9 () Amendments attached

10 Acknowledged before me this _____ day
11 of _____, 20____.

12
13 Notary Public: _____
14

15 My Commission Expires: _____
16

Seal:

17 PJH
18
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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

Epstein did invite two young brunettes to a dinner which he gave on his Caribbean island for Mr. Clinton shortly after he left office.

I'd have been about 17 at the time. I flew to the Caribbean with Jeffrey and then Ghislaine Maxwell went to pick up Bill in a huge black helicopter that Jeffrey had bought her.

I remember she was very excited because she got her license around the first year we met.

I used to get frightened flying with her but Bill had the secret service with him and I remember him talking about what a good job she did.

I don't remember seeing Bill again on the trip but I assume Ghislaine flew him back.

Virginia disclosed that Mr. Clinton's vice-president Al Gore and his wife, Tipper, were also guests of Epstein on his island.

Virginia said that yet another American liberal icon, Senator George Mitchell, frequently visited Epstein's New York residence. Mr. Mitchell, aged 77, was very close to Jeffrey, Virginia recalled.

I also met Naomi Campbell at a birthday party of hers on a yacht in the South of France. She is a friend of Ghislaine's but she was a real bitch to me.

Donald Trump was also a good friend of Jeffrey's. He didn't partake in any sex with any of us but he flirted with me. He'd laugh and tell Jeffrey, 'you've got the life.'

EXHIBIT

Guttre
AGREN BLANDO REPORTING
11-14-16

Ghislaine took nude picture of me lying naked in a hammock, posed with my legs open, a bit provocatively that I gave to Jeffrey for his birthday.

✓ The hammock photo was "all over the houses" and Bill Clinton and Andrew "had to have seen" it.

✓ I spent four years as millionaire's personal masseuse.

I was living on the streets, beaten up and slept with at least two older men in return for food.

While on the streets, I slept with men for money.

✓ I was a paedophile's dream.

✗ Three years later she was reunited with her family.

✓ After about two years, he started to ask me to 'entertain' his friends.

She recalls he said "I've got a good friend and I need you to fly to the island to entertain him, massage him and make him feel how you make me feel."

The way it usually worked was I'd been sent to meet a man on the private island Jeffrey owned in the Caribbean, or at his ranch in New Mexico, which was really isolated.

I met famous friends of his such as Al Gore and Heidi Klum and Naomi Campbell.

She was, she says, delighted when Epstein invited her to accompany him on a six-week trip in 2001.

FBI told me that Epstein had hidden cameras watching me the entire time even when I was in the bathroom. I was so embarrassed.

The FBI told me everything he did was illegal because I was under age.

✓ Virginia got a part-time job as a changing room assistant.

I told Ghislaine I wanted to become a masseuse and she said she worked for a very wealthy gentleman who was looking for a traveling masseuse. I'd get training and be paid well.

✓ Another lady led me into Jeffrey's bedroom. The lady walked me straight through into the massage room.

✓ Afterwards, she was given two \$100 bills and told to return the next day. That was the beginning of the four years she spent with Epstein.

✓ Radar Online has obtained exclusive "Diary entries" of "Teen Sex Slave".

I led Prince Andrew into the upstairs bathroom next to the room I was staying in.

I was doing my best trying to put on a good show for him by slowly undressing and started to pour a bath.

He was caressing every part of my naked body and filling my head with endless compliments about my blossoming figure.

He paid careful attention to my toes and was licking them.

✓ I also saw Prince Andrew at the Ranch in New Mexico.

EXHIBIT QQ

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

Hi Buddy,

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

Take care,
Jenna

EXHIBIT RR

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
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brad@pathtojustice.com
Appearing on behalf of the
Plaintiff

BOIES, SCHILLER & FLEXNER LLP

By Sigrid S. McCawley, Esq. (For Portion)
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Phone: 954.356.0011
smccawley@bsfllp.com
Appearing on behalf of the
Plaintiff

1 APPEARANCES: (Continued)

2 HADDON, MORGAN AND FORMAN, P.C.
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4 Denver, CO 80203
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5 lmenninger@hmflaw.com
jpagliuca@hmflaw.com
6 Appearng on behalf of the
Defendant

7 Also Present:

8 Brenda Rodriguez, Paralegal
Nicholas F. Borgia, CLVS Videographer
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Pursuant to Notice and the Federal Rules of Civil Procedure, the VIDEOTAPED DEPOSITION OF VIRGINIA GIUFFRE, called by Defendant, was taken on Tuesday, May 3, 2016, commencing at 9:00 a.m., at 150 East 10th Avenue, Denver, Colorado, before Kelly A. Mackereth, Certified Shorthand Reporter, Registered Professional Reporter, Certified Realtime Reporter and Notary Public within Colorado.

* * * * *

T N D E X

EXAMINATION PAGE

MS. MENNINGER

PRODUCTION REQUEST(S) :

PAGE

(None.)

8

(None.)

(None.)

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4 DESCRIPTION REFERENCE
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1 Some names have been changed in order to protect
2 other people.

