

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

Related cases:

08-80232, 08-08380, 08-80381, 08-80994,
08-80993, 08-80811, 08-80893, 09-80469,
09-80591, 09-80656, 09-80802, 09-81092

**THIRD PARTY WITNESS, IGOR ZINOVIEV'S,
MOTION FOR PROTECTIVE ORDER AND
INCORPORATED MEMORANDUM OF LAW**

Third Party Witness, Igor Zinoviev's, ("Mr. Zinoviev") by and through his undersigned attorney, moves this Court pursuant to Fed. R. Civ. P. 26(c) for a protective order regarding his deposition and as grounds therefore would state:

1. As reflected on the affidavit of Igor Zinoviev, attached as **Exhibit A**, he works for Defendant, Jeffrey Epstein ("Mr. Epstein") as a driver and bodyguard. He did not know Mr. Epstein before November of 2005. He first became employed by Mr. Epstein in November of 2005.

2. Additionally, Mr. Zinoviev would testify as set forth on his affidavit, that at no time has he discussed with Mr. Epstein any issues involving Mr. Epstein's criminal case nor any of the cases or issues involved with civil plaintiffs.

3. In many of the depositions, counsel for L.M. and E.W., has asked them as witnesses to assume certain facts about which they have no knowledge, and he then asks their opinions about certain facts. See **Exhibit B** -Epstein's Motion for Protective Order to Prohibit Inappropriate Deposition Questions.

4. There is no information which Mr. Zinoviev has relating to the facts and circumstances surrounding any of the pending civil cases, in that none of their allegations directed to Mr. Epstein extend beyond September of 2005. Therefore whatever information Mr. Zinoviev may have, postdates that time.

5. Regarding the scope of discovery, Judge Linnea Johnson noted in her October 28, 2009 Omnibus Order (DE #377), "[w]hile the scope of discovery is broad, it is not without limits. Washington v. Brown & Williamson Tobacco, 959 F.2d 1566, 1570 (11th Cir. 1992). ... Courts have long held that '[w]hile the standard of relevancy [in discovery] is a liberal one, it is not so liberal as to allow a party to roam in the shadow zones of relevancy and to explore matter (sic) which does not presently appear germane on the theory that it might conceivably become so.' Food Lion, Inc. v. United Food & Commercial Workers Intern. Union, 103 F.3d 1007, 1012-13 (C.A. D.C. 1997) (string cite omitted)."

6. Rule 26(c), Federal Rules of Civil Procedure, provides that, "[a] party or any person from whom discovery is sought may move for a protective order in the court where the action is pending.... The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (A) forbidding the disclosure or discovery;"

7. As set forth in his affidavit, Mr. Zinoviev cannot possibly have any knowledge or information that is presently germane to this action. Accordingly, the Court should enter a protective order prohibiting his deposition.

WHEREFORE, third-party witness moves this court for a protective order pursuant to Rule 26(c), Federal Rules of Civil Procedure, that his deposition not take place or the questioning be limited.

By: _____
JACK ALAN GOLDBERGER ESQ.
Florida Bar No. 262013
jagesq@bellsouth.net

Rule 7.1 Certification

I hereby certify that counsel for the movant has conferred or attempted to confer with opposing counsel in a good faith effort to resolve the discovery issues prior to the filing of this motion for protective order but has been unable to do so.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following Service List in the manner specified by CM/ECF on this ____ day of November, 2009

Respectfully submitted,

By: _____
JACK ALAN GOLDBERGER ESQ.
Florida Bar No. 262013
jagesq@bellsouth.net
Atterbury Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401-5012
561-659-8300
Fax: 561-835-8691
(Counsel for Defendant Jeffrey Epstein)

Certificate of Service
Jane Doe No. 2 v. Jeffrey Epstein
Case No. 08-CV-80119-MARRA/JOHNSON

Stuart S. Mermelstein, Esq.
Adam D. Horowitz, Esq.
Mermelstein & Horowitz, P.A.
18205 Biscayne Boulevard
Suite 2218
Miami, FL 33160
305-931-2200
Fax: 305-931-0877

ssm@sexabuseattorney.com
ahorowitz@sexabuseattorney.com

Counsel for Plaintiffs

*In related Cases Nos. 08-80069, 08-80119,
08-80232, 08-80380, 08-80381, 08-80993,
08-80994*

Richard Horace Willits, Esq.
Richard H. Willits, P.A.
2290 10th Avenue North
Suite 404
Lake Worth, FL 33461

561-582-7600
Fax: 561-588-8819

*Counsel for Plaintiff in Related Case No.
08-80811*

reelrhwh@hotmail.com

Jack Scarola, Esq.
Jack P. Hill, Esq.
Searcy Denney Scarola Barnhart & Shipley,
P.A.

2139 Palm Beach Lakes Boulevard
West Palm Beach, FL 33409
561-686-6300

Fax: 561-383-9424

jsx@searcylaw.com

jph@searcylaw.com

Counsel for Plaintiff, C.M.A.

Bruce Reinhart, Esq.
Bruce E. Reinhart, P.A.
250 S. Australian Avenue
Suite 1400
West Palm Beach, FL 33401

Brad Edwards, Esq.
Rothstein Rosenfeldt Adler
401 East Las Olas Boulevard
Suite 1650
Fort Lauderdale, FL 33301
Phone: 954-522-3456
Fax: 954-527-8663
bedwards@rra-law.com

*Counsel for Plaintiff in Related Case No.
08-80893*

Paul G. Cassell, Esq.
Pro Hac Vice
332 South 1400 E, Room 101
Salt Lake City, UT 84112
801-585-5202
801-585-6833 Fax
cassellp@law.utah.edu
Co-counsel for Plaintiff Jane Doe

Isidro M. Garcia, Esq.
Garcia Law Firm, P.A.
224 Datura Street, Suite 900
West Palm Beach, FL 33401
561-832-7732
561-832-7137 F
isidrogarcia@bellsouth.net
*Counsel for Plaintiff in Related Case No.
08-80469*

Robert C. Josefsberg, Esq.
Katherine W. Ezell, Esq.
Podhurst Orseck, P.A.
25 West Flagler Street, Suite 800
Miami, FL 33130
305 358-2800
Fax: 305 358-2382
rjosefsberg@podhurst.com
kezell@podhurst.com
*Counsel for Plaintiffs in Related Cases
Nos. 09-80591 and 09-80656*

Jack Alan Goldberger, Esq.

