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October 21, 2020

FOIA PRIVACY EXEMPTION

VIA E-MAIL AND FEDEX

The Honorable Geoffrey S. Berman
United States Attorney for the
Southern District of New York


Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007


**Re: Request for Tangible and Documentary Evidence (Touhy Request)
VE v. Darren K. Indyke, et al., SDNY Case No. 1:19-cv-07625
Victim: **

Dear :

In follow up to our previous communications, please accept this as our formal written request for documentary and tangible evidence currently in the in the possession, custody, and control of the Department of Justice by way of the Southern District of New York relating to the sexual abuse of one of Jeffrey Epstein's many victims, VE.¹ See United States ex rel. *Touhy v. Ragen*, 340 U.S. 462 (1951). We make this written request pursuant to the *Touhy* regulations codified as 28 C.F.R. § 16.21 et seq. Should you find there to be any deficiencies within this request, please notify us and we will do what is necessary to correct any such shortcomings.

VE

VE was sexually assaulted by prolific pedophile, Jeffrey Epstein, on two occasions in 2000, when she was only 15 years old, record of which we believe is currently in the Government's possession as a result of the investigation that was conducted into Epstein's criminal activity relating to the sexual abuse of minor children. Given the highly relevant nature of this tangible evidence to VE's

¹ To protect her anonymity, our client,  has elected to proceed as a VE. As such, we have referred to her herein using the pseudonym under which she has filed her lawsuit.

currently pending litigation, we request production of documentary evidence relating to VE in order to enable her to prove her claims from both a liability and damages standpoint.

We specifically seek copies of the following documents that we believe are currently in the possession of the Government:

- 1) Photographs of VE;
- 2) Videos of VE;
- 3) Any and all correspondence between Jeffrey Epstein, his agents, or his employees, and VE;
- 4) Any and all documents including VE's true name;
- 5) Any and all lists including VE's true name; and
- 6) Any and all other documentary materials relating in any way to VE.

Pursuant to the *Touhy* regulations set forth by the Department of Justice, the Deputy or Associate Attorney General assesses the following considerations in determining whether disclosure is warranted:

(a)(1) Whether such disclosure is appropriate under the rules of procedure governing the case or mater in which the demand arose;

(a)(2) Whether disclosure is appropriate under the relevant substantive law of privilege. This request satisfies both of these considerations. As explained previously, the requested non-privileged documentary evidence directly concerns the allegations in Doe's civil case.

Due to the establishment of the Epstein Victim Compensation Program that is currently underway, VE seeks this information on an expedited basis in order to properly and completely present her claim for consideration, and if necessary, to continue to proceed by way of formal litigation. The requested information is within the scope of ordinary practice and does not seek disclosure of information prohibited by statute or regulation. Furthermore, this request does not seek information that is classified or that would reveal the source or identity of any informant. To that effect, VE specifically does not request any investigatory records compiled for law enforcement purposes that would interfere with ongoing law enforcement proceedings. VE simply requests information in the Government's possession that will assist in the prosecution of her claims and ultimately, aid in her ability to finally obtain the justice that she deserves. To the extent that the requested materials can be made available to VE on an expedited basis, it would be greatly appreciated.

Please contact us at your earliest convenience to discuss the identity of VE in more detail, at which time we are fully prepared to answer any questions that you may have.

Very truly yours,
EDWARDS POTTINGER LLC



Bradley Edwards
Brittany Henderson