

## **Tab C**

Procedural Background and  
History of *Jones v. Clinton*

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of the  
Jones v. Clinton Litigation

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## CHRONOLOGY

May 1991	Alleged Hotel Incident (Governor Bill Clinton allegedly summons Paula Jones to his room at the Excelsior Hotel in Little Rock).
May 1994	Paula Jones files suit in federal district court in Arkansas.
December 1994	Judge Susan Webber Wright orders discovery to proceed, but says that she won't let the case go to trial until Bill Clinton's presidency is over.
January 1996	The U.S. Court of Appeals for the Eighth Circuit orders the case to proceed with no stay of the trial.
January 1997	The Supreme Court hears oral argument in <u>Clinton v. Jones</u> .
May 1997	The Supreme Court unanimously affirms the Eighth Circuit and remands the case to the district court for discovery and trial.
June 1997	Ms. Jones's lawyers serve their first set of interrogatories to the President, asking about the alleged Hotel Incident.
August 1997	Judge Wright grants President's motion to dismiss two counts of the complaint, denies the motion for the remaining two counts, and orders discovery to proceed
September 22, 1997	The President answers the first set of interrogatories, denying that he harassed Ms. Jones.
September 30, 1997	The President verifies under "penalty of perjury" that his interrogatory answers are true.
October 1, 1997	<ul style="list-style-type: none"> <li>• The new Jones lawyers serve a second set of interrogatories to the President; #10-11 asks whether he had had, or had proposed having, sexual relations with any woman (other than Hillary Rodham Clinton) while he was Attorney General of Arkansas, Governor of Arkansas, or President of the United States.</li> <li>• Ms. Jones's lawyers also serve the President with their first set of requests for documents and things related to other women.</li> </ul>

October 8, 1997	Ms. Jones's attorneys serve the President with their first set of requests for admissions; #51-65 ask about "sexual relations" with other women.
October 13, 1997	Ms. Jones's lawyers serve the President with a third set of interrogatories, asking him to name any person with discoverable information.
October 28, 1997	<ul style="list-style-type: none"> <li>• The President's lawyers seek a protective order limiting discovery to instances of nonconsensual conduct in the AIDC (Ms. Jones's state agency) workplace and prohibiting general questions about other women.</li> <li>• Dolly Kyle Browning testifies at a deposition.</li> </ul>
October 29, 1997	Ms. Jones's lawyers issue a subpoena to Jane Doe #1 commanding her to appear for a deposition on Nov. 18, bringing documents and things related to her meetings with the President.
October 30, 1997	<ul style="list-style-type: none"> <li>• Judge Wright orders that discovery be confidential.</li> <li>• Ms. Jones's lawyers serve Jane Doe #2 with a subpoena commanding her to appear for a deposition, and serve a copy of this subpoena to the President's lawyers.</li> </ul>
November 3, 1997	The President answers part of the second set of interrogatories under "penalty of perjury," but the President objects to and does not answer Interrogatories #10-11 (about "other women").
November 10, 1997	<ul style="list-style-type: none"> <li>• The President responds to the first set of requests for admissions; he denies that he asked Ms. Jones to have sexual relations with him, but objects to and does not answer "other women" questions.</li> <li>• State troopers begin testifying.</li> </ul>
November 12, 1997	<ul style="list-style-type: none"> <li>• The President answers the third set of interrogatories, but fails to include Ms. Lewinsky on the list of those with discoverable information; he reserves the right to add more names.</li> <li>• Ms. Jones's attorneys ask Judge Wright to order the President to answer Interrogatories #10-11 from the second set of interrogatories.</li> <li>• Ms. Jones testifies at a deposition which continues the next day.</li> </ul>
November 13, 1997	Jane Doe #3 receives a subpoena.

November 14, 1997	<ul style="list-style-type: none"> <li>• Gennifer Flowers testifies at a deposition.</li> <li>• Jane Doe #7 receives a subpoena.</li> </ul>
November 17, 1997	The President responds to the first request for documents and things, objecting to the requests insofar as they seek items related to "other women," but then asserts that he "has no documents responsive to" the request.
November 18, 1997	<ul style="list-style-type: none"> <li>• Jane Doe #1 begins her deposition but immediately asserts a "privacy" privilege; Judge Wright holds a hearing but decides only that, because Jane Doe #1 is ill, the deposition will not continue that day.</li> <li>• Jane Doe #7 signs an affidavit claiming no pertinent knowledge, and moves to quash her deposition.</li> </ul>
November 19, 1997	<ul style="list-style-type: none"> <li>• Judge Wright denies Jane Doe #7's motion to quash her subpoena.</li> <li>• Judge Merhige denies Kathleen Willey's motion to quash her subpoena.</li> </ul>
November 20, 1997	<ul style="list-style-type: none"> <li>• The President's lawyers file a memorandum in support of the motions to quash filed by Jane Does #1-3.</li> <li>• Jane Doe #1 asks that her deposition (begun on Nov. 18) be terminated.</li> <li>• Ms. Jones's lawyers issue a subpoena to Jane Doe #5 (who received it Nov. 22).</li> </ul>
November 21, 1997	<ul style="list-style-type: none"> <li>• Jane Doe #2 moves to quash her subpoena.</li> <li>• Ms. Jones's lawyers serve the President's lawyers with an amended notice about the deposition of Jane Doe #3.</li> <li>• Jane Doe #7 testifies at a deposition.</li> </ul>
November 24, 1997	Judge Wright conducts a hearing on Jane Doe #1's privacy objection to a deposition and overrules the objection.
December 2, 1997	Judge Wright denies Jane Doe #2's motion to quash.
December 3, 1997	<ul style="list-style-type: none"> <li>• Jane Doe #2's second deposition begins but she refuses to answer sex-related questions.</li> <li>• Kathleen Willey suddenly cancels her deposition because of neck surgery.</li> </ul>
December 4, 1997	Jane Doe #3 moves to quash her subpoena; Judge Wright denies the motion.

December 5, 1997	<ul style="list-style-type: none"> <li>• Ms. Jones's lawyers serve the President's lawyers with their witness list for trial; Monica Lewinsky's name is on the list.</li> <li>• Ms. Jones's lawyers file an amended complaint adding the allegation that the President discriminated against Ms. Jones by granting employment benefits only to women who acceded to his requests for sex.</li> </ul>
December 6, 1997	<ul style="list-style-type: none"> <li>• The President meets with his lawyers.</li> <li>• The President verifies under "penalty of perjury" his supplemental responses to the second set of interrogatories (containing certain medical information about himself); he continues to fail to answer Interrogatories #10-11.</li> </ul>
December 10, 1997	<ul style="list-style-type: none"> <li>• Ms. Jones's lawyers move to compel Jane Does #1-3 to answer their deposition questions.</li> <li>• Jane Doe #2 files an opposition to this motion, arguing that Ms. Jones's lawyers have not established a sufficient predicate for delving into her privacy.</li> <li>• Danny Ferguson testifies at a deposition about the President's meetings with Jane Doe #1 and with Paula Jones.</li> </ul>
December 11, 1997	<ul style="list-style-type: none"> <li>• Judge Wright partially grants Ms. Jones's motion of Nov. 12; using a "meticulous" standard of materiality, she orders the President to answer Interrogatory #10-11 if (i) encounter was later than May 7, 1986; and (ii) either state troopers facilitated encounter, or the woman was a present or prospective government employee.</li> </ul>
December 12, 1997	<p>The President's lawyers file their opposition to Ms. Jones's motion (of Dec. 10) to compel the Jane Does.</p>
December 15, 1997	<ul style="list-style-type: none"> <li>• Ms. Jones's lawyers notify the President's lawyers that they will depose Jane Doe #5 on Jan. 9.</li> <li>• Ms. Jones's lawyers depose Onie E. "Betsey" Wright, who had been responsible for responding to "other women" accusations during the 1992 campaign.</li> </ul>

December 16, 1997	<ul style="list-style-type: none"> <li>• Ms. Jones's lawyers move to compel the President to answer the remaining questions in their first set of requests for admissions (#51-65) and their third set of interrogatories (asking for names of those with discoverable information).</li> <li>• Ms. Jones's lawyers serve their second request that the President produce documents and things, this time asking for those that concerned Ms. Lewinsky.</li> <li>• At 2:00 a.m. that night (on 12/17/97), the President calls Ms. Lewinsky and tells her that she is on the witness list.</li> </ul>
December 18, 1997	Holding the testimony of Jane Does #1-3 "discoverable," Judge Wright grants Ms. Jones's motion to compel their testimony but requires that Ms. Jones establish a "factual predicate" and meet certain other conditions.
December 19, 1997	<ul style="list-style-type: none"> <li>• Ms. Lewinsky receives a subpoena then meets with Vernon Jordan.</li> </ul>
December 22, 1997	Vernon Jordan introduces Ms. Lewinsky to Frank Carter.
December 23, 1997	<ul style="list-style-type: none"> <li>• The President serves supplemental responses to the second set of interrogatories, answering #10-11 (asking for names of women with whom he has had or proposed having "sexual relations") with "none." The President verifies "under penalty of perjury" that this answer is true and correct.</li> <li>• Mr. Carter meets with the President's lawyers.</li> </ul>
December 24, 1997	Ms. Jones's lawyers move for reconsideration of Judge Wright's Dec. 18 order establishing the "factual predicate" requirement.
December 30, 1997	<ul style="list-style-type: none"> <li>• The President's lawyer, Robert Bennett, concede during a hearing before Judge Wright that questions related to "sex-for-jobs" would be "fair game."</li> <li>• Ms. Jones's lawyers move to sanction the President's lawyers for making argumentative and suggestive objections to deposition questions.</li> </ul>
January 2, 1998	<ul style="list-style-type: none"> <li>• Jane Doe #2 testifies at a deposition.</li> <li>• Jane Doe #5 signs an affidavit denying any "sexual activity" with the President.</li> </ul>
January 5, 1998	<ul style="list-style-type: none"> <li>• Ms. Lewinsky meets with her attorney.</li> <li>• Ms. Jones's lawyers notify the President's lawyers that they plan to depose Jane Doe #5; Jane Doe #5 moves to quash, attaching her affidavit.</li> </ul>

January 7, 1998	<ul style="list-style-type: none"> <li>• Ms. Lewinsky prepares and signs an affidavit denying sexual relations with the President.</li> <li>• The President's lawyers file an opposition to Ms. Jones's motion for reconsideration of the Dec. 18 order.</li> </ul>
January 8, 1998	<ul style="list-style-type: none"> <li>• Judge Wright orders the President to answer the as-yet-unanswered questions from the third set of interrogatories and the first set of requests for admission (#51-65), holding that such answers were "relevant to the case."</li> <li>• Judge Wright denies Jane Doe #5's motion to quash.</li> </ul>
January 9, 1998	<ul style="list-style-type: none"> <li>• Judge Wright partly grants Ms. Jones's motion for reconsideration of her Dec. 18 order, allowing more questions than she has before.</li> <li>• Jane Doe #5 testifies at a deposition.</li> </ul>
January 11, 1998	Kathleen Willey testifies at a deposition.
January 12, 1998	<ul style="list-style-type: none"> <li>• Judge Wright holds a hearing discussing the President's deposition and what evidence she might permit at trial, but encourages the parties to settle.</li> </ul>
January 15, 1998	<ul style="list-style-type: none"> <li>• The President serves supplemental answers to the first and second sets of requests for documents and things, asserting that he has no documents or tangible things related to Ms. Lewinsky or Ms. Willy.</li> <li>• The President serves supplemental responses to the first set of requests for admissions, objecting to but then denying requests #51-65 (which ask him to name other women with whom he has had "sexual relations").</li> <li>• The President serves supplemental responses to the third set of interrogatories, naming two other people with discoverable information (but not naming Ms. Lewinsky).</li> <li>• The President verifies all these supplemental answers "under penalty of perjury."</li> </ul>
January 16, 1998	<ul style="list-style-type: none"> <li>• Ms. Jones's lawyers notifies the President's lawyers that Jane Doe #3 would be deposed on Jan. 28.</li> <li>• Mr. Carter moves to quash Ms. Lewinsky's subpoena.</li> </ul>
January 17, 1998	The President testified, in a videotaped deposition, that he had not had sexual relations (as defined) with Ms. Lewinsky.

January 22, 1998	<ul style="list-style-type: none"> <li>• Judge Wright conducts a hearing on Ms. Lewinsky's motion to quash, then directs Ms. Lewinsky's deposition to proceed but grants a motion to reschedule.</li> </ul>
January 27, 1998	The Office of the Independent Counsel ("OIC") moves to intervene in the <u>Jones</u> case.
January 29, 1998	<ul style="list-style-type: none"> <li>• The OIC asks Judge Wright to postpone the deposition of Ms. Lewinsky until the completion of its criminal investigation.</li> <li>• After a hearing, Judge Wright decides to exclude the Lewinsky evidence altogether, because (i) waiting would frustrate timely resolution of the <u>Jones</u> case; and (ii) the Lewinsky evidence, though it "might be relevant to the issues in this case," is "not essential to the core issues in this case."</li> </ul>
January 30, 1998	<ul style="list-style-type: none"> <li>• Another "other woman" testifies at a deposition, denying any "sexual activity" with the President.</li> <li>• Ms. Jones's lawyers move to compel the President to produce as-yet-unproduced documents, arguing that his claims of privilege are meritless.</li> </ul>
February 10, 1998	Ms. Jones's lawyers move for reconsideration of the order excluding the Lewinsky evidence.
February 17, 1998	The President's lawyers move for summary judgment. (Mr. Ferguson's lawyers do likewise on March 4.)
March 9, 1998	Judge Wright denies Ms. Jones's motion for reconsideration of her order excluding the Lewinsky evidence, stating that although "such evidence might have helped [Jones] establish . . . intent, absence of mistake, motive, and habit . . . it simply is not essential to the core issues in this case."
April 1998	Judge Wright dismisses the <u>Jones</u> case on the ground that Ms. Jones has not presented sufficient evidence to put the case before a jury. Ms. Jones appeals.

## BACKGROUND

## A. Introduction

Paula Corbin Jones sued President Clinton (and former Arkansas State Police officer Danny Ferguson) in May 1994, seeking civil damages in relation to an incident that allegedly took place in the Excelsior Hotel in Arkansas in 1991.<sup>1</sup> The discovery period, however, did not begin until 1997, when the Supreme Court held unanimously that the case could go forward while President Clinton was still serving as President.

In May 1997, federal district judge Susan Webber Wright began managing the civil discovery process -- a procedure in which both sides exchange relevant information in order to prepare for the next stage of the case. The specifics of the discovery period are described in the next section.

After the close of discovery, the President and Mr. Ferguson both filed motions for summary judgment. Judge Wright granted these motions on April 1, 1998, holding that Ms. Jones had "failed to demonstrate that she has a case worthy of submitting to a jury."<sup>2</sup> Ms. Jones has appealed, and the case is currently pending before the United States Court of Appeals for the Eighth Circuit.

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<sup>1</sup> The case is captioned Jones v. Clinton, LR-C-94-290.

<sup>2</sup> Jones v. Clinton, 990 F. Supp. 657, 679 (E.D. Ark. 1998).

## B. Scope of Discovery

During the discovery period, the parties exchanged interrogatories, requests for admissions of fact, and requests for documents; they also took 56 depositions.<sup>3</sup> As with all federal civil cases, the scope of discovery was governed by the Federal Rules of Civil Procedure. These general rules were supplemented by several orders of Judge Wright. This section briefly describes these rules and orders.

1. The Types and Scope of Civil Discovery. Federal Rule of Civil Procedure 26(b)(1) provides the general standard for discoverable material:

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. The information sought need not be admissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.<sup>4</sup>

Such material can be provided in response to interrogatories, requests for documents or tangible things, or testimony in depositions.

Interrogatories -- lists of written questions exchanged by the parties and answered in writing -- are governed by Federal

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<sup>3</sup> A list of the 56 deponents in Jones can be found at 1292-DC-00000647 (List of Depositions).

<sup>4</sup> Fed. R. Civ. P. 26(b)(1) (emphases added)

Rule of Civil Procedure 33, which states that interrogatories "may relate to any matters which can be inquired into under Rule 26(b)(1)."<sup>5</sup> In other words, an interrogatory may ask about any information that is "relevant to the subject matter" and "reasonably calculated to lead to the discovery of admissible evidence." Ms. Jones's lawyers served the President with three sets of interrogatories, as described below.

