

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,
PENNSYLVANIA—CRIMINAL DIVISION

2017 MAR 28 AM 9:21

COURT OF COMMON PLEAS
MONTGOMERY COUNTY
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. CP-46-CR-3932-2016

v.

WILLIAM H. COSBY, JR.

**DEFENDANT’S MOTION TO EXCLUDE ANY EVIDENCE REGARDING
DEFENDANT’S CONDUCT WITH WOMEN OTHER THAN ANDREA CONSTAND
AND ACCUSER NUMBER SIX**

TO THE HONORABLE STEVEN T. O’NEILL, COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY:

Defendant William H. Cosby, Jr., by and through his attorneys, submits the following motion to exclude any evidence regarding defendant’s conduct with women other than Andrea Constand and Accuser Number Six, for the reasons discussed below:

1. Evidence regarding Mr. Cosby’s alleged conduct with women other than the alleged victim, Ms. Constand, i.e., evidence of defendant’s alleged prior bad acts, has already been considered and decided by the Court following a thorough and comprehensive briefing and hearing process. In its Order entered on February 24, 2017 (the “404(b) Order”), the Court allowed only evidence regarding the account of Accuser Number Six, finding that all other evidence of the accounts of other women should be excluded, and that such evidence is more unfairly prejudicial than probative. Thus, the only evidence of Mr. Cosby’s conduct that can be admitted at trial is that with Ms. Constand and Accuser Number Six.
2. The effect and import of the Court’s 404(b) Order should require the exclusion of the portions of Mr. Cosby’s civil deposition testimony regarding the alleged accounts of three of the accusers at issue in the Commonwealth’s Motion to Introduce Evidence of

Prior Bad Acts of Defendant, filed on September 6, 2016 (“404(b) Motion”) because the Court specifically excluded them (Accuser Numbers Four, Ten and Eleven). It should also require exclusion of testimony regarding the alleged accounts of women which the Commonwealth was aware of, but decided not to include in the Motion after concluding that their limited probative value did not warrant the Court’s consideration (there was no testimony about Accuser Number Six).

3. Mr. Cosby’s civil deposition testimony that initially appears to be about “women” generally (including testimony about the offering or provision of Quaaludes, money, or educational funds to other women) should also be excluded because of the effect and import of the Court’s 404(b) Order, as well as for the following reasons:
 - (a) Review of the full four days of disjointed deposition testimony reflects that the testimony the Commonwealth may seek to admit is not, in fact, about “women” generally, but about particular women that the Court has already excluded in the 404(b) Order;
 - (b) The admission of such testimony would also require the introduction of testimony about the women who have been excluded to place the testimony seemingly about “women” generally in context—which would circumvent the Court’s 404(b) Order;
 - (c) As a factual matter, what appears to be testimony about women “generally” could not include Ms. Constand or Accuser Number Six as evidenced by Mr. Cosby’s deposition testimony itself and the accounts of Ms. Constand and Accuser Number Six. The testimony, even if taken out of context, did not and could not

apply to Ms. Constand or Accuser Number Six and is only prior bad acts evidence;

- (d) Prior bad acts evidence is generally inadmissible and only admitted if one of the recognized exceptions apply. As the Court previously held in its 404(b) Order, the common scheme, plan or design exception also referred to by courts as the *modus operandi* exception does not apply; and
- (e) Even if admissible, the minimal probative value of the testimony is outweighed by its prejudicial effect. The testimony about Quaaludes and the alleged provision of money or educational funds is quintessentially the kind of evidence that causes “unfair prejudice,” i.e., a “tendency to suggest decision on an improper basis or to divert the jury’s attention away from its duty of weighing the evidence impartially.” Comments to Pa.R.Evid. 403. Further, the testimony will cause confusion of issues because the testimony would result in a trial within a trial on collateral issues.

