

COPY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FGJ NO. 07-103 (WPB)



IN RE:

GRAND JURY PROCEEDINGS

MOTION TO SEAL

The United States of America, by and through the undersigned Assistant United States Attorney, hereby moves to seal its "Sealed Motion for Permission to Disclose Grand Jury Material" for the following reasons:

1. The Application contains information regarding proceedings before West Palm Beach Federal Grand Jury 07-103, which is subject to the secrecy protections of Fed. R. Crim. P. 6.

2. Pursuant to Rule 6(e)(6), "[r]ecords, orders, and subpoenas relating to grand-jury proceedings must be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a matter occurring before a grand jury."

**WHEREFORE**, the United States respectfully requests that the Application and any Order related to the Application be sealed.

Dated: May 30, 2017

Respectfully submitted,

BENJAMIN G. GREENBERG  
ACTING UNITED STATES ATTORNEY

[REDACTED]  
ASSISTANT U.S. ATTORNEY  
Florida Bar No. [REDACTED]  
500 South Australian Ave, Suite 400  
West Palm Beach, Florida 33401  
Tel: [REDACTED]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FGJ NO. 07-103 (WPB)

IN RE:

GRAND JURY PROCEEDINGS  
\_\_\_\_\_ /

**SEALED ORDER**

It is hereby ordered that the United States' Sealed Motion for Permission to Disclose Grand Jury Material and the Order granting same be **SEALED** until further Order of this Court, except that a copy of this Order, the Motion for Permission to Disclose Grand Jury Material and the Order granting same shall be provided to counsel for the United States.

**DONE AND ORDERED** in chambers this \_\_\_\_\_ day of May, 2017, at West Palm Beach, Florida.

\_\_\_\_\_  
DANIEL T. K. HURLEY  
SENIOR UNITED STATES DISTRICT JUDGE

cc: [REDACTED], AUSA

EFTA00086376

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

FGJ 07-103(WPB)

IN RE:

GRAND JURY PROCEEDINGS

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SEALED MOTION FOR PERMISSION TO DISCLOSE GRAND JURY MATERIAL

The United States of America, by and through the undersigned Assistant United States Attorney, hereby moves the Court for permission to disclose certain materials relating to matters occurring before West Palm Beach Federal Grand Jury # 07-103. In support thereof, the Government states:

1. In September 2006, as part of its investigation named "Operation Leap Year," the United States served a grand jury subpoena on a witness named [REDACTED] [REDACTED]. See Exhibit 1 at P-003734 thru P-003735. Based upon the investigation, Ms. [REDACTED] was identified as a potential victim of the lead target, Jeffrey Epstein.

2. After service of the subpoena, Ms. [REDACTED] retained the services of James Eisenberg, Esq. to represent her. Jeffrey Epstein paid for that representation.

3. Mr. Eisenberg communicated to me orally and in writing that Ms. [REDACTED] would assert her Fifth Amendment privilege if she were forced to appear before the grand jury, and that the government needed to obtain immunity pursuant to 18 U.S.C. §§ 6001-6003 and a compulsion order from the Court to avoid the assertion of the privilege. Exhibit 2.

4. Due to the expiration of the original grand jury, in January 2007, a new grand jury subpoena was issued on behalf of West Palm Beach Federal Grand Jury #07-103. Exhibit 1 at P-003738.

5. On January 24, 2007, the undersigned sent a letter to Mr. Eisenberg enclosing the subpoena and discussing the investigation and grand jury proceeding. Exhibit 1 at P-003736 thru P-003737.

6. On February 1, 2007, Mr. Eisenberg responded via letter. His letter discusses the grand jury subpoena, the investigation, and Ms. [REDACTED] likely testimony. Exhibit 1 at P-003732 thru P-003733.

7. On February 5, 2007, I provided Mr. Eisenberg with two proposed *Kastigar* letters that, again, discuss the grand jury's investigation. Exhibit 1 at P-003739 thru P-003743, P-003745.

8. In response to a complaint from Mr. Eisenberg (*see* Exhibit 3), I prepared an "Authorization for Reimbursement of Unusual Expenses of Fact Witnesses" to pay for [REDACTED] during Ms. [REDACTED] grand jury testimony. Exhibit 1 at P-003744.

9. On February 12, 2007, Mr. Eisenberg sent a letter detailing the reasons for Ms. [REDACTED] refusal to testify without a compulsion order. This letter, again, discusses the grand jury's investigation and matters occurring before the grand jury. Exhibit 1 at P-003730 thru P-003731.