Requests for production of documents and tangible things in the "possession, custody or control of the party upon whom the request is served"<sup>6</sup> are permitted pursuant to Federal Rule of Civil Procedure 34. Rule 34(a) permits discovery of matters within the scope of Rule 26(b), which allows discovery of information "reasonably calculated to lead to the discovery of admissible evidence."<sup>7</sup>

Requests for admissions may be served upon parties under Rule 36, to the extent they request the verification of the "truth of any matters within the scope of Rule 26(b)(1)."<sup>8</sup> If a party makes a admission, the matter admitted is considered conclusively established absent a court order.<sup>9</sup>

Depositions -- statements made under oath -- are governed by Rule 30. Although Rule 30 does not explicitly limit the

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<sup>5</sup> Fed. R. Civ. P. 33(c).

<sup>6</sup> Fed. R. Civ. P. 34(a).

<sup>7</sup> Fed. R. Civ. P. 34(a), 26(b)(1).

<sup>8</sup> Fed. R. Civ. P. 36(a).

<sup>9</sup> Fed. R. Civ. P. 36(b).

permissible scope of deposition questioning, all discovery is limited by Rule 26(b)(1) and must be reasonably calculated to lead to admissible evidence.<sup>10</sup>

When a party receives an interrogatory, request for production of documents, or request for admissions, or is asked a question in a deposition, he must either answer truthfully or object. If the judge overrules the objection, the party must answer truthfully or be held in contempt. In addition, Rule 26(e) requires every party to supplement or correct a response to an interrogatory, production request, or request for admission if "the party learns that the response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing."<sup>11</sup>

Special rules apply to sexual harassment cases. Principally, Federal Rule of Evidence 412 -- which was amended in 1994 "to expand the protection afforded alleged victims of sexual misconduct" -- is intended to "protect alleged victims against invasions of privacy, potential embarrassment, and unwarranted sexual stereotyping, and . . . to encourage victims to come forward when they have been sexually molested."<sup>12</sup> Toward that end, Rule 412(a) restricts the admissibility of "[e]vidence

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<sup>10</sup> Fed. R. Civ. P. 30, 26(b)(1).

<sup>11</sup> Fed. R. Civ. P. 26(e)(2).

<sup>12</sup> Fed. R. Evid. 412, advisory committee's notes, 1994 amendments.

offered to prove that any alleged victim engaged in other sexual behavior."<sup>13</sup> Rule 412(a) also restricts the admissibility of "[e]vidence offered to prove any alleged victim's sexual predisposition."<sup>14</sup> Rule 412(b)(2) defines the exceptions to Rule 412(a)'s prohibitions:

In a civil case, evidence offered to prove the sexual behavior or sexual predisposition of any alleged victim is admissible if it is otherwise admissible under these rules and its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. Evidence of an alleged victim's reputation is admissible only if it has been placed in controversy by the alleged victim.<sup>15</sup>

There is no comparable rule for the accused, other than the generally applicable evidence rules.

2. The Scope of Discovery in Jones v. Clinton. Within the general framework set out by these rules, discovery in Jones was subject to the oversight of Judge Wright. Throughout the discovery period, the President, through his lawyers, repeatedly attempted to limit the amount of information Ms. Jones and her attorneys could discover about "other women" (women other than Hillary Rodham Clinton with whom the President had allegedly engaged in sexual relations).<sup>16</sup> Some of these "other women" who

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<sup>13</sup> Fed. R. Evid. 412(a)(1).

<sup>14</sup> Fed. R. Evid. 412(a)(2).

<sup>15</sup> Fed. R. Evid. 412(b)(2).

<sup>16</sup> Monica Lewinsky was referred to in court papers as "Jane Doe #6." The "other women" at issue during discovery in Jones included Gennifer Flowers, Dolly Kyle Browning, and several women identified in court papers only as "Jane Does #1-7." It is common for courts to refer to persons as "Jane Doe" or "John Doe" when necessary to protect their anonymity. This memorandum

were identified, as well as Ms. Jones herself, also objected to some of the attempts to discover information about them.

The key events in this discovery dispute occurred between August 22, 1997, and January 30, 1998. In four different orders, Judge Wright decided and emphasized that information related to the President's relationships with Monica Lewinsky and other women was properly discoverable because it was "reasonably likely to lead to admissible evidence."

Out of respect for the office of the Presidency, Judge Wright applied a "meticulous standard" of materiality (higher than the normal standard) in determining the scope of the questioning she would allow for discovery directed at the President.<sup>17</sup> Applying this standard, the judge limited the questioning on this subject: The Jones lawyers could ask only about encounters the President may have had after May 7, 1986, that involved state or federal employees and those whose liaisons were facilitated by state troopers. Within these restrictions, however, the judge held that Ms. Jones was entitled to information regarding any individuals with whom the President had sexual relations or proposed or sought to have sexual relations.<sup>18</sup>

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attempts to protect the confidentiality of the Jane Does wherever possible.

<sup>17</sup> 1414-DC-00000901 (Order of Dec. 11, 1997, at 5) (quoting United States v. Poindexter, 732 F. Supp. 142, 147 (D.D.C. 1990)).

<sup>18</sup> 1414-DC-00000899 (Order of Dec. 11, 1997, at 3).

In a later order, issued December 18, 1997, in which she directed Jane Does #1-3 to testify at depositions, the judge made clear that in determining the scope of discovery,

the issue [at hand was] one of discovery, not admissibility of evidence at trial. Discovery, as all counsel know, by its very nature takes unforeseen twists and turns and goes down numerous paths, and whether those paths lead to the discovery of admissible evidence often simply cannot be predetermined.<sup>19</sup>

On December 30, 1997, at a telephone conference regarding the scope of discovery, Judge Wright explained that at trial Ms. Jones's attorneys would have to limit their evidence regarding "other women," but that some such evidence might be admissible: "I will not permit you to spend a lot of court time on this business about of [sic] other women. I do believe it is relevant and I will let you get some evidence in on that, but you're going to have to pick your evidence carefully."<sup>20</sup> Judge Wright further explained that, although she would "require the President's deposition to be tailored," she would not limit it to "stuff that's not embarrassing."<sup>21</sup> The judge recognized that certain information that was discoverable might be embarrassing and intrusive, but stated, "I can't protect the parties from embarrassment."<sup>22</sup>

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<sup>19</sup> 1414-DC-00001012-13 (Order of Dec. 18, 1997, at 7-8).

<sup>20</sup> 1414-DC-00001491 (Telephone Conference 12/30/97 Tr. at 47).

<sup>21</sup> 1414-DC-00001493 (Telephone Conference 12/30/97 Tr. at 49).

<sup>22</sup> 1414-DC-00001493 (Telephone Conference 12/30/97 Tr. at 47).

Judge Wright returned to this theme at the President's January 17, 1998, deposition, where she rejected the President's counsel's attempt to place new limits on the scope of questioning. In so ruling, Judge Wright again commented: "Unfortunately, the nature of this case is such that people will be embarrassed. I have never had a sexual harassment case where there was not some embarrassment."<sup>23</sup>

#### DISCOVERY

1994 - 1997

**Prelude to discovery: the Complaint, the attempt to stay the case until after the President's Term, and the motion to dismiss**

At the time of the alleged Excelsior Hotel incident, Ms. Jones was employed by the Arkansas Industrial Development Commission ("AIDC"), a state government agency.<sup>24</sup> According to Ms. Jones's allegations, then-Governor Clinton made unwelcome sexual advances toward her, and she rejected the Governor's advances.<sup>25</sup> Ms. Jones further alleged that the advances, and subsequent lack of job advancement, had violated several laws and constitutional provisions.<sup>26</sup>

The four counts of the complaint alleged, respectively:

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<sup>23</sup> 849-DC-00000360 (Clinton 1/17/98 Depo. at 9).

<sup>24</sup> Jones v. Clinton, 990 F. Supp. 657, 662-64 (E.D. Ark. 1998).

<sup>25</sup> Id. at 663-64.

<sup>26</sup> Id. at 665-66.

- (1) that then-Governor Clinton, acting under color of state law, deprived [Ms. Jones] of her constitutional rights to equal protection and due process under the Fifth and Fourteenth Amendments to the United States Constitution by sexually harassing and assaulting her;
- (2) that Governor Clinton and Ferguson conspired to deprive [Ms. Jones] of her rights to equal protection of the laws and of equal privileges and immunities under the laws;
- (3) intentional infliction of emotional distress [by] the President, based primarily on the alleged incident at the hotel but also encompassing subsequent alleged acts; and
- (4) that the President, through his press aides and attorney, defamed [Ms. Jones] by denying the allegations that underlie [her] lawsuit and by questioning her motives, and that Ferguson defamed her by making comments to the press suggesting that she willingly participated in a sexual encounter.<sup>27</sup>

On August 10, 1994, the President moved to dismiss Ms. Jones's complaint,<sup>28</sup> arguing that he was immune from suit until after he completed his service as President.<sup>29</sup> Judge Wright denied the President's motion and ruled that discovery in the case could proceed, but that any trial would not occur until the President left office.<sup>30</sup> Both parties appealed, and in January 1996, a divided panel of the United States Court of Appeals for the Eighth Circuit affirmed Judge Wright's decision

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<sup>27</sup> Jones v. Clinton, 974 F. Supp. 712, 718 (E.D. Ark. 1997).

<sup>28</sup> Id. at 715 n.1.

<sup>29</sup> Jones v. Clinton, 869 F. Supp. 690, 692 (E.D. Ark. 1994).

<sup>30</sup> Id. at 699-700.

to order discovery, but reversed her decision to postpone any trial until after the President left office.<sup>31</sup>

The case then went to the Supreme Court, which heard oral argument in Jones in January 1997.<sup>32</sup> During oral argument, the President's attorney, Robert Bennett, warned that permitting a case like Jones to go forward could embarrass the Presidency, in part because the trial court might permit inquiry into contacts between the President and members of the opposite sex.<sup>33</sup> In May 1997 the Supreme Court unanimously affirmed the Eighth Circuit's decision and remanded the case to the district court so that discovery (and any further proceedings such as trial) could proceed.<sup>34</sup>

The President's lawyers then moved, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, for dismissal of the complaint for failure to state a claim.<sup>35</sup> Granting in part and denying in part, Judge Wright in August 1997 dismissed Ms. Jones's due process claim in Count I and her defamation claim against the President in Count IV. As to the other claims (the

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<sup>31</sup> Jones v. Clinton, 72 F.3d 1354 (8th Cir. 1996).

<sup>32</sup> Clinton v. Jones, 117 S. Ct. 1636, 1636 (1997).

<sup>33</sup> 1414-DC-00000690-91 (Official Transcript, Proceedings before the Supreme Court of the United States, Clinton v. Jones, No. 95-1853, at 13-14 (Jan. 13, 1997)).

<sup>34</sup> Clinton v. Jones, 117 S. Ct. 1636, 1651 (1997).

<sup>35</sup> In other words, they argued that even if every factual allegation made by Ms. Jones were true, the law did not authorize the court to grant her a remedy.

intentional infliction of emotional distress, the equal protection claim, and the defamation claim against Trooper Ferguson), Judge Wright held that discovery could proceed.<sup>36</sup>

**Sept.-Oct. 1997: Discovery begins with interrogatories**

Attorneys for Ms. Jones had submitted her first set of interrogatories to the President on June 19, 1997. The six interrogatories asked the President about his alleged encounter with Paula Jones on May 8, 1991.<sup>37</sup> On September 22, 1997, the President served his responses to those interrogatories,<sup>38</sup> and on September 30, the President declared "under penalty of perjury" that these responses were "true and correct to the best of my knowledge and belief."<sup>39</sup>

The next day -- Wednesday, October 1, 1997 -- Ms. Jones's new law firm (Rader, Campbell, Fisher & Pyke)<sup>40</sup> served the President's counsel with a second set of interrogatories.<sup>41</sup> Interrogatory No. 10 stated:

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<sup>36</sup> Jones v. Clinton, 974 F. Supp. 712, 732 (E.D. Ark. 1997).

<sup>37</sup> 849-DC-00000002-10 (Plaintiff's First Set of Interrogatories to Defendant William Jefferson Clinton).

<sup>38</sup> 849-DC-00000011-17 (President Clinton's Responses to Plaintiff's First Set of Interrogatories).

<sup>39</sup> 849-DC-00000018 (Verification).

<sup>40</sup> 921-DC-00000048 (Plaintiff's Motion for Protective Order (Concerning Plaintiff's Deposition)).

<sup>41</sup> 921-DC-00000101-18 (Second Set of Interrogatories from Plaintiff to Defendant Clinton).

Please state the name, address, and telephone number of each and every individual (other than Hillary Rodham Clinton) with whom you had sexual relations when you held any of the following positions:

- a. Attorney General of the State of Arkansas;
- b. Governor of the State of Arkansas;
- c. President of the United States.<sup>42</sup>

Interrogatory No. 11 stated:

Please state the name, address, and telephone number of each and every individual (other than Hillary Rodham Clinton) with whom you proposed having sexual relations, or with whom you sought to have sexual relations, when you held any of the following positions:

- a. Attorney General of the States of Arkansas;
- b. Governor of the States of Arkansas;
- c. President of the United States.<sup>43</sup>

The phrase "sexual relations" was not defined.

Also on October 1, 1997, Ms. Jones's attorneys asked the President to provide certain categories of documents and tangible things -- if they were in the President's "immediate possession" or under his "custody or control"<sup>44</sup> -- that related to Ms. Jones, several other individuals, the President's sexual activities, the President's legal fees, and various other subjects.<sup>45</sup> The request defined "document" to mean "any tangible thing on which appears, or in which is stored or contained, any words, numbers,

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<sup>42</sup> 921-DC-00000107 (Second Set of Interrogatories from Plaintiff to Defendant Clinton at 7).

<sup>43</sup> 921-DC-00000108 (Second Set of Interrogatories from Plaintiff to Defendant Clinton at 8).

<sup>44</sup> 1414-DC-00001510 (First Set of Requests from Plaintiff to Defendant Clinton for Production of Documents and Things at 3).

<sup>45</sup> 1414-DC-00001508-33 (First Set of Requests from Plaintiff to Defendant Clinton for Production of Documents and Things).

symbols, or images," as well as "any and all writings, drawings, graphs, charts, photographs, phono records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices, into reasonably usable form."<sup>46</sup>

**Early Oct. 1997:     Requests for admissions served on the President**

On Wednesday, October 8, 1997, Ms. Jones's lawyers served the President's lawyers with their first set of requests for admissions.<sup>47</sup> These requests asked the President to admit or deny issues related to Ms. Jones and other women. In particular, Requests #51-65 asked the President about "sexual relations" he had with "other women."<sup>48</sup> The requests did not define "sexual relations."

**Mid-Oct. 1997:     Depositions begin; Dolly Kyle Browning subpoenaed**

On Monday, October 13, 1997, Ms. Jones's attorneys served the President's lawyers with a third set of interrogatories. The interrogatories asked the President about any person who may have discoverable information; any conversation the President may have

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<sup>46</sup> 1414-DC-00001509 (First Set of Requests from Plaintiff to Defendant Clinton for Production of Documents and Things at 2).

<sup>47</sup> 1414-DC-00000002-23 (First Set of Requests from Plaintiff to Defendant Clinton for Admissions).

<sup>48</sup> 1414-DC-000000015-19 (First Set of Requests from Plaintiff to Defendant Clinton for Admissions at 14-18). These requests were filed with the District Court on October 14, 1997. 1414-DC-00000002 (First Set of Requests from Plaintiff to Defendant Clinton for Admissions at 1).

had with Mr. Ferguson; and any conversation the President had had with anyone about the alleged May 8, 1991, Excelsior Hotel incident.<sup>49</sup>

On Tuesday, October 14, the President's lawyers and Mr. Ferguson's lawyers deposed Lydia Cathey (Ms. Jones's sister). They asked Ms. Cathey about Ms. Jones's description of her alleged encounter with the President.<sup>50</sup>

On Monday, October 20, 1997, Ms. Jones's lawyers filed a deposition notice for Dolly Kyle Browning, stating that Ms. Browning's deposition would commence in Dallas, Texas on Tuesday, October 28, 1997.<sup>51</sup>

Two days later, on Wednesday, October 22, 1997, two investigators visited an alleged "other woman," Jane Doe #7, and asked her, in her words, "highly embarrassing, suggestive and vile questions concerning my private life."<sup>52</sup>

Meanwhile, one of the President's lawyers, Mitchell S. Ettinger, sent a letter dated October 23, 1997, and a draft pleading to Dolly Kyle Browning's lawyer, Dorcy Corbin. The letter described an earlier conversation in which Ms. Corbin told

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<sup>49</sup> 1414-DC-00000984-92 (Third Set of Interrogatories from Plaintiff to Defendant Clinton).