WHEREFORE, Mr. Cosby requests that the Court (1) limit the evidence and references to allegations and proof to that which relates to Andrea Constand and Accuser Number Six only, and (2) exclude documentary evidence, testimony, questioning, suggestion, insinuation or innuendo regarding defendant’s alleged conduct with any other women who allegedly engaged in sexual contact with Mr. Cosby. This would require exclusion of the following types of evidence:

- a. Deposition testimony of Mr. Cosby related to allegations of alleged sexual contact with other women;
- b. Deposition testimony of Mr. Cosby related to obtaining, offering, and providing Quaaludes, other prescriptions or controlled substances to any other woman;

c. Deposition testimony of Mr. Cosby related to any alleged offer or provision of money or educational funds to other women;

d. Any reference to Accuser Number Six's coming forward with her allegations together with, or because of, other women who publicly accused Mr. Cosby of sexual misconduct; and

e. Any reference to the Commonwealth's decision to re-open its investigation of Ms. Constand's claims based on the allegations made by other women.

Respectfully submitted,



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IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,
PENNSYLVANIA—CRIMINAL DIVISION

2017 MAR 28 AM 9:22

CLERK OF COURTS
OFFICE
MONTGOMERY COUNTY
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. CP-46-CR-3932-2016

v.

WILLIAM H. COSBY, JR.

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT’S MOTION TO EXCLUDE
ANY EVIDENCE REGARDING DEFENDANT’S CONDUCT WITH WOMEN OTHER
THAN ANDREA CONSTAND AND ACCUSER NUMBER SIX**

PRELIMINARY STATEMENT

This Court, after extensive briefing, and the presentation of evidence and argument, held that evidence relating to any allegations made by women other than the named accuser, Andrea Constand, would be limited to one woman—Accuser Number Six. However the Commonwealth may now attempt to characterize evidence regarding Mr. Cosby’s alleged conduct with any other women against Mr. Cosby at trial, such evidence must be excluded because it falls within the Court’s earlier finding that any probative value of other prior bad acts evidence is outweighed by the danger of unfair prejudice.

Therefore, Mr. Cosby respectfully requests that the Court: (1) limit the evidence and references to allegations and proof to that which relates to Andrea Constand and Accuser Number Six only; and (2) exclude documentary evidence, testimony, questioning, suggestion, insinuation, or innuendo regarding defendant’s alleged conduct with any other women who allegedly engaged in sexual contact with Mr. Cosby. This will include, for example, the following types of evidence:

- a. Deposition testimony of Mr. Cosby related to allegations of alleged sexual contact with other women;
- b. Deposition testimony of Mr. Cosby related to obtaining, offering, and providing Quaaludes, other prescriptions or controlled substances to any other woman;

- c. Deposition testimony of Mr. Cosby related to any alleged offer or provision of money or educational funds to other women;
- d. Any reference to Accuser Number Six's coming forward with her allegations together with, or because of, other women who publicly accused Mr. Cosby of sexual misconduct; and
- e. Any reference to the Commonwealth's decision to re-open its investigation of Ms. Constand's claims based on the allegations made by other women.

ARGUMENT

Evidence regarding Mr. Cosby's alleged conduct with women other than the alleged victim, Ms. Constand, is plainly evidence of defendant's alleged prior bad acts. This Court has already carefully considered the issue of prior bad act evidence after a thorough and comprehensive briefing and hearing process. The Court allowed only evidence regarding the account of Accuser Number Six, finding that all other evidence of the accounts of other women should be excluded, and that such evidence is more unfairly prejudicial than probative.

The complete and meticulous presentation by the Commonwealth and the Court's own rigorous scrutiny of the evidence in light of the law regarding admission of prior bad acts underscores the significance and scope of the Court's 404(b) Order. On September 6, 2016, the Commonwealth presented its list of the prior bad acts that it sought to introduce at trial, as required by Pennsylvania Rule of Evidence 404(b)(3) ("Rule 404(b)(3)"), in its "Motion to Introduce Evidence of Prior Bad Acts of Defendant" ("404(b) Motion"). Consistent with Rule 404(b)(3), the Commonwealth presented an extensive and detailed motion in advance of trial with the clear intention of allowing the Court to conclusively address the admissibility of all evidence relating to other women. The Commonwealth consciously and deliberately selected the stories of thirteen women for admission at trial from a larger group of women that it had investigated. It specifically advised that it would not burden the Court with having to evaluate the stories of any of the other women it had interviewed or investigated, and instead would present the Court with the thirteen

that the Commonwealth believed that the Court would find admissible.¹ Over a period of several months, the Commonwealth filed its sixty-six page 404(b) Motion, defendant filed a forty-six page response, the Court conducted two days of hearings where the parties argued extensive details about the thirteen women and submitted volumes of documentary evidence, and later the Commonwealth submitted an additional forty-two page post-hearing brief and defendant submitted a thirty-three page post-hearing brief.