10. Based upon Mr. Eisenberg's letter and representations, the U.S. Attorney's Office applied to the Justice Department for authorization to grant immunity pursuant to 18 U.S.C. §§ 6001-6003. After receiving that authorization, in April 2007, the United States filed a Sealed Motion for an Order compelling the testimony of [REDACTED] [REDACTED]. Exhibit 1 at P-003714 thru P-003721.

11. On April 16, 2007, the Court granted the government's Sealed Motion in a Sealed Order. Exhibit 3. Judge Middlebrooks was the judge who empaneled Federal Grand Jury 07-103. The Sealed Order states, in part, that the "Order shall be SEALED in accordance with Fed. R.

Crim. P. 6(e)(6), except that a copy of this Order shall be provided to counsel for the United States, who may disclose the existence of the Order [to a list of persons]. Those persons may review the Order, but may not retain a copy of the Order, nor may they disclose the existence of the Order to any others.”

12. In 2008, Ms. [REDACTED] became a petitioner in the matter of *Jane Doe 1 and Jane Doe 2 v. United States*, S.D. Fla. Case No. 08-80736-Civ-Marra (“the *Jane Doe* suit”). Ms. [REDACTED] was allowed to proceed, at her request, via the pseudonym “Jane Doe 2” because she was a minor during the criminal activity committed by Jeffrey Epstein. Ms. [REDACTED] was an adult during all proceedings related to the grand jury subpoena.

13. In her suit against the United States, Ms. [REDACTED] avers, in part, that her “right to confer with the attorney for the Government in the case” and her “right to be treated with fairness and with respect for the victim’s dignity and privacy,” 18 U.S.C. § 3771(a)(5), (a)(7), were violated. I was the “attorney for the Government,” although there was no “case” because the U.S. Attorney’s Office never filed charges against Jeffrey Epstein or any other person involved in criminal activity with Ms. [REDACTED].

14. In the *Jane Doe* suit, U.S. District Judge Kenneth A. Marra allowed limited discovery. Exhibits 1 and 2 were listed on a privilege log and provided to Judge Marra *in camera* for review. The United States asserted that the items should not be produced because they were governed by Fed. R. Crim. P. 6(e) and included “[d]ocuments under seal pursuant to court order.” Exhibit 4 at DE212-1 pp. 1, 6.

15. There was extensive litigation regarding the privilege log, including the assertion of the confidentiality of grand jury materials. Judge Marra agreed with the government’s assertion

that Exhibit 1 involved matters occurring before the grand jury and ordered that they need not be produced. Exhibit 5 at pp. 5-10, 26, 28.

16. In the *Jane Doe* suit, Ms. [REDACTED] has filed a motion for summary judgment, asserting that there is no issue of material fact regarding her claim that her rights to confer and to be treated with respect were violated. In support of that motion, Ms. [REDACTED] filed a Declaration. Exhibit 6.

17. In the declaration, Ms. [REDACTED] makes a number of assertions, including that “there could not have been any doubt in anyone’s mind . . . that Epstein sexually molested me as a minor”; “I believed that if I told the truth about what happened at Epstein’s house, the police [REDACTED] [REDACTED]”; “I had been greatly intimidated, which is why I could not be truthful initially and I wanted to end the threat of the possibility of [REDACTED]”; and “I wanted to assist the prosecutors in the investigation.” *Id.*

18. These statements are contradicted by Exhibits 1, 2, and 3, and, accordingly, the U.S. Attorney’s Office now respectfully requests that the Court unseal redacted versions of Exhibits 1, 2, and 3.

19. This matter relates to issues occurring before the grand jury and, accordingly, is governed by Fed. R. Crim. P. 6(e). Under that Rule, the “court may authorize disclosure – at a time, in a manner, and subject to any other conditions that it directs – of a grand-jury matter: (i) preliminarily to or in connection with a judicial proceeding.”

Federal Rule of Criminal Procedure 6(e) provides that the traditional rule of grand jury secrecy may be placed aside under certain circumstances to allow for disclosure. Specifically, Rule 6(e)(3)(E)(i) states that a district court “may authorize disclosure—at a time, in a manner, and subject to any other conditions that it directs—of a grand-jury matter . . . preliminary to or in connection with a judicial proceeding.” The Supreme Court has explained that a party seeking disclosure of grand jury materials must make a showing of a “particularized need” by demonstrating that (1) the materials are needed to avoid an injustice in another

proceeding; (2) the need for disclosure is greater than the need for continued secrecy; and (3) the request is structured to cover only needed materials.

*United States v. Moussaoui*, 483 F.3d 220, 235 (4th Cir. 2007) (citing *Douglas Oil Co. v. Petrol Stops Northwest*, 441 U.S. 211, 222 (1979)).