561-202-6360
Fax: 561-828-0983
ecf@brucereinhardt.com
Counsel for Defendant Sarah Kellen

Theodore J. Leopold, Esq.
Spencer T. Kuvin, Esq.
Leopold, Kuvin, P.A.
2925 PGA Blvd., Suite 200
Palm Beach Gardens, FL 33410
561-684-6500
Fax: 561-515-2610
skuvin@leopoldkuvin.com
*Counsel for Plaintiff in Related Case No.
08-08804*

Atterbury Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401-5012
561-659-8300
Fax: 561-835-8691
jagesq@bellsouth.net
Counsel for Defendant Jeffrey Epstein

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CV-80119-MARRA-JOHNSON

JANE DOE NO. 2,

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v.

JEFFREY EPSTEIN,

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Related Cases:

08-80232, 08-80380, 08-80381, 08-80994,
08-80993, 08-80811, 08-80893, 09-80469,
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AFFIDAVIT OF IGOR ZINOVIEV

STATE OF FLORIDA) SS
COUNTY OF PALM BEACH)

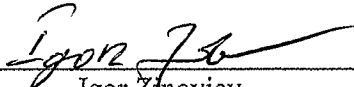
BEFORE ME, the undersigned authority, personally appeared Igor Zinoviev
having personal knowledge and being duly sworn, deposes and says:

1. My name is Igor Zinoviev.
2. I began working for Mr. Epstein in November of 2005.
3. I did not know him until I began working for him.
4. I have never discussed nor has he ever attempted to discuss with me any facts or
information relating to any legal matters in which he is involved.
5. I work for Mr. Epstein as his driver, bodyguard and trainer.

EXHIBIT A

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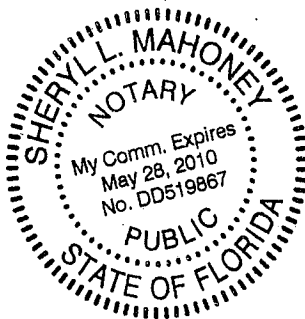
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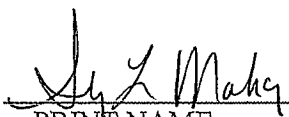

Igor Zinoviev

STATE OF FLORIDA
COUNTY OF PALM BEACH

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Igor Zinoviev known to me to be the person described in and who executed the foregoing Affidavit, who acknowledged before me that he/she executed the same, that I relied upon the following form of identification of the above named person: Igor Zinoviev, and that an oath was/was not taken.

WITNESS my hand and official seal in the County and State last aforesaid this day of Nov. 9, 2009.




PRINT NAME: _____ (SEAL)
NOTARY PUBLIC/STATE OF FLORIDA
COMMISSION NO.:
MY COMMISSION EXPIRES:

IN THE COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO. 502008CA028051XXXXMB AB

L.M.,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant.

**EPSTEIN'S MOTION FOR PROTECTIVE ORDER TO
PROHIBIT INAPPROPRIATE DEPOSITION QUESTIONS**

Defendant, JEFFREY EPSTEIN ("Epstein"), pursuant to Rule 1.280(c), Florida Rules of Civil Procedure, moves for a protective order to prohibit argumentative, harassing and inappropriate questions in depositions, and states:

1. At numerous depositions, Plaintiff's counsel has repeatedly asked argumentative and harassing questions that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

2. In particular, Plaintiff's counsel has asked questions that improperly sought to illicit lay opinions from fact witnesses, asked questions regarding witnesses' feelings towards Mr. Epstein and their beliefs regarding media reports of this case, asked whether they would leave their children with Mr. Epstein and asked whether they would go back to work for Mr. Epstein assuming the media reports were accurate, among other things. These questions and the responses thereto will never be admissible. They are argumentative, irrelevant and seek speculative answers and inadmissible lay opinions.

EXHIBIT B

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3. For example, in the deposition of Larry Visoski, one of Mr. Epstein's pilots, Plaintiff's counsel asked the following questions seeking to obtain Mr. Visoski's beliefs and opinions on Plaintiff's allegations:

Q. All right. When you read in the newspapers the allegations that Mr. Epstein was involved with numerous underage girls for sexual reasons, were you surprised?

A. I didn't believe it.

Q. Do you believe it today?

A. I don't believe it.

Q. You don't believe that Jeffrey Epstein was involved with underage girls in a sexual way?

MR. CRITTON: Form.

THE WITNESS: You're asking for my opinion, and I don't think my opinion is relevant in that matter.

BY MR. EDWARDS:

Q. I think it's relevant. Can you just tell me whether today you believe that Jeffrey Epstein has engaged in sex with underage girls?

MR. CRITTON: Form; speculation, irrelevant, always.

THE WITNESS: It's irrelevant.

BY MR. EDWARDS:

Q. I need an answer.

A. I don't believe he had sex with underage women.

Q. Or engaged in any sexual acts with underage women?

MR. CRITTON: Form.

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THE WITNESS: No.

BY MR. EDWARDS:

Q. You think that this is just a story that a bunch of underage women have made up?

A. Speculation.

* * * *

Q. Then we'll handle the question this way: If you were to believe based on information and evidence that Mr. Epstein engaged in sex or some form of sex acts with people of the age range of 12, 13, 14, 15 years old, would you continue your employment with Mr. Epstein?