The Court, “following a sedulous analysis of the proposed evidence under both the ‘common plan, scheme and design’ and ‘absence of mistake’ exceptions, and following a careful balancing of the probative value of the other acts evidence and the prejudice to the Defendant,” held that the accounts and allegations made by Accusers One through Five, and Seven through Thirteen were excluded.² The Court’s 404(b) Order, particularly in light of the extensive briefing and hearing, should operate to conclusively preclude any evidence of other prior bad acts, other than the specific account of Accuser Number Six. This motion is intended to eliminate any ambiguity regarding the scope and import of the Court’s 404(b) Order, and to preclude the Commonwealth from seeking to admit evidence of defendant’s alleged conduct with other women under the guise of something other than prior bad act evidence.

In particular, the Commonwealth has advised that it intends to offer Mr. Cosby’s civil deposition testimony as a party admission pursuant to Pennsylvania Rule of Evidence 803(25).³

¹ 404(b) Motion at 2-3.

² Order, entered on February 24, 2017 (the “404(b) Order”).

³ The issues raised in this motion with respect to Mr. Cosby’s deposition testimony were not the subject of, or otherwise raised by, Mr. Cosby’s earlier Motion to Suppress. The Motion to Suppress sought to exclude the deposition because it was only taken in reliance upon the District Attorney’s promise not to prosecute Mr. Cosby, which induced him to waive his Fifth Amendment right against self-incrimination.

Mr. Cosby's deposition, taken in connection with a civil suit filed by Ms. Constand,⁴ occurred during four days: two days in September 2005 and two days six months later in March 2006. In addition to questions about Ms. Constand, Mr. Cosby was questioned about allegations made by other women then referred to as the "Jane Does" that had made allegations against Mr. Cosby. This included testimony regarding the alleged accounts of three of the accusers, whom the Court specifically excluded (Accuser Numbers Four, Ten, and Eleven), as well as alleged accounts of women of whom the Commonwealth was aware but decided not to include in its 404(b) Motion, after concluding that their limited probative value did not warrant the Court's consideration. Notably, at his deposition, Mr. Cosby was *not* questioned about, and there is thus *no* testimony concerning, Accuser Number Six. This testimony about the Jane Does is prior bad acts evidence already excluded by the Court, and there should be no question that the deposition testimony about those specific women must be excluded.

Merely because there is an exception to the hearsay rule does not eliminate or otherwise trump the principle that any alleged prior bad acts evidence is presumed inadmissible, and will be excluded absent a finding that one of the limited recognized exceptions applies. *See Commonwealth v. Ewell*, 465 A.2d 13, 14, 16 (Pa. Super. Ct. 1983) (conviction for driving under the influence of alcohol reversed due to improper admission of defendant's statement that he "had an incident before for drunken driving," which was prior bad acts evidence). This principle is based upon the recognition that "[e]vidence of prior criminal activity . . . is probably only equaled

⁴ Ms. Constand's civil lawsuit was filed on March 8, 2005, following the press release issued on February 17, 2005 by the District Attorney for Montgomery County, Bruce Castor. It was filed in the United States District Court for the Eastern District of Pennsylvania, and asserted, among other things, claims of battery, sexual assault and intentional infliction of emotional distress. That lawsuit settled on July 13, 2006.

by a confession in its prejudicial impact upon a jury.” *Commonwealth v. Spruill*, 391 A.2d 1048, 1050 (Pa. 1978).

The Commonwealth suggests that some portions of the deposition testimony that initially appear to concern testimony about Mr. Cosby’s conduct with “women” generally may be introduced as defendant’s admissions about Ms. Constand and Accuser Number Six, simply because they are “women.” However, testimony that may appear initially and out of context to apply to women generally, in fact applies only to particular women, whom the Court has excluded in its 404(b) Order. This is because the deposition was not conducted in a linear fashion. That is, topic *x* would occupy a portion of the morning of deposition day one, and then be revisited in the afternoon, on the morning of the third deposition day and then on the fourth day in the afternoon. This is in part because, following motion practice, much of the last two days of the deposition was spent rereading ground previously covered in the first two days of deposition, including the re-asking of forty-six questions and additional follow-up to those questions. During the four days of deposition testimony, which meandered back and forth between topics (and was interspersed with attorney objection, argument and banter further confusing the record), deposition testimony regarding the accounts of women that the Court has explicitly excluded is intertwined and overlapping with the testimony that appears to concern women generally. When taken in context, it is clear that testimony that may initially appear to be testimony about women generally, in fact applies only to particular women. This is illustrated in a discussion regarding Quaaludes in the Commonwealth’s 404(b) Motion. To support its proffer to admit the testimony of Accuser Number Four as a prior bad acts witness (a proposed witness whom the Court considered and has now explicitly excluded), the Commonwealth stated: “[W]hen asked about when [Defendant] got the Quaaludes and whether it was in his mind to use these Quaaludes for young women who he

