

# 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.

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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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110 Southeast 6th Street  
Fort Lauderdale, Florida

Stenographically Reported By:  
Kimberly Fontalvo, RPR, CLR  
Realtime Systems Administrator

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  
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12 BY: SIGRID STONE MCCAWLEY, ESQ.  
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15 ALSO PRESENT:

16 Edward J. Pozzuoli, Special Master

17 Sean D. Reyes, Utah Attorney General Office

18 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 --**