MR. CRITTON: Form; speculation.

THE WITNESS: I would certainly be speculating and I have to discuss it with my wife long and hard. I don't think I could give you a correct and honest answer at this time.

See Excerpts of Deposition of Larry Visoski at 66-67; 181-82 (attached as composite **Exhibit A**). Other examples of similar improper questions are included in Exhibit A.

4. Not only do these questions seek improper lay opinions, Plaintiff's counsel asked Mr. Visoski his belief as to the truth of hearsay newspaper articles. The foregoing questions are obviously irrelevant, argumentative and not reasonably calculated to lead to the discovery of admissible evidence.

5. Moreover, whether Mr. Visoski would continue working for Mr. Epstein if Plaintiff's allegations are true has absolutely no relevance to any claim or defense in this case. The questions are simply improper and meant to harass and embarrass the

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witness.

6. Mr. Visoski was questioned for over four hours and much of the time was wasted on irrelevant and harassing questions.

7. Plaintiff's counsel asked similar questions at the deposition of Larry Eugene Morrison, another one of Mr. Epstein's pilots:

Q. Certainly you've read certain newspaper articles about the allegations, police reports, otherwise, the allegations that occurred or have been alleged to have occurred at his Palm Beach mansion, correct?

A. Uh-huh.

Q. Correct?

A. Correct.

Q. Given the nature of those allegations, would you leave your daughter of 17, 16, 15 years old with Mr. Epstein alone?

MR. PIKE: Form. Move to strike.

A. Yes.

* * * *

Q. And despite pleading guilty to procuring underage girls for the purposes of sex, you still feel comfortable leaving a 13, 14, 15-year-old girl around him?

MR. PIKE: Form. Move to strike.

A. Yes. I mean, with my daughter, yes. I don't know how he behaves around anybody else. I just know that the respect that he showed me, I feel safe with my daughter.

Q. And have you read in detail the reports as to what happened at his house with the girls?

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A. Only --

MR. PIKE: Form.

A. -- what's been in the newspapers and published.

Q. If you read and hear testimony given - well, I can tell you now - testimony has been given in this case that what happens is: A 13 or 14 year old is led upstairs by herself, told to get naked, he lays down on his back, there is a brief massage before he turns over, exposes himself erect, masturbates while he tells this 13 or 14 year old to pinch his nipples as hard as she can while he inserts his fingers into their vagina and ejaculates all over them before saying, "Take your money and leave."

MR. PIKE: Form. Move to strike.

BY MR. EDWARDS:

Q. Okay? Then, "You can continue to come back for \$200 every time or every girl you bring me within your age group and I get to do this again, I pay you \$200 per person." If that is the testimony --

MR. PIKE: Form.

Q. -- that what happens behind closed doors with him, do you still feel comfortable leaving a 13 or 14 year old in a room with Jeffrey Epstein?

MR. PIKE: Form.

A. If that, in fact, is what actually happened, no.

* * * *

Q. [Would you] go back - considering what you've read and what you may or may not believe - would you go back to working for Jeffrey Epstein?

MR. PIKE: Form.

A. I can't say. I still work for him on a maintenance - to

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maintain the airplanes and stuff like that, so.

See Excerpts of Deposition of Larry Eugene Morrison at 135-36; 175-76; 184 (attached as composite **Exhibit B**).

8. Again, whether Mr. Morrison would work for Mr. Epstein "considering what [he has] read and what [he] may or may not believe" (i.e. considering hearsay media accounts and inadmissible lay opinion) has no bearing on the instant case.

9. In addition, questions regarding whether Mr. Morrison would leave his children alone with Mr. Epstein could have only been meant to harass and embarrass Mr. Morrison. Nevertheless, Mr. Morrison testified that he would leave his children with Mr. Epstein. As Plaintiff's counsel was obviously not happy with the answer to this question, he proceeded to press Mr. Morrison with inflammatory statements until he got the answer he wanted.

10. Plaintiff's counsel has also asked the same improper line of questions in other witnesses' depositions.

11. The above-cited questions exceed the bounds of permissible discovery; they have absolutely no relevance to this case. Accordingly, the Court should enter a protective order prohibiting such questions and should sanction Plaintiff's counsel if such inappropriate questions are asked at future depositions.

12. Regarding the scope of discovery, Judge Linnea Johnson noted in her October 28, 2009 Omnibus Order,¹ "[w]hile the scope of discovery is broad, it is not

¹ The Omnibus Order (DE #377) was entered in the federal companion case Jane Doe No. 2 v. Epstein, Case No. 08-CIV-80119 MARRA/JOHNSON in the U.S. District Court, Southern District of Florida.

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without limits. Washington v. Brown & Williamson Tobacco, 959 F.2d 1566, 1570 (11th Cir. 1992). ... Courts have long held that '[w]hile the standard of relevancy [in discovery] is a liberal one, it is not so liberal as to allow a party to roam in the shadow zones of relevancy and to explore matter (sic) which does not presently appear germane on the theory that it might conceivably become so.' Food Lion, Inc. v. United Food & Commercial Workers Intern. Union, 103 F.3d 1007, 1012-13 (C.A. D.C. 1997) (string cite omitted)." See also Capco Properties, LLC v. Monterrey Gardens of Pinecrest Condo., 982 So. 2d 1211, (Fla. 3d DCA 2008) (holding that discovery in civil cases must be relevant to the subject matter of the case and must be admissible or reasonably calculated to lead to admissible evidence); Morton Plant Hospital Ass'n, Inc. v. Shahbas, 960 So. 2d 820, 824 (Fla. 2d DCA 2007) (holding that "discovery should be denied when it has been established that the information requested is neither relevant to any pending claim or defense nor will it lead to the discovery of admissible evidence," citing Tanchel v. Shoemaker, 928 So. 2d 440, 442 (Fla. 5th DCA 2006)).

