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U.S.

Sex-Abuse Lawsuit Against Prince Andrew Faces First Court Test

A federal judge is weighing whether Virginia Giuffre's lawyers have given the British royal proper notice of the legal accusations

Virginia Giuffre, in sleeveless blouse, leaving court in Manhattan in 2019.

PHOTO: SHANNON STAPLETON/REUTERS

By James Fanelli
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A federal judge Monday is weighing whether the U.K.'s Prince Andrew has been given proper notice about a lawsuit accusing him of sexual abuse.

Virginia Giuffre, who previously accused the late disgraced financier Jeffrey Epstein of sexual abuse, filed a lawsuit against the royal in federal court in Manhattan on Aug. 9, saying Mr. Epstein and an associate, Ghislaine Maxwell, coerced her into having sex with the prince in the early 2000s. At the time, she was under 18 years old, the lawsuit says.

In the U.S. legal system, a plaintiff in a lawsuit is required to notify the defendant of the allegations and a date and time to show up and defend themselves. An industry of so-called process servers helps track down people and give them lawsuits, and there is a long history of defendants working to avoid them.

In a legal filing Friday, David Boies, a lawyer for Ms. Giuffre, said Prince Andrew had apparently instructed his attorneys to evade service of the lawsuit in an attempt to thwart it. Nonetheless, he said his team had properly served the prince, and that the wide-scale media coverage of the lawsuit makes it implausible for Prince Andrew not to know about the complaint.

"Prince Andrew himself already has notice of this lawsuit and is evaluating his chances of success," Mr. Boies wrote.

A hearing on the lawsuit is scheduled for Monday afternoon before U.S. District Judge Lewis Kaplan in New York City. Judge Kaplan previously said if Prince Andrew's lawyers don't appear at the hearing, he wants lawyers for Ms. Giuffre to explain how they have tried to serve the prince. The prince resides in England.

Spokespeople for Prince Andrew didn't immediately respond to a request for comment. Prince Andrew, the second-oldest son of Queen Elizabeth II and ninth in line for the throne, has previously denied Ms. Giuffre's accusations. In a British Broadcasting Corp. interview in 2019, he said couldn't recall meeting her.

The law firm Blackfords LLP, which has represented Prince Andrew in the Justice Department's probe of Mr. Epstein, said in a Sept. 6 letter to an official in the U.K. court system that Hague Convention rules require a judicial or diplomatic official —not Ms. Giuffre's lawyers—to request service of the papers through the U.K. court system.

Ms. Maxwell's lawyers didn't immediately respond to a request for comment.

In late August a corporate investigator hired by Ms. Giuffre's lawyers twice tried to deliver a summons and copy of the suit to the Royal Lodge, the prince's residence in southeast England, according to Mr. Boies's filing. Police at a gate

outside the lodge accepted the court papers on the second attempt but said they were instructed to not allow process servers on the grounds, Mr. Boies said.

Ms. Giuffre's lawyers also sent the lawsuit to the prince's official email address, as well as to Blackfords and other lawyers whom they believe represent the prince, Mr. Boies said.

Ms. Giuffre's lawyers are also in the process of requesting service to Prince Andrew through a part of the U.K.'s judicial system that handles foreign judicial requests, according to Mr. Boies.

Mark Zauderer, a partner at the law firm Ganfer Shore Leeds & Zauderer, said handing the court papers to a defendant is the best way to serve a lawsuit. But Mr. Zauderer, who isn't connected to the case, said Ms. Giuffre's lawyers have made a plausible argument that they have properly served Prince Andrew under The Hague Convention and local British law.

"I think at the end of the day, Prince Andrew's lawyers are on a fool's errand trying to block service," Mr. Zauderer said, adding that unnecessary delays could irritate the judge presiding over the lawsuit. Judge Kaplan would likely approve an alternative method of service to Prince Andrew like email or publication in the legal notices section of a newspaper, Mr. Zauderer said.

Ms. Giuffre's lawsuit says she was sexually abused by Mr. Epstein and Prince Andrew between 2000 and 2002, beginning when she was 16 years old.

In 2019 Mr. Epstein died by hanging in federal prison in Manhattan, where he was in custody awaiting trial on federal charges of trafficking minors to have sex with him and associates in his business circle. His death was ruled a suicide.

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