

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.

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Kimberly Fontalvo, RPR, CLR
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1 APPEARANCES:

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On behalf of Plaintiffs:

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8 On behalf of Defendant:

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1 APPEARANCES (Continued):

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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 On behalf of Virginia Roberts:

9 BOIES, SCHILLER & FLEXNER, LLP
10 401 E. Las Olas Blvd., Ste. 1200
11 Fort Lauderdale, Florida 33301
12 BY: SIGRID STONE MCCAWLEY, ESQ.
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14 ALSO PRESENT:

15 Edward J. Pozzuoli, Special Master

16 Sean D. Reyes, Utah Attorney General Office

17 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 --