13. As illustrated above, the questions are simply not germane to any pending claim or defense nor will they lead to the discovery of admissible evidence. Whether Mr. Visoski believes or disbelieves the media accounts of this case, or whether Mr. Morrison would leave his children with Mr. Epstein is not relevant and cannot conceivably lead to the discovery of admissible evidence.

14. The Court should curtail these inappropriate lines of questions and enter a protective order prohibiting them.

15. Rule 1.280(c), Florida Rules of Civil Procedure, provides the Court with

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the power to "make any order to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense that justice requires including ... (4) that certain matter not be inquired into, or that the scope of the discovery be limited to certain matters."

16. Accordingly, Epstein requests the Court enter a protective order prohibiting Plaintiff's counsel from asking witnesses' questions regarding opinions and beliefs regarding media articles and the allegations in this case and whether they would leave their children with Epstein or questions of a similar nature, and limiting the scope to the witnesses personal knowledge regarding matters relevant to the claims and defenses in this case. See Shahbas, 960 So. 2d at 824.

WHEREFORE, Defendant, JEFFREY EPSTEIN, respectfully requests the Court enter a protective order prohibiting Plaintiff's counsel from asking witnesses' questions regarding opinions and beliefs regarding media articles and the allegations in this case and whether they would leave their children with Epstein or questions of a similar nature, and limiting the scope to the witnesses personal knowledge regarding matters relevant to the claims and defenses in this case and grant any additional relief the Court deems just and proper.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was sent by fax and U.S. Mail to the following addressees on this 3rd day of November, 2009:

Brad Edwards, Esq.
Rothstein Rosenfeldt Adler
401 East Las Olas Boulevard
Suite 1650

Jack Alan Goldberger, Esq.
Atterbury Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400

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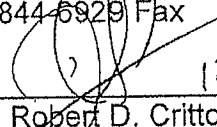
Fort Lauderdale, FL 33301
954-522-3456 Phone
954-527-8663 Fax
Counsel for Plaintiff

West Palm Beach, FL 33401-5012
Fax: 561-835-8691
Co-Counsel for Defendant Jeffrey Epstein

Jay Howell, Esq.
Jay Howell & Associates, P.A.
644 Cesery Boulevard
Suite 250
Jacksonville, FL 32211
904-680-1234 Phone
904-680-1238 Fax
Co-counsel for Plaintiff

BURMAN, CRITTON, LUTTIER & COLEMAN, LLP
303 Banyan Blvd., Suite 400
West Palm Beach, FL 33401
(561) 842-2820
(561) 844-6929 Fax

By: _____

 12492
Robert D. Critton, Jr.

Florida Bar #224162

Michael J. Pike

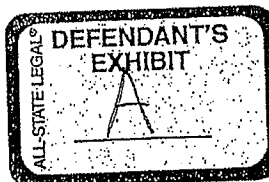
Florida Bar #617296

(Counsel for Defendant Jeffrey Epstein)