<sup>50</sup> 1414-DC-00000543-48 (Cathey 10/14/97 Depo. at 165-70).

<sup>51</sup> 921-DC-00000043-46 (Plaintiff's Notice Duces Tecum of the Deposition upon Oral Examination of Dolly Kyle Browning).

<sup>52</sup> 920-DC-00000895 (Jane Doe #7 11/18/97 Aff. at 3). (Jane Doe #7 received a subpoena from Ms. Jones's attorneys on November 14, 1997, and testified at a deposition on November 21, 1997. See *infra*.)

the President's lawyer that Ms. Browning "does not possess any information relevant to the Paula Jones matter and therefore does not wish to be deposed."<sup>53</sup> The attachments to the letter were a draft motion to quash the subpoena and an accompanying draft of a supporting memorandum of points and authorities.<sup>54</sup>

**Oct. 28-29, 1997: The President's attorneys move to limit discovery of "other women"; Dolly Kyle Browning testifies; Ms. Jones's attorneys move to limit discovery of her sexual history; Jane Doe #1 subpoenaed**

On Tuesday, October 28, 1997, the President through his attorneys moved for a protective order to limit the scope of discovery regarding "other women."<sup>55</sup> Specifically, the President's lawyers requested that discovery be limited to non-consensual conduct occurring close in time, and in the same work place as the alleged incident with Ms. Jones.<sup>56</sup>

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<sup>53</sup> DE-DC-00000081 (Letter from Mitchell S. Ettinger to Dorcy Corbin (Oct. 23, 1997)).

<sup>54</sup> DE-DC-00000082-82 (Motion for a Protective Order and Motion to Quash Subpoena Duces Tecum and Notice of Deposition); DE-DC-00000083-87 (Dolly Kyle Browning's Memorandum of Points and Authorities in Support of Motion for Protective Order and Motion to Quash).

<sup>55</sup> 1414-DC-00000627-30 (President Clinton's Motion for Protective Order); 1414-DC-00000631-51 (Memorandum in Support of President Clinton's Motion for a Protective Order). This motion was file-stamped on November 5. 1414-DC-00000627 (President Clinton's Motion for Protective Order at 1).

<sup>56</sup> 1414-DC-00000628 (President Clinton's Motion for Protective Order at 2).

Also on October 28, 1997, Dolly Kyle Browning testified at a deposition. She was questioned by Ms. Jones's attorneys about an alleged sexual relationship with President Clinton.<sup>57</sup>

Also on October 28, 1997, Ms. Jones's attorneys served an emergency motion asking Judge Wright to limit the President's attempted discovery of alleged "other men" (that is, men who allegedly had sexual relations with Ms. Jones), arguing that the discovery was "conducted solely to annoy and oppress Plaintiff."<sup>58</sup>

The next day, Wednesday, October 29, 1997, Ms. Jones's attorneys issued a subpoena to a woman anonymously identified as Jane Doe #1, requiring her to appear for a deposition on November 18, 1997.<sup>59</sup> The subpoena also commanded Jane Doe #1 to produce documents and other tangible things that referenced her communications and meetings with the President.<sup>60</sup>

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<sup>57</sup> DE-DC-00000028 (Browning 10/28/97 Depo. at 29-30).

<sup>58</sup> 1414-DC-00000518-33 (Emergency Motion of Plaintiff under Rule 30(d)(3) and Rule 26(c) for Protection against Defendants' Bad-Faith Deposition Campaign Orchestrated and Conducted Solely to Annoy and Oppress Plaintiff and Brief Thereon). The motion was file-stamped on November 3, 1997. 1414-DC-00000518 (Emergency Motion of Plaintiff under Rule 30(d)(3) and Rule 26(c) for Protection against Defendants' Bad-Faith Deposition Campaign Orchestrated and Conducted Solely to Annoy and Oppress Plaintiff and Brief Thereon at 1)

<sup>59</sup> 921-DC-00000165-67 (Subpoena in a Civil Case to [Jane Doe #1]).

<sup>60</sup> 921-DC-00000167 (Requests for Production).

Oct. 30-Nov. 5, 1997: Jane Doe #2 subpoenaed; the President objects to "other women" interrogatories; investigators visit Jane Doe #5

On Thursday, October 30, 1997, Judge Wright entered an order that set forth restrictions and conditions on all discovery in the Jones case.<sup>61</sup> Also on October 30, 1997, a process server gave Jane Doe #2 a subpoena, albeit with some difficulty.<sup>62</sup> Ms. Jones's attorneys on this day served the President's lawyers with a copy of the subpoena given to Jane Doe #2.<sup>63</sup>

On Monday, November 3, 1997, the President's attorneys served Ms. Jones's attorneys with responses to her second set of interrogatories.<sup>64</sup> The President "declare[d] under penalty of perjury" that the responses given were "true and correct to the best of my knowledge and belief."<sup>65</sup> The President objected to and refused to answer several of the interrogatories, including Interrogatories #10 & 11<sup>66</sup> (which asked the President about his "sexual relations" he had had or proposed having with "other women.")

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<sup>61</sup> Confidentiality Order on Consent of All Parties, Jones v. Clinton, No. LR-C-94-290 (Oct. 31, 1997).

<sup>62</sup> The subpoena scheduled the deposition for November 7, 1997. 920-DC-00000654 (Subpoena in a Civil Case).

<sup>63</sup> 920-DC-00000660-64 (Plaintiff's Notice Duces Tecum of the Deposition upon Oral Examination of [Jane Doe #2]).

<sup>64</sup> 849-DC-00000037-53 (President Clinton's Responses To Plaintiff's Second Set of Interrogatories).

<sup>65</sup> 849-DC-00000052 (Verification).

<sup>66</sup> 849-DC-00000041-42 (President Clinton's Responses To Plaintiff's Second Set of Interrogatories at 5-6).

In Arkansas, investigators for Ms. Jones continued their work. At some point in November, "two private investigators retained by Paula Corbin Jones approached [Jane Doe #5] at [her] residence. [She] declined to speak with them, but provided the name of [her] family attorney. [She] subsequently was served with a subpoena seeking the production of documents and purporting to require [her] testimony at a deposition . . . ." <sup>67</sup>

On November 5, 1997, Ms. Jones's lawyers filed a motion asking that Ms. Jones's deposition -- scheduled for November 20, 1997 -- occur at a location other than the Little Rock law firm of Wright, Lindsey & Jennings, so that Ms. Jones and her lawyers could avoid a "media sideshow." <sup>68</sup>

Nov. 6, 1997: The parties discuss the President's deposition

On Thursday, November 6, 1997, Judge Wright conducted a hearing on L.D. Brown's request for a protective order and denied it. Judge Wright also denied Ms. Jones's motion for a protective order for her deposition, and then determined that the deposition of the President would occur on January 17, 1998. <sup>69</sup> Counsel for

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<sup>67</sup> 920-DC-00000962 (Jane Doe #5 1/2/98 Aff. at 1). The date of Jane Doe #5's first subpoena was November 20, 1997. 920-DC-00000967 (Subpoena in a Civil Case). She was served with that subpoena on November 22, 1997. 920-DC-00000969 (Affidavit of Service). Her second subpoena was dated December 11, 1997, and she was served with the second subpoena on December 18, 1997. 920-DC-00000972 (Affidavit of Service).

<sup>68</sup> 921-DC-00000050 (Plaintiff's Motion for Protective Order (Concerning Plaintiff's Deposition) at 4).

<sup>69</sup> 921-DC-00000061-62 (Clerk's Minutes). According to the minutes, one of Ms. Jones's counsel "state[d] a date is needed

the parties then discussed the President's deposition, at least with respect to witnesses with "knowledge concerning events," and Judge Wright explained that Ms. Jones and her attorneys "will have names of potential witnesses in earlier discovery."<sup>70</sup>

**Nov. 7, 1997: Jane Doe #2 fails to appear for a deposition**

On Friday, November 7, 1997, attorneys for Ms. Jones traveled to Little Rock for the scheduled deposition of Jane Doe #2. Jane Doe #2 failed to appear.<sup>71</sup> (Attorneys for Ms. Jones re-noticed the deposition for November 24, 1997. The attorney for Jane Doe #2 then re-scheduled the deposition for December 5, 1997, and then filed a motion asking Judge Wright for a protective order and to quash the subpoena.)<sup>72</sup>

**Nov. 10-12, 1997: The President answers requests for admissions and third set of interrogatories; troopers testify; Jane Does #2-3 subpoenaed; deposition of Paula Jones begins**

On Monday, November 10, 1997, the President through his counsel responded to Ms. Jones's first set of requests for

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for [President] Clinton's discovery deposition. Bennett respond[ed] that they would like it to be Saturday, January 17<sup>th</sup>." 921-DC-00000062 (Clerk's Minutes at 2).

<sup>70</sup> 921-DC-00000062 (Clerk's Minutes at 2).

<sup>71</sup> 921-DC-00000293 (Plaintiff's Memorandum in Opposition to the Motion of "Jane Doe No. 2" for Protective Order and Motion to Quash Subpoena Dues [sic] Tecum and Notice of Deposition at 1).

<sup>72</sup> 921-DC-00000294 (Plaintiff's Memorandum in Opposition to the Motion of "Jane Doe No. 2" for Protective Order and Motion to Quash Subpoena Dues [sic] Tecum and Notice of Deposition at 2).

admissions (served on October 8, 1997).<sup>73</sup> The President answered some of the questions. For example, he denied that he had asked Ms. Jones to have "sexual relations" with him.<sup>74</sup> The President objected to and refused to answer other questions. For example, Request for Admission #51, and the President's response, stated:

Please admit or deny the following: While he was Governor of the State of Arkansas, Defendant Clinton had sexual relations with at least one woman (other than Hillary Rodham Clinton), and at least one member of the Arkansas State Police arranged at least one meeting between Defendant Clinton and the woman.

**RESPONSE:** President Clinton objects to this Request for Admission in that it is intended solely to harass, embarrass and humiliate the President and the Office he occupies. President Clinton also objects to this Request for Admission in that it pertains to subject matter beyond the reasonable scope of discovery in this proceeding.<sup>75</sup>

Also on November 10, 1997, former Arkansas state trooper L.D. Brown testified at a deposition in Little Rock.<sup>76</sup> The next morning, Arkansas state trooper Larry Patterson testified at a deposition in Little Rock.<sup>77</sup> Both troopers were questioned about

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<sup>73</sup> 921-DC-00000067-95 (President Clinton's Responses to Plaintiff's First Set of Requests for Admissions).

<sup>74</sup> 921-DC-00000081-82 (President Clinton's Responses to Plaintiff's First Set of Requests for Admissions at 15-16).

<sup>75</sup> 921-DC-00000083-84 (President Clinton's Responses to Plaintiff's First Set of Requests for Admissions at 17-18).

<sup>76</sup> 1292-DC-00000255-377 (Brown 11/10/97 Depo.).

<sup>77</sup> 1292-DC-00000407-585 (Perry 11/11/98 Depo.).

whether they had arranged private meetings for Governor Clinton and other women.<sup>76</sup>

On Wednesday, November 12, 1997, the President through his attorneys served Ms. Jones's attorneys with the President's responses to Ms. Jones's third set of interrogatories (those served on October 13).<sup>79</sup> In response to an interrogatory that asked the President to state the name, address, and telephone numbers of "each and every person who has, or who is likely to have, discoverable information relevant to one or more disputed facts alleged with particularity in the pleadings in this case," the President provided a list of names that did not include Ms. Lewinsky.<sup>80</sup> The President then stated, "I have read the foregoing responses to Plaintiff's Third Set of Interrogatories and declare under penalty of perjury that they are true and correct to the best of my knowledge and belief."<sup>81</sup> The President did, however, "reserve[] the right to supplement this response with additional names."<sup>82</sup>

Also on November 12, 1997, Ms. Jones through her counsel filed a motion (with accompanying memorandum) seeking to compel

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<sup>78</sup> See, e.g., 1292-DC-00000272 (Brown 11/10/97 Depo. at 17); 1292-DC-00000417 (Patterson Depo. at 10).

<sup>79</sup> 849-DC-00000090-102 (President Clinton's Responses to Plaintiff's Third Set of Interrogatories).

<sup>80</sup> 849-DC-00000090-92 (President Clinton's Responses to Plaintiff's Third Set of Interrogatories at 1-3).

<sup>81</sup> 849-DC-00000096 (Verification).

<sup>82</sup> 849-DC-00000091-92 (President Clinton's Responses to Plaintiff's Third Set of Interrogatories at 2-3).

the President to respond to those questions in her second set of interrogatories that he had refused to answer in his answer of November 3, 1997 (Interrogatories #10, 11).<sup>83</sup> In the motion, counsel for Ms. Jones argued that the President ought to be required to answer these two interrogatories -- the "other women" interrogatories -- and asserted that "discovery . . . is governed by very liberal standards that give Plaintiff a wide berth."<sup>84</sup> Counsel for Ms. Jones observed that the President "has made it clear in the past, and confirms in the Responses, that he disagrees with the Court's statements that there are at least some situations, in cases such as this, in which evidence of the defendant's extramarital sexual activity, is not only relevant and discoverable, but admissible."<sup>85</sup> Ms. Jones's counsel then argued that it was important for Ms. Jones to obtain this information prior to the President's deposition because Judge

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<sup>83</sup> 921-DC-0000096-151 (Plaintiff's Motion to Compel Responses to Plaintiff's Second Set of Interrogatories to Defendant Clinton); 921-DC-00000152-61 (Memorandum in Support of Plaintiff's Motion to Compel Responses to Plaintiff's Second Set of Interrogatories to Defendant Clinton).

<sup>84</sup> 921-DC-00000155 (Memorandum in Support of Plaintiff's Motion to Compel Responses to Plaintiff's Second Set of Interrogatories to Defendant Clinton at 4).

<sup>85</sup> 921-DC-00000156 (Memorandum in Support of Plaintiff's Motion to Compel Responses to Plaintiff's Second Set of Interrogatories to Defendant Clinton at 5) (emphasis in original). Admissibility in this context apparently refers to evidence that would be admissible at a trial, a much narrower category of information than is available to parties during discovery in civil cases. For example, a hearsay question that would be plainly inadmissible at trial would be discoverable, because it would allow a party to learn the identity of a witness.

Wright had indicated that the President's deposition would be of limited duration because of the respect due his office.<sup>86</sup>

Also on November 12, 1997, Ms. Jones's counsel notified the President's counsel of a second deposition notice issued to Jane Doe #2<sup>87</sup> and issued a subpoena to Jane Doe #3, which she received the next day.<sup>88</sup>

And, still on November 12, 1997, the President's attorneys deposed Paula Jones. Ms. Jones testified about what she claimed was sexually unwelcome "disgusting" conduct by the President.<sup>89</sup> The President's lawyer, Robert Bennett, asked Ms. Jones about the alleged May 8, 1991, Excelsior Hotel incident.<sup>90</sup> The lawyer for Defendant Ferguson, Mr. Bristow, asked Ms. Jones about Ms. Jones's pre-marital sexual relations with her husband and other men.<sup>91</sup>

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<sup>86</sup> 921-DC-00000157 (Memorandum in Support of Plaintiff's Motion to Compel Responses to Plaintiff's Second Set of Interrogatories to Defendant Clinton at 6).

<sup>87</sup> 920-DC-00000665-69 (Plaintiff's Amended Notice Duces Tecum of the Deposition upon Oral Examination of [Jane Doe#2]).

<sup>88</sup> 920-DC-00000796-800 (Subpoena in a Civil Case).

<sup>89</sup> 1414-DC-00000130 (Jones 11/12/97 Depo. at 108).

<sup>90</sup> 1414-DC-00000102-20 (Jones 11/12/97 Depo. at 79-97).

<sup>91</sup> 1414-DC-00000196-200 (Jones 11/12/97 Depo. at 174-78).

