

Christian R. Everdell  


November 15, 2021

**BY FIRST CLASS MAIL**

Mr. Kenneth A. Polite, Jr.  
Assistant Attorney General  
Criminal Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

**Re: *United States v. Ghislaine Maxwell*, S2 20 Cr. 330 (AJN)**

Dear Assistant Attorney General Polite:

We represent the defendant, Ghislaine Maxwell, in the above-referenced matter. This letter constitutes a request made pursuant to *United States ex. rel. Touhy v. Regan*, 340 U.S. 462 (1951), for the testimony of (1) FBI Special Agent  and (2) former Assistant United States Attorney  at the trial in this case on November 29, 2019 at 9:00 A.M., before the Honorable Alison J. Nathan, United States District Judge.

In accordance with 28 C.F.R. § 16.23(c), we make the following statement setting forth a summary of the testimony we seek:

SA  was co-case agent in charge of an investigation into allegations of sexual abuse by Jeffrey Epstein conducted by the Palm Beach FBI and the U.S. Attorney's Office for the Southern District of Florida from approximately July 2006 to June 2008 (the "Florida Investigation"). During the course of the Florida Investigation, SA  was present for numerous interviews of witnesses who alleged that they were sexually abused by Jeffrey Epstein, including at least one witness who is anticipated to testify against Ms. Maxwell at the trial in the above-captioned case (the "Witness"). The interview of the Witness took place on August 7, 2007. SA  took contemporaneous notes of the interview and summarized his notes in an FBI 302, dated August 13, 2007. The government has produced SA  notes and the FBI 302 to the defense as part of the criminal discovery in this case. In the event that the Witness's testimony at trial is inconsistent with the statements she made at the August 7, 2007 interview, the defense would seek to call SA  to impeach the Witness.

 is a former Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York ("USAO-SDNY"), who is

now in private practice.<sup>1</sup> In her capacity as the Human Trafficking and Project Safe Childhood Coordinator for the USAO-SDNY, ██████████ met with attorneys for several of the alleged victims who are testifying against Ms. Maxwell in this case on February 29, 2016. At that meeting, the attorneys for the alleged victims attempted to persuade ██████████ to open an investigation into Jeffrey Epstein and Ms. Maxwell and discussed how a previous investigation into Mr. Epstein by the United States Attorney's Office for the Southern District of Florida had been resolved by a Non-Prosecution Agreement ("NPA"). ██████████ took contemporaneous notes of that meeting and soon afterwards emailed the Chief of the Criminal Division of the USAO-SDNY to discuss the case. The USAO-SDNY did not open an investigation at that time.

In late-November 2018, ██████████ read an article in the *Miami Herald* which was extremely critical of the Epstein NPA and highlighted the extent of Mr. Epstein's alleged crimes. Shortly after reading the *Miami Herald* article, ██████████ approached prosecutors in the Public Corruption Unit of the USAO-SDNY, including several of the prosecutors on this case, and told them about the February 29, 2016 meeting. ██████████ also provided the prosecutors with her notes of the meeting and other documents in her file. Shortly after that, the USAO-SDNY opened an investigation into Epstein that ultimately led to the indictment against Ms. Maxwell.

The government has produced to the defense in discovery, among other things, ██████████ notes of the February 29, 2016 meeting, emails between ██████████ and the prosecutors from the Public Corruption Unit in November-December 2018, and the prosecution team's notes of a February 11, 2021 phone call with ██████████ in which she discusses her recollection of the February 29, 2016 meeting and her interactions with the prosecutors in November-December 2018. In the event that Judge Nathan permits the defense to elicit testimony at trial about the February 29, 2016 meeting and ██████████ subsequent interactions with the prosecutors on this case in November-December 2018, the defense would seek to call ██████████ to testify about those topics.

The testimony of SA ██████████ is relevant and material to the issues in this case. Furthermore, it is Ms. Maxwell's position that the disclosure is appropriate under rules of

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<sup>1</sup> Although Ms. Kramer is no longer an employee for the Department of Justice, the Department's *Touhy* regulations apply to "any information acquired by any person while such person was an employee of the Department as a part of the performance of that person's official duties or because of that person's official status." 28 C.F.R. § 16.21(a); see also Justice Manual, Section 1-6.111 (included in the definition of "employee" are "former Department employees in cases in which the subpoena or demand seeks testimony as to information acquired while the person was employed by the Department").

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procedure and that disclosure, to Ms. Maxwell's knowledge, would not violate any statute or regulations or reveal confidential sources, classified information, trade secrets, ongoing investigations, or investigatory techniques. (28 C.F.R. § 16.26(b)).

If you have any questions or would like to discuss further, please do not hesitate to contact me.

Sincerely,

/s/ Christian R. Everdell  
Christian R. Everdell  
**COHEN & GRESSER LLP**  
800 Third Avenue, 21st Floor  
New York, New York 10022  
[REDACTED]

cc: All counsel of record (by email)