

Here Are The Documents Bill Cosby Didn't Want You To Read [Updated]



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Filed to: BILL COSBY 7/06/15 6:42pm



Today saw the unsealing of documents from the 2005 civil suit in which Andrea Constand said Bill Cosby drugged and raped her while she worked at Temple University. The unsealing followed a request from the Associated Press, which Cosby's legal team fought it on the grounds that it shows a private person. Federal judge Eduardo C. Robreno agreed to open the records, citing, among other factors, the



comedian's longstanding morals crusade, which, in Robreno's view, diminishes his right to privacy. From Robreno's memo (with citations removed and emphasis added):

This case, however, is not about Defendant's status as a public person by virtue of the exercise of his trade as a televised or comedic personality. Rather, **Defendant has donned the mantle of public moralist and mounted the proverbial electronic or print soap box to volunteer his views on, among other things, childrearing, family life, education, and crime.** To the extent that Defendant has freely entered the public square and "thrust himself into the vortex of th[ese] public issue[s]," he has voluntarily narrowed the zone of privacy that he is entitled to claim.

One new piece of information from the records: Cosby said at one point he had seven prescriptions for Quaaludes and thought about using them on young women. This is from a plaintiff's motion concerning the conduct of Cosby and his lawyer during a deposition. The dialogue was included as part of a larger point about Cosby and his lawyer being difficult. From the motion:

After defendant testified that he obtained seven prescriptions for Quaaludes, the following testimony was elicited:

Q. You gave them to other people?

A. Yes.

(9/29/05, 66)

Q. You gave those drugs to other people knowing that it was —

MR. O'CONNOR: He said he gave it to T— - right now.

MS. TROIANI: He said other people. He did say other people.

BY MS. TROIANI:

Q. Knowing that it was illegal?

***MR. O'CONNOR:

Whatever the legality of it is, it will stand. I'm instructing him not to answer. He gave the Quaaludes. If it was illegal, the courts will determine that.

BY MS. TROIANI:

Q. Did you ever get another prescription for Quaaludes from another doctor after that time?

MR. O'CONNOR:

This is in the '70s?

THE WITNESS:

A. No.

BY MS. TROIANI:

Q. Who are the people that you gave the Quaaludes to?

MR. O'CONNOR: Keep it to the Jane Does. I'm not going beyond it. I'm instructing him not to answer it beyond the Jane Does.

(Tr. 9/29/05. 66-68)

BY MS. TROIANI:

Q. When you got the Quaaludes, was it in your mind that you were going to use these Quaaludes for young women that you wanted to have sex with?

A. Yes.

Q. Did you ever give any of those young women the Quaaludes without their knowledge?

MR. O'CONNOR: Object to the question. Restrict it to the Jane Does, would you, please

I'll be updating this post as I go through all the records. Robreno's memo is at the bottom of the post, and you can see all the court records by clicking here for our Scribd collection.

Update (7:10 p.m.): One woman said Cosby had sex with her after giving her Quaaludes when she was 19. Cosby said of this: "She meets me back stage. I give her Quaaludes. We then have sex." From the same plaintiff's motion (emphasis added is mine):

Defendant was questioned about **a Rule 415 witness' statement, in which she stated that at age 19, she met defendant who had sex with her after giving her Quaaludes.**

Her statement was ambiguous about whether or not they continued to see each other or simply met again two years later.

Defense counsel repeatedly interjected himself into the testimony, giving his version of the incident and once again denying the applicability of Rule 30 (c) to the proceedings.

THE WITNESS:

A. That's her statement. I don't know. How many years ago are we talking about? 197 what?

MR. O'CONNOR: 6.

BY MS. TROIANI:

Q. You thought it was later than that?

MR. O'CONNOR: He met her two years later.

THE WITNESS:

A. I meet Ms (Redacted) in Las Vegas. She meets me back stage. I give her Quaaludes. We then have sex. I do not I can't judge at this time what she knows about herself for 19 years, a passive personality.

Update (7:19 p.m.): Cosby said he called Tom Illus at mega-agency William Morris to get money to one of the Jane Does. It's a line of questioning that Cosby's lawyer quickly tried to end. From the same plaintiff's motion (emphasis added is mine):

Defendant testified that he called Tom Illus of the William Morris Agency and asked him to send money to one of the Rule 415 witnesses. He testified that Mr. Illus did not ask him why. He then testified:

Q. Have you ever asked him in the past to send money to women?

A. I'm not sure.

Q. Had you ever had a discussion with him concerning this process where he would act as a conduit for you to send funds to other people?