20. Portions of Exhibits 1, 2, and 3 are relevant to a judicial proceeding, that is, the *Jane Doe* suit. The portions that the U.S. Attorney's Office wishes to disclose are attached hereto as Exhibit 7. Disclosure of these portions of the documents are necessary to avoid injustice in the *Jane Doe* suit, that is, to properly inform Judge Marra that Ms. [REDACTED] did not, in fact, wish to confer with an attorney for the Government during the relevant time frame and she was treated with respect by the U.S. Attorney's Office and the investigative team. Given that Jane Doe 2 herself has made these materials relevant to the *Jane Doe* suit, the need to disclose Exhibit 7 outweighs the need for secrecy, and Exhibit 7, which is a redacted version of Exhibits 1, 2, and 3, properly limits the disclosure of the grand jury materials only to what is needed.

21. Prior to filing this Motion, I inquired of Judge Marra's courtroom deputy whether the motion should be filed with Judge Marra. After speaking with the Clerk's Office, Judge Marra's courtroom deputy informed me that, because this related to the grand jury, the motion should be directed to the District Judge on duty. Pursuant to the Court's website, Senior U.S. District Judge Daniel T. K. Hurley is on duty for the month of May 2017.

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CONCLUSION

For the foregoing reasons, the United States respectfully requests that it be permitted to disclose Exhibit 7 and file it in support of its Response to Ms. [REDACTED] summary judgment motion. The United States further respectfully requests that the Court's Order make clear that, by filing Exhibits 4, 5, and 6 in support of this motion, it does not seek to have them sealed in the *Jane Doe* suit, and that they remain part of the public record in that matter.

Respectfully submitted,

BENJAMIN G. GREENBERG  
ACTING UNITED STATES ATTORNEY

By:

[REDACTED] \_\_\_\_\_  
Assistant United States Attorney

[REDACTED]  
Florida Bar No. [REDACTED]  
500 South Australian Avenue, Suite 400  
West Palm Beach, FL 33401  
Telephone: [REDACTED]  
Facsimile: [REDACTED]



PENGAD 800-431-6860  
GOVERNMENT  
EXHIBIT  
1

Case No. 08-80736-CV-MARRA

P-003713

EFTA00086383

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FGJ 07-103 (WPB)

IN RE:

GRAND JURY PROCEEDINGS  
\_\_\_\_\_ /

*Party Filing Matter Under Seal*

ORDER RE: SEALED FILING  
Name: UNITED STATES OF AMERICA

Address: AUSA [REDACTED] 500 S. Australian Ave, Ste 400  
Telephone: [REDACTED] West Palm Beach, FL 33401

On behalf of (select one):  THE APPLICANT  RESPONDENT

Date sealed document filed: 04/16/07

If sealed pursuant to statute, cite statute: Fed. R. Crim. P. 6

If sealed pursuant to previously entered protective order, date of order and docket entry: \_\_\_\_\_

The matter will remain sealed until:

- Conclusion of Trial  Arrest of First Defendant  
 Case Closing  Conclusion of Direct Appeal  
 Other End of Proceedings  
 Permanently. Specify the authorizing law, rule, court order: \_\_\_\_\_

The moving party requests that when the sealing period expires, the filed matter should be (select one):

- Unsealed and placed in the public portion of the court file  Destroyed  Returned to the party or counsel for the party, as identified above

It is ORDERED and ADJUDGED that the proposed sealed document is hereby:

- Sealed  NOT Sealed  Other \_\_\_\_\_

The matter may be unsealed after:

- Conclusion of Trial  Arrest of First Defendant  Remain Sealed  
 Case Closing  Conclusion of Direct Appeal  Other \_\_\_\_\_

DONE and ORDERED at West Palm Beach, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
United States District Judge

This document has been disposed of in the following manner \_\_\_\_\_ by

\_\_\_\_\_ on \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FGJ NO. 07-103 (WPB)

IN RE:

GRAND JURY PROCEEDINGS

---

MOTION TO SEAL

The United States of America, by and through the undersigned Assistant United States Attorney, hereby moves to seal its Application for Order Compelling Witness Testimony before the Grand Jury for the following reasons:

1. The Application contains information regarding proceedings before West Palm Beach Federal Grand Jury 07-103, which is subject to the secrecy protections of Fed. R. Crim. P. 6.
2. Pursuant to Rule 6(e)(6), "[r]ecords, orders, and subpoenas relating to grand-jury proceedings must be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a matter occurring before a grand jury."

