

implicate the Fifth Amendment, in that by requiring [*14] Epstein to list such persons or witnesses, Epstein is being forced to incriminate himself in the commission of crimes.

Epstein's assertion of the Fifth Amendment as it relates to Interrogatories 1, 2, 9 and 12, is likewise sustained and Plaintiff's Motion in this regard denied. While these interrogatories ask for general, identification-type information, which on their face may not appear to infringe upon or otherwise implicate Epstein's rights under the Fifth Amendment, based on the particularized showing made by Epstein in his Response Memorandum, the facts alleged in the Complaints, and the undersigned's knowledge of the cases, it is clear they involve compelled statements that would furnish a link in the chain of evidence needed to convict him of a crime, allowing Epstein to assert his Fifth Amendment privilege.

Interrogatory No. 1 asks Epstein to identify all employees who performed work or services inside his Palm Beach residence and Interrogatory No. 2 asks Epstein to identify all employees not identified in Interrogatory No. 1 who at any time came to Defendant's Palm Beach residence. Interrogatories 9 and 12 are similar in nature requesting information regarding the identity of persons providing transport services (Interrogatory [*15] 9), and a list of Epstein's employee's telephone numbers (Interrogatory 12).

Epstein raises the same general objections to each of these interrogatories, referring to the allegations in the Complaints of sexual abuse, exploitation and battery, along with the alleged scheme of recruiting girls to come to his Palm Beach mansion to give him "massages," and then states that requiring him to identify his employees, his drivers, and his employee's telephone numbers, "would be a link in the chain of evidence needed to convict him of a crime." Then, in his Response Brief, Epstein goes further and makes a particularized showing for each of the subject interrogatories identified above explaining how answering these interrogatories present a real and substantial danger of self incrimination. See Epstein's Resp. Brief, pp. 18-20.

As noted previously, the Fifth Amendment privilege against self incrimination is accorded "liberal construction," Hoffman, 341 U.S. at 486, and extends not only to answers that would in themselves support a criminal conviction, but extends also to those answers which would furnish a link in the chain of evidence needed to prosecute the claimant for a crime. *Id.* Thus to be afforded protection, the answer need [*16] not necessarily be enough to support a criminal conviction; it is enough if the response merely provides a lead or clue to evidence having a tendency to incriminate. *Neff*, 615 F.2d at 1239. In asserting his Fifth Amendment privilege, Epstein expresses a concern that employees who either worked at his Palm Beach residence or visited his Palm Beach residence during the relevant time period, or drivers who drove himself or others to or from his Palm Beach residence would be privy to evidence that would implicate Epstein in a crime. Given the allegations raised in the Complaints and the elements required to convict Epstein of a crime, and considering the background facts underlying the case, these concerns are reasonable, real and not unjustified. As such, the subject requests, which essentially ask Epstein to identify potential witnesses against him, are subject to Epstein's assertion of his Fifth Amendment privilege against self incrimination.

In sustaining Epstein's Fifth Amendment privilege, the Court has considered the facts alleged in the Complaints, the elements needed to convict Epstein of a crime, the particularized showing made in Epstein's Response Brief, and drawn upon the Court's

For internal use only

For internal use only