3 Q (BY MS. MENNINGER) Protect their privacy?

4 A Protect their privacy, yeah, I would say,
5 just not getting them involved in, if this were to
6 ever go public.

7 Q Well, again, without rereading the whole
8 manuscript --

9 A Reading it, yeah. I'm trying to see if I
10 can -- see something in here.

11 Q Let me narrow my question and maybe that
12 will help.

13 A Yes.

14 Q Is there anything -- well, first of all,
15 did you author that entire manuscript?

16 A Yes, I did.

17 Q Did anyone else author part of that
18 manuscript?

19 A Do you mean did anyone else write this
20 with me?

21 Q Right.

22 A No.

23 Q That's all your writing?

24 A This is my writing.

25 Q Okay. To the best of your recollection,

1 as you sit here right now, is there anything in that
2 manuscript about Ghislaine Maxwell that is untrue?

3 A I don't believe so. Like I said, there is
4 a lot of stuff that I actually have left out of here.

5 Q Um-hum.

6 A So there is a lot more information I could
7 put in there. But as far as Ghislaine Maxwell goes,
8 I would like to say that there is 99.9 percent of it
9 would be to the correct knowledge.

10 Q All right. Is there anything that you --
11 and I understand you're doing this from memory. Is
12 there anything that you recall, as you're sitting
13 here today, about Ghislaine Maxwell that is contained
14 in that manuscript, that is not true?

15 A You know, I haven't read this in a very
16 long time. I don't believe that there's anything in
17 here about Ghislaine Maxwell that is not true.

18 MR. EDWARDS: I'd just ask, Counsel, if
19 you have anything specific to show her about
20 Ghislaine Maxwell --

21 MS. MENNINGER: I'll ask questions.

22 MR. EDWARDS: -- I'll have her look at it.

23 MS. MENNINGER: I'll ask questions.

24 MR. EDWARDS: I know, but I want the
25 record clear that if she hasn't read it in a long

1 I, VIRGINIA GIUFFRE, do hereby certify that
2 I have read the foregoing transcript and that the
3 same and accompanying amendment sheets, if any,
4 constitute a true and complete record of my
5 testimony.

6

7

8

9 Signature of Deponent

10 () No Amendments

() Amendments Attached

11 Acknowledged before me this

12 _____ day of _____, 2016.

13

14 Notary Public: _____

15 Address: _____

16 _____

17 My commission expires _____

18 Seal:

19

20

21 KAM

22

23

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25

1 STATE OF COLORADO)

2) ss. REPORTER'S CERTIFICATE

3 COUNTY OF DENVER)

4 I, Kelly A. Mackereth, do hereby certify
5 that I am a Registered Professional Reporter and
6 Notary Public within the State of Colorado; that
7 previous to the commencement of the examination, the
8 deponent was duly sworn to testify to the truth.

9 I further certify that this deposition was
10 taken in shorthand by me at the time and place herein
11 set forth, that it was thereafter reduced to
12 typewritten form, and that the foregoing constitutes
13 a true and correct transcript.

14 I further certify that I am not related to,
15 employed by, nor of counsel for any of the parties or
16 attorneys herein, nor otherwise interested in the
17 result of the within action.

18 In witness whereof, I have affixed my
19 signature this 11th day of May, 2016.

20 My commission expires April 21, 2019.

21

22

23 Kelly A. Mackereth, CRR, RPR, CSR
216 - 16th Street, Suite 600
Denver, Colorado 80202

24

25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

VIRGINIA GIUFFRE,

Giuffre,

15 Civ. 7433

-against-

SEALED
OPINION

GHISLAINE MAXWELL,

Maxwell.

-----X

A P P E A R A N C E S:

Counsel for Giuffre

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150 East Tenth Avenue
Denver, CO 80203
By: Laura A. Menninger, Esq.
Jeffrey S. Pagliuca, Esq.

Sweet, D.J.

The defendant Ghislaine Maxwell ("Maxwell" or the "Maxwell") has moved pursuant to Rule 56, Fed. R. Civ. P., for summary judgment dismissing the complaint of plaintiff Virginia L. Giuffre ("Giuffre" or the "Giuffre") alleging defamation. Upon the facts and conclusions set forth below, the motion is denied.

I. Prior Proceedings

Since the filing of the complaint on September 21, 2015, setting forth Giuffre's claim of defamation by Maxwell, this action has been vigorously litigated, as demonstrated by the 704 docket entries as of March 8, 2017. At issue is the truth or falsity of a January 2015 statement issued by Maxwell. Discovery has proceeded, a joint pretrial order has been filed, and the action is set for trial on May 15, 2017.

The instant motion was heard and marked fully submitted on February 16, 2017.

II. The Facts

The facts have been set forth in Maxwell's Memorandum of Law in Support of Maxwell's Motion for Summary Judgment, Southern District of New York, Local Rule 56.1; Giuffre's Statement of Contested Facts and Giuffre's Undisputed Facts; and Maxwell's Reply to Giuffre's Statement of Contested Facts and Giuffre's Undisputed Facts pursuant to Local Civil Rule 56.1. They are not in dispute except as noted below.