**WHEREFORE**, the United States respectfully requests that the Application and any Order related to the Application be sealed.

Dated: April 16, 2007

Respectfully submitted,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No. [REDACTED]  
500 South Australian Ave, Suite 400  
West Palm Beach, Florida 33401  
Tel: [REDACTED]  
Fax: [REDACTED]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FGJ NO. 07-103 (WPB)

IN RE:

GRAND JURY PROCEEDINGS  
\_\_\_\_\_ /

**ORDER**

It is hereby ordered that the United States' Application for Order Compelling Witness Testimony before the Grand Jury and the Order granting same be **SEALED** until further Order of this Court.

**DONE AND ORDERED** in chambers this \_\_\_\_\_ day of April, 2007, at West Palm Beach, Florida.

\_\_\_\_\_  
DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

cc: [REDACTED], AUSA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FGJ NO. 07-103 (WPB)

IN RE:

GRAND JURY PROCEEDINGS

---

APPLICATION FOR ORDER COMPELLING WITNESS TESTIMONY

The United States of America, through its undersigned attorney, makes application to this Court for an Order pursuant to the provisions of Title 18, United States Code, Section 6001, et seq., compelling [REDACTED] [REDACTED] to give testimony and to provide other information, which she is likely to refuse to give or provide, on the matters about which she may be interrogated before the United States District Court for the Southern District of Florida, including a Grand Jury impaneled therein, as well as subsequent proceedings or trial, and respectfully alleges as follows:

1. That [REDACTED] [REDACTED] has been called to testify and provide other information before the United States District Court for the Southern District of Florida, including before a Grand Jury impaneled therein.

2. That, in the judgment of the undersigned, the testimony or other information from [REDACTED] [REDACTED] may be necessary to the public interest.

3. That [REDACTED] [REDACTED] is likely to refuse to testify or provide other information on the basis of her privilege against self-incrimination.

4. That this Application is made with the approval of the Assistant Attorney General in charge of the Criminal Division of the Department of Justice or a duly designated Acting

Assistant Attorney General, pursuant to the authority vested in him by Title 18, United States Code, Section 6003, and Title 28, Code of Federal Regulations, Sections 0.175 and 0.132(e). A copy of the letter from said Assistant Attorney General or his designee expressing such approval is attached hereto.

5. That a Subpoena to Testify before Grand Jury 07-103 (WPB) has been served upon counsel for [REDACTED] [REDACTED], who has informed the undersigned that an Order compelling testimony is required before [REDACTED] [REDACTED] will appear and testify. Upon receipt of the Court's Order compelling such testimony, a new Grand Jury Subpoena will be issued commanding [REDACTED] [REDACTED] appearance on Tuesday, April 24, 2007 at 1:00 p.m.

Respectfully submitted,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By:

[REDACTED]  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No. [REDACTED]  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33132  
[REDACTED]  
FAX [REDACTED]

TOTAL P. 01



Office of the Assistant Attorney General

Washington, DC 20530-6001

APR 13 2007

The Honorable R. Alexander Acosta  
United States Attorney  
Southern District of Florida  
West Palm Beach, Florida 33401

Attention: [REDACTED]  
Assistant United States Attorney

Re: Grand Jury Investigation,  
Jeffrey Epstein, et al.

Dear Mr. Acosta:

Pursuant to the authority vested in me by 18 U.S.C. § 6003(h) and 28 C.F.R. § 0.175(a), I hereby approve your request for authority to apply to the United States District Court for the Southern District of Florida for an order pursuant to 18 U.S.C. §§ 6002-6003 requiring [REDACTED] [REDACTED] to give testimony or provide other information in the above matter and in any further proceedings resulting therefrom or ancillary thereto.

Sincerely,

[REDACTED]  
Assistant Attorney General

[REDACTED]

[REDACTED]  
CRIMINAL DIVISION

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FGJ 07-103(WPB)

IN RE:

GRAND JURY PROCEEDINGS

---

SEALED ORDER

On Application of the United States Attorney for the Southern District of Florida, and it appearing to the satisfaction of the Court:

1. That [REDACTED] [REDACTED] has been called to testify and to provide other information before the United States District Court for the Southern District of Florida, including a Grand Jury impanelled therein; and

2. That in the judgment of the said United States Attorney, [REDACTED] [REDACTED] has refused to testify and provide other information on the basis of her privilege against self-incrimination; and

3. That in the judgment of the said United States Attorney, the testimony and other information from [REDACTED] [REDACTED] may be necessary to the public interest; and

4. That the aforesaid Application has been made with the approval of the Assistant Attorney General in charge of the Criminal Division of the Department of Justice or a duly designated Acting Assistant Attorney General, pursuant to the authority vested in him by Title 18, United States Code, Section 6003, and Title 28, Code of Federal Regulations, Sections 0.175 and 0.132(e).