MR. O'CONNOR: If you restrict it to Jane Does, I'll allow him to answer the question or to Andrea.

MS. TROIANI: I believe the court said we can delve into other issues in his life concerning other women that he may or may not have paid.

MR. O'CONNOR: I don't believe so. The problem is it's a question of privacy for other consenting adults, if it's occurred. I don't think it would be appropriate. The judge says it is, we'll abide. I don't think it's appropriate to bring, if there are other women with a consenting relationship, into the situation.

MS. TROIANI: You don't know that they're consenting adults. Mr. Cosby believes Andrea consented. She does not. That's your issue. We've got to know who they are so we can find out from them.

MR. O'CONNOR: We do know who they are. There's 11 of them and you're on the second one.

Update (7:37 p.m.): Constand didn't ask for any money—only an apology—but Cosby still offered her money, according to his testimony, for her “education.” He also offered money to another woman. From the same plaintiff's motion (emphasis added is mine):

Defendant testified that even though both Plaintiff and her mother told him that all they wanted was an apology, he called Plaintiff's home and spoke to her mother to offer money for Plaintiff's "education." The following occurred during questioning about that event:

Q. So, are you saying that Andrea would have to prove to you that she got a 3.0 average wherever she went in order for you to pay for her education?

A. She would have to prove to me that while she was at said university that she was maintaining a 3.0.

Q. But you didn't require that of T— — —, did you?

A. T— — —, yes. How can you say, but you weren't? Do you know the deal with T— — —?

Q. You told us earlier.

A. What did I say it was?

MR. O'CONNOR: That wasn't the deal.

MS. TROIANI: I'm not talking about the deal.

Update (8:25 p.m.): There are more details about William Morris, what the agency might have known about Cosby's rape accusations, and testimony that Cosby "had a representative of the William Morris agency call Plaintiff." From a plaintiff's motion to compel discovery (emphasis added is mine):

Defendant admitted that in his initial conversation with Plaintiff and her mother, he asked them what they wanted and they said they only wanted an apology and to know the name of the drug Defendant had given to Plaintiff. He testified that some time after that call, he decided to call Plaintiffs mother to offer Plaintiff funds for “education” and to ask them to meet him in Florida. He then had a representative of the William Morris agency call Plaintiff. The William Morris agency also funneled money to one of the Rule 415 witnesses. It is believed that this line of questioning will lead to relevant information concerning other Jane Does, and other evidence which not only supports Plaintiffs version of the events, but also tends to prove the malicious actions of Defendant which evidence is relevant to punitive damages.

... Further, it is anticipated that discovery will reveal that various business associates were aware of Defendant’s actions and not only failed to warn Plaintiff but actively participated in her victimization.

Update (8:45 p.m.): Here’s a summary, as described by Constand’s lawyer, of Hollywood pit bull Marty Singer’s role in getting the *National Enquirer* to pull the story of another woman who said Cosby raped her. From a plaintiff’s motion to compel discovery (emphasis added is mine):

Apparently a California attorney named Marty Singer and Mr. Schmidt negotiated with the National Enquirer on behalf of Mr. Cosby. **Defendant testified that he learned that the paper was going to print Beth Ferrier's story from his lawyer Marty Singer and that he decided to give the paper an "exclusive interview" in exchange for their not printing the Beth Ferrier story, which he had been given the opportunity to review. He asserted the attorney client privilege in response to questions about what Mr. Singer told him about the article. Mr. Singer also called plaintiff on defendant's behalf.** Plaintiff seeks to delve into the relationship between defendant and Mr. Singer to determine if he is a practicing attorney or a celebrity agent and whether or not he was acting in his capacity as attorney at the relevant time.

Update (9:00 p.m.): Constand's lawyer provides this summary of the "educational trust" that she says Cosby offered Constand, even though she didn't ask for money. The attorney adds that Cosby offered an "educational trust" to one of the Jane Doe's as well. From a plaintiff's motion to compel discovery (emphasis added is mine):

Defendant admitted to the police and in his deposition that the plaintiff and her mother did not ask for money or the “educational trust” which he called to offer to her after the initial phone conversation with plaintiff and her mother. **He further admitted that he had previously used the “educational trust” device to pay one of the Rule 415 witnesses, when he believed that she was going to reveal their liaison.** The thrust of plaintiff’s defamation claim is that defendant knew that she had not asked for money or attempted to extort or embarrass him when he gave that statement to the police and the National Enquirer.