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

Giuffre has denied that the allegations she made against Maxwell were false and defamatory. She noted that she did give an interview to journalist, Sharon Churcher ("Churchier"), in which she described Maxwell's role as someone

who recruited or facilitated the recruitment of young females for Epstein, that she was interviewed by the FBI in 2011, and that she discussed Maxwell's involvement in the sexual abuse.

2. In the articles, 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."

Giuffre did not contest this statement but noted it is irrelevant.

3. In response to the allegations, Maxwell's British attorney, working with Ross Gow ("Gow"), Maxwell's public relations representative, issued a statement on March 9, 2011, denying "the various allegations about [Maxwell] that have appeared recently in the media. These allegations are all entirely false."

Giuffre has denied that Maxwell's British attorney, Philip Barden ("Barden"), "issued a statement," noting that it appears to have the contact "Gow" and a reference to Devonshire Solicitors.

4. The March 9, 2011 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 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, *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.

Media contact:

Ross Gow

Acuity Reputation

Tel: +44-203-008-7790

Mob: +44-7778-755-251

Email: ross@acuityreputation.com

Media contact: Ross Gow, Acuity Reputation, Tel: +44-203-008-7790,

Mob: +44-7778-755-251, Email: ross at
acuityreputation.com

Giuffre has noted it is unclear if the original included the italics that are inserted above.

5. In 2008, two alleged victims of Epstein brought an action under the Crime Victims' Rights Act (the "CVRA Action") 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.

6. Giuffre moved to join the CVRA Action on December 30, 2014, claiming she, too, had her CVRA rights violated by the Government. On January 1, 2015, Giuffre filed a "corrected" joinder motion. See *Jane Doe 1 and Jane Doe 2 v. United States*, No. 9:08-cv-80736-KAM, Docket No. 280 (S.D. Fla. Jan. 2, 2015) ("CVRA Joinder Mot."). Giuffre's joinder motion in this unrelated action included gratuitous and "lurid" accusations.

Giuffre has denied the final sentence fragment.

7. The issue presented in the joinder motion was narrow: whether Giuffre 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." *Jane Doe 1 and Jane Doe 2 v. United States*, No. 9:08-cv-80736-KAM, Docket No. 324 (S.D. Fla. Apr. 7, 2015) ("CVRA Mot. Op.") at 5. Yet, "the bulk of the [motion] consists of copious factual details that [Ms. Giuffre] and [her co-movant] 'would prove . . . if allowed to join.'" *Id.* Giuffre gratuitously included provocative and "lurid details" of her alleged sexual activities as an alleged victim of sexual trafficking.

Giuffre has denied that the issues presented in her joinder motion were narrow and has noted that the issues presented by the joinder motion and related pleadings were multiple and complex, requiring numerous details about Giuffre's sexual abuse and the listing of the perpetrators of her abuse. In a pleading explaining why the motion was filed, *see Jane Doe 1 and Jane Doe 2 v. United States*, No. 9:08-cv-80736-KAM, Docket No. 291 at 18-26 & n.17 (S.D. Fla. Jan. 21, 2015), Giuffre's lawyers specifically listed nine separate reasons why Jane Doe 3's allegations that Alan Dershowitz ("Dershowitz") had sexually abused her were relevant to the case and appropriately included in the relevant filings. Additionally, Giuffre states that Judge

Marra's ruling concluded that certain allegations were not necessary "at this juncture in the proceedings," adding 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." CVRA Mot. Op. at 5-6. Giuffre notes that the CVRA litigation continues and no trial has been held as of the filing of this motion so that the extent to which these factual details will be used at trial has not yet been determined. See Docket Sheet, *Jane Doe 1 and Jane Doe 2 v. United States*, No. 9:08-cv-80736-KAM.

8. At the time they filed the motion, 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 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.

Giuffre has noted her denial as set forth to Statement 7 above.

9. As the district court noted in ruling on the joinder motion, Giuffre "name[d] several individuals, and she offers details about the type of sex acts performed and where they took place." CVRA Mot. Op. at 5. The court ruled that "these lurid details are unnecessary," explaining that "[t]he factual details regarding whom and where the Jane Does engaged in sexual activities are immaterial and impertinent . . . , especially considering that these details involve nonparties who are not related to the respondent Government." *Id.* Accordingly, "[t]hese unnecessary details shall be stricken." *Id.* The court then struck all Giuffre's factual allegations relating to her alleged sexual activities and her allegations of misconduct by non-parties. *Id.* at 6. The court said the striking of the "lurid details" was a sanction for Giuffre's improper inclusion of them in the motion. *Id.* at 7.

Giuffre has noted her denial as set forth in Statement 7 above.

10. The district court in the CVRA Action found not only that the "lurid details" were unnecessary but also that the joinder motion itself was "entirely unnecessary." *Id.* at 7. 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 Giuffre's joinder motion. *Id.* at 10.

Giuffre has noted her denial as set forth in Statement 7 above.