Nov. 13-14, 1997: Deposition of Paula Jones finishes; Jane Doe #7 served with a subpoena; deposition of Gennifer Flowers

On Thursday, November 13, 1997, Ms. Jones completed her deposition testimony.<sup>92</sup> The next day, Jane Doe #7 received a subpoena directing her to appear for a deposition on November 19, 1997, and to produce documents.<sup>93</sup> And in Dallas, Texas, Gennifer Flowers was asked about her alleged sexual relationship with President Clinton.<sup>94</sup>

Nov. 17, 1997: The President responds to plaintiff's first request for documents and things

On November 17, 1997, the President responded to Ms. Jones's first request for documents and things (which he had received on October 1, 1997). The President's lawyers raised numerous objections to the requests. In particular, the President, through his attorneys, objected to the requests but stated that he had no documents or other things that related to other women.<sup>95</sup> For example, one request and the President's response state:

**REQUEST FOR PRODUCTION NO. 30:** Please produce each and every document (including but not limited to letters, memoranda, postcards, and e-mails) sent at any time to

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<sup>92</sup> 1414-DC-00000290-510 (Jones 11/13/97 Depo. at 486-87).

<sup>93</sup> 920-DC-00000895 (Jane Doe #7 11/18/97 Aff. at 3); 920-DC-00000898 (Affidavit Of Service).

<sup>94</sup> 1292-DC-00000586-645 (Flowers 11/14/97 Depo.).

<sup>95</sup> V002-DC-00000056-92 (President Clinton's Responses to Plaintiff's First Set of Requests for Production of Documents and Things).

Defendant Clinton by any woman (other than Hillary Rodham Clinton) with whom Defendant Clinton had sexual relations when he held any of the following positions:

- a. Attorney General of the State of Arkansas;
- b. Governor of the State of Arkansas;
- c. President of the United States.

**RESPONSE:** President Clinton objects to this Request for Production as it is intended solely to harass, embarrass, and humiliate the President and the Office he occupies. President Clinton also objects to this Request for Production in that it pertains to subject matter beyond the reasonable scope of discovery in this proceeding, is overbroad, redundant and not likely to lead to the discovery of admissible evidence. Notwithstanding the above objections, and General Objection 4, President Clinton has no documents responsive to this Request.<sup>96</sup>

General Objection 4 states:

President Clinton objects to the First Set of Requests for Production of Documents and Things to the extent it is designed to elicit production of materials from President Clinton's campaigns for public office, including the 1996 Presidential Election Campaign, that were created merely for the purpose of responding to the rumors, speculation and innuendo generated by the tabloid press and political opponents of the President. Notwithstanding this objection, President Clinton personally has no such documents. Nonetheless, we are inquiring of other persons or entities who may have possession, custody or control of campaign materials as to whether any such materials are responsive.<sup>97</sup>

Nov. 18-19, 1997: Objections of alleged "other women" Jane Doe #1 and Jane Doe #7; Jane Doe #7 ordered to testify

On Tuesday, November 18, 1997, counsel for Ms. Jones deposed Jane Doe #1, but the deposition ended after less than an hour

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<sup>96</sup> V002-DC-00000075 (President Clinton's Responses to Plaintiff's First Set of Requests for Production of Documents and Things at 20) (emphasis added).

<sup>97</sup> V002-DC-00000057 (President Clinton's Responses to Plaintiff's First Set of Requests for Production of Documents and Things at 2) (emphasis added).

when Jane Doe #1 asserted a "constitutional privilege of privacy."<sup>98</sup> Judge Wright conducted two hearings to address this issue, but decided that the deposition would "not go on today," because Jane Doe #1 was ill.<sup>99</sup>

Also on November 18, 1997, Jane Doe #1 filed objections to the subpoenas she had received.<sup>100</sup> Jane Doe #7 signed an affidavit in which she asserted that she "simply do[es] not have any knowledge that is pertinent to the lawsuit filed by Paula Jones."<sup>101</sup> Her attorneys also moved to quash her subpoena and sought a protective order.<sup>102</sup>

The next day, Wednesday, November 19, 1997, Judge Wright conducted a brief hearing to consider Jane Doe #7's motion to quash her subpoena, denied the motion, and indicated that "it is appropriate for [the] deposition to go forward."<sup>103</sup> Judge Wright explained that she had to "treat [this case] as a sexual harassment case as other such cases and state[d] reasons for

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<sup>98</sup> 921-DC-00000204-29 (Jane Doe #1 11/18/97 Depo.).

<sup>99</sup> 921-DC-00000265 (Clerk's Minutes).

<sup>100</sup> 921-DC-00000162-67 (Objection of Jane Doe [#1] to Subpoena Duces Tecum).

<sup>101</sup> 920-DC-00000896 (Jane Doe #7 11/18/97 Aff. at 4).

<sup>102</sup> 921-DC-00000168-75 (Motion to Quash Subpoena and for Protective Order); 921-DC-00000176-85 (Brief in Support of Motion to Quash Subpoena and for Protective Order).

<sup>103</sup> 921-DC-00000266 (Clerk's Minutes at 1).

allowing [the] discovery process and cannot protect them from this."<sup>104</sup>

Also on November 19, 1997, in Richmond, Virginia, Judge Robert R. Merhige of the United States District Court for the Eastern District of Virginia conducted a closed hearing on a motion filed by Kathleen Willey in which she sought to quash the subpoena commanding her to appear for a deposition on December 4, 1997.<sup>105</sup> Ms. Jones's attorneys had originally subpoenaed Ms. Willey herein for her deposition and document production on July 29, 1997, but, according to Ms. Jones's attorneys, Ms. Willey "vigorously opposed" the subpoena.<sup>106</sup> (On December 16, 1997, Judge Merhige then issued an order requiring Ms. Willey to testify at a deposition, which Ms. Willey eventually did on January 11, 1998.)<sup>107</sup>

Nov. 20, 1997: The President supports Jane Does' motions: Jane Doe #1 moves to terminate her deposition; Jane Doe #5 subpoenaed

On November 20, 1997, the President through his counsel filed a pleading supporting the Jane Does' motions to quash. The President's memorandum complained that "plaintiff's discovery in this matter . . . has improperly invaded the rights of privacy of

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<sup>104</sup> 921-DC-00000266 (Clerk's Minutes at 1).

<sup>105</sup> 1414-DC-00001150-68 (Sealed Hearing 11/19/97 Tr.).

<sup>106</sup> DE-DC-00000204 (Plaintiff's Motion to Compel Further Deposition Testimony from Kathleen Willey at 1).

<sup>107</sup> DE-DC-00000215-16 (Order Regarding Kathleen Willey Deposition Date).

innocent third parties whose only connection to this matter is that they may have worked for or been a friend of President Clinton."<sup>108</sup> The President's memorandum charged that "plaintiff's entire discovery plan is designed to harass and cause embarrassment to the President and others, not to obtain relevant information or information that is likely to lead to the discovery of admissible evidence."<sup>109</sup>

Also on November 20, 1997, Jane Doe #1 filed a motion and an accompanying memorandum with Judge Wright.<sup>110</sup> Her motion requested that Judge Wright order her deposition "terminate[d] or eliminate[d]."<sup>111</sup> And, on November 20, 1997, Ms. Jones's attorneys issued a subpoena for Jane Doe #5, which she received the subpoena on November 22, 1997.<sup>112</sup>

**Nov. 21, 1997: Ms. Jones's lawyers file a response to Jane Doe #1's motion; Jane Doe #2 files a motion to quash; Jane Doe #7 testifies**

On November 21, 1997, Ms. Jones's counsel responded to Jane Doe #1's November 20, 1997, motion seeking to stop her

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<sup>108</sup> 921-DC-00000186 (President Clinton's Memorandum in Support of Third Parties' Motion to Quash at 1).

<sup>109</sup> 921-DC-00000187-88 (President Clinton's Memorandum in Support of Third Parties' Motion to Quash at 2-3).

<sup>110</sup> 921-DC-00000190-92 (Motion of Jane Doe [#1] to Terminate or Limit Examination); 921-DC-00000193-200 (Brief in Support of Motion of Jane Doe [#1] to Terminate or Limit Examination).

<sup>111</sup> 921-DC-00000191 (Motion of Jane Doe [#1] to Terminate or Limit Examination at 2).

<sup>112</sup> 920-DC-00000967-68 (Subpoena in a Civil Case) 920-DC-00000969 (Affidavit of Service).

deposition.<sup>113</sup> In the response, Ms. Jones's counsel explained that the purpose of the deposition was "to discover additional facts establishing a pattern of improper action under color of state law. It concerns the illegal use of state resources to facilitate, and to conceal, Defendant Clinton's predatory sexual activity while he was Governor of the State of Arkansas and in command of those resources."<sup>114</sup> Counsel for Ms. Jones noted that Judge Wright "has already ruled that the discovery of such facts may go forward -- under the strict confidentiality provisions imposed by the Court."<sup>115</sup>

Also on November 21, 1997, Jane Doe #2 filed a motion and accompanying memorandum to quash the subpoena she had received.<sup>116</sup> Ms. Jones's attorneys served another amended deposition notice that day on Jane Doe #2, scheduling her deposition for December 5, 1997.<sup>117</sup>

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<sup>113</sup> 921-DC-00000248-56 (Plaintiff's Memorandum in Opposition to the Motion of [Jane Doe #1] to Terminate or to Limit her Deposition and to Protect Constitutional Privilege).

<sup>114</sup> 921-DC-00000248-49 (Plaintiff's Memorandum in Opposition to the Motion of [Jane Doe #1] to Terminate or to Limit her Deposition and to Protect Constitutional Privilege at 1-2).

<sup>115</sup> 921-DC-00000249 (Plaintiff's Memorandum in Opposition to the Motion of [Jane Doe #1] to Terminate or to Limit her Deposition and to Protect Constitutional Privilege at 2).

<sup>116</sup> 921-DC-00000257-58 (Motion for a Protective Order and Motion to Quash Subpoena Duces Tecum and Notice of Deposition); 921-DC-00000259-63 (Brief in Support of Motion for Protective Order and Motion to Quash).

<sup>117</sup> 920-DC-00000670-74 (Plaintiff's Amended Notice Duces Tecum of the Deposition upon Oral Examination Of [Jane Doe #2]).

Additionally, Ms. Jones's lawyers served the President's lawyers with a notice of their intent to depose Jane Doe #3 on December 5, 1997.<sup>118</sup> (The depositions of both Jane Doe #2 and Jane Doe #3 occurred on December 5, 1997, but both refused to answer questions, as explained below.) Jane Doe #7 testified at a deposition for one hour, stating that the President had never acted in a "sexual manner" in her presence.<sup>119</sup>

Nov. 24-26, 1997: Judge Wright orders discovery of Jane Doe #1 to proceed; Jane Doe #1 claims that her name was leaked to the media; the President argues that he has a constitutional privacy interest in not responding to interrogatories

In Little Rock on November 24, 1997, Judge Wright considered the objection of Jane Doe #1 to her deposition. Judge Wright overruled Jane Doe #1's objection, explaining:

[Plaintiff] is entitled to ask questions that are calculated to lead to admissible evidence; Court states areas that would be discoverable material.

[Robert] Bennett [the President's lawyer] argues that he does not agree with the Court. . . .

\* \* \* \*

In response to Bennett's concerns, Court states that [counsel for Ms. Jones] has to lay predicate for certain questions but she can't claim privacy for address and where she works.

In response to Bennett's concerns that pleadings will become public and do damage to institution of presidency, Court states questions have to be related to this cause of action and believes the Rules of

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<sup>118</sup> 920-DC-00000806-10 (Plaintiff's Amended Notice Duces Tecum of the Deposition upon Oral Examination of [Jane Doe #3]).

<sup>119</sup> 921-DC-00000837 (Jane Doe #7 11/21/97 Depo. at 31-32).

Evidence and rules governing sexual harassment require Court to permit the questions.<sup>120</sup>

Judge Wright also issued an order allowing Ms. Jones's attorneys to amend her complaint, but she indicated that the amendments would not be construed as new causes of action.<sup>121</sup>

The next day, Tuesday, November 25, 1997, Judge Wright conducted a brief hearing to address the President's efforts to obtain discovery of matters that related to the Paula Jones Legal Fund and the importance of keeping discovery matters under seal.<sup>122</sup> She then ruled that the identity of donors was protected but other legal fund information was not protected, except to the extent that attorney-client privilege applied.<sup>123</sup>

That same day, the President's lawyers served Ms. Jones's lawyers with the President's opposition to Ms. Jones's motion to compel the President to finish responding to her second set of interrogatories (those served on October 1, 1997).<sup>124</sup> The President's lawyers complained about the "obnoxious and intrusive interrogatories," and argued that the President had a

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<sup>120</sup> 921-DC-00000268-69 (Clerk's Minutes at 1-2).

<sup>121</sup> 1414-DC-00001190 (Order of Jan. 9, 1998, at 3) (discussing the Order of Nov. 24, 1997).

<sup>122</sup> 921-DC-00000280 (Clerk's Minutes).

<sup>123</sup> 921-DC-00000270-79 (Order of Nov. 25, 1997).

<sup>124</sup> 1414-DC-00000753-80 (President Clinton's Opposition to Plaintiff's Motion to Compel Responses to Plaintiff's Second Set of Interrogatories).

"constitutionally-protected privacy interest" that protected his "intimate personal conduct."<sup>125</sup>

One day later, Wednesday, November 26, 1997, Jane Doe #1 filed a motion requesting sanctions in which she alleged, among other things, that someone affiliated with Ms. Jones had improperly leaked her name to the media in violation of a confidentiality order issued by Judge Wright.<sup>126</sup>

**Dec. 1-3, 1997: Ms. Jones's attorneys oppose Jane Doe #2's efforts to avoid a deposition; Judge Wright rules that discovery of Jane Doe #2 could proceed; Judge Wright permits the videotaping of Jane Doe #1's deposition; Jane Doe #1 testifies; Kathleen Willey's neck surgery delays her deposition**

On Monday, December 1, 1997, Ms. Jones's attorneys filed a response to Jane Doe #2's November 21, 1997, motion to quash her subpoena.<sup>127</sup> Ms. Jones's attorneys cited the deposition testimony of two Arkansas state troopers, L.D. Brown and Larry Patterson, and argued that this testimony provided evidence in support of Ms. Jones's claim.<sup>128</sup>

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<sup>125</sup> 1414-DC-00000754 (President Clinton's Opposition to Plaintiff's Motion to Compel Responses to Plaintiff's Second Set of Interrogatories at 2).

<sup>126</sup> 921-DC-00000284-86 (Jane Doe #1's Motion to Show Cause at 4-6).

<sup>127</sup> 921-DC-00000293-316 (Plaintiff's Memorandum in Opposition to the Motion of "Jane Doe No. 2" for Protective Order and Motion to Quash Subpoena Duces Tecum and Notice of Deposition).

<sup>128</sup> 921-DC-00000294-95 (Plaintiff's Memorandum in Opposition to the Motion of "Jane Doe No. 2" for Protective Order and Motion to Quash Subpoena Duces Tecum and Notice of Deposition at 2-3).

The next day, Tuesday, December 2, 1997, counsel for the Jones parties and counsel for Jane Does #1 and #2 participated in a hearing with Judge Wright about Jane Doe #2's motion to quash and Jane Doe #1's motion objecting to a videotape deposition.<sup>129</sup> Judge Wright denied Jane Doe #2's motion to quash because Jane Doe #2 "might have testimony that could lead to admissible evidence."<sup>130</sup>

The next day, Wednesday, December 3, 1997, Judge Wright entered a protective order that allowed Ms. Jones's attorneys to videotape Jane Doe #1's deposition subject to the restrictions set forth in Judge Wright's October 30, 1997, order and additional confidentiality safeguards.<sup>131</sup> That same day, Ms. Jones's attorneys began questioning Jane Doe #1 at a deposition. Ms. Jones's attorneys asked Jane Doe #1 about her contacts with the President. Jane Doe #1 refused to answer sexually-related questions pursuant to instructions she received from her lawyer.<sup>132</sup>

Also on December 3, 1997, Ms. Jones's "counsel was en route to Richmond[, Virginia] from Dallas in order to take the deposition of Ms. Willey when [Ms. Willey's attorney] Mr. Gecker suddenly formally notified the Court and Plaintiff that Ms. Willey allegedly required 'neck surgery' that just

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<sup>129</sup> 921-DC-00000329-30 (Clerk's Minutes).

<sup>130</sup> 921-DC-00000330 (Clerk's Minutes at 2).

<sup>131</sup> 921-DC-00000317 (Protective Order, Dec. 3, 1997).

