

EXHIBIT 3

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

GHISLAINE MAXWELL,

Defendant.

STATEMENT ON THE RECORD

575 Lexington Avenue
New York, New York 10022

Date: October 12, 2016

Reported By: Amanda McCredo

— — —

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11 (303)831-7364

(via teleconference)

12

13

14 ALSO PRESENT:

15 RODOLFO DURAN - videographer

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1 MS. McCAWLEY: This is Sigrid McCawley.

2 I'm counsel for Virginia Giuffre in the matter
3 of Giuffre versus Maxwell, which is case number
4 15-cv-07433.

5 MR. PAGLIUCA: Jeff Pagliuca appearing on
6 behalf of the defendant by telephone.

7 MS. McCAWLEY: We had noticed for
8 deposition today, which is October 12, 2016, at
9 9:30 a.m. the deposition of Nadia Marcinkova.

10 I'm going to mark as Exhibit 1 to this
11 deposition, a composite exhibit which contains
12 an order from Judge Sweet dated September 15,
13 2016, the plaintiff's re-notice of Rule 45
14 subpoena and re-notice of taking videotaped
15 deposition duces tecum of Nadia Marcinkova,
16 a.k.a. Nadia Marcinko; and an affidavit of
17 service from Doug Mercer dated October 10,
18 2016.

19 The notice of deposition was submitted to
20 Nadia Marcinkova, and that is outlined in the
21 affidavit of service which I'll read into the
22 record.

23 The affidavit of service from Doug Mercer
24 reads as follows: I am employed as a chief
25 investigator by Alpha Group Investigations, an

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1 investigative and security services company. I
2 supervised the service of a court order and a
3 subpoena upon Sarah Kellen Vickers and Nadia
4 Marcinkova.

5 Paragraph 3 reads: "On Wednesday,
6 September 29, 2016, at 12:21 p.m., Alpha Group
7 investigator Anna Intriago arrived at 301 East
8 66th Street, New York, New York, to attempt to
9 serve a court order and subpoena on Nadia
10 Marcinkova. Investigator Intriago was advised
11 by the doorman that Nadia Marcinkova was not
12 in. Investigator Intriago served the court
13 order and the subpoena for Nadia Marcinkova to
14 the doorman, Hector Santiago, a white Hispanic
15 male, white hair, 56-65 years old, 5'4" to 5'8"
16 tall, 131-160 pounds."

17 Paragraph 7 reads: "On Wednesday,
18 September 29, 2016, your deponent mailed a copy
19 of the court order and the subpoena for Nadia
20 Marcinkova to the following locations; 301 East
21 66th Street, Apartment 11E/10N, New York, New
22 York 10065; 38 Hawthorne Drive, Unit E312,
23 Bedford, New Hampshire, 03110.

24 "A witness fee check in the amount of \$41
25 was attached to the subpoena that was mailed to

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1 301 East 66th Street, Apartment 11E/10N, New
2 York, New York 10065."

3 Paragraph 9 reads: "On Thursday,
4 September 30, 2016, at 11:15 a.m., your
5 deponent attempted to e-mail a copy of the
6 court order and subpoena for Nadia Marcinkova
7 to the following e-mail addresses, but the
8 addresses were no longer valid, or were not
9 accepting e-mails from dmercer@alphagp.com."

10 The e-mail addresses were:

11 Nadiamarcinkomodel.com, aviloop.com, and
12 info@aviloop.com.

13 Signed, Douglas Mercer, the 10th day of
14 October, 2016.

15 The court's order, which is dated
16 September 15, 2016, provides in the final
17 paragraphs as follows: "So ordered."

18 And the paragraph reads: "In light of
19 these facts, Ms. Giuffre provides notice to
20 this court that plaintiff's motion for a
21 finding of contempt as to Nadia Marcinkova and
22 Sarah Kellen remain pending. As indicated in
23 that motion, Ms. Giuffre would respectfully
24 request that the court order that, one, Nadia
25 Marcinkova and Sarah Kellen be directed to

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1 appear for their deposition; two, that Nadia
2 Marcinkova and Sarah Kellen pay Giuffre's costs
3 and reasonable attorneys' fees associated with
4 bringing the motion; and three, that Nadia
5 Marcinkova and Sarah Kellen be ordered to pay a
6 civil penalty of --" and the Court scratched
7 out \$2,500 and inserted "-- \$200 per day for
8 each day after which they fail to appear at the
9 rescheduled deposition and any other sanctions
10 the Court believes is just and proper."

11 And the Court so ordered that on
12 9/15/2016.

13 We are at the deposition of Nadia
14 Marcinkova, which was scheduled to begin at
15 9:30 a.m. Ms. Marcinkova has failed to show up
16 for the deposition. We waited for 30 minutes
17 for her to arrive and she has not arrived at
18 the deposition.

19 We are now moving to continue the
20 deposition and will re-serve a notice and make
21 our filing with the Court.

22 MR. PAGLIUCA: I have no comments.

23 MS. McCAWLEY: Thank you.

24 (Time adjourned: 10:00 a.m.)

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1 C E R T I F I C A T E

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3 I, AMANDA McCREDO, a Shorthand Reporter
4 and Notary Public of the State of New York, do
5 hereby certify:

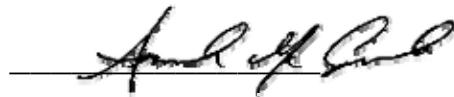
6 That the statement hereinbefore set forth, was
7 duly sworn, and that such statement a true
8 record of the proceedings by such parties.

9 I further certify that I am not related to any
10 of the parties to this action by blood or
11 marriage; and that I am in no way interested in
12 the outcome of this matter.

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16 AMANDA McCREDO

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