Update (9:16 p.m.): Constand’s lawyer, Dolores Troiani, wrote that several people told “the police and others” that Cosby used a Denver modeling agency to “supply” himself with young women. She also hits home again why she thought it was important to question how much William Morris knew—Troiani believed the agency knew for years about Cosby’s behavior and used other celebrities to cover it up. From a plaintiff’s motion to compel discovery:

Several people have given statements to the police and others that Defendant used a modeling agency in Denver to supply him with young women, many of whom claim to have been victimized by Defendant. In the instant case, Defendant in his role as “mentor” sent Plaintiff to New York to meet with a representative of the William Morris Agency. A representative of the agency called Plaintiffs home in an attempt to set up a

meeting with Defendant in Florida after Plaintiff's mother confronted Defendant. Defendant used the agency to funnel money to one of the Rule 415 witnesses.

Defendant testified that from the first time he saw Plaintiff he decided to have a sexual relationship with her, a fact of which she was unaware. A fair reading of his testimony indicates that to achieve his goal, he led her to believe that he was her mentor. The William Morris Agency's knowledge and role in this charade, which apparently has been repeated many times over the years, is relevant to the instant claim and may lead to the discovery of evidence which would result in the amendment of the complaint to add other defendants. It is inconceivable that the Agency did not know of defendant's longstanding difficulties with women, and plaintiff has the right to explore this area. Despite that knowledge, the Agency not only permitted defendant to libel plaintiff, it is anticipated that discovery will establish, it also used other celebrities under contract to them to publicize that slander, in order to preserve their economic interest in defendant. Such testimony is relevant to Plaintiff's claim.

Other details that Troiani mentioned include that Peter Weiderlight of William Morris said he booked three flights for Cosby in 18 months and all of them were women. Weiderlight also called Constand's home at one point, and the following passage gives an idea of the power of not asking certain questions:

Q. What did you tell Peter that caused him to make this phone call?

A. If he would call and find out if they were willing to come to Miami, I would pay for air travel and the hotel expense.

Q. Did he ask you why you wanted that to occur?

A. No.

Update (9:52 p.m.): Troiani offers a very passionate defense of open court records and how key they are to keeping the system fair. From the transcript of a telephone conference to discuss the sealing of records (emphasis added is mine):

Our courts are not secret. Our courts are open to the public and they're open to the public for a reason. And that is to preserve the integrity of this process. And Mr. Cosby should not be granted star status in the system. And I am extremely concerned about that. We, as lawyers, must come to court knowing that no matter who our client is, they're going to be treated like any other client. And your Honor and I'm certainly saying this with all due respect to the Court, there is absolutely no reason when a man chooses to go public and put his defense in the newspaper, why when we have decimated that defense and he has admitted under oath, that he deliberately killed the story that was going to show that he was not being truthful. Why now we have to conduct this litigation under seal.

I am also concerned that Associated Press came to you, tried to join in the motion for confidentiality and now they have no way of knowing what's going on here. They have no way of now presenting their case. You already ruled that this is not confidential. Frankly, your Honor, our client has three ways of vindicating herself. Settlement, trial or by having the public be made aware through these motions, what is going on in this court system.

Update (10:51 p.m.): Here is Cosby describing how he offered money to Constand's family as part of that "educational trust." From a plaintiff's reply (emphasis added is mine):

In his deposition, the statement Defendant gave to the Montgomery County, Pennsylvania authorities concerning his January 16, 2005 telephone call with Plaintiff and her mother was read to him and he admitted as follows:

Q. First I apologized twice. Then she said—I said, what do you want me to—and I assume the word do is left out. **I said, what can I do? And she said, nothing. She said, your apology is enough. I asked that twice. She said, nothing, there's nothing you can do. We hung up. I know Andrea so I called her back thinking, listen, I know that Andrea has talked about graduate school, why don't we have a conversation and talk about what she wants to be. Whatever graduate school, we will pick up the tab, but she must maintain a 3.0 GP A.**” When you say we, who do you mean?

A. Well, like our family, when we write a check, that's what we do.

Q. What was the response?

A. She did not accept, nor did she reject it.

Update (11:28 p.m.): Cosby continued to insist that what he gave Constand was Benadryl. He also answered one question by saying “that he no longer possessed Quaaludes as of November 2002,” according to one response to a motion by Constand's lawyers.

Update (11:40 p.m.): Cosby refused to answer questions about his “educational trusts,” saying in one response that he did them “for a variety of people, for a variety of reasons.”