<sup>132</sup> 1414-DC-00000840-48 (Jane Doe #1 12/3/97 Depo.).

coincidentally was precipitously scheduled for December 4, 1997."<sup>133</sup> On Thursday, December 4, 1997, the district court in Richmond "held an in-chambers hearing regarding the situation, signed Plaintiff's version of the Protective Order Regarding Kathleen Willey Deposition, and, after personally talking with Ms. Willey's attending physician, ordered Ms. Willey to appear for her deposition in early January."<sup>134</sup>

**Dec. 4, 1997: Jane Doe #3 moves to quash her subpoena**

On Thursday, December 4, 1997, Jane Doe #3 moved to quash the subpoena she had received.<sup>135</sup> That afternoon Judge Wright conducted a brief hearing on this motion and denied it. Judge Wright also directed the parties not to file witness lists but rather to exchange the lists with each other.<sup>136</sup>

**Dec. 5, 1997: Ms. Lewinsky appears on the witness list; Jane Doe #2 and Jane Doe #3 refuses to answer deposition questions**

On Friday, December 5, 1997, Ms. Jones's lawyers served the President's lawyers with their witness list. Monica Lewinsky's

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<sup>133</sup> DE-DC-00000205 (Plaintiff's Motion to Compel Further Deposition Testimony from Kathleen Willey at 2).

<sup>134</sup> DE-DC-00000205 (Plaintiff's Motion to Compel Further Deposition Testimony from Kathleen Willey at 2).

<sup>135</sup> 921-DC-00000321-22 (Motion for Protective order and Motion to Quash Subpoena Duces Tecum and Notice of Deposition); 921-DC-00000323-27 (Brief in Support of Motion for Protective order and Motion to Quash Subpoena Duces Tecum and Notice of Deposition).

<sup>136</sup> 921-DC-00000331 (Clerk's Minutes).

name was on it.<sup>137</sup> Ms. Jones's attorneys also that day filed and served an amended complaint<sup>138</sup> (pursuant to Judge Wright's permission granted on November 24, 1997). The amended complaint repeated the allegations of Ms. Jones's original complaint and added more accusations against the President and Mr. Ferguson, including that the President had

discriminated against Plaintiff because of her sex by systematically granting, directly and indirectly, governmental and employment benefits . . . to other women who succumbed to Defendant Clinton's . . . pattern, and practice of using State . . . resources to solicit sexual favors . . . while continually denying . . . any such . . . benefits . . . to Plaintiff because she would not accede to Defendant Clinton's repeated solicitations of sex from her.<sup>139</sup>

Also on Friday, December 5, 1998, Ms. Jones's attorneys attempted to depose Jane Doe #2 and Jane Doe #3. Both refused to answer questions asked by Ms. Jones's attorneys.<sup>140</sup>

Dec. 6-7, 1997:        The President meets with his lawyers; the President verifies supplemental interrogatory responses

On Saturday, December 6, 1997, the President met with his personal attorneys and Deputy White House counsel Bruce Lindsey. The subject of the meeting was the Jones case in general and the

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<sup>137</sup> 849-DC-00000121-37 (Plaintiff's Witness List).

<sup>138</sup> Plaintiff's First Amended Complaint, Jones v. Clinton, No. LR-C-94-290.

<sup>139</sup> Id. at 14.

<sup>140</sup> 921-DC-00000340 (Plaintiff's Motion to Compel Jane Doe #1, Jane Doe #2, and Jane Doe #3 to Answer Deposition Questions, and Motion to Prevent Further Obstruction of Depositions at 1); 920-DC-00000551-626 (Jane Doe #2 12/5/98 Depo.); 920-DC-00000740-95 (Jane Doe #3 12/5/98 Depo.).

witness list in particular.<sup>141</sup> That same day, the President verified supplemental responses (and continued objections) to Ms. Jones's second set of interrogatories, declaring "under penalty of perjury [that his responses were] . . . true and correct to the best of [his] knowledge and belief."<sup>142</sup> These supplemental responses (which would be served to Ms. Jones's lawyers the following Wednesday, December 10) still did not provide an answer to Interrogatories #10 & 11.

**Dec. 8-10, 1997: Ms. Jones's attorneys move to compel Jane Does; Danny Ferguson testifies**

On Monday, December 8, 1997, Ms. Jones's attorneys responded to Jane Doe #1's November 26, 1997, motion for sanctions, asserting that there was "no evidence before the Court that Plaintiff [Ms. Jones] or her counsel violated [Judge Wright's] Confidentiality Order."<sup>143</sup>

On Wednesday, December 10, 1997, Ms. Jones's attorneys filed a motion to compel Jane Does #1-3 to answer deposition questions.<sup>144</sup> Ms. Jones's attorneys asserted in their motion that the Jane Does and the defendants "are obstructing legitimate

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<sup>141</sup> Lindsey 3/12/98 GJ at 64-66; Lindsey 2/19/98 GJ at 9-10.

<sup>142</sup> V002-DC-00000046-51 (President Clinton's Supplemental Responses and Objections to Plaintiff's Second Set of Interrogatories); V002-DC-00000050 (Verification).

<sup>143</sup> 921-DC-00000332 (Plaintiff's Statement in Opposition to Jane Doe #1's Motion to Show Cause at 1).

<sup>144</sup> 921-DC-00000340-440 (Plaintiff's Motion to Compel Jane Doe #1, Jane Doe #2, and Jane Doe #3 to Answer Deposition Questions, and Motion to Prevent Further Obstruction of Depositions).

discovery when they have tried and failed to obtain an order limiting the scope of the depositions."<sup>145</sup> Citing the Violence Against Women Act, Ms. Jones's attorneys asserted that "a defendant's sexual propensity . . . is not only to be considered discoverable under the new law, but is indeed admissible at trial -- yet Defendants continue to forestall even the discovery of facts relevant to Defendant Clinton's sexual propensities. . . . It is time for the games and stonewalling to end."<sup>146</sup>

Also on December 10, 1997, Jane Doe #2's attorney filed a response (and supporting memorandum) to Ms. Jones's December 10 motion to compel.<sup>147</sup> The response claimed that Ms. Jones's counsel had not established a sufficient predicate for "delving into Jane Doe #2's private life."<sup>148</sup>

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<sup>145</sup> 921-DC-00000341 ((Plaintiff's Motion to Compel Jane Doe #1, Jane Doe #2, and Jane Doe #3 to Answer Deposition Questions, and Motion to Prevent Further Obstruction of Depositions at 2)).

<sup>146</sup> 921-DC-00000351-52 (Plaintiff's Motion to Compel Jane Doe #1, Jane Doe #2, and Jane Doe #3 to Answer Deposition Questions, and Motion to Prevent Further Obstruction of Depositions at 12-13) (emphasis in original).

<sup>147</sup> 921-DC-00000441-49 (Response of Jane Doe #2 to Plaintiff's Motion to Compel Jane Doe #1, Jane Doe #2, and Jane Doe #3 to Answer Deposition Questions and Motion to Prevent Further Obstruction of Depositions); 921-DC-00000450-59 (Brief in Support of Response of Jane Doe #2 to Plaintiff's Motion to Compel Jane Doe #1, Jane Doe #2, and Jane Doe #3 to Answer Deposition Questions and Motion to Prevent Further Obstruction of Depositions).

<sup>148</sup> 921-DC-00000442 (Response of Jane Doe #2 to Plaintiff's Motion to Compel Jane Doe #1, Jane Doe #2, and Jane Doe #3 to Answer Deposition Questions and Motion to Prevent Further Obstruction of Depositions at 2); 921-DC-00000450 (Brief in Support of Response of Jane Doe #2 to Plaintiff's Motion to Compel Jane Doe #1, Jane Doe #2, and Jane Doe #3 to Answer Deposition Questions and Motion to Prevent Further Obstruction of

In Little Rock, the President's co-defendant, Danny Ferguson, testified at a deposition.<sup>149</sup> Mr. Ferguson was asked about alleged meetings between the Governor and certain Jane Does, as well as about the alleged incident with Paula Jones in Governor Clinton's room at the Excelsior Hotel.<sup>150</sup>

Dec. 11, 1997: Judge Wright issues an order allowing "other women" discovery to proceed and establishes a "meticulous" materiality standard

The next day, Thursday, December 11, 1997 -- the same day Ms. Lewinsky met Mr. Jordan for the second time<sup>151</sup> -- Judge Wright issued an order partially granting Ms. Jones's November 12, 1997, motion to compel the President to respond to her second set of interrogatories.<sup>152</sup> With regard to Interrogatories #10 & 11, Judge Wright ordered the President to provide answers subject to limitations:

[T]he Court will establish a time frame that spans 5 years prior to May 8, 1991 (the date of the alleged incident that is the primary subject of this lawsuit), up to the present. Second, the Court will limit the class of individuals within this time frame to two categories, those who were state or federal employees, and those whose liaisons with Governor Clinton were

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Depositions at 1).

<sup>149</sup> 1292-DC-00000937-1075 (Ferguson 12/10/97 Depo.).

<sup>150</sup> 1292-DC-00000937-1075 (Ferguson 12/10/97 Depo. at 16-42, 45-69, 73-76, 92-99, 102-03).

<sup>151</sup> V004-DC-00000171 (Akin, Gump production; visitor records).

<sup>152</sup> 921-DC-00000459-66 (Order of Dec. 11, 1997). The motion sought to compel responses to Ms. Jones's second set of interrogatories.

procured, protected, concealed, and/or facilitated by State Troopers assigned to the Governor.

The Court finds, therefore, that the plaintiff is entitled to information regarding any individuals with whom the President had sexual relations or proposed or sought to have sexual relations and who were during the relevant time frame state or federal employees.

Plaintiff is also entitled to information regarding every person whom the President asked, during the relevant time frame, to arrange a private meeting between himself and any female state or federal employee which was attended by no one else and was held at any location other than his office. The Court cannot say that such information is not reasonably calculated to lead to the discovery of admissible evidence.

The Court further finds that plaintiff is entitled to information regarding any individuals, whether or not state or federal employees, whose liaisons with Governor Clinton were procured, protected, concealed, and/or facilitated by State Troopers assigned to the Governor. Such information may bear on plaintiff's efforts at establishing a pattern or practice of conduct.<sup>153</sup>

Judge Wright added:

[A]ny alleged relationships and/or arranged meetings with a federal employee that occurred when the President was not in a position to directly affect that individual's employment, i.e., when he was still Governor and was not President-elect, would fall outside of the guidelines the Court today establishes. Likewise, any alleged relationships and/or arranged meetings with a state employee that occurred when the President was no longer in a position to directly affect that individual's state employment would also fall outside of the Court's guidelines.<sup>154</sup>

As to materiality of the President's testimony, Judge Wright explained:

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<sup>153</sup> 921-DC-00000461 (Order of Dec. 11, 1997, at 3) (emphasis added).

<sup>154</sup> 921-DC-00000461 n.2 (Order of Dec. 11, 1997, at 3 n.2).

The standard that this Court will utilize in addressing any questions regarding the necessity and scope of the President's testimony at any deposition or trial will be "if the Court is satisfied that his testimony would be material as tested by a meticulous standard, as well as being necessary in the sense of being a more logical and more persuasive source of evidence than alternatives that might be suggested."<sup>155</sup>

Judge Wright added that "[t]his was the standard utilized by this Court in determining the necessity of the President's videotaped testimony in United States v. Branscum, No. 96-CR-49 (E.D. Ark. June 7, 1996)."<sup>156</sup>

Dec. 12-15, 1997: The President's lawyers oppose efforts to compel Jane Does #1-3 to testify; Judge Merhige orders Kathleen Willey deposition to proceed; the President tells Ms. Lewinsky that she is on the witness list; Judge Wright compels Jane Does #1-3 to testify and clarifies the necessary factual predicate; Jane Doe #5 subpoenaed

On Friday, December 12, 1997, the President's attorneys filed a brief opposing Ms. Jones's motion to compel the testimony of Jane Does #1-3.<sup>157</sup> In that brief, the President's attorneys asserted that "[p]laintiff has failed to establish the appropriate predicate with each deponent before prying into her private affairs, as the Court has required. Each of these women

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<sup>155</sup> 921-DC-00000463 (Order of Dec. 11, 1997, at 5) (quoting United States v. Poindexter, 732 F. Supp. 142, 147 (D.D.C. 1990)) (emphases added).

<sup>156</sup> 921-DC-00000463 (Order of Dec. 11, 1997, at 5). This Office prosecuted the Branscum case.

<sup>157</sup> 920-DC-00000405-26 (President Clinton's Opposition to Plaintiff's Motion to Compel Jane Doe #1, Jane Doe #2, and Jane Doe #3 to Answer Deposition Questions).

has testified on the record, under oath, that she was never sexually harassed or subjected to unwelcomed sexual advances by Governor Clinton."<sup>158</sup> Therefore, the President's attorneys argued, Ms. Jones's motion to compel testimony should be denied. That same day, December 12, 1997, Judge Wright issued an order permitting Ms. Jones's attorneys to videotape the deposition of Jane Doe #2.<sup>159</sup>

On December 15, 1997, Ms. Jones's attorneys notified the President's attorneys that they would depose Jane Doe #5 on January 9, 1998.<sup>160</sup> And, in New York City, Ms. Jones's attorneys deposed Onie E. "Betsey" Wright.<sup>161</sup> Ms. Jones's attorneys asked Ms. Wright several questions about her "other women" discussions with the President.<sup>162</sup>

On Tuesday, December 16, 1997, Judge Robert R. Merhige, Jr., of the United States District Court for the Eastern District of Virginia, issued an order -- the result of his November 19 hearing -- requiring Kathleen Willey to "present herself for her

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<sup>158</sup> 920-DC-00000405 (President Clinton's Opposition to Plaintiff's Motion to Compel Jane Doe #1, Jane Doe #2, and Jane Doe #3 to Answer Deposition Questions at 1).

<sup>159</sup> 920-DC-00000721-22 (Agreed Protection Order of Dec. 12, 1997).

<sup>160</sup> 920-DC-00000978-82 (Plaintiff's Notice Duces Tecum of the Deposition upon Oral Examination of [Jane Doe #5]).

<sup>161</sup> Ms. Wright was the political supporter of President Clinton who was responsible for responding to "other women" allegations during the 1992 campaign. See Lois Romano, On the Warpath for Clinton, Wash. Post, Sept. 21, 1992, at D3.

<sup>162</sup> 1414-DC-00001099-102, 104-08, 112-13 (Wright 12/15/97 Depo. at 91-101, 112-26, 143-46).

previously ordered deposition."<sup>163</sup> In the order, Judge Merhige ordered the deposition to proceed on January 2, 1998. (As explained below, however, Ms. Willey's deposition actually occurred on January 11, 1998.)

That same day, December 16, 1997, Ms. Jones's attorneys served the President's lawyers with a motion to compel the President to answer Ms. Jones's first set of requests for admissions and her third set of interrogatories, and another motion to compel him to respond to her first set of requests for the production of documents.<sup>164</sup> (The first set of requests for admissions had been served on the President on October 8, 1997; he had answered in part on November 10, 1997, but had objected to Requests #51-65 (having to do with "other women"). The third set of interrogatories had been served on the President on October 13, 1997, and partially answered by him on November 12, 1997. The first set of requests for the production of documents was served on the President on October 1, 1997, and partially answered by him on November 17, 1997.)

Meanwhile, in New York City, the President's lawyers deposed two book publishers who had contacts with affiliates of Ms. Jones: Judith T. Regan, the president and publisher of Regan Books,<sup>165</sup> and Adrian Z. Zackheim, an employee of publisher

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<sup>163</sup> DE-DC-00000215-16 (Order of Dec. 16, 1997, at 1).

<sup>164</sup> 1414-DC-00001237-43 (Plaintiff's Motion to Compel Production of Documents or, in the Alternative, Motion for In Camera Inspection).

<sup>165</sup> 1414-DC-00001224-35 (Regan 12/1/6/97 Depo.).

HarperCollins.<sup>166</sup> (The next day, December 17, 1998, they deposed literary agent Scott Waxman, asking him about his contacts with affiliates of Ms. Jones and about his involvement in a possible book about Ms. Jones.<sup>167</sup>)

Also on December 16, Mitchell S. Ettinger, one of the President's lawyers, received Ms. Jones's second request for documents and items.<sup>168</sup> The Requests commanded the President to produce documents that concerned "Monica Lewisky [sic]" and others.<sup>169</sup>

According to Monica Lewinsky, that night at about 2:00 a.m., (now Wednesday, December 17, 1997), the President called and suggested the possibility that she could avoid a deposition by filing an affidavit.<sup>170</sup> Ms. Lewinsky testified that the President advised her that she could always say that she was delivering papers or visiting Betty Currie when she came to the White House.<sup>171</sup>

On Thursday, December 18, 1997, Judge Wright granted Ms. Jones's motion to compel Jane Does #1-3 to testify at

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<sup>166</sup> 1414-DC-00001214-23 (Zackheim 12/16/97 Depo.).

