

From: "[REDACTED]" <[REDACTED]>

To: "[REDACTED] (NY) (FBI)" <[REDACTED]>

Subject: FW: US v. Maxwell - [conferral re photo and other discovery deficiencies]

Date: Wed, 12 May 2021 02:35:50 +0000

Attachments: (U__FOUO)_Responsiveness_Review_of_Digital_Evidence_processed_by_CART.pdf

From: Laura Menninger <lmessenger@hmflaw.com>

Sent: Friday, May 7, 2021 4:43 PM

To: [REDACTED] <[REDACTED]>

Cc: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED]

[REDACTED] <[REDACTED]>; Jeff Pagliuca <[REDACTED]>

Bobbi Sternheim <[REDACTED]>

(CIV) <[REDACTED]>

Subject: RE: US v. Maxwell - [conferral re photo and other discovery deficiencies]

[REDACTED] -

Thank you for your response of April 23. I haven't heard back from you last week as promised on this or my April 28 request, so I'm writing to follow up. I have responses to specific questions of yours below in blue.

Additionally, I have more questions regarding your production of "highly confidential" ("HC") images and videos. When we met the week of April 13 in NY, during which time I requested to view all evidence in the government's possession, including all highly confidential material, you described for me two hard-drives that contained all of the HC images and videos from this case.

- First, one of those hard-drives you said contained all of the materials extracted from the disks contained in the black binders. There were approximately 40,000 or so images (Excel spreadsheet SDNY_GM_00467567) of which 3,400 images were deemed HC and tagged "#nudity" by your team (SDNY_GM_00467568). (I still await a response regarding the problems with your metadata overlay).
- Second, the other hard-drive contained images extracted from Epstein's devices which were searched pursuant to a warrant. You said the responsive image/video files were contained on that second hard-drive, and there were approximately 2,100 "nude" or HC images on that hard-drive. You did not produce the metadata for those images because it was still present on the files which had been digitally extracted.

As I understood it then, there were approximately 5,500 HC images that you made available for review. However, the FBI Report dated January 27, 2021 (produced at SDNY_GM_02742399) indicates there are approximately 33,747 HC images and 895 HC videos that were identified by a digital review of CART-processed evidence; I presume based on the CART numbers that this list is the same as the images extracted from Epstein's devices, or as I understood it, the content on your hard-drive #2 above.

I am completely unclear as to why you informed me that there were 2,100 nude images from Epstein's devices, but this report seems to indicate there were approximately 34,000 HC images and videos. Please let me know if I am misunderstanding what you told me and if so, what the correct information is.

I reiterate my request that you provide to us hard-drives with all of the HC material minus any child pornography.

I am available to discuss if that would be more convenient.

Thanks,
Laura

Laura A. Menninger | Partner
Haddon, Morgan & Foreman, P.C.
150 █. 10th Avenue | Denver, CO 80203

From: █ <█>
Sent: Friday, April 23, 2021 10:13 AM
To: Laura Menninger <█>
Cc: █ (USANYS) <█>; █ <█>; █ <█>; █ <█>; █ <█>; Jeff Pagliuca <█>; Bobbi Sternheim <█>; █ <█>
(CIV) <█>; █ <█>
Subject: RE: US v. Maxwell - [conferral re photo and other discovery deficiencies]

Laura,

I am working with our team as quickly as we can to address the issues you raised in the below email. In particular:

- I have asked our vendor to look into the issues with SDNY_GM_00467566. When I attempt to access that document on our Relativity database, I also receive an error message saying that the document is corrupt. I am not sure what this spreadsheet is because the only two spreadsheets that I'm aware of that correspond with the SDNY_PROD011 contained in the November 9, 2020 production are the two other Excel spreadsheets you referenced. In any event, I am looking into the issue.

[I understand from your subsequent email that the Excel spreadsheet at 467566 does not have any content. Are there any other "Bates-stamped" documents without content?](#)

- I am similarly working with our vendor to understand how to best identify for you which Bates number corresponds with the metadata in the index contained in the Excel spreadsheets.

[We received your overlay on April 27. On April 28, I wrote you back with the persistent problems despite the overlay. I do not see that you have responded to those concerns. Can you please advise?](#)

- Can you please provide me with a list of the photos that you are unable to view? Once I have that list, I will check to see whether we are able to open them on our end.

[I am not able to provide you a list of the photos I am unable to view, for a number of reasons including my work-product protections. I can highlight the file types that are contained on the disk and perhaps your vendor can tell us which reader will work with those file types:](#)

apmaster
apversion
attr
avi
bmp
bup
dat
data
db

db-journal
doc
ds_store
f catalog
ifo
images #1
images 2
iphoto
ivc
jpg
mov
mpg
NULL
pdf
png
pps
ps
psb
psd
raf
tif
tiff
tropez
txt
xlsx
xml

- Can you be more specific in identifying photographs that you believe should have been produced but have been omitted, please? We have endeavored with the FBI to produce copies of all non-nude photographs recovered from searches of Epstein's residence to the defense, and I am not aware of any intentional omissions.

[See above.](#)

- I am discussing with the FBI your request that we produce all Highly Confidential images to you. I will respond to that request next week.

[I do not believe I received a response to this last week as indicated. Can you please update me?](#)

- Once we have a firm trial date, I will let you know by what date I expect to be able to provide you with a list of the Highly Confidential photographs we may introduce at trial.

[Please advise.](#)

- I am working with our paralegals to assess the list of files that your client is unable to review at the MDC. As soon as we have finished looking into those issues, I will let you know.

[Is there any update on this project?](#)

Best,

██████████

From: Laura Menninger <██████████>
Sent: Wednesday, April 21, 2021 1:42 PM
To: ██████████ <██████████>

Otherwise, I think the burden of reviewing adult nudity only in the government's office or courthouse imposes an extraordinary cost on our client and prevents us from analyzing the metadata, having our experts review the file structures, keeps us from preparing photos for use at trial, and generally impedes our defense.

In a similar vein, can you let me know when you are willing to disclose any photos that you intend to introduce at trial? As to any of those, I will need sufficient information and time to analyze them for foundation and admissibility purposes with an appropriate expert.

Finally, I am attaching an incomplete list of the documents that our client still cannot read at MDC. It is a small sample, as she has had to spend hours of her "review" time communicating to our staff which files she cannot read. Also, the manner in which the discovery was provided to her (load file format) precludes her from comparing the "image" and the "native" files (they do not, for example, have clearly labeled bates-stamps).

I would appreciate as prompt a response as you can provide so that we can address any issues with the Court on Friday.

Thanks,
Laura

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