11. One of the non-parties Giuffre "named" repeatedly in the joinder motion was Maxwell. According to the "lurid details" of Giuffre included in the motion, Maxwell personally was involved in a "sexual abuse and sex trafficking scheme" created by Epstein:

- Maxwell "approached" Giuffre in 1999 when Giuffre was "fifteen years old" to recruit her into the scheme.
- Maxwell was "one of the main women" Epstein used to "procure under-aged girls for sexual activities."
- Maxwell was a "primary co-conspirator" with Epstein in his scheme.
- She "persuaded" 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 Giuffre began giving Epstein a massage, he and Ms. Maxwell "turned it into a sexual encounter."
- Epstein "with the assistance of" Maxwell "converted [Giuffre] into . . . a 'sex slave.'" *Id.* Giuffre was a "sex slave" from "about 1999 through 2002."
- Maxwell also was a "co-conspirator in Epstein's sexual abuse."
- 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."
- Maxwell "participat[ed] in the sexual abuse of [Giuffre] and others."
- Maxwell "took numerous sexually explicit pictures of underage girls involved in sexual activities, including [Giuffre]." *Id.* She shared the photos with Epstein.
- As part of her "role in Epstein's sexual abuse ring," Maxwell "connect[ed]" Epstein with "powerful individuals" so that Epstein could traffic Giuffre to these persons.
- Giuffre was "forced to have sexual relations" with Prince Andrew in "[Maxwell's] apartment" in London. Maxwell "facilitated" Giuffre's sex with Prince Andrew "by acting as a 'madame' for Epstein."
- Maxwell "assist[ed] in internationally trafficking" Giuffre and "numerous other young girls for sexual purposes."
- Giuffre was "forced" to watch Epstein, Maxwell and others "engage in illegal sexual acts with dozens of underage girls."

See CVRA Joinder Mot.

Giuffre has denied the reference to "lurid details" and has noted her denial as set forth in Statements 6 and 7 above and that the testimony from numerous witnesses has corroborated the statements Giuffre made in her joinder motion:

- Johanna Sjoberg ("Sjoberg") May 18, 2016 Dep. Tr. at 8-9, 13, 33-35, 142-143.
- Anthony Figueroa ("Figueroa") June 24, 2016 Dep. Tr. Vol. 1 at 96-97 and 103.
- Rinaldo Rizzo ("Rizzo") June 10, 2016 Dep. Tr. at 52-60.
- Lynn Miller's May 24, 2016 Dep. Tr. at 115.
- Joseph Recarey's June 21, 2016 Dep. Tr. at 29-30.
- David Rodgers' June 3, 2016 Dep. Tr. at 18, 34-36.
- 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.
- Nadia Marcinkova ("Marcinkova") Dep. Tr. at 10:18-21; 12:11-15; etc.

- Sarah Kellen ("Kellen") Dep. Tr. at 15:13-18; 20:12-16; etc.
- Epstein Dep. Tr. at 116:10-15; 117:18-118:10; etc.
- Juan Alessi ("Alessi") Dep. Tr. At 28, 52-54.
- U.S. Attorney Victim Notification Letter GIUFFRE002216-002218.
- July 2001 New York Presbyterian Hospital Records GIUFFRE003258-003290.
- Judith Lightfoot psychological records GIUFFRE005431-005438.
- Message Pad evidencing Maxwell arranging to have underage girls and young women come to Epstein's home GIUFFRE001386-001571.
- "Black Book" in which Maxwell and other household staff maintained a roster of underage girls including [REDACTED], [REDACTED], and [REDACTED], who were minors at the time the Palm Beach Police's Investigation of Jeffrey Epstein GIUFFRE001573-00669.

- Sex Slave books Epstein ordered from Amazon.com at GIUFFRE006581.
- The folder Maxwell sent to Thailand with Giuffre bearing Maxwell's phone number GIUFFRE003191-003192.
- The Palm Beach Police Report showing that Epstein used women and girls to collect underage girls for his abuse GIUFFRE005614-005700.
- Epstein's Flight Logs showing that Maxwell flew with Giuffre 23 times GIUFFRE007055-007161.

12. In the joinder motion, Giuffre also alleged she was "forced" to have sex with 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." CVRA Joinder Mot. at 5-6.

Giuffre has noted her denial as set forth in Statements 7 and 11 above.

13. 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." *Id.* at 3.

Giuffre has admitted making this statement and has noted since discovered evidence that indicates she was mistaken on the exact timeframe of her abuse and was with Maxwell and Epstein from the years 2000-2002.

14. Giuffre suggested the Government was part of Epstein's "conspiracy" when it "secretly" negotiated a non-prosecution agreement ("NPA") with Epstein precluding federal prosecution of Epstein and his "co-conspirators." *Id.* at 6. The Government's secrecy, Giuffre alleged, was motivated by its fear that Giuffre would raise "powerful objections" to the agreement that would have "shed tremendous public light" on Epstein and other powerful individuals. *Id.* at 6-7.