<sup>167</sup> 1414-DC-00001131-49 (Waxman 12/17/97 Depo.).

<sup>168</sup> 1414-DC-00001534-46 (Second Set of Requests from Plaintiff to Defendant Clinton for Production of Documents and Things).

<sup>169</sup> 1414-DC-00001539 (Second Set of Requests from Plaintiff to Defendant Clinton for Production of Documents and Things at 6).

<sup>170</sup> Lewinsky 8/6/98 GJ at 123.

<sup>171</sup> Id. at 124.

depositions.<sup>172</sup> The order "clarif[ied] the factual predicate that [Ms. Jones] must . . . establish[] with each deponent prior to inquiring into alleged sexual activity."<sup>173</sup> This factual predicate could be established by a showing that the deponents had an existing or potential employment nexus to the President.<sup>174</sup> The order stated, however, that in the absence of any state employment connection, Ms. Jones's attorneys' ability to establish a nexus to state troopers did not itself permit Ms. Jones's attorneys to ask questions about any sexual activity between the President and the Jane Does.<sup>175</sup> Rather, Ms. Jones's attorneys could ask the Jane Does

whether they have ever discussed with Governor or President Clinton the possibility of employment with either state or federal government or whether they have ever applied for such employment or whether he ever offered such employment. If the answer to any of these questions is in the affirmative, then counsel may continue the deposition by asking the personal and potentially embarrassing questions concerning their alleged sexual relationship with President Clinton.<sup>176</sup>

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<sup>172</sup> 920-DC-00000517-25 (Order of Dec. 18, 1997).

<sup>173</sup> 920-DC-00000518 (Order of Dec. 18, 1997, at 2).

<sup>174</sup> 920-DC-00000520 (Order of Dec. 18, 1997, at 4). Judge Wright's December 18, 1997, Order referred only to state employment, because it considered only discovery of women the President allegedly had sexual relations with before he became President. Judge Wright's December 11, 1997, Order, however, had established that information about alleged "other women" who were federal employees since Mr. Clinton became President would also be discoverable.

<sup>175</sup> 920-DC-00000521 (Order of Dec. 18, 1997, at 5).

<sup>176</sup> 920-DC-00000522 (Order of Dec. 18, 1997, at 6).

In this same order, Judge Wright indicated that not all discoverable evidence was necessarily admissible, and that if the case went to trial, Judge Wright "anticipate[d] limiting the amount of time and number of witnesses that will be spent on issues of alleged sexual activity of both the President and the plaintiff (should such matters otherwise be deemed admissible)."<sup>177</sup> Judge Wright made clear, however, that "the issue [at hand was] one of discovery, not admissibility of evidence at trial. Discovery, as all counsel know, by its very nature takes unforeseen twists and turns and goes down numerous paths, and whether those paths lead to the discovery of admissible evidence often simply cannot be predetermined."<sup>178</sup>

On this same date, December 18, 1997, Jane Doe #5 received a subpoena.<sup>179</sup>

Dec. 19-24, 1997: Ms. Lewinsky subpoenaed, then meets with Vernon Jordan and Frank Carter; Mr. Carter informs the President's lawyers of his plan to file a motion to quash Ms. Lewinsky's subpoena; the President answers interrogatories #10-11

Ms. Lewinsky was served with a subpoena duces tecum in the Jones case on Friday, December 19, 1997,<sup>180</sup> which required her to

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<sup>177</sup> 920-DC-00000523 (Order of Dec. 18, 1997, at 7).

<sup>178</sup> 920-DC-00000523-24 (Order of Dec. 18, 1997, at 7-8).

<sup>179</sup> 920-DC-00000970-72. (Subpoena in a Civil Case). The subpoena was issued on December 11, 1997. 920-DC-00000970 (Subpoena in a Civil Case)

<sup>180</sup> Lewinsky 8/6/98 GJ at 128; Harte 4/17/98 Int. at 1. The subpoena was signed and dated on Wednesday, December 17, 1997.

appear, and be deposed, on January 23, 1998. The subpoena also required Ms. Lewinsky to produce a number of items, including all gifts she had received from the President. After she received the subpoena, Ms. Lewinsky met with Vernon Jordan.<sup>181</sup>

On Monday, December 22, 1997, Ms. Lewinsky met Mr. Jordan at his office, and together they went to Frank Carter's office.<sup>182</sup> Ms. Lewinsky retained Frank Carter as her attorney to represent her in the Jones matter.<sup>183</sup>

The following day, Tuesday, December 23, 1997, Mr. Carter met with the President's personal attorneys. The President's attorneys informed Mr. Carter that other witnesses had filed motions to quash and offered to provide him with assistance.<sup>184</sup>

That same day, December 23, 1997, in obedience to Judge Wright's order of December 11, 1997, the President through his lawyers served a second set of supplemental responses to Ms. Jones's second set of interrogatories (those originally served on him on October 1, 1997) and the President verified that he had "read the . . . supplemental responses to Plaintiff's Second Set of Interrogatories and declare[d] under penalty of

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921-DC-00000792-95 (Subpoena in a Civil Case).

<sup>181</sup> Lewinsky 8/6/98 GJ at 129; V004-DC-00000172 (Akin, Gump visitor logs).

<sup>182</sup> Lewinsky 8/6/98 GJ at 138-39.

<sup>183</sup> Carter 6/18/98 GJ at 12, 14.

<sup>184</sup> Carter 6/18/98 GJ at 39-42.

perjury that they are true and correct to the best of my knowledge and belief."<sup>185</sup>

The President's responses were limited in scope to the information required by Judge Wright in that order, in that they related only to events since May 8, 1986, and individuals who were state or federal employees, or whose liaisons with then-Governor Clinton were facilitated by State Troopers assigned to his security detail.<sup>186</sup>

Within these limits, however, the President answered Interrogatories #10 & 11, which asked about his actual, and proposed, sexual relations with other women. The President answered "None" to both.<sup>187</sup> With regard to Interrogatory #17, which asked the President to name each and every person whom he asked to arrange a private meeting with another woman at a location other than his office at any time, the President stated that he "has attended literally hundred of meetings . . . and cannot recall which, if any, meetings were attended only by himself and a federal or state female employee at a location other than his office."<sup>188</sup>

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<sup>185</sup> 849-DC-00000066-70 (President Clinton's Supplemental Responses to Plaintiff's Second Set of Interrogatories); 849-DC-00000069 (Verification).

<sup>186</sup> 849-DC-00000066 (President Clinton's Supplemental Responses to Plaintiff's Second Set of Interrogatories at 1).

<sup>187</sup> 849-DC-00000067 (President Clinton's Supplemental Responses to Plaintiff's Second Set of Interrogatories at 2).

<sup>188</sup> 849-DC-00000067 (President Clinton's Supplemental Responses to Plaintiff's Second Set of Interrogatories at 2).

The next day, Wednesday, December 24, 1997, Ms. Jones's attorneys filed a motion asking Judge Wright to reconsider her December 18, 1997, ruling ordering the Jane Does to testify but placing certain limits upon the scope of the questioning by requiring the Jones attorneys to establish a "factual predicate" for their questions and placing certain other restrictions on discovery.<sup>189</sup> The motion also complained of "dilatory, obstructionist tactics" used by lawyers for the President and Mr. Ferguson, including coaching of witnesses as to what other witnesses have said and making inappropriate "speaking objections" during depositions.<sup>190</sup>

Dec. 30-31, 1997: Mr. Bennett concedes that "sex-for-jobs" is "fair game"; Ms. Jones's attorneys ask for sanctions.

On Tuesday, December 30, 1997, Judge Wright held a hearing with counsel for all parties.<sup>191</sup> During the hearing, Judge Wright discussed Ms. Jones's motion December 24, 1997, motion for reconsideration of her ruling limiting the scope of the depositions of Jane Doe #1-3, but indicated that she was not yet ready to rule on the motion. Judge Wright also warned Mr. Bennett and Mr. Ferguson's lawyer (Bill Bristow) about their interrupting and disrupting depositions, and threatened to lift

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<sup>189</sup> 1414-DC-00001015-62 (Plaintiff's Motion to Reconsider Court's December 18, 1997 Order).

<sup>190</sup> 1414-DC-00001024 (Plaintiff's Motion to Reconsider Court's December 18, 1997 Order at 10).

<sup>191</sup> 921-DC-00000711 (Clerk's Minutes); 1414-DC-00001445-1505 (Telephone Conference 12/30/97 Tr.).

the restrictions on "other women" discovery if their behavior did not improve.<sup>192</sup>

Mr. Bennett in turn warned that he was ready for a "free-for-all" consisting of 30-40 rebuttal witnesses if Ms. Jones's attorneys opposed "a ruling from the Court that the probative value of the sex life of Mr. Clinton and the sex life of Ms. Jones is far out weighed by other considerations."<sup>193</sup>

Mr. Bennett asserted that he would "really oppose" the efforts of Ms. Jones's attorneys attempts to "show that Bill Clinton is not a faithful husband. And I think we have to have a conference devoted to how far you're going to let them go on some of this stuff."<sup>194</sup> Mr. Bennett did concede, however, that questions related to sex-for-jobs would be "fair game."<sup>195</sup> Mr. Bennett also commented about Ms. Jones's sexual history compared to the President's sexual history: "Frankly, . . . if you unleash every deposition that's been taken to date, Paula Jones makes Bill Clinton look like a choir boy."<sup>196</sup>

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<sup>192</sup> 1414-DC-00001450, 66 (Telephone Conference 12/30/97 Tr. at 6, 22 ).

<sup>193</sup> 1414-DC-00001473 (Telephone Conference 12/30/97 Tr. at 29).

<sup>194</sup> 1414-DC-00001480 (Telephone Conference 12/30/97 Tr. at 36).

<sup>195</sup> 1414-DC-00001494 (Telephone Conference 12/30/97 Tr. at 50).

<sup>196</sup> 1414-DC-00001496 (Telephone Conference 12/30/97 Tr. at 52).

Judge Wright explained that Ms. Jones's attorneys would at trial have to limit their evidence regarding "other women," but that some such evidence might be admissible: "I will not permit you to spend a lot of court time on this business about of [sic] other women. I do believe it is relevant and I will let you get some evidence in on that, but you're going to have to pick your evidence carefully."<sup>197</sup> Judge Wright also explained that although she had "permitted in the answers to interrogatories some pretty embarrassing questions," she would "require the President's deposition to be tailored"; nonetheless, she made clear that she would not limit it to "stuff that's not embarrassing."<sup>198</sup>

Also on December 30, 1997, Ms. Jones's attorneys moved to sanction the President's attorneys for leaks and for violating Rule 30(d)(1), which provides that "[a]ny objection to evidence during a deposition shall be stated concisely and in a non-argumentative and non-suggestive answer."<sup>199</sup> The attorneys argued that "[c]ounsel for Defendant Clinton has, during the depositions, frequently used their prerogative to object as an excuse to make arguments, 'coaching' non-party deponents and

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<sup>197</sup> 1414-DC-00001491 (Telephone Conference 12/30/97 Tr. at 47) (emphasis added).

<sup>198</sup> 1414-DC-00001493 (Telephone Conference 12/30/97 Tr. at 49).

<sup>199</sup> Fed. R. Civ. P. 30(d)(1); 1414-DC-00001063-1168 (Plaintiff's Motion for a Protective Order and Sanctions Based on Violations of the Confidentiality Order and Rule 30(d)(1)).

their counsel to answer evasively and suggesting grounds for refusing to answer."<sup>200</sup>

Jan. 2-7, 1998: Jane Doe #2 testifies; Jane Doe #5 signs an affidavit; Ms. Lewinsky meets with Frank Carter; Jane Doe #5 files a motion to quash her subpoena; Ms. Lewinsky signs her affidavit.

On Friday, January 2, 1998, Jane Doe #2 testified at a deposition. Jane Doe #2 denied that she ever engaged in any "sexual activity" with the President.<sup>201</sup>

On the same day, Jane Doe #5 signed an affidavit in which she denied that the President made "unwelcome sexual advances toward me in the late seventies."<sup>202</sup> (On April 8, 1998, however, Jane Doe #5 stated to OIC investigators that this affidavit was false.<sup>203</sup>)

On Monday, January 5, 1998, Ms. Lewinsky met with her attorney, Francis Carter, to discuss her subpoena in the Jones case.<sup>204</sup> That same day, Ms. Jones's attorneys served the President's attorneys with notice that the deposition of Jane Doe

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<sup>200</sup> 1414-DC-00001069 (Plaintiff's Motion for a Protective Order and Sanctions Based on Violations of the Confidentiality Order and Rule 30(d)(1) at 7).

<sup>201</sup> 920-DC-00000629-53 (Jane Doe #2 1/2/98 Depo. at 59).

<sup>202</sup> 920-DC-00000962-63 (Jane Doe #5 1/2/98 Aff.).

<sup>203</sup> Jane Doe #5 4/8/98 Int. at 6.

<sup>204</sup> 902-DC-00000232 (Mr. Carter's diary); 902-DC-00000037 (Mr. Carter's bill).

#3 was scheduled for Tuesday, January 20, 1998.<sup>205</sup> Jane Doe #5, by her attorneys, moved for a protective order and to quash the subpoena.<sup>206</sup> Jane Doe #5's counsel attached to the motion an affidavit in which Jane Doe #5 attested that she did not "possess any information that could possibly be relevant to the allegations advanced by Paula Corbin Jones or which could lead to admissible evidence in her case."<sup>207</sup>

Ms. Lewinsky signed her affidavit the next day, Wednesday, January 7, 1998.<sup>208</sup> That same day, January 7, 1998, the President's attorneys served and filed an opposition to Ms. Jones's attorneys' December 24, 1997, motion to reconsider Judge Wright's December 18, 1997, order requiring a "factual predicate" in order to question the Jane Does.<sup>209</sup> The President's lawyers also asked Judge Wright not to limit discovery of Ms. Jones's sexual history.<sup>210</sup>

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<sup>205</sup> 920-DC-00000818-822 (Plaintiff's Second Amended Notice Duces Tecum of the Deposition upon Oral Examination of [Jane Doe #3]).

<sup>206</sup> 920-DC-00000983-93 (Motion for a Protective Order and to Quash Subpoena Duces Tecum and Deposition Subpoena).

<sup>207</sup> 920-DC-00000992 (Motion for a Protective Order and to Quash Subpoena Duces Tecum and Deposition Subpoena at exhibit B).

<sup>208</sup> 849-DC-00000314-16 (Lewinsky 1/7/98 Aff.).

<sup>209</sup> 1414-DC-00001169-87 (President Clinton's Opposition to Plaintiff's Motion to Reconsider the Court's December 18, 1997 Order).

<sup>210</sup> 1414-DC-00001183-84 (President Clinton's Opposition to Plaintiff's Motion to Reconsider the Court's December 18, 1997 Order at 15-16).

Jan. 8, 1998: Judge Wright orders the President to answer "other women" interrogatories; Judge Wright denies Jane Doe #5's motion to quash

On Thursday, January 8, 1998 Judge Wright issued an order addressing outstanding discovery motions in the case, including the President's motion to compel Ms. Jones to answer certain interrogatories and document requests, and Ms. Jones's motion<sup>211</sup> to compel the President to finish answering her third set of interrogatories, and first set of requests for admissions, and to produce certain documents and things.<sup>212</sup> (Ms. Jones's motion of December 17 had, among other things, complained that the President had not yet answered her requests for admission -- numbered 51-65<sup>213</sup> -- as to whether, as Governor, he ever "had sexual relations with certain women (other than his wife) in meetings that were arranged, facilitated, concealed, and/or assisted by at least one member of the Arkansas State Police and that some of these women were or became employees of the State of Arkansas (or an agency thereof)."<sup>214</sup>)

Judge Wright's order partially granted Ms. Jones's motion to compel, explaining:

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<sup>211</sup> 1414-DC-0000926-32 (Plaintiff's Motion to Compel Answers to Plaintiff's First Set of Requests for Admissions and Third Set of Interrogatories to Defendant Clinton).

<sup>212</sup> 921-DC-00000736-44 (Order of Jan. 8, 1998).

<sup>213</sup> 1414-DC-0000927 (Plaintiff's Motion to Compel Answers to Plaintiff's First Set of Requests for Admissions and Third Set of Interrogatories to Defendant Clinton at 2).