Larry Visoski

October 15, 2009

<p>IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA CASE NO. 502008CA028051XXXXMB AD</p> <p>L.M.,</p> <p>Plaintiff,</p> <p>-vs-</p> <p>JEFFREY EPSTEIN,</p> <p>Defendant.</p> <hr/> <p>DEPOSITION OF LARRY VISOSKI</p> <p>Thursday, October 15, 2009 10:18 - 3:37 p.m.</p> <p>515 N. Flagler Drive Suite P200 West Palm Beach, Florida 33401</p> <p>Reported By: Wendy Beath Anderson, RPR, CRR, FPR Notary Public, State of Florida Esquire Deposition Services West Palm Beach Office Job #127542</p>	<p>3</p> <p>1 ---</p> <p>2 INDEX</p> <p>3 ---</p> <p>4</p> <p>5 WITNESS: DIRECT CROSS REDIRECT RECROSS</p> <p>6</p> <p>7 LARRY VISOSKI</p> <p>8 BY MR. EDWARDS: 6</p> <p>9 BY MR. CRITTON: 214</p> <p>10 BY MR. EDWARDS: 220</p> <p>11 BY MR. CRITTON: 221</p> <p>12</p> <p>13 EXHIBITS</p> <p>14 ---</p> <p>15</p> <table border="1"> <thead> <tr> <th>NUMBER</th> <th>DESCRIPTION</th> <th>PAGE</th> </tr> </thead> <tbody> <tr> <td>16</td> <td>PLAINTIFF'S EX. 1 FLIGHT LOG BOOK</td> <td></td> </tr> <tr> <td>17</td> <td>(MARKED IN PREVIOUS DEPO)</td> <td></td> </tr> <tr> <td>18</td> <td></td> <td></td> </tr> <tr> <td>19</td> <td>PLAINTIFF'S EX. 2 MESSAGE PAD</td> <td>119</td> </tr> <tr> <td>20</td> <td>PLAINTIFF'S EX. 3 MESSAGE PAD</td> <td>119</td> </tr> <tr> <td>21</td> <td>PLAINTIFF'S EX. 4 COMPLAINT</td> <td>139</td> </tr> <tr> <td>22</td> <td>PLAINTIFF'S EX. 5 INMATE VISITOR LOG</td> <td>161</td> </tr> <tr> <td>23</td> <td></td> <td></td> </tr> <tr> <td>24</td> <td></td> <td></td> </tr> <tr> <td>25</td> <td></td> <td></td> </tr> </tbody> </table>	NUMBER	DESCRIPTION	PAGE	16	PLAINTIFF'S EX. 1 FLIGHT LOG BOOK		17	(MARKED IN PREVIOUS DEPO)		18			19	PLAINTIFF'S EX. 2 MESSAGE PAD	119	20	PLAINTIFF'S EX. 3 MESSAGE PAD	119	21	PLAINTIFF'S EX. 4 COMPLAINT	139	22	PLAINTIFF'S EX. 5 INMATE VISITOR LOG	161	23			24			25		
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<p>2</p> <p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiff:</p> <p>3 BRADLEY J. EDWARDS, ESQUIRE</p> <p>4 ROTHSTEIN, ROSENFELDT, ADLER</p> <p>5 401 East Las Olas Boulevard</p> <p>6 Suite 1650</p> <p>7 Fort Lauderdale, Florida 33394</p> <p>8</p> <p>9 On behalf of the Defendant:</p> <p>10 ROBERT D. CRITTON, JR., ESQUIRE</p> <p>11 BURMAN, CRITTON & LUTTIER</p> <p>12 303 Banyan Boulevard, Suite 400</p> <p>13 West Palm Beach, Florida 33401</p> <p>14</p> <p>15 On behalf of the Witness:</p> <p>16 BRUCE REINHART, ESQUIRE</p> <p>17 250 South Australian Avenue</p> <p>18 Suite 1400</p> <p>19 West Palm Beach, Florida 33401</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22 CARA L. HOLMES, ESQUIRE</p> <p>23 1220 N.W. 157th Avenue</p> <p>24 Pembroke Pines, Florida 33028</p> <p>25 ADAM D. HOROWITZ, ESQUIRE</p> <p>MERMELSTEIN & HOROWITZ, P.A.</p> <p>18205 Biscayne Boulevard, Suite 2218</p> <p>Miami, Florida 33160</p> <p>RICHARD H. WILLITS, ESQUIRE (VIA TELEPHONE)</p> <p>RICHARD H. WILLITS, P.A.</p> <p>2290 10th Avenue North, Suite 404</p> <p>Lake Worth, Florida 33461</p>	<p>4</p> <p>1 PROCEEDINGS</p> <p>2 ---</p> <p>3 Deposition taken before Wendy Beath Anderson,</p> <p>4 Certified Realtime Reporter and Notary Public in and for</p> <p>5 the State of Florida at Large, in the above cause.</p> <p>6 ---</p> <p>7 MR. EDWARDS: We're going to put something on</p> <p>8 the record about -- well, we'll do it this way --</p> <p>9 MR. REINHART: Do it at the end, after we get</p> <p>10 him -- whatever you want. It's your show.</p> <p>11 MR. EDWARDS: Okay. There were -- I don't</p> <p>12 even think Mr. Willits is aware of this. There was</p> <p>13 a subpoena duces tecum for this witness, as well as</p> <p>14 the previous witness, which was another pilot, Dave</p> <p>15 Rogers, and that duces tecum was to bring the</p> <p>16 flight logs related from 1998 through 2005. What</p> <p>17 was produced at the previous deposition were flight</p> <p>18 logs from 2002 through 2005, and now Mr. Reinhart</p> <p>19 has agreed to produce the remainder of the flight</p> <p>20 logs requested, those going from 1998 through 2002.</p> <p>21 MR. REINHART: Correct. They're pilot logs,</p> <p>22 not flight logs. There are other records we</p> <p>23 indicated are corporate records, and with those you</p> <p>24 have to deal with Mr. Critton.</p> <p>25 MR. CRITTON: However, with the proviso, too,</p>																																	



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women?

MR. CRITTON: Form.

THE WITNESS: No.

BY MR. EDWARDS:

Q. You think that this is just a story that a bunch of underage women have made up?

A. Speculation.

MR. CRITTON: Objection. Now it's argumentative. Who gives a darn what he thinks one way or another? If he has personal knowledge --

MR. EDWARDS: You're objecting to the form?

MR. CRITTON: It's argumentative.

MR. EDWARDS: You're objecting to the form?

MR. CRITTON: Yes.

MR. EDWARDS: Okay.

BY MR. EDWARDS:

Q. Is that something that you believe that a bunch of women -- some of which know each other, some don't, some of which have been on the airplane and some which haven't -- made this up, that Jeffrey Epstein engaged in some sexual conduct with them?

MR. CRITTON: Form.

THE WITNESS: What I believe doesn't matter in this case, does it?

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1 Q. All right. When you read in the newspapers
2 the allegations that Mr. Epstein was involved with
3 numerous underage girls for sexual reasons, were you
4 surprised?

5 A. I didn't believe it.

6 Q. Do you believe it today?

7 A. I don't believe it.

8 Q. You don't believe that Jeffrey Epstein was
9 involved with underage girls in a sexual way?

10 MR. CRITTON: Form.

11 THE WITNESS: You're asking for my opinion,
12 and I don't think my opinion is relevant in that
13 matter.

14 BY MR. EDWARDS:

15 Q. I think it's relevant. Can you just tell me
16 whether today you believe that Jeffrey Epstein has
17 engaged in sex with underage girls?

18 MR. CRITTON: Form; speculation, irrelevant,
19 always.

20 THE WITNESS: It's irrelevant.

21 BY MR. EDWARDS:

22 Q. I need an answer.

23 A. I don't believe he had sex with underage
24 women.

25 Q. Or engaged in any sexual acts with underage

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1 BY MR. EDWARDS:

2 Q. I need an answer. Do you believe it? Do you
3 believe these girls made this up?

4 MR. CRITTON: Form.

5 MR. REINHART: I'm going to instruct him not
6 to answer. Move on.

7 MR. EDWARDS: Is there a privilege that we're
8 asserting?

9 MR. REINHART: No, it's irrelevant. It's
10 harassment and not likely to lead to discoverable
11 evidence.

12 MR. EDWARDS: I'm going to put on the record
13 right now that it is -- we are allowed discovery
14 into a RICO count. We are also allowed discovery
15 into the intent of Mr. Epstein in developing a
16 criminal enterprise designed to sexually exploit
17 and sexually abuse underage girls. We believe that
18 in doing so, he associated intentionally with
19 people of similar beliefs that sex with underage
20 girls is okay, and that there have been many
21 discussions with this witness, as well as many
22 other witnesses with -- to insure his protection
23 from law enforcement that they not answer these
24 specific questions. And thus, the opinions and
25 beliefs of all of these witnesses that we are