Giuffre has denied that she suggested that the Government was part of Epstein's conspiracy to commit sex offenses and has noted that the CVRA Action deals with whether the Government failed in their responsibilities to the victims

to inform the victims that the Government was working out an NPA, that the Government did fail to so inform the victims, and that it intentionally did not inform the victims because the expected serious objection from many of the victims might prevent the Government from finalizing the NPA with Epstein.

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

Giuffre has denied the statement and noted that the other Jane Doe could corroborate many of Giuffre's allegations based on a similar pattern of abuse by Epstein that she suffered, that she did not know Giuffre, and further has noted [REDACTED] who was deposed in this case, and who was a minor, corroborates the same pattern of abuse.

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

Giuffre has denied the statement and noted that absence of any citation or evidence on this point and that the statement here is knowingly false based on the articles and Giuffre's deposition.

17. As Giuffre and her lawyers expected, before Judge Marra in the CVRA Action could strike the "lurid details" of Giuffre's allegations in the joinder motion, members of the media obtained copies of the motion.

Giuffre has denied the statement as set forth in Statement 7 above.

18. At the direction of Barden, on January 2, 2015, Gow sent to numerous representatives of British media organizations an email containing "a quotable statement on behalf of Maxwell" (the "Press Release"). The email was sent to more than six and probably fewer than 30 media representatives. It was not sent to non-media representatives.

Giuffre has denied that "[a]t Mr. Barden's direction, on January [2], 2015, Gow sent to numerous representatives of British media organizations an email containing 'a quotable

statement on behalf of Maxwell'" and has noted that Gow produced an email exchange he had with Maxwell in which Maxwell directs Gow to send the Press Release 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 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.

Giuffre has further noted that chronologically, this email comes at the end of various other email exchanges between Maxwell and Gow that discuss issuing a press release and that the subject line of this email that Maxwell wrote to Gow states "URGENT - this is the statement," thereby instructing Gow to release this statement to the press. Additionally, Giuffre notes that shortly after Maxwell sent this email to Gow directing him to release the Press Release, Gow distributed it to multiple media outlets, and that no email has been produced in which

Barden directed Gow to issue this press release. At his deposition, Gow authenticated this email and confirmed that Maxwell authorized the statement.

Giuffre has noted that the email and Gow's testimony establish that Maxwell, not Barden, directed and "command[ed]" Gow to publish the defamatory statement and the first sentence of the statement is false and 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. Giuffre has denied the statement.

19. Among the media representatives who received the Press Release were Martin Robinson of the Daily Mail, P. Peachey of The Independent, Nick Sommerlad of The Mirror, David Brown of The Times, 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 Maxwell to Giuffre's allegations in the motion.

Giuffre has denied the second sentence and has noted there is no record evidence that Gow (or anyone else) "selected" journalists "for a response," or that there was any selection process and that Gow testified that anyone who inquired received a reference to the Press Release.

20. The email to the media members read:

To Whom It May Concern,

Please find attached a quotable statement on behalf of 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.

Giuffre has noted that the body text of the email that was sent to news media was cropped and the headings and metadata were omitted and has further noted the image of the email set forth below.

From: <cross@acuityreputation.com>
Date: 2 January 2015 at 20:38
Subject: Ghislaine Maxwell
To: Rossacuity Gow <cross@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

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

Giuffre has denied the statement and has noted that the Barden Declaration should not be considered. She has further noted that there is no evidence to support any assertion of Barden's intent and that Maxwell gave the statement to Gow with instructions to publish it. Giuffre also has denied that the statement did not pass "through a public relations firm, such as Gow's firm, Acuity Reputation" and has noted that record documentary evidence and testimony establish that this statement was disseminated through Gow's firm, Acuity Reputation.

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

Giuffre has denied this statement and any statement of Barden's intent and that there was any "republication" by the

press as a matter of law as the press did not "republish" the press statement under New York law and that the allegations in the statement are "false," and cites to the evidence set forth in Statement 11 above.

Giuffre has further disputed that the harm to Maxwell's reputation could be mitigated by the media's inquiry into and scrutiny of Giuffre's allegations, because a deeper inquiry would only reveal additional evidence corroborating Giuffre's allegations, and has noted that the record does not establish who drafted the Press Release, and that it was ultimately Maxwell who "noted" anything because it is her statement and that she directed that it be sent to the media and public.

Giuffre has also disputed that her allegations have changed over time, "dramatically" or otherwise, that the Press Release "suggest[ed]" that her allegations are "obvious lies," because the Press Release affirmatively stated that her allegations are "obvious lies" there is no subtlety, suggestion, or statement of opinion here.

23. 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 Giuffre's allegations without conducting any inquiry of their own. Accordingly, in the statement he repeatedly noted that 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 Maxwell considered the publication of Giuffre's obviously false allegations and the legal indefensibility of their own conduct.

Giuffre has denied this statement and the statement that Barden repeatedly noted that Giuffre's allegations were "defamatory" as he did not "note" anything in the statement, nor does Maxwell cite to any record evidence that he did.

Giuffre further denies 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 Maxwell considered the publication of Giuffre's obviously false allegations and the legal indefensibility of their own conduct," as there is no record

evidence in support of this claim, and Maxwell has not cited any.