<sup>214</sup> 921-DC-00000738 (Order of Jan. 8, 1998, at 3).

The Court has already ruled that questions regarding whether the President, as Governor of Arkansas, had sexual relations with certain women (other than his wife) in meetings that were arranged, facilitated, concealed, and/or assisted by at least one member of the Arkansas State Police and whether some of these women were or became employees of the State of Arkansas (or an agency thereof) are within the scope of the issues in this case. To the extent the President denies these allegations, he can so state without any undue burden. To the extent answers to such question [sic] require something other than an outright denial, the Court finds that such answers may not necessarily be redundant to any previous answers the President has given to such questions and, further, that such answers may be relevant to the issues in this case and may lead to the discovery of admissible evidence. Accordingly, the Court finds that plaintiff's motion to compel on this point should be granted.<sup>215</sup>

Judge Wright also held that "the President should answer interrogatories requesting full identifying information (names, addresses, and telephone numbers) concerning every person who has discoverable information relevant to this case and of every person to whom the President has made statements concerning plaintiff's allegations."<sup>216</sup> Judge Wright therefore directed the President "to answer plaintiff's first set of requests for admissions and third set of interrogatories on or before January 15, 1998."<sup>217</sup>

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<sup>215</sup> 921-DC-00000739 (Order of Jan. 8, 1998, at 4) (emphasis added).

<sup>216</sup> 921-DC-00000739-40 (Order of Jan. 8, 1998, at 4-5).

<sup>217</sup> 921-DC-00000740 (Order of Jan. 8, 1998, at 5). The court also ordered the President to respond to Ms. Jones's first set of requests for production of documents to the extent of revealing the total amount of legal fees he had so far incurred. 921-DC-00000741 (Order of Jan. 8, 1998, at 6).

This same order of January 8, 1998, also required Ms. Jones to respond to interrogatories and to produce documents to the President by January 15, 1997.<sup>218</sup>

Later this same day, January 8, 1998, Judge Wright conducted a hearing at which counsel from all parties participated by phone. During the hearing, Judge Wright informed all counsel about the order described in first paragraph of this subsection.<sup>219</sup> Judge Wright also denied Jane Doe #5's motion to quash her subpoena for a deposition.<sup>220</sup>

During this same hearing, Judge Wright also expressed general concern about how the depositions had proceeded. As the Clerk put it, Judge Wright "again discusse[d] with counsel [her] concern of excess objections and advantage taken by [defendants'] counsel on Court's ruling on limitations of scope of deposition; [the Court] believes it should enforce Rule 30(d)(1)."<sup>221</sup>

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<sup>218</sup> 921-DC-00000736-38 (Order of Jan. 8, 1998, at 1-3).

<sup>219</sup> 921-DC-00000751-52 (Clerk's Minutes). The clerk of the court then mailed a copy of the order to all parties. 921-DC-00000743 (Mailing Certificate of Clerk)

<sup>220</sup> 921-DC-00000751 (Clerk's Minutes at 1).

<sup>221</sup> 921-DC-00000752 (Clerk's Minutes at 2). Federal Rule of Civil Procedure 30(d)(1) states:

Any objection to evidence during a deposition shall be stated concisely and in a non-argumentative and non-suggestive manner. A party may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation on evidence directed by the court, or to present a motion under paragraph (3).

Fed. R. Civ. P. 30(d)(3) governs depositions "conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party" and directs parties or deponents

Jan. 9-12, 1998: Judge Wright modifies the required factual predicate for "other women" questions; Jane Doe #5 testifies; Kathleen Willey testifies.

On Friday, January 9, 1998, Judge Wright issued an order granting in part and denying in part Ms. Jones's motion to reconsider the December 18, 1997 Order.<sup>222</sup> Judge Wright granted the part of Ms. Jones's motion regarding questioning Jane Does #1-3 about potential state employment, holding that if the Jane Does admitted whether they had ever applied for a state job, ever discussed employment with President Clinton, or had reason to believe that President Clinton knew of their interest in such employment, then Ms. Jones could ask about sexual activities with the President.<sup>223</sup>

Judge Wright denied the portion of Ms. Jones's attorneys' motion with regard to the "trooper nexus." (Ms. Jones's attorneys had sought reconsideration of Judge Wright's ruling that "the state trooper nexus is insufficient alone to permit the sexual activities question because the depositions, as they now read, do not support plaintiff's allegations of a pattern or practice of sexual harassment."<sup>224</sup>) Ms. Jones's attorneys claimed that the trooper ruling would preclude her from establishing her claim for sex discrimination. Judge Wright disagreed, and found

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to file a motion with the district court if a part conducts such an improper deposition.

<sup>222</sup> 1414-DC-00001188-92 (Order of Jan. 9, 1998).

<sup>223</sup> 1414-DC-00001189 (Order of Jan. 9, 1998 at 2).

<sup>224</sup> 1414-DC-00001189 (Order of Jan. 9, 1998 at 2).

that Ms. Jones did not have a viable sex discrimination claim, only a sexual harassment claim. Judge Wright ruled that the use of troopers did not establish an adequate nexus absent an unwelcome sexual contact.<sup>225</sup>

Finally, Judge Wright warned the parties about improper deposition objections and witness coaching: "any objection to evidence during a deposition 'shall be stated concisely and in a non-argumentative and non-suggestive manner,' and without any coaching of the witness as to what previous discovery may or may not have disclosed."<sup>226</sup>

On January 9, 1998, Jane Doe #5 testified at a deposition.<sup>227</sup> She testified that if she previously had said that the President had sexually assaulted her, "it was untrue."<sup>228</sup> Jane Doe #5 also testified that an affidavit she had signed was true and correct.<sup>229</sup> The affidavit denied that "Mr. Clinton had made unwelcome sexual advances toward me in the late seventies."<sup>230</sup> On Sunday, January 11, 1998, Kathleen Willey testified at a

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<sup>225</sup> 1414-DC-00001191 (Order of Jan. 9, 1998, at 4).

<sup>226</sup> 1414-DC-00001192 (Order of Jan. 9, 1998, at 5) (quoting Fed. R. Civ. P. 30(d)(1)).

<sup>227</sup> 920-DC-00000922-29 (Jane Doe #5 1/9/98 Depo.).

<sup>228</sup> 920-DC-00000926 (Jane Doe #5 1/9/98 Depo. at 15-16).

<sup>229</sup> 920-DC-00000928 (Jane Doe #5 1/9/98 Depo. at 22-23).

<sup>230</sup> 920-DC-00000962 (Jane Doe #5 1/2/98 Aff. at 1).

deposition in the United States District Court in Richmond, Virginia.<sup>231</sup>

Jan. 12, 1998: Hearing about discovery, evidence at trial, deposition of the President; Frank Carter speaks with Ms. Jones's attorney; Judge Wright urges the parties to settle.

On Monday, January 12, 1998 -- as Frank Carter spoke to Mr. Pyke, one of Ms. Jones's attorneys, and attempted to persuade him not to depose Ms. Lewinsky -- Judge Wright held a lengthy hearing to discuss witness issues, the President's upcoming January 17, 1998, deposition, and the evidence that the parties planned to put on at trial.<sup>232</sup> During the hearing, which lasted almost the entire day, Judge Wright asked the parties to discuss the proof they each planned to introduce at trial.<sup>233</sup>

Ms. Jones's counsel went first, and explained that there were several different categories of witnesses that they intended to call at trial. Ms. Jones's counsel told Judge Wright that some of these witnesses "relate to the pattern and practice issue, the habit evidence. And that, obviously, is focused on his harassment of other women. And there are witnesses that relate to the issue that I will generally describe as the cover-up, the suppression of evidence, the intimidation of witnesses in

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<sup>231</sup> DE-DC-00000217-27 (Willey 1/11/98 Depo. excerpts).

<sup>232</sup> 921-DC-00000770-72 (Clerk's Minutes); 1414-DC-00001291-1444 (Hearing 1/12/98 Tr.).

<sup>233</sup> The hearing began at 10:25 a.m. and ended at 4:05 p.m. (with breaks throughout the day). 1414-DC-00001291-1444 (Hearing 1/12/98 Tr.).

a concerted, systematic effort to prevent our client and others like her from developing cases that they might bring."<sup>234</sup>

Ms. Jones's counsel then named the "other women" he planned to call at trial:

MR FISHER: They would include . . . [Jane Doe #2],  
Monica Lewinsky . . . .

THE COURT: Can you tell me who she is?

MR. FISHER: Yes, your Honor.

THE COURT: I never heard of her.

MR. FISHER: She's the young woman who worked in the White House for a period of time and was later transferred to a job in the Pentagon. . . . [And the other women are Jane Doe #7, Jane Doe #5] . . . Gennifer Flowers . . . [and there] are three other women who are possibilities in our thinking at this point . . . .

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THE COURT: Well, I'm going to have something to say about all of this stuff. But I'm going -- I'm letting you put on -- tell me what evidence you want to put on. Go ahead . . . .

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THE COURT: . . . . I'm literally asking the plaintiff and you to put out what evidence you've got. In other words, this is a civil case. I don't want to be -- I'm not -- I'm not going -- counting surprise, and I don't want the President's precious time to be occupied in a discovery deposition with a lot of stuff that either is a dead end street or I'm not going to let it in. . . .

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<sup>234</sup> 1414-DC-00001326 (Hearing 1/12/98 Tr. at 36).

Now, I have repeatedly said that the plaintiff will not be able to put on all the evidence that she has about what -- about Mr. Clinton's sexual proclivities. I've also said that she can put on some. . . .

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[Addressing the plaintiff] It would make me very happy if you just stuck to . . . the direct knowledge witnesses. And I know that the Rules of Evidence don't require you to do that, and in fact, the Rules of Evidence in harassment cases -- and I'm not citing any authority right now for it, but I know in harassment cases, frequently, court's [sic] permit other bad acts, other volatile acts, that kind of thing. And I'm also aware that in sexual assault cases, the Rules of Evidence promulgated by the Violence Against Women Act has certainly opened it up. So I can't say that you can't call any of the witnesses in group B [the pattern and practice issue witnesses].<sup>235</sup>

Judge Wright then explained why she was concerned about certain witnesses Ms. Jones's attorneys planned to call, such as a trooper with a memory of only assisting the President with visits with "nameless" women,<sup>236</sup> "other women" who did not have an employment nexus to the President,<sup>237</sup> and Jane Doe #5.<sup>238</sup> Judge Wright indicated that Ms. Jones's attorneys proposed to use "just too many witnesses," and told Ms. Jones's attorneys that she was planning on limiting the number of witnesses at trial.<sup>239</sup> For

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<sup>235</sup> 1414-DC-00001327-33 (Hearing 1/12/98 Tr. at 37-43).

<sup>236</sup> 1414-DC-00001334 (Hearing 1/12/98 Tr. at 44).

<sup>237</sup> 1414-DC-00001335 (Hearing 1/12/98 Tr. at 45).

<sup>238</sup> 1414-DC-00001339 (Hearing 1/12/98 Tr. at 49).

<sup>239</sup> 1414-DC-00001335 (Hearing 1/12/98 Tr. at 45).

purposes of discovery, however, Judge Wright permitted Ms. Jones's attorneys to ask the President "about people whose -- you know, whose names have been given you or people whom you have, you know, a reasonable basis for asking about."<sup>240</sup> Judge Wright also expressed concern about leaks to "Mr. Drudge" and the "Drudge report."<sup>241</sup>

During the hearing, Judge Wright encouraged the parties to settle the case, and she offered to speak directly with Ms. Jones about this prospect. Judge Wright made several comments to Ms. Jones's counsel about the strength of Ms. Jones's case. Judge Wright warned Ms. Jones's lawyers that she thought "it's unlikely that a jury will find for [Ms. Jones] if this matter goes to trial."<sup>242</sup>

Judge Wright also cautioned that settlement might be in the President's best interests, in part because "if this thing does go to trial, some of the Jane Does will be mentioned not as Jane Doe but as someone else, and some of the people who have been his friends will be very embarrassed and tainted for life as a result of embarrassing testimony about them."<sup>243</sup> Judge Wright reminded the parties that "I have repeatedly said that the plaintiff will not be able to put on all the evidence that she has about what --

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<sup>240</sup> 1414-DC-00001336 (Hearing 1/12/98 Tr. at 46).

<sup>241</sup> 1414-DC-00001299-300 (Hearing 1/12/98 Tr. at 9-10).

<sup>242</sup> 1414-DC-00001314 (Hearing 1/12/98 Tr. at 24).

<sup>243</sup> 1414-DC-00001315 (Hearing 1/12/98 Tr. at 25).

about Mr. Clinton's sexual proclivities. I've also said that she can put on some."<sup>244</sup>

Judge Wright discussed the President's deposition. She informed defense counsel that she was "not limiting the President's deposition" in the way that she limited the deposition of Jane Does #1-3.<sup>245</sup> Judge Wright also cautioned counsel about the matter and method of objections during the deposition:

I do not want the President's deposition to read like Jane Doe 1's first deposition or Jane Doe 3's deposition or the Betsey Wright deposition.

\* \* \* \*

If you have an objection, you are to state your objection. And you're not going to be misleading in any way or coach the witness in any way following your objection . . . . And I don't want you, you know, holding up the Jane Doe 1, 2 and 3 depositions and pointing to some sentence in there and reading it out of context, because that's -- I've been burned on that, Mr. Ettinger. And I'm not going to have it from you anymore.

\* \* \* \*

I'm talking about from your side, from the defense side and the witnesses' lawyers.<sup>246</sup>

The hearing also involved discussion about the potential use of the President's deposition. Judge Wright asked defense

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<sup>244</sup> 1414-DC-00001332 (Hearing 1/12/98 Tr. at 42).

<sup>245</sup> 1414-DC-00001407 (Hearing 1/12/98 Tr. at 117).

<sup>246</sup> 1414-DC-00001407-08 (Hearing 1/12/98 Tr. at 117-18). When Mr. Ettinger, one of the President's lawyers, objected to this characterization, Judge Wright stated that counsel for the witnesses were as culpable as other counsel for the defense, "if not more so." 1414-DC-00001408 (Hearing 1/12/98 Tr. at 118).

counsel whether the deposition would be a discovery deposition, rather than an evidence deposition:

THE COURT: And the President's deposition, I assume is a discovery one and will not be used as an evidentiary deposition; is that correct?

MR. BENNETT: Well, I don't know. I mean, that remains to be seen. I mean, what if on the date of the trial there's a world war? I mean, he --

THE COURT: Let me suggest this. I want you to conduct this deposition with one thing in mind. I don't want anyone to make any strategic moves and later tell me that this is in reliance on what I'm about --

MR. BENNETT: No.

THE COURT: -- to say. But keep in mind that because it is possible that -- because he is the President, he might not be here.

MR. BENNETT: And the Supreme Court said he didn't have to be.

THE COURT: That's right. And I would never require him to be here -- that you might have to use his deposition as evidence.

MR. BENNETT: That's correct.

MR. FISHER: Exactly, Your Honor. We -- we intend to.<sup>247</sup>

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<sup>247</sup> 1414-DC-00001425-26 (Hearing 1/12/98 Tr. at 135-36); see also Fed. R. Civ. P. 32(a)(3) (use of a deposition at a trial as substantive evidence).

Jan. 15, 1998: The President serves responses to document requests, interrogatories, and requests for admissions

On January 15, 1998, the President's attorneys served Ms. Jones's attorneys with the President's response to Ms. Jones's second set of document requests.<sup>248</sup> Requests #5-7 had asked the President to produce all documents and tangible things that related to "Monica Lewisky [sic]," and others.<sup>249</sup> In his response, the President objected to those requests, but stated that, notwithstanding his objections, he had "no documents" that would be responsive to the requests.<sup>250</sup>

The President's lawyers also served Ms. Jones's lawyers with the President's supplemental responses to Ms. Jones's first set of requests for admissions.<sup>251</sup> (Among these requests were Requests for Admissions 51-65, which had asked the President to admit or deny sexual relations with women other than Hillary Rodham Clinton and to admit or deny the use of state troopers for Governor Clinton's sexually-related encounters with "other

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<sup>248</sup> V002-DC-00000093-116 (President Clinton's Responses to Plaintiff's Second Set of Document Requests).

<sup>249</sup> V002-DC-00000102-05 (President Clinton's Responses to Plaintiff's Second Set of Document Requests at 10-13)

<sup>250</sup> V002-DC-00000103-05 (President Clinton's Responses to Plaintiff's Second Set of Document Requests at 11-13).

