

# EXHIBIT 5

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

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G.  
CASSELL,

Plaintiffs,  
vs.

ALAN M. DERSHOWITZ,

Defendant.

/

VIDEOTAPE CONTINUED DEPOSITION OF

ALAN M. DERSHOWITZ

VOLUME 4  
Pages 462 through 647

Tuesday, January 12, 2016  
1:05 p.m. - 4:45 p.m.

Tripp Scott  
110 Southeast 6th Street  
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Stenographically Reported By:  
Kimberly Fontalvo, RPR, CLR  
Realtime Systems Administrator

1 APPEARANCES:

2  
3 On behalf of Plaintiffs:

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1 APPEARANCES (Continued):

2

3 On behalf of Jeffrey Epstein:

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

8

9 On behalf of Virginia Roberts:

10 BOIES, SCHILLER & FLEXNER, LLP  
11 401 E. Las Olas Blvd., Ste. 1200  
12 Fort Lauderdale, Florida 33301  
13 BY: SIGRID STONE MCCAWLEY, ESQ.  
14 smccawley@bsfllp.com

15

16 ALSO PRESENT:

17 Edward J. Pozzuoli, Special Master  
18 Sean D. Reyes, Utah Attorney General Office  
19 Travis Gallagher, Videographer

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1           Q.    Okay.  And Ghislaine Maxwell, you are  
2 aware, is involved in litigation with Virginia  
3 Roberts right now, correct?

4           A.    She is being sued by Virginia Roberts for  
5 defamation, not for the underlying offenses, which  
6 are beyond the statute of limitations, as I  
7 understand it, correct.

8           Q.    And have you spoken with Ghislaine Maxwell  
9 about the allegations against her and her denials?

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

12           MR. SCOTT:  Don't answer it.  It's  
13 privileged.

14           BY MR. EDWARDS:

15           Q.    I'm asking about your conversations with  
16 Ghislaine Maxwell, who's in a separate litigation,  
17 civil litigation for defamation.  Have you  
18 personally spoken with Ghislaine Maxwell since these  
19 allegations?

20           A.    If there's no objection, I will answer.

21           MR. INDYKE:  There was an objection.  Same  
22 objection, same instruction.

23           BY MR. EDWARDS:

24           Q.    Is there a joint defense agreement related  
25 to the civil allegation -- actions regarding the

1       **defamation actions that involve Ghislaine Maxwell**  
2       **and yourself?**

3                    MR. INDYKE: Same objection.

4                    SPECIAL MASTER POZZUOLI: What's the  
5                    basis -- can you explain to me what the basis  
6                    of the objection is -- and what was the  
7                    question?

8                    MR. EDWARDS: Has Mr. Dershowitz spoken  
9                    with Ghislaine Maxwell since the allegations --  
10                   since this defamation suit came about as well  
11                   as the defamation suit with Ghislaine Maxwell.

12                  BY MR. EDWARDS:

13                  **Q. Let me ask it cleaner. Have you spoken**  
14                  **with Ghislaine Maxwell since January 2015?**

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

17                  BY MR. EDWARDS:

18                  **Q. So that I'm clear, there is a joint**  
19                  **defense of the allegations regarding Ghislaine**  
20                  **Maxwell that's New York litigation and this**  
21                  **defamation case?**

22                  MR. INDYKE: There's a common interest  
23                  agreement in effect with respect to the  
24                  New York case and a common interest agreement  
25                  with respect to this case.

1 BY MR. EDWARDS:

2 Q. Okay. Was Virginia Roberts lying when she  
3 says that she was taken by Ghislaine Maxwell and --

4 MR. SCAROLA: Who negotiated the agreement  
5 and when?

6 BY MR. EDWARDS:

7 Q. Is there a common interest agreement in  
8 existence with respect to the allegations that have  
9 arisen since January of 2015 or that you contend  
10 covers that?

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

13 BY MR. EDWARDS:

14 Q. If there is, who negotiated this  
15 agreement?

16 MR. SCAROLA: Can we have a ruling on  
17 propriety?

18 SPECIAL MASTER POZZUOLI: You haven't  
19 pushed me, so I let you go.

20 MR. SCAROLA: Can we have a ruling as to  
21 whether we get to know whether Mr. Dershowitz  
22 is a party to a common interest agreement with  
23 Ghislaine Maxwell?

24 SPECIAL MASTER POZZUOLI: Counsel --

25 MS. McCAWLEY: Also, just this is Sigrid

1 McCawley, if any of the individuals on the  
2 phone are representing Ghislaine Maxwell, my  
3 understanding is the person on the phone is  
4 representing Jeffrey Epstein, not Ghislaine  
5 Maxwell. That needs to be clarified.

6 MR. INDYKE: Correct. Correct.

7 SPECIAL MASTER POZZUOLI: The answer is  
8 correct?

9 MR. INDYKE: With respect to Mr. Epstein,  
10 I can tell you there's a common interest  
11 agreement with respect to this matter and a  
12 common interest agreement with respect to the  
13 Ghislaine Maxwell suit in New York.

14 SPECIAL MASTER POZZUOLI: Is  
15 Mr. Dershowitz party to that?

16 MR. INDYKE: Mr. Dershowitz is party to a  
17 common interest agreement with Jeffrey in this  
18 case. And I believe -- I'd have to check, but  
19 I believe that that would extend --

20 MR. SCAROLA: We want an answer from the  
21 witness as to whether the witness is a party to  
22 a common interest agreement with Ghislaine  
23 Maxwell.

24 SPECIAL MASTER POZZUOLI: Then ask the  
25 question, because I haven't seen the question

1                   asked yet.

2                   BY MR. EDWARDS:

3                   **Q. Are you a party to a common interest**  
4                   **agreement with Ghislaine Maxwell?**

5                   A.    If there's no objection, I'll answer it.

6                   MR. INDYKE: I apologize. I thought we  
7                   were still operating under the original set of  
8                   objections. So I will repeat it. Same  
9                   objection, same instruction.

10                  SPECIAL MASTER POZZUOLI: With respect to  
11                  that question, you can answer.

12                  A.    My understanding is that I am still  
13                  Jeffrey Epstein's lawyer. Jeffrey Epstein, I  
14                  understand, has a common interest or joint defense  
15                  agreement with Ghislaine Maxwell, so I have -- my  
16                  understanding is that I am bound by a common  
17                  agreement.

18                  BY MR. EDWARDS:

19                  **Q. Is this the same common interest agreement**  
20                  **that we were talking about from 2005, or is this a**  
21                  **separate common interest agreement that has been**  
22                  **signed as a consequence of the lawsuits that have**  
23                  **been filed since January 2015?**

24                  MR. INDYKE: If this is a new question,  
25                  I'll assert the same objection and the same

1 instruction.

2 SPECIAL MASTER POZZUOLI: And I'm going to  
3 overrule the objection. And you can answer  
4 that.

5 A. My understanding is that it's a  
6 combination; that is, it reflects the previous  
7 agreement and that there is a new agreement that  
8 supplemented the previous agreement.

9 BY MR. EDWARDS:

10 Q. When you say it's your understanding, is  
11 this understanding in writing; meaning, is there a  
12 written common interest agreement that has been put  
13 in place since January of 2015?

14 A. I don't know.

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

17 MR. SCOTT: Can we take a recess when we  
18 get a chance?

19 SPECIAL MASTER POZZUOLI: Yes, but I'm  
20 going to instruct you --

21 A. I don't know. I don't know the answer to  
22 that, whether there's additional writing or not.

23 BY MR. EDWARDS:

24 Q. Last question, then we take a break. Have  
25 you signed any such agreement --