wanted to have sex with, he answered in the affirmative. After his attorney objected, however, he changed his answer to ‘no’ and said ‘Woman, meaning [Prior Victim Number Four], and not women.’”⁵ The Commonwealth thus concedes that what appears to be an admission regarding the provision of Quaaludes to women (plural), was later corrected and made clear that Mr. Cosby’s testimony was limited to Accuser Number Four. That is, there is no dispute that Mr. Cosby’s testimony was that when he received the prescription for Quaaludes, he had it in his mind to offer them to Accuser Number Four, a woman with whom he had an almost twenty-year relationship, and with whom he intended to have consensual sex. The full four days of deposition testimony provides no more clarity on the issue of sex and Quaaludes—only establishing that Accuser Number Four took Quaaludes voluntarily. Accuser Number Four has expressly been excluded by the Court. To allow the Commonwealth to take this or other testimony about Accuser Number Four and present it out of context with general testimony about other women to insinuate that Mr. Cosby ever provided Quaaludes to other women and had sex with them—when there is no such testimony—would be completely misleading. Given the fact that Mr. Cosby’s true testimony can only be understood if the entirety of the four days of transcript are scrutinized and analyzed, allowing out-of-context statements as “admission” evidence would ultimately result in the circumvention of the Court’s 404(b) Order and allow testimony the Court has already excluded. It would open a Pandora’s box at trial that is clearly not what the Court intended by its 404(b) Order or what the law would support.

Moreover, a review of Mr. Cosby’s deposition testimony regarding Quaaludes and the statements of Ms. Constand and Accuser Number Six proffered by the Commonwealth demonstrates that, as a factual matter, Mr. Cosby’s testimony that may appear to include “all

⁵ Commonwealth’s 404(b) Motion p. 16, ¶¶ 13.

women” generally, could not and does not include Ms. Constand and Accuser Number Six. Quaaludes is the brand name for the drug Methaqualone, “a non-barbiturate sedative-hypnotic that is a general depressant of the central nervous system.” *Mendozav. Secretary, Florida Dept. of Corrections*, 761 F.3d 1213, 1217 n.3 (11th Cir. 2014) (citation and internal quotation marks omitted). Quaaludes were available by prescription up until 1983, and “by the mid-1980s the drug was mostly gone.”⁶ While in the 1960s and 1970s, Quaaludes were a popular recreational drug touted to enhance consensual sexual activity, they have no relevance to the only allegations that the Court will allow at trial, which are Ms. Constand’s and Accuser Number Six’s allegations about alleged conduct in 1996 and 2004. Neither Ms. Constand nor Accuser Number Six claims that either was given or took Quaaludes. Neither claims that she ingested any drug involuntarily when she was with Mr. Cosby. Ms. Constand alleges that in 2004, she voluntarily took three “round or oval, blue and small” pills that Mr. Cosby offered to her.⁷ Ms. Constand (and the Commonwealth) cannot identify the type of pills she took, and she certainly does not identify them as Quaaludes. Accuser Number Six also alleges she voluntarily took a pill in 1996, but does not identify it as a Quaalude.⁸ Indeed, the pills that Ms. Constand and Accuser Number Six allegedly took could not have been Quaaludes, because Quaaludes became unavailable in the mid-1980s, *more than a decade* before the alleged incident with Accuser Number Six and *two decades* before the alleged incident with Ms. Constand.