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<p style="text-align: center;">69</p> <p>1 alleging associated with this criminal enterprise 2 are certainly reasonably calculated to lead to the 3 discovery of admissible evidence. And if you're 4 still instructing the witness, based on that 5 proffer, not to answer any of these questions, I'm 6 going to continue to ask the questions and you can 7 instruct him not to answer and we can go to the 8 Court. 9 MR. REINHART: My response is to his opinion 10 whether people making allegations in this case are 11 colluding or making up a story is irrelevant to 12 what you just said. So I am going to instruct him 13 not to answer any question that goes to his opinion 14 of someone else's motivation or the truth of facts 15 to which he has no knowledge. 16 So yes, I'm instructing him not to answer. 17 MR. CRITTON: Let me add in my part, is that I 18 think -- you're certainly not only capable to ask 19 questions with regard to what his personal 20 knowledge is, and if he knows something or he has 21 reasonable basis for it; certainly you are entitled 22 to that information. I think you've asked those 23 questions and he's given you straightforward 24 answers as to what he knew or what he didn't know 25 under those circumstances. And as to what his</p>	<p style="text-align: center;">71</p> <p>1 A. It's an opinion, and I believe that he has 2 not. 3 Q. Okay. Isn't it true that at some point in 4 time you learned that Jeffrey Epstein has -- strike 5 that. 6 MR. CRITTON: When you ultimately get to a 7 good place to break, will you let us know? 8 MR. EDWARDS: Let's break now. 9 (A break was had at 11:28 a.m.) 10 BY MR. EDWARDS: 11 Q. All right. Eighteen years of being a pilot 12 for Jeffrey Epstein and in terms of being able to name 13 somebody that you would say you've observed with Jeffrey 14 Epstein and would classify that person as Jeffrey 15 Epstein's friend, can you name anybody? 16 A. Nadia, Sarah; just people that we see 17 routinely on the airplane. 18 Q. That's people you see routinely in the last 19 five to ten years, right? 20 A. Yes. 21 Q. Prior to that time, anybody that you've 22 noticed as Jeffrey Epstein's friend may be Ghislaine 23 Maxwell? 24 A. What time frame? 25 Q. Is that a person that at some point in time</p>
<p style="text-align: center;">70</p> <p>1 thoughts are on something which he has no factual 2 basis or even an assumption to know one way or 3 another is irrelevant. That's ultimately for a 4 fact-finder in this case. 5 While it's interesting, it's argumentative and 6 I don't think he's -- I mean, do it on a 7 question-by-question basis. If he has knowledge, 8 that's great, but to argue your case with this 9 witness or any other witness doesn't serve a 10 purpose and I think is, you know -- I think it's 11 not a good use of our time, I'll put it that way. 12 But you know, you can go ahead and ask. 13 MR. EDWARDS: I can ask the question and if 14 the witness is being instructed not to answer, 15 we'll let a judge decide whether he needs to answer 16 the question and whether it's discoverable or not. 17 MR. REINHART: Absolutely. Make your record. 18 BY MR. EDWARDS: 19 Q. Do you have any reason to believe that Jeffrey 20 Epstein engaged in sexual activity with underage women? 21 A. I have no reason to believe. 22 Q. Okay. So as you sit here today, based on your 23 18 years of knowledge, experience and observation of 24 Jeffrey Epstein, is it your belief that he has not had 25 sex or engaged in sexual activity with underage women?</p>	<p style="text-align: center;">72</p> <p>1 you would classify as Jeffrey Epstein's friend? 2 A. I would classify it. I don't know if it's 3 true. 4 Q. But that's only because they were on the 5 airplane together? 6 A. Yes. 7 Q. Do you know what Jeffrey Epstein does for a 8 living in your 18 years of observing and talking with 9 Jeffrey Epstein? 10 A. No. 11 Q. No idea? 12 A. No. 13 Q. Ever asked him? 14 A. No, actually. 15 Q. Ever been curious? 16 A. Sure. 17 Q. Ever done anything to satisfy that curiosity? 18 A. If you mean Google it, not really, actually. 19 I mean, I really have not. 20 Q. Okay. So in 18 years of traveling and being 21 the pilot and driving -- and taking this person, Jeffrey 22 Epstein, from one property in New York to New Mexico and 23 Florida and around the world, you have no idea what he 24 does in terms of how he makes money? 25 A. No, sir.</p>

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MR. CRITTON: Form.

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THE WITNESS: No.

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BY MR. EDWARDS:

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Q. If you had been aware that Mr. Epstein was -- and by this -- this is more in the form of a hypothetical, and that I'm not going to suggest to you it's a fact that he was. But if you had been aware that every single day Jeffrey Epstein's goal was to locate underage girls for the purposes of sex, and either have sex with them on the airplane or at some other designation that you were destination that you were traveling him to, would you have continued to pilot those planes?

MR. CRITTON: Form.

THE WITNESS: You said it was hypothetical?

BY MR. EDWARDS:

Q. Right, it is a hypothetical.

A. Why would I want to answer that? Because you're being hypothetical. I mean, it would obviously be wrong.

Q. Sure. Well, a hypothetical question is a legal question that I'm allowed to ask.

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1 A. Okay.

2 Q. And I'm just asking you if you did have
3 knowledge that Jeffrey Epstein was having sex with
4 little girls either on the plane or at a place that you
5 were taking him to or from on a daily basis, that's what
6 he did, would you have continued to be his pilot?

7 MR. CRITTON: Let me object. Object to the
8 form. It's argumentative. It has no more value
9 than assuming he was chopping up bodies or anybody
10 was chopping up bodies in the plane you're flying.
11 What difference does it make? Form.

12 MR. EDWARDS: What difference does it make in
13 a case about him having sex with little girls? I'm
14 not going to argue with you about it. You've
15 stated your objection.