24. Consistent with his purposes as described by Maxwell, Gow's emails prefaced the statement with the following language: "Please find attached a quotable statement on behalf of Maxwell." The statement was intended to be a single, one-time only, comprehensive response, quoted in full, to Giuffre's December 30, 2014, allegations that would give the media Maxwell's response. The purpose of the prefatory statement was to inform the media-recipients of this intent.

Giuffre has disputed the statement and any statement relating to Barden's "purposes," as explained above, and has noted that Gow repeatedly issued this statement via email and over the phone for months on end and that Maxwell instructed them to publish it by telling them it was "quotable," and hired a press agent to distribute it to the press with the intent for the press to publish the Press Release.

25. 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.

Giuffre has denied that she engaged in activities to bring attention to herself but has noted that 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.

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

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, Giuffre has "dedicated her professional life to helping victims of sex trafficking."

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

Giuffre has denied the statement and noted that she was approached by numerous media outlets and refused to speak to most of them, that media organizations sought her out and she did not seek them out.

29. 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."

Giuffre has stated that this mischaracterizes these activities, that it was against a backdrop of seeking psychological counseling that she drafted the manuscript as an "act of empowerment" and "a way of reframing and taking control over the narrative." Pl.'s Opp'n at 60. Giuffre notes that she ultimately decided not to publish the manuscript. See Giuffre Dep. Tr. 249:16-18; 250:19-251:3.

30. Giuffre was required by Interrogatory No. 6 to identify any false statements attributed to Maxwell that were "published globally, including within the Southern District of New York," as Giuffre alleged in Paragraph 9 of Count One of her complaint. In response, Giuffre identified the Press Release and

nine instances in which various news media published portions of the Press Release in news articles or broadcast stories.

Giuffre has denied this statement. There is no "republication" as a matter of law and Maxwell possesses the knowledge as to where the defamatory statements were published and Giuffre has noted that she has provided a sampling of Maxwell's defamatory statements published by the news media and that Maxwell caused her statement to be published in an enormous number of media outlets.

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/Prince-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>

31. In none of the nine instances was there any publication of the entire Press Release.

Giuffre has noted extensive evidence of the mass distribution of Maxwell's defamatory statement to over 66 million viewers as stated by her expert witness James Jansen ("Jansen").

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

Giuffre has disputed this statement and noted it is completely devoid of record evidence and that the record establishes that Maxwell hired Gow because his position allowed him to influence the press to publish her defamatory statement, Dep. Tr. at 13:9-16; 15:18-16:3; 109:12-22; 110:16-21; 111:3-7, and that Maxwell caused her statement to be published by numerous major news organizations with wide readership all over the globe.

33. Eight years after Epstein's guilty plea in Florida, Giuffre brought this action, repeating many of the allegations she made in her CVRA joinder motion.

Giuffre has noted that the defamation cause of action against Maxwell did not accrue until Maxwell defamed her in January of 2015.

34. 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."

35. Giuffre lived independently from her parents with her fiancé long before meeting Epstein or Maxwell. After leaving the Growing Together drug rehabilitation facility in 1999, Giuffre moved in with the family of a fellow patient. There she

met, and became engaged to, her friend's brother, James Michael Austrich ("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 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 Giuffre agreed to marry Austrich, she never had any intention of doing so.

Giuffre has denied that she voluntarily lived independently from her parents with her fiancé; she states that she was a troubled minor child who was not realistically engaged prior to meeting Maxwell and Epstein, as she was not of legal age to marry. She confirms she had no intention of marrying Austrich.

36. 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, 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, Giuffre then enrolled at Royal Palm Beach High School. A few weeks later, on October 12, 2001, she matriculated at

Survivors Charter School. Survivor's Charter School was an alternative school designed to assist students who had been unsuccessful at more traditional schools. 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. Giuffre never received her high school diploma or GED. The school day at Survivor's Charter School lasted from morning until early afternoon.

Giuffre has denied the statement and has noted that Giuffre's school transcripts indicate "NO COURSES TAKEN" for the 1999-2000 and 2000-2001 school years and that her 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, spanning fewer than six months from October 2001 to March 7, 2002. She states that she attempted to get away from Epstein's abuse and that the records indicate that Giuffre's attendance was poor, with 69 days present and 32 days absent out of a required 180 day school year. She was not enrolled at the end of the school year. Her presence on flights with Epstein, verified by Epstein's pilot on flight logs, and an abundance of witness testimony corroborate her story that she was flying domestic and internationally with Epstein at least 32

times between December 11, 2000 to July 28, 2001 and June 21, 2002 to August 21, 2002.

37. During the year 2000, Giuffre worked numerous jobs. In 2000, while living with her fiancé, 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. Giuffre cannot now recall either the Southeast Employee Management Company or the Oasis Outsourcing jobs.