Defendant is a wealthy and generous person. **He and his wife have established educational trusts and otherwise funded education for a variety of people, for a variety of reasons. The identities of the recipients and the reasons for the trusts are highly personal both to the Cosbys and the recipients.** Simply because Defendant offered Plaintiff an “educational trust,” however, she now hopes to learn everything about them.

Update (11:51 p.m.): Cosby denies using the Denver agency to supply himself with women. To the William Morris questions, his legal team argues that those questions are just part of a fishing expedition. From the same Cosby response (emphasis added is mine):

Plaintiffs argument in support of Question 41 is appalling. First, as Plaintiff knows, the modeling agency is Denver to which she refers is not the William Morris agency (nor did Defendant ever use any agency to "supply him with young women"). Second, Plaintiff admits that she seeks to learn more about Defendant's relationship with the William Morris agency in the vague hope that she will discover "evidence which would result in the amendment of the complaint to add other defendants."

Plaintiff simply presumes the veracity of several women whom she has not met, arguing that "[i]t is inconceivable that the Agency did not know of Defendant's longstanding difficulties with women." Plaintiff has no right to use discovery in this case to find support for additional claims.

Fed. R. Civ. P. 26(b)(1) Advisory Committee Notes to 2000 Amendments (noting that parties "have no entitlement to discovery to develop new claims or defenses"). Even if such discovery were permissible, it still would not justify a broad inquiry into all the personal matters for which Defendant utilizes the William Morris agency.

The logic previews what Cosby will say years later, questioning why people believe the women who say they were drugged and raped by him.

Update (12:41 a.m.): Multiple records talk about an a contract between the *National Enquirer* and Cosby. In a defendant's memorandum, Cosby's legal team acknowledges: "The papers reveal

an agreement between Defendant and the *National Enquirer*, which agreement contains a confidentiality clause and which both parties have kept confidential.”

Update (1:13 a.m.): While arguing for their ability to get records from the *Enquirer*, Constand’s lawyers quote this part of Cosby’s deposition in which he talks about getting the tabloid to not print Ferrier’s story. The emphasis is as it appears in the document:

Q. What is your understanding of the agreement that you had with the National Enquirer concerning the story that appeared in the National Enquirer which was your exclusive interview termed my story?

A. I would give them an exclusive story, my words.

Q. What would they give you in return?

A. They would not print the story of— print Beth's story.

(Cosby dep. 9/29/05, 161)

Q. Did you ever think that if Beth Ferrier's story was printed in the National Enquirer, that that would make the public believe that maybe Andrea was also telling the truth?

A. Exactly.

Q. So that you knew when this article was printed, when you told the Enquirer this, that you had to make the public believe that Andrea was not telling the truth?

A. Yes.

Update (1:35 a.m.): Cosby said in a deposition that he asks his employees to sign confidentiality agreements. He said: "We ask them—they have a choice. And the answer is yes, but they have a choice." When asked what happens if they don't sign, Cosby replies: "We kill them. No, they just don't sign."

Image via Getty

More Cosby horror stories



Two More Cosby Accusers Come Forward with Disturbing Assault Stories



Rambling Bill Cosby Evades Rape Questions In Bizarre ABC Interview



Watch Tina Fey and Amy Poehler Scorch Bill Cosby at the Golden Globes

Diana Moskovitz's Discussions

All replies



theeyesofanicedragon > Diana Moskovitz

7/06/15 6:50pm

fuck this guy; he'll likely have enough money/lawyers to keep himself out of jail, but his role of moral arbiter—no, that's been dead and gone for a while now, he needs to be publicly banished, so that he cannot show his face anywhere.



58

↳ Reply 5 replies



terriblehuman > theeyesofanicedragon

7/06/15 7:14pm

His brand of "pull up your pants and stop using naughty words" brand of morality was bullshit anyway.



162

↳ Reply 4 replies



Sylverstone Khandr > terriblehuman

7/06/15 7:18pm



Parappa Tha Trappa

@GuyNamedTawanda

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Bill Cosby was telling us to stop selling drugs and pull our pants up while he was drugging women and pulling their pants down

6:52 PM - 6 Jul 2015

377

360

↳ Reply 3 replies



331



ExplodedClownCigarLips > Diana Moskovitz

7/06/15 6:50pm

Cosby immediately given honorary degree by Florida State

↳ Reply



388



CaesarAgustusGloop > Diana Moskovitz

7/06/15 6:56pm

J-A-I-L-O

↳ Reply 7 replies



414