A review of Mr. Cosby’s deposition confirms that his testimony regarding Quaaludes bears no relationship to the accounts of Ms. Constand or Accuser Number Six. Mr. Cosby testified that

⁶ Herzberg, David, *Quaalude Nostalgia: A Retro Drug That Everyone Remembers Fondly*, THE ATLANTIC (February 21, 2002), <http://www.theatlantic.com/health/archive/2012/02/quaalude-nostalgia-a-retro-drug-that-everyone-remembers-fondly/252285/>.

⁷ CP001170.

⁸ CP003172.

he only had Quaaludes in the mid-1970s, when he obtained them from legally-obtained prescriptions written by one physician.⁹ He had a very limited amount of the Quaaludes, as they only came from about seven prescriptions written by that single doctor.¹⁰ Moreover, those few prescriptions were written and filled during a narrow window of time—two to three years during the mid-1970s.¹¹ Mr. Cosby never obtained Quaaludes in any other way—not from another doctor (by prescription or otherwise), not from any other source (i.e., on the “street”), and not at any other time.¹² Obviously, as Mr. Cosby’s testimony confirms, by the time he had any contact with Ms. Constand, the small number of Quaaludes he had in his possession two decades earlier were long since gone.¹³ Therefore, the only Quaaludes Mr. Cosby ever had were obtained legally by prescription in the mid-1970s; came from one source, a doctor; were limited in quantity over two to three years in the mid-1970s; and, as should be self-evident, were no longer in his possession when the incidents with Ms. Constand and Accuser Number Six allegedly occurred, several decades later.

Because any general statement about Quaaludes, even when taken out of context, did not and could not apply to Ms. Constand and Accuser Number Six, it could therefore logically only apply to other women whose accounts this Court already excluded in its 404(b) Order.¹⁴ Apparently recognizing that the so-called “admission” also constitutes alleged prior bad acts

⁹ Transcript of the Deposition of William H. Cosby, Jr. (“Cosby Depo. Tr.”) (9/29/2005) at 63:11-64:10.

¹⁰ *Id.* at 64:21-65:1.

¹¹ *Id.* at 65:20-23.

¹² *Id.* at 67:14-19, and 75:4-9.

¹³ *Id.* at 62:5-10.

¹⁴ Even if it were relevant to the alleged accounts of Ms. Constand and Accuser Number Six, the breadth of the statement and its reference to women, plural, would necessarily include other women, who this Court has already excluded in its 404(b) Motion. It must therefore be excluded on this basis alone because any probative value would be outweighed by the unduly prejudicial effect it would have if introduced.

testimony, which is excluded absent application of one of the recognized exceptions, the Commonwealth suggests that the evidence might fall within the “*modus operandi*” exception. The phrase “*modus operandi*” is synonymous with the phrase “common scheme, plan or design;” courts refer to them interchangeably. *See, e.g., Commonwealth v. Fortune*, 346 A.2d 783, 787 (Pa. 1975) (“the existing facts fail to support a common plan. Only four of the six robberies share a *modus operandi*.”); *Commonwealth v. Ross*, 57 A.3d 85, 104 (Pa. Super. Ct. 2012) (en banc) (witnesses’ testimony “did not establish any particular *modus operandi* or other pattern of conduct on [defendant’s] part so unusual and distinct as to constitute a ‘signature’ identifying him as [the victim’s] killer”). The “common scheme, plan or design,” also called the *modus operandi*, exception is the very same exception relied upon by the Commonwealth in its 404(b) Motion, and which was copiously analyzed and considered by this Court when it excluded all prior bad acts, save the account of Accuser Number Six. This issue therefore should not have to be reevaluated again.

Furthermore, “[t]he court may exclude relevant evidence if its probative value is outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.” Pa. R. Evid. 403. The Court is “obliged to balance the probative value of such evidence against its prejudicial impact.” *Ross*, 57 A.3d at 98, quoting *Commonwealth v. Sherwood*, 982 A.2d 483, 497 (Pa. 2009). As discussed above, any probative value is minimal because the degree of similarity between Ms. Constand’s (or Accuser Number Six’s) allegations and the testimony regarding Quaaludes is slight. On the other hand, the potential unfair prejudicial impact is significant. The testimony about Quaaludes is quintessentially the kind of evidence that causes “unfair prejudice,” i.e., a “tendency to suggest decision on an improper basis or to divert the jury’s