Giuffre has disputed the statement and has noted that while she held various jobs in 2000, Social Security Administration records do not show the exact dates of employment (month and day) because they do not need this information to figure Social Security benefits. She states that neither Southeast Employee Management Company nor Oasis Outsourcing were her employers. She states that she worked at Taco Bell, as well as a pet store, but that neither of these are listed on her Social Security Administration records because they were most likely paid through payroll companies. She subsequently worked at Mar-a-Lago. She also volunteered at Aviculture Breeding and

Research Center, where they eventually put her on the payroll but paid her very little.

38. Giuffre's employment at The Mar-a-Lago spa began in fall 2000. Giuffre's father, Sky Roberts ("Roberts"), was hired as a maintenance worker at The Mar-a-Lago Club in Palm Beach, Florida, beginning on April 11, 2000. Roberts worked there year-round for approximately 3 years. After working there for a period of time, Roberts became acquainted with the head of the spa area and recommended Giuffre for a job there. Mar-a-Lago closes every Mother's Day and reopens on November 1. Most employees at 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. 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.

Giuffre has disputed the statement and noted that the Mar-a-Lago Club produced 177 pages of records in response to Maxwell's subpoena which did not indicate Giuffre's actual dates of employment, nor whether she was a full-time or seasonal employee. The only significant record produced was a single,

vague chart entry indicating that Giuffre was terminated in 2000 and that Mar-a-Lago was a summer job.

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

Giuffre has denied the statement and has noted that 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. She was a minor child, under the age of 18, when she was working at Mar-a-Lago as a spa attendant and was approached by Maxwell who told her she could make money as a masseuse, a profession in which

Giuffre had no experience. She states that her father drove her to Epstein's house, the address of which was given to her by Maxwell, that she was led into the house and instructed by Maxwell on how to give a massage. She states that Epstein and Maxwell turned the massage into a sexual encounter, and offered her money and a better life to be compliant in the sexual demands of Maxwell and Epstein. She then began travelling with Maxwell and Epstein on private planes and servicing people sexually for money – working not as a legitimate masseuse, but in a position of sexual servitude. Giuffre further noted that Epstein's house manager, Alessi, described Maxwell'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. Alessi stated that on multiple occasions he drove Maxwell to pre-planned places while she recruited girls for massage, and that he witnessed Giuffre at Epstein's house on the very same day that he witnessed Maxwell recruit Giuffre from Mar-a-Lago. Giuffre further noted Sjoberg's testimony that she was similarly recruited.

40. In spring 2001, while living with Austrich, Giuffre lied to and cheated on him with Figueroa, her high school boyfriend. Giuffre and Austrich thereafter broke up, and

Figueroa moved into the Bent Oak apartment with Giuffre. When Austrich returned to the Bent Oak apartment to check on his pets and retrieve his belongings, Figueroa punched Austrich in the face. Figueroa and 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.

Giuffre has objected to the statement as irrelevant and unrelated to the allegations made in Giuffre's complaint against Maxwell and the alleged information should be excluded by multiple rules of evidence, and has been contested by Giuffre.

41. 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, Giuffre and Figueroa hosted a party with a number of guests. During the party, according to Giuffre, someone entered Giuffre's room and stole \$500 from her shirt pocket. 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, 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, 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."

Giuffre has objected to the statement as misleading and irrelevant and further noted that she was fearful of Maxwell and Epstein, and, accordingly, she would not have reported her abusers and noted that she knew that Epstein had control over the Palm Beach Police.

42. From August 2001 until September 2002, Epstein and Maxwell were almost entirely absent from Florida on documented travel unaccompanied by Giuffre. Flight logs maintained by Dave Rodgers ("Rodgers"), Epstein's private pilot, evidence the substantial number of trips away from Florida that Epstein and Maxwell took, unaccompanied by 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 month period from November 2000 to September 2002, Epstein was traveling outside of Florida unaccompanied by Giuffre. During this same period of time, Giuffre was employed at various jobs, enrolled in school, and living with her boyfriend.

Giuffre has disputed this statement and noted the flight logs produced in this matter provide substantive evidence of Giuffre's travel while in the control of Maxwell and Epstein, but are incomplete as Giuffre also was flown by Maxwell on commercial flights. The flight logs and pilot testimony clearly prove that Giuffre was flying domestic and internationally with Epstein at least 32 times between December 11, 2000 to July 28, 2001 and June 21, 2002 to August 21, 2002. Maxwell has acknowledged the flight logs are incomplete and that there were several pilots and co-pilots that flew Epstein and Maxwell (e.g., Rodgers, Lawrence "Larry" Visoski, Bill Hammond, Pete Rathgeb, Gary Roxburgh, and Bill Murphy) in multiple aircrafts and that only Rodgers produced flight records. Giuffre states that Maxwell has also acknowledged that many of the girls recruited by Maxwell 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.

Giuffre has further noted that her passport application, travel records, and witness testimony demonstrate flight logs are incomplete, that she also flew commercially while she worked for Maxwell and Epstein. Her passport application, for example, listed travel plans to London, and subsequent flight logs listed Giuffre traveling to London with Maxwell, Epstein, and others. Giuffre has cited the evidence she contends establish her travel with Epstein and Maxwell, including massage training in Thailand.