<sup>251</sup> 849-DC-00000283-86 (President Clinton's Supplemental Responses to Plaintiff's First Set of Requests for Admissions).

women."<sup>252</sup>) The President objected to these requests, but then denied the suggested sexual activity.<sup>253</sup>

Finally, also on January 15, 1998, the President's lawyers served President Clinton's supplemental responses to Ms. Jones's third set of interrogatories and her first request for documents.<sup>254</sup> That same day, January 15, 1998, the President verified "under penalty of perjury" that these supplemental interrogatory responses were "true and correct to the best of my knowledge and belief."<sup>255</sup> The supplemental responses identified: (1) two individuals not previously identified who had discoverable information (Diane Evans of the AIDC and Linus Raines of the Excelsior Hotel); and (2) persons to whom the President had denied the May 1991 Excelsior Hotel-related allegations, including Vernon Jordan, Bruce Lindsey, George Stephanopoulos, Dee Dee Myers, and James Carville.<sup>256</sup> With respect to the documents sought -- namely, those concerning legal

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<sup>252</sup> 849-DC-00000283-86 (President Clinton's Supplemental Responses to Plaintiff's First Set of Requests for Admissions); 849-DC-00000158-162 (First Set of Requests from Plaintiff to Defendant Clinton at 14-18).

<sup>253</sup> 849-DC-00000284 (President Clinton's Supplemental Response to Plaintiff's First Set of Requests for Admissions at 2).

<sup>254</sup> 849-DC-00000103-10 (President Clinton's Supplemental Responses to Plaintiff's Third Set of Interrogatories and Plaintiff's First Request for the Production Of Documents).

<sup>255</sup> 849-DC-00000109 (Verification).

<sup>256</sup> 849-DC-00000103-06 (President Clinton's Supplemental Responses to Plaintiff's Third Set of Interrogatories and Plaintiff's First Request for the Production Of Documents at 3-4).

fees -- the President objected to the request, but pursuant to court order revealed that his counsel had billed over \$2.3 million as of January 15.<sup>257</sup>

Jan. 16, 1998: President's lawyers notified of Jane Doe #3's deposition; Ms. Lewinsky moves to quash subpoena

On Friday, January 16, 1998, Ms. Jones's attorneys served the President's lawyers with a notice scheduling Jane Doe #3's deposition for January 28, 1998.<sup>258</sup>

Also on Friday, January 16, 1998, Frank Carter, counsel for Ms. Lewinsky, filed a motion for a protective order and sought to quash her subpoena.<sup>259</sup> Mr. Carter indicated that he had spoken with Ms. Jones's counsel on January 12, 1998, and again on January 15, 1998, in an unsuccessful attempt to persuade Ms. Jones's counsel not to proceed with the Lewinsky deposition. Mr. Carter explained: "I sent [Ms. Jones's counsel] a letter emphasizing my former arguments for not going forward with the deposition and enclosing an Affidavit from Jane Doe #6 [Monica Lewinsky] about her lack of knowledge of relevant evidence for

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<sup>257</sup> 849-DC-00000107 (President Clinton's Supplemental Responses to Plaintiff's Third Set of Interrogatories and Plaintiff's First Request for the Production Of Documents at 5).

<sup>258</sup> 920-DC-00000823-27 (Plaintiff's Third Amended Notice Duces Tecum Of The Deposition Upon Oral Examination Of [Jane Doe #3]).

<sup>259</sup> 1292-DC-00000657-60 (Motion of Jane Doe #6 for Protective Order and Motion to Quash); 1292-DC-00000661-86 (Memorandum in Support of Motion of Jane Doe #6 for Protective Order and Motion to Quash). The motion is file-stamped Tuesday, January 20, 1998. 850-DC-0000082 (Docket Sheet).

this case."<sup>260</sup> Because Ms. Jones's counsel had not acceded to this request, the motion asked Judge Wright to quash the subpoena and cancel Ms. Lewinsky's deposition because "[t]he deposition will not produce any relevant information and will be unreasonable and oppressive for Jane Doe #6."<sup>261</sup>

**Jan. 17, 1998: The President's deposition**

On Saturday, January 17, 1998, the President testified at a sworn deposition attended by Judge Wright.<sup>262</sup> As the deposition started, Judge Wright addressed the President's counsel's concerns regarding the scope of the President's deposition testimony. Judge Wright rejected the President's counsel's attempt to place new limits on the scope of deposition questioning. In so ruling, Judge Wright commented about the nature of the questions that the President would be asked: "Unfortunately, the nature of this case is such that people will be embarrassed."<sup>263</sup>

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<sup>260</sup> 1292-DC-00000658-59 (Motion of Jane Doe #6 for Protective Order and Motion to Quash at 2-3).

<sup>261</sup> 1292-DC-00000657-58 (Motion of Jane Doe #6 for Protective Order and Motion to Quash at 1-2).

<sup>262</sup> 849-DC-00000351-585 (Clinton 1/17/98 Depo.).

<sup>263</sup> 849-DC-00000360 (Clinton 1/17/98 Depo. at 9).

Jan. 21-30, 1998: Nathaniel Speights appears; OIC intervenes; Judge Wright excludes evidence about Ms. Lewinsky; another "other woman" testifies; discovery ends

On Wednesday, January 21, 1998, Nate Speights entered his appearance as counsel for Monica Lewinsky, and requested that Mr. Carter withdraw as counsel.<sup>264</sup>

The next day, Thursday, January 22, 1998, Ms. Jones's attorneys served an opposition to Ms. Lewinsky's motion for a protective order.<sup>265</sup> Ms. Jones's counsel argued that "[t]he parties and the various Jane Does have briefed extensively the law governing discovery of 'other women' in this case and Plaintiff will not burden the record by repeating that briefing."<sup>266</sup> Ms. Jones's counsel asserted that "Plaintiff believes that many statements in [Monica Lewinsky]'s affidavit are not true and that Mr. Clinton or those acting on his behalf encouraged her to lie. Plaintiff is entitled to discovery to pursue these theories, including the deposition of [Monica Lewinsky]."<sup>267</sup>

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<sup>264</sup> 921-DC-00000805 (Notice of Appearance for Nathaniel H. Speights).

<sup>265</sup> 921-DC-00000807-26 (Plaintiff's Statement in Opposition to Motion of Jane Doe #6 for Protective Order and Motion to Quash).

<sup>266</sup> 921-DC-00000807 (Plaintiff's Statement in Opposition to Motion of Jane Doe #6 for Protective Order and Motion to Quash at 1).

<sup>267</sup> 921-DC-00000807 (Plaintiff's Statement in Opposition to Motion of Jane Doe #6 for Protective Order and Motion to Quash at 1).

Later that day, Judge Wright conducted a hearing with counsel from all parties, and during part of the hearing, counsel for Monica Lewinsky. The Clerk's minutes reveal that during the hearing, Judge Wright denied Ms. Lewinsky's motion to quash. With regard to whether Ms. Lewinsky's deposition would proceed, the Clerk's minutes state:

Court states same rule will apply as to other Jane Does with respect to deposition and questions to be asked of her. . . . Court takes up supplemental motion of whether Court should continue deposition pending resolution of criminal investigation and advises counsel it would deny and Jane Doe would have to attend deposition and tell truth and could invoke 5th if about to incriminate herself.

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After additional discussions, Court directs that deposition should go forth but grants motion to reschedule . . . .<sup>268</sup>

In connection with the permission to reschedule, on Thursday, January 22, 1998, Judge Wright issued an order that "indefinitely continued" Ms. Lewinsky's deposition.<sup>269</sup>

On Monday, January 26, 1998, the President's attorneys issued a subpoena to the Office of the Independent Counsel ("OIC") that requested that the OIC to produce all documents it had that related to Monica Lewinsky, Linda Tripp, and Lucianne S. Goldberg.<sup>270</sup>

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<sup>268</sup> 921-DC-00000982 (Clerk's Minutes).

<sup>269</sup> 921-DC-00000827 (Order of Jan. 23, 1998).

<sup>270</sup> Letter from Robert S. Bennett to Kenneth W. Starr and attached subpoena, dated January 26, 1998.

The next day, Tuesday, January 27, 1998, the OIC filed a motion requesting a limited intervention in the Jones case so that the OIC could conduct its criminal investigation without interference.<sup>271</sup> Two days later, on Thursday, January 29, 1998, the OIC filed a motion to stay discovery in the Jones case, requesting Judge Wright to stay discovery pending resolution of the related criminal investigation.<sup>272</sup>

That same day, Thursday, January 29, 1998, Judge Wright held a hearing at which counsel for the parties and the OIC were present. Judge Wright issued an order later that day in which she observed that "OIC's motion comes with less than 48 hours left in the period for conducting discovery, the cutoff date being January 30, 1998." For this reason, Judge Wright stated that she was required to rule on the admissibility of the Monica Lewinsky evidence at that time. Citing Federal Rule of Evidence 403, which requires a judge to weigh the probative value of evidence against the prejudice it may cause, Judge Wright concluded:

[Rule 403]'s weighing process compels the conclusion that evidence concerning Monica Lewinsky should be excluded from the trial of this matter.

The Court acknowledges that evidence concerning Monica Lewinsky might be relevant to the issues in this case. This Court would await resolution of the criminal investigation currently underway if the Lewinsky evidence were essential to the plaintiff's

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<sup>271</sup> See Motion of the United States for Limited Intervention and for Modification of October 30, 1997 Protective Order.

<sup>272</sup> See Motion of the United States for Limited Intervention and a Stay of Discovery.

case. The Court determines, however, that it is not essential to the core issues in this case. In fact, some of this evidence might even be inadmissible as extrinsic evidence under Rule 608(b) of the Federal Rules of Evidence. Admitting any evidence of the Lewinsky matter would frustrate the timely resolution of this case and would undoubtedly cause undue expense and delay.<sup>273</sup>

Judge Wright held, however, that her "ruling today does not preclude admission of any other evidence of alleged improper conduct occurring in the White House."<sup>274</sup>

As discovery closed, Ms. Jones's attorneys deposed another "other woman" on Friday, January 30, 1998.<sup>275</sup> She denied that she ever engaged in "sexual activity" with the President.<sup>276</sup>

Finally, Ms. Jones's attorneys filed another motion to compel discovery from the President on January 30, 1998. This last motion to compel argued that the President was withholding documents by using privilege claims.<sup>277</sup> The documents in question related to the 1992 Clinton presidential campaign, James Lyons, Betsey Wright, Gennifer Flowers, Jane Doe #4, "J. Palladino," and others.<sup>278</sup> Ms. Jones's lawyers alleged that Mr. Palladino's

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<sup>273</sup> Order of Jan. 29, 1998, at 2 Jones v. Clinton, No. LR-C-94-290 (emphasis in original).

<sup>274</sup> Id.

<sup>275</sup> 920-DC-00001001-26 ("Other Woman" 1/30/98 Depo.).

<sup>276</sup> 920-DC-00001014 ("Other Woman" 1/30/98 Depo. at 76-77)

<sup>277</sup> 1414-DC-00001237-61 (Plaintiff's Motion to Compel Production of Documents or, in the Alternative, Motion for In Camera Inspection).

<sup>278</sup> 1414-DC-00001237-55 (Plaintiff's Motion to Compel Production of Documents or, in the Alternative, Motion for In

"assignment was to 'dig up dirt' on various women and to induce them not to disclose their sexual relationships with Defendant Clinton."<sup>279</sup>

**Feb.-Apr. 1998: Ms. Jones's lawyers fail to persuade Judge Wright to reconsider the exclusion of evidence about Ms. Lewinsky; Judge Wright grants summary judgment for the defendants**

On Tuesday, February 10, 1998, attorneys for Ms. Jones moved for reconsideration of Judge Wright's January 29, 1998, Order excluding testimony about Monica Lewinsky. Counsel for Ms. Jones argued that Judge Wright had erred in excluding the Monica Lewinsky testimony at this stage of the proceedings because, among other reasons, Rule 403 determinations should not be made before trial, Ms. Lewinsky's testimony was relevant to show a pattern and practice of behavior, and Ms. Lewinsky's testimony was relevant to demonstrate a pattern of suppressing evidence in the Jones case.<sup>280</sup>

A week later, on Tuesday, February 17, 1998, the President's attorneys filed a motion for summary judgment, with supporting

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Camera Inspection).

<sup>279</sup> 1414-DC-00001239 (Plaintiff's Motion to Compel Production of Documents or, in the Alternative, Motion for In Camera Inspection at 3).

<sup>280</sup> Plaintiff's Motion for Reconsideration or, in the Alternative, for Section 1292(b) Certification of Order Excluding Evidence Concerning Monica Lewinsky, Jones v. Clinton, No. LR-C-94-290 (Feb. 10, 1998); Memorandum in Support of Plaintiff's Motion for Reconsideration or, in the Alternative, for Section 1292(b) Certification of Order Excluding Evidence Concerning Monica Lewinsky at 7-11, Jones v. Clinton, No. LR-C-94-290 (Feb. 10, 1998).

material.<sup>281</sup> The President's lawyers argued that "Plaintiff's purported 'other acts' evidence concerning other women . . . is irrelevant to resolution of this Motion, because plaintiff cannot establish that she herself suffered a cognizable injury pursuant to a claim for sexual harassment or outrage."<sup>282</sup> The President's lawyers added that "[t]hus, even if plaintiff had evidence with respect to other women that could be said to establish a 'pattern and practice' of sexual harassment -- which we vigorously contend she does not -- such evidence is not material to this summary judgment motion . . . ." <sup>283</sup> On Wednesday, March 4, 1998, Mr. Ferguson filed his motion for summary judgment.<sup>284</sup>

On Monday, March 9, 1998, Judge Wright issued an order denying Ms. Jones's motion for reconsideration of the decision to exclude the Monica Lewinsky evidence. The order provided in relevant part:

The Court does not take the denial of plaintiff's motion for reconsideration lightly. The Court readily acknowledges that evidence of the Lewinsky matter might have been relevant to plaintiff's case and, as she argues, that such evidence might possibly have helped her establish, among other things, intent, absence of

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<sup>281</sup> President Clinton's Motion for Summary Judgment, Jones v. Clinton, No. LR-C-94-290 (Feb. 17, 1998); Memorandum in Support of President Clinton's Motion for Summary Judgment, Jones v. Clinton, No. LR-C-94-290 (Feb. 17, 1998).

<sup>282</sup> Memorandum in Support of President Clinton's Motion for Summary Judgment at 3, Jones v. Clinton, No. LR-C-94-290 (Feb. 17, 1998).

<sup>283</sup> Id.

<sup>284</sup> Jones v. Clinton, 990 F. Supp. 657, 666 (E.D. Ark. 1998).

mistake, motive, and habit on the part of the President. . . . Nevertheless, whatever relevance such evidence may otherwise have . . . it simply is not essential to the core issues in this case.<sup>285</sup>

On Friday, March 13, 1998, Ms. Jones's attorneys filed their opposition to the President's summary judgment motion. In the motion, Ms. Jones's attorneys argued that evidence of the President's treatment of other women, and his use of state troopers to facilitate relationships with other women, rendered summary judgment inappropriate and required the case to proceed to trial.<sup>286</sup>

On Wednesday, April 1, 1998, Judge Wright issued an order granting the defendants' motions for summary judgment and dismissed the case.<sup>287</sup> Judge Wright found that the Ms. Jones "failed to demonstrate that she has a case worthy of submitting to a jury."<sup>288</sup> The order concluded: "One final matter concerns alleged suppression of pattern and practice evidence. Whatever relevance such evidence may have to prove other elements of plaintiff's case, it does not have anything to do with the issues

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<sup>285</sup> Jones v. Clinton, 993 F. Supp. 1217, 1222 (E.D. Ark. 1998) (emphases added).

<sup>286</sup> Plaintiff's Opposition to Defendant Clinton's Motion for Summary Judgment, Jones v. Clinton, No. LR-C-94-290 (Mar. 13, 1998).

<sup>287</sup> Jones v. Clinton, 990 F. Supp. 657 (E.D. Ark. 1998).

<sup>288</sup> Jones v. Clinton, 990 F. Supp. 657, 679 (E.D. Ark. 1998).

presented by the President's and Ferguson's motions for summary judgment."<sup>289</sup>

Ms. Jones appealed. The case is currently pending before the United States Court of Appeals for the Eighth Circuit.

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<sup>289</sup> Jones v. Clinton, 990 F. Supp. 657, 678 (E.D. Ark. 1998).