attention away from its duty of weighing the evidence impartially.” Comments to Pa. R. Evid. 403. Any discussion of Quaaludes would only divert the jury away from its duty of weighing the evidence as to Ms. Constand, the only alleged victim. Quaaludes have not been available in this country for nearly two decades. They were part of a bygone era where the use of drugs for recreational purposes and in combination with casual sex was part of the culture; the days and the mores of the 1960s and 1970s are long forgotten, unfamiliar, and would not be acceptable today. Further, the testimony on Quaaludes will cause confusion of issues because this testimony would result in a trial within a trial on collateral issues, e.g., the pharmacological makeup of Quaalude uses, its effects on the users, the historical popularity of the drug, and its distribution through prescriptions. This would be a needless waste of the Court and jury’s time when neither Ms. Constand nor Accuser Number Six have made any allegations about taking Quaaludes. Indeed, Ms. Constand and Accuser Number Six could make no reasonable allegations about a drug that became unavailable decades before their allegations, and any discussion by the Commonwealth about Quaaludes would not be grounded in any factual issue related to Ms. Constand or Accuser Number Six—it would be designed solely to insinuate some kind of prior bad act by Mr. Cosby that has no bearing on the allegations at issue in this trial.

Another example of the way in which Mr. Cosby’s deposition testimony includes inadmissible prior bad acts concerns his testimony regarding the provision of money or educational funds to other women. Ms. Constand claims that Mr. Cosby offered her an educational trust fund after she made accusations about him, implying that Mr. Cosby offered her the fund in exchange for her silence. Notably, Accuser Number Six’s account does not include any allegation that Mr. Cosby offered an educational fund or money. At his deposition, Mr. Cosby was questioned about

providing money to particular women whose accounts have already been excluded by this Court.¹⁵ Mr. Cosby was also asked broader questions about providing money, seemingly not specific to particular women. For example, Mr. Cosby was asked whether he ever sent money to women through his representatives and whether he offered an educational trust to any of the other women who made claims against him.¹⁶ The provision of money or educational funds alone without any context or connection to any particular time or circumstances under which the gifts were offered renders it impossible to establish that the acts are so nearly-identical as to show a unique “signature,” as required under Rule 404(b). Any possible limited probative value of this evidence is outweighed by its prejudicial effect. If the Commonwealth were permitted to use Mr. Cosby’s testimony about monetary gifts provided to other women, it would be provided completely out of context without any related evidence. The jury, therefore, would be forced to improperly speculate and guess about when such gifts were given, what his relationship was to the women allegedly receiving such gifts, and the circumstances under which he offered or the women requested such monetary gifts. *See Fortune*, 346 A.2d at 786-87. This deposition testimony about gifts of money or educational funds, like that relating to Quaaludes, therefore must be excluded.

CONCLUSION

Mr. Cosby respectfully requests that the Court prohibit counsel or witnesses from making any reference to women who allegedly had sexual contact with defendant other than Ms. Constand or Accuser Number Six. This should include deposition testimony of Mr. Cosby related to allegations of alleged sexual contact with other women; deposition testimony of Mr. Cosby related to obtaining, offering, and providing Quaaludes, other prescriptions or controlled substances to

¹⁵ *See, e.g.*, Cosby Depo. Tr. (9/29/2005) at 81:17-82:19 (regarding Accuser Number Four).

¹⁶ *See, e.g., Id.* at 84:16-24, and 203:17-23.

any other woman; and deposition testimony of Mr. Cosby related to any alleged offer or provision of money or educational funds to other women;

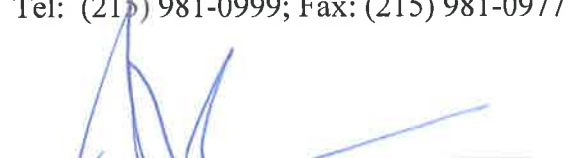
Counsel should be precluded from making references to other women who allegedly had sexual contact with Mr. Cosby, and witnesses should be admonished in advance of testifying that they may not reference other women, including those who have accused Mr. Cosby of sexual misconduct.

The Commonwealth should also be directed to admonish Ms. Constand and Accuser Number Six that they may not reference their communications, contact, or conversations with any of the other accusers or women including the following: her participation in a press conference with other women who made accusations against defendant, that she came forward after or in connection with the stories of other women, that she was on television shows with other women, or that she appeared at other press and events with other women who made accusations against defendant.

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