16 MR. CRITTON: Exactly. It's an argumentative
17 question.

18 MR. EDWARDS: I'm not going to argue with you
19 about it.

20 MR. CRITTON: You're arguing with him about
21 now.

22 MR. EDWARDS: No, I'm asking him the
23 hypothetical.

24 BY MR. EDWARDS:

25 Q. Can you answer that? Would you have continued

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1 to be a pilot for somebody who's traveling to and from
2 destinations with the goal of having sex with underage
3 girls?

4 MR. CRITTON: Form.

5 THE WITNESS: It could be any person. It
6 doesn't have to be Jeffrey Epstein, then, right?

7 BY MR. EDWARDS:

8 Q. True.

9 A. No, I wouldn't pilot an airplane if there was
10 wrongdoing going on.

11 Q. That you knew about?

12 A. That I knew you about, sure.

13 Q. Me reading this complaint to you, is this the
14 first time you've heard these allegations --

15 A. Yes.

16 Q. -- against Mr. Epstein?

17 A. Yes.

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1 which he pled guilty to --

2 MR. CRITTON: Form.

3 MR. REINHART: Can we -- for purposes of your
4 hypothetical, what facts do you want him to assume
5 are true? You said the facts to which he pled
6 guilty, but the witness already said he doesn't
7 know what he pled guilty to. He knows the charge
8 he doesn't know the facts.

9 BY MR. EDWARDS:

10 Q. Solicitation of prostitution of a minor,
11 somebody under the age of 18.

12 MR. EDWARDS: That's the charge, right,
13 solicitation of prostitution of a minor?

14 MR. CRITTON: No. I think you've got it
15 wrong. I'll object to the form.

16 MR. EDWARDS: Okay.

17 BY MR. EDWARDS:

18 Q. Then we'll handle the question this way: If
19 you were to believe based on information and evidence
20 that Mr. Epstein engaged in sex or some form of sex act
21 with people of the age range of 12, 13, 14, 15 years
22 old, would you continue your employment with
23 Mr. Epstein?

24 MR. CRITTON: Form; speculation.

25 THE WITNESS: I would certainly be speculating

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1 and I have to discuss it with my wife long and
2 hard. I don't think I could give you a correct and
3 honest answer at this time.

4 BY MR. EDWARDS:

5 Q. Okay. Given the allegations that have been
6 made in this case, is this something that you have
7 discussed with anyone other than your attorney?

8 A. No, not really. Only from the fact that
9 they're allegations and there's still a lot more work,
10 I'm sure, to be discovered.

11 MR. CRITTON: Let me put on there, for the --
12 if this deposition is not typed -- and we request
13 it -- I'd like at least this portion where

14 Mr. Edwards' last question back about five pages
15 worth, so just if you could mark it from this
16 page back about five pages.

17 If nobody requests the deposition, I'd just
18 like those five pages.

19 MR. EDWARDS: I'm going to request the
20 deposition, so...

21 MR. CRITTON: Okay. We'll mark this then, so
22 you could tell me where it is, approximately.

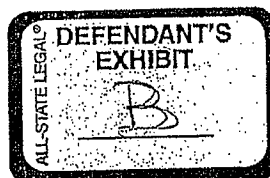
23 BY MR. EDWARDS:

24 Q. Is there a reason why you have not discussed
25 with Jeffrey Epstein the allegations that have been m:

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1	3
IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA	1 APPEARANCE OF COUNSEL
VOLUME I Pages 1 to 200	2 On behalf of the Defendant:
L.M.,	3 ATTERBURY, GOLDBERGER & WEISS
Plaintiff,	4 BY: JACK ALAN GOLDBERGER, ESQ.,
250 Australian Avenue	5 Suite 1400
West Palm Beach, FL 33401	6 581-859-8300
581-859-8300	7 jgoldberger@agwpa.com
JEFFREY EPSTEIN,	8 On behalf of the Defendant by telephone:
Defendant.	9 BURMAN, CRITTON, LUTTIER & COLEMAN
Case No. 502008CA028051	10 BY: MICHAEL J. PIKE, ESQ.,
XXXXMB AD	11 515 N. Flagler Drive
	12 Suite 400
	13 West Palm Beach, FL 33401
	14 561-842-2820
	15 mpik@bclclaw.com
DEPOSITION OF	16 On behalf of the witness:
LARRY EUGENE MORRISON	17 LAW OFFICE OF BRUCE E. REINHART
TAKEN ON BEHALF OF THE PLAINTIFF	18 BY: BRUCE E. REINHART, ESQ.,
October 6, 2009	19 One Clearlake Center
10:55 a.m. - 2:20 p.m.	20 250 S. Australian Avenue
515 N. Flagler Drive	21 Suite 1400
West Palm Beach, FL 33401-4321	22 West Palm Beach, FL 33401
	23 581-202-6360
Jennifer DiLorenzo, court reporter	24 BReinhart@BruceREinhartLaw.com
	25
2	4
1 APPEARANCES OF COUNSEL	1 INDEX OF EXAMINATION
2 On behalf of the Plaintiff L.M.:	2
3 ROTHSTEIN, ROSENFELDT & ADLER	3 WITNESS:
4 BY: BRADLEY J. EDWARDS, ESQ.	4 LARRY EUGENE MORRISON
5 and MICHAEL WHEELER, ESQ.,	5 Page
6 401 East Las Olas Boulevard	6 DIRECT EXAMINATION
7 Suite 1850	7 By Mr. Edwards #5
8 Fort Lauderdale, FL 33394	8 CROSS-EXAMINATION
9 954-522-3456	9 By Ms. Ezell #190
10 bedwards@rra-law.com	10 CROSS-EXAMINATION
11 mwheeler@rra-law.com	11 By Mr. Willits #195
12 On behalf of Plaintiffs Jane Doe 2 through 8:	12 CROSS-EXAMINATION
13 MERMELSTEIN & HOROWITZ, P.A.	13 By Mr. Pike #196
14 BY: JESSICA D. ARBOUR, ATTORNEY-AT-LAW,	14 FURTHER REDIRECT EXAMINATION
15 18205 Biscayne Boulevard	15 By Mr. Edwards #199
16 Suite 2218	16
17 Miami, FL 33160	17
18 305-931-2200	18
19 jarbour@sexabuseattorney.com	19
20 On behalf of Plaintiffs Jane Doe 101 and 102 by	20
21 telephone:	21
22 PODHURST ORSECK, P.A.	22
23 BY: KATHERINE W. EZELL, ATTORNEY-AT-LAW,	23
24 25 W. Flagler Street	24
25 Miami, FL 33130	25
305-358-2800	
kezell@podhurst.com	INDEX TO EXHIBITS
On behalf of the Plaintiff C.M.A. by telephone:	Plaintiff's
LAW OFFICE OF RICHARD WILLITS, P.A.	Exhibit Description Page
BY: RICHARD WILLITS, ESQ.,	1 Twenty-four pages of "JECE, Inc.,
2290 10th Avenue N.	Passenger Manifest." #138
Suite 404	
Lako Worth, FL 33461	(Plaintiff's Composite 1 was attached to the
561-502-7600	original transcript and copies of the transcript.)
lawyerwillits@aol.com	