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

Giuffre has denied the statement and has noted that she purchased a car from the \$10,000 payment she received from Epstein after she was forced to have sex with Prince Andrew in London at Maxwell's home.

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

Giuffre has denied the statement and noted that in 2001 and 2002 she attempted to go back to school to earn her GED, and tried unsuccessfully to hold down waitressing jobs. She earned \$212.00 as a waitress working "briefly" at Mannino's Restaurant and, in 2002, earned \$403.64 working at the TGIFriday's restaurant ("CCI of Royal Palm Beach") for a "short time period." She earned about \$1,247.90 at Roadhouse Grill until about March 2002, and at the Courtyard Animal Hospital ("Marc Pinkwasser DVM") she received payroll checks for weeks ending April 22, 2002 to June 4, 2002, earning a total of \$1,561.75. Not long after she lost her job at the Courtyard Animal Hospital, she was traveling with Maxwell to the Bahamas, Santa Fe, New Mexico, and New York.

45. 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 then 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 Figueroa's deposition in this matter in May 2016.

Giuffre admitted traveling to Thailand to receive massage training in September 2002 but noted that she was given an assignment from Maxwell and Epstein that she had to recruit another underage girl from Thailand, and bring that young girl back to Epstein. Giuffre stated that she was expected to return to Epstein and Maxwell upon completion of her massage training and assignment, and that instead she escaped to Australia where she remained in hiding from Maxwell and Epstein for several years.

46. Detective Joseph Recarey ("Recarey") investigated Epstein and failed to uncover any evidence that Maxwell was involved in sexual abuse of minors, sexual trafficking or production or possession of child pornography. Recarey served as the lead detective from the Palm Beach Police Department charged with investigating 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.

Recarey's investigation revealed that not one of the alleged Epstein victims ever mentioned Maxwell's name and she was never considered a suspect by the Government. None of Epstein's alleged victims said they had seen 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 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 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. 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 Maxwell sexually trafficking anybody. Recarey also has no knowledge of Giuffre's conduct that is subject of this lawsuit.

Giuffre has denied the statement and noted that Recarey wanted to speak to Maxwell, but she did not return his calls and he concluded that Maxwell's role was to procure girls for Epstein. Giuffre further noted that 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 and message pads uncovered in trash pulls revealing 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. Giuffre further noted that a walk through video taken during the execution of the search warrant revealed photos of topless females at the home, including a photograph of Maxwell naked hanging in the home. Alfredo Rodriguez ("Rodriguez"), the house butler from 2004 through 2005, a time period that included 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. Giuffre states that Recarey

testified that when the search warrant was executed, the house had been sanitized and the computers removed from the home.

Giuffre states that the co-conspirator who maintained direct contact with the many underage victims was Kellen, whose sole responsibility was to schedule underage girls to visit Epstein for sex and reported directly to Maxwell. Figueiroa testified that Maxwell personally requested that he find and bring girls to Epstein for sex once Giuffre had escaped, and that when he brought the girls Maxwell interacted with them, that Maxwell was "the boss" and that she knew everything that was going on.

47. No nude photograph of Giuffre was displayed in Epstein's home. Epstein's housekeeper, Alessi, "never saw any photographs of Virginia Roberts [Giuffre] in Epstein's house." 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.

Giuffre has denied this statement and noted that Maxwell had pornography on her computer, that there was a

collage of nude photos in Epstein's closet, that the collage was taken into evidence by Recarey, who testified to that fact in his deposition, that Rizzo, a visitor to the home on numerous occasions, was reprimanded by Maxwell for looking at the nude photos, and that the search warrant revealed photographs of nudity displayed, including a photograph of Maxwell herself in the nude. Sjorberg testified that Maxwell bought her a camera for the specific purpose of her taking nude photos of herself and Giuffre has testified that there was a nude photograph of her at the house.

48. 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. Giuffre also kept a "dream journal" regarding her thoughts and memories that she possessed in January 2016. To date, Giuffre cannot locate the "dream journal."

49. Giuffre publicly peddled her story beginning in 2011. Giuffre granted journalist Churcher extensive interviews

that resulted in seven widely distributed articles from March 2011 through January 2015. Churcher regularly communicated with Giuffre and her "attorneys or other agents" from "early 2011" to "the present day." Giuffre received approximately \$160,000 for her stories and pictures that were published by many news organizations.

Giuffre has denied this statement in part and admitted it in part, noting that in 2011, Giuffre was still in hiding from Epstein and Maxwell in Australia and not looking to sell anything or even speak with anyone about what had happened to her. Churcher located Giuffre and impressed the importance of Giuffre standing up to those who had harmed her and speaking with federal authorities. Giuffre did so in 2011, bringing the abuse of Maxwell and Epstein to public light to prevent their continued abuse of others. Giuffre agreed to be interviewed by Churcher and was compensated for sharing her story, which came at the heavy price of being publicly scrutinized.

50. Giuffre drafted a 144-page purportedly autobiographical book manuscript in 2011 which she actively sought to publish. In 2011, contemporaneous with her Churcher interviews, Giuffre drafted a book manuscript which purported to