

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIRGINIA L. GIUFFRE,
Plaintiff,
v.
GHISLAINE MAXWELL,
Defendant.
-----X

15-cv-07433-RWS

DEFENDANT'S MOTION FOR LEAVE TO FILE A SUR-REPLY
OR, ALTERNATIVELY, TO STRIKE
PLAINTIFF'S MISREPRESENTATIONS OF FACT TO THE COURT

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Defendant Ghislaine Maxwell (“Ms. Maxwell”) files this Motion for Leave to File a Sur-Reply or, Alternatively, to Strike Plaintiff’s Misrepresentations of Fact from her Reply In Support of Motion For Protective Order And To Direct The Defendant To Disclose All Individuals To Whom Defendant Has Disseminated (sic) Confidential Information (Doc. #388), and states as follows:

INTRODUCTION

Plaintiff’s Reply makes material misrepresentations of fact. Those misstatements cannot stand in a filed, albeit redacted, pleading. Ms. Maxwell has never [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

These are but a few of the misrepresentations of fact contained in Plaintiff’s Reply. Accordingly, Ms. Maxwell seeks leave of the Court to file a Sur-Reply or, alternatively, moves the Court to strike from Plaintiff’s Reply the misstatements of fact.

PLAINTIFF’S MISSTATEMENTS OF FACT

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

Bar Index	Approximate Length (%)
1	100
2	100
3	100
4	100
5	100
6	100
7	100
8	100
9	100
10	100
11	100
12	100
13	100
14	100
15	100

Bar Index	Bar Type	Approximate Length (0-100)
1	Black	95
2	Black	100
3	Black	98
4	Black	98
5	Black	98
6	Black	92
7	Black	100
8	Black	20
9	Grey	5
10	Black	95
11	Black	100
12	Black	92
13	Black	100
14	Black	35
15	Black	5
16	Black	95
17	Black	100
18	Black	55
19	Black	10
20	Black	80
21	Black	10
22	Black	85
23	Black	10
24	Black	10

[illegible]

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██████████

10/10/2014

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11/11/2019

██████████

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ARGUMENT

None of these factual assertions bear on the issue before the Court -- whether Plaintiff's publicly available criminal files should be deemed "confidential" under the Protective Order.

None of the witnesses has anything to do with Plaintiff's [REDACTED]

[REDACTED]. Indeed, in what is an almost daily occurrence in this case, Plaintiff has selectively misquoted portions of deposition transcript testimony in an effort to mislead the Court into believing there is evidence of [REDACTED]

[REDACTED].

Ms. Maxwell cannot stand idly by while Plaintiff *misrepresents to the Court* and says, for example, that she [REDACTED]

[REDACTED] It is a violation of candor to the Court to claim otherwise. Likewise,

[REDACTED]

[REDACTED]

[REDACTED]

Ms. Maxwell seeks leave of the Court to file a Sur-Reply to refute these baseless, false misrepresentations to the Court that Plaintiff included within her Reply, if Plaintiff does not honor her obligations under Rule of Professional Conduct 3.3 to withdraw them of her own accord.

Dated: August 25, 2016.

Respectfully submitted,

/s/ Laura A. Menninger

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CERTIFICATE OF SERVICE

I certify that on August 25, 2016, I electronically served this *Defendant's Motion For Leave To File A Sur-Reply Or, Alternatively, To Strike Plaintiff's Misrepresentations Of Fact To The Court* via ECF on the following:

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