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1 A. I have no idea. I don't know.

2 Q. When you say that Nadia Marcinkova was just
3 coming in the picture, what's your understanding as to
4 who Nadia Marcinkova is relative to Mr. Epstein?

5 A. I don't know. I don't understand. I
6 don't know. I didn't know if maybe she was like an
7 exchange -- Jeffrey always appeared to be very
8 involved in education and philanthropy. I didn't
9 know if she was an exchange-type student or something
10 or what. I don't know.

11 Q. When you say he appeared to be "Involved in,"
12 what do you mean?

13 A. Educational things, foundations, science
14 foundations, and things.

15 Q. Speaking of - the Florida Science Foundation
16 is a place where, when he was on work release, he spent a
17 lot of time there, you're aware of that?

18 A. That's what I've heard, yeah.

19 Q. What does that place do?

20 A. I have no idea.

21 Q. Does it do anything?

22 A. I don't know. I don't know anything about
23 it.

24 Q. Certainly you've read certain newspaper
25 articles about the allegations, police reports,

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1 otherwise, the allegations that occurred or have been
2 alleged to have occurred at his Palm Beach mansion,
3 correct?

4 A. Uh-huh.

5 Q. Correct?

6 A. Correct.

7 Q. Given the nature of those allegations, would
8 you leave your daughter of 17, 16, 15 years old with Mr.
9 Epstein alone?

10 MR. PIKE: Form. Move to strike.

11 A. Yes.

12 Q. You would?

13 A. (Witness nods head.)

14 Q. And why?

15 A. Because I don't fear that he would try
16 anything with my daughter. He showed -- When I
17 worked for him he showed me respect. He never -- I
18 never -- He never showed me disrespect. He would ask
19 how the family is. I mean, not on a personal level,
20 but an employer/employee.

21 Q. Right. Okay.

22 A. He never showed me any reason not to trust
23 him.

24 Q. But you're not a 13-year old girl, so.

25 A. No, but, like I say, he never showed me

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1 Q. And despite pleading guilty to procuring
2 underage girls for the purposes of sex, you still feel
3 comfortable leaving a 13, 14, 15-year-old girl around
4 him?

5 MR. PIKE: Form. Move to strike.

6 A. Yes. I mean, with my daughter, yes. I
7 don't know how he behaves around anybody else. I
8 just know that the respect that he showed me, I feel
9 safe with my daughter.

10 Q. And have you read in detail the reports as to
11 what happened at his house with the girls?

12 A. Only --

13 MR. PIKE: Form.

14 A. -- what's been in the newspapers and
15 published.

16 Q. If you read and hear testimony given - well, I
17 can tell you now - testimony has been given in this case
18 that what happens is: A 13 or 14 year old is led
19 upstairs by herself, told to get naked, he lays down on
20 his back, there is a brief massage before he turns over,
21 exposes himself erect, masturbates while he tells this 13
22 or 14 year old to pinch his nipples as hard as she can
23 while he inserts his fingers into their vagina and
24 ejaculates all over them before saying, "Take your money
25 and leave."

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1 MR. PIKE: Form. Move to strike.

2 BY MR. EDWARDS:

3 Q. Okay? Then, "You can continue to come back
4 for \$200 every time or every girl you bring me within
5 your age group and I get to do this again, I pay you \$200
6 per person." If that is the testimony --

7 MR. PIKE: Form.

8 Q. -- that what happens behind closed doors with
9 him, do you still feel comfortable leaving a 13 or 14
10 year old in a room with Jeffrey Epstein?

11 MR. PIKE: Form.

12 A. If that, in fact, is what actually
13 happened, no.

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1 you witnessed Jeffrey Epstein committing?

2 A. No.

3 Q. Would you --

4 A. No.

5 Q. -- go back - considering what you've read and
6 what you may or may not believe - would you go back to
7 working for Jeffrey Epstein?

8 MR. PIKE: Form.

9 A. I can't say. I still work for him on a
10 maintenance - to maintain the airplanes and stuff
11 like that, so.

12 Q. You're on his payroll?

13 A. Salaried, yes.

14 Q. Do you know who else is on his payroll?

15 A. Well, Dave and Larry.

16 Q. Certainly, if I want to know more about his
17 private life - do you know who's at his house?

18 A. No.

19 Q. Do you know who his housekeeper is?

20 A. No.

21 Q. Do you know who his architect is?

22 A. No, no.

23 Q. Does Larry visit him at his house?

24 A. I would assume so.

25 Q. Why do you say you would assume so? That