NOW, THEREFORE, it is ordered pursuant to Title 18, United States Code, Section 6002, that [REDACTED] [REDACTED] give testimony and provide other information which she refuses to give or to

provide on the basis of her privilege against self-incrimination, as to all matters about which she may be interrogated before said United States District Court, including a Grand Jury impaneled therein, as well as any subsequent proceeding or trial.

However, no testimony or other information compelled under this Order (or any information directly or indirectly derived from such testimony or other information) may be used against [REDACTED] in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this Order.

**IT IS FURTHER ORDERED** the this Order shall be **SEALED** in accordance with Fed. R. Crim. P. 6(e)(6), except that a copy of this Order shall be provided to counsel for the United States, who may disclose the existence of the Order to members of the Grand Jury, to the witness, to counsel for the witness, and to law enforcement officers engaged in the investigation pending before the Grand Jury. Those persons may review the Order, but may not retain a copy of the Order, nor may they disclose the existence of the Order to any others.

**DONE and ORDERED** this \_\_\_\_\_ day of April, 2007, at West Palm Beach, Florida.

\_\_\_\_\_  
DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

cc: [REDACTED], AUSA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FGJ 07-103 (WPB)

IN RE:

GRAND JURY PROCEEDINGS

*Party Filing Matter Under Seal*

ORDER RE: SEALED FILING

Name: UNITED STATES OF AMERICA

Address: AUSA [REDACTED] 500 S. Australian Ave, Ste 400

Telephone: [REDACTED] West Palm Beach, FL 33401

On behalf of (select one):  THE APPLICANT  RESPONDENT

Date sealed document filed: 04/16/07

If sealed pursuant to statute, cite statute: Fed. R. Crim. P. 6

If sealed pursuant to previously entered protective order, date of order and docket entry: \_\_\_\_\_

The matter will remain sealed until:

- Conclusion of Trial  Arrest of First Defendant  
 Case Closing  Conclusion of Direct Appeal  
 Other End of Proceedings

Permanently. Specify the authorizing law, rule, court order: \_\_\_\_\_

The moving party requests that when the sealing period expires, the filed matter should be (select one):

- Unsealed and placed in the public portion of the court file  Destroyed  Returned to the party or counsel for the party, as identified above

It is ORDERED and ADJUDGED that the proposed sealed document is hereby:

- Sealed  NOT Sealed  Other \_\_\_\_\_

The matter may be unsealed after:

- Conclusion of Trial  Arrest of First Defendant  Remain Sealed  
 Case Closing  Conclusion of Direct Appeal  Other \_\_\_\_\_

DONE and ORDERED at West Palm Beach, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
United States District Judge

This document has been disposed of in the following manner \_\_\_\_\_ by

\_\_\_\_\_ on \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FGJ NO. 07-103 (WPB)

IN RE:

GRAND JURY PROCEEDINGS

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MOTION TO SEAL

The United States of America, by and through the undersigned Assistant United States Attorney, hereby moves to seal its Application for Order Compelling Witness Testimony before the Grand Jury for the following reasons:

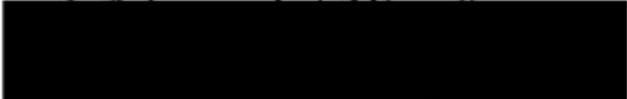
1. The Application contains information regarding proceedings before West Palm Beach Federal Grand Jury 07-103, which is subject to the secrecy protections of Fed. R. Crim. P. 6.
2. Pursuant to Rule 6(e)(6), “[r]ecords, orders, and subpoenas relating to grand-jury proceedings must be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a matter occurring before a grand jury.”

**WHEREFORE**, the United States respectfully requests that the Application and any Order related to the Application be sealed.

Dated: April 16, 2007

Respectfully submitted,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No.   
500 South Australian Ave, Suite 400  
West Palm Beach, Florida 33401  
Tel:   
Fax: 

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FGJ NO. 07-103 (WPB)

IN RE:

GRAND JURY PROCEEDINGS  
\_\_\_\_\_ /

**ORDER**

It is hereby ordered that the United States' Application for Order Compelling Witness Testimony before the Grand Jury and the Order granting same be **SEALED** until further Order of this Court.

**DONE AND ORDERED** in chambers this \_\_\_\_\_ day of April, 2007, at West Palm Beach, Florida.

\_\_\_\_\_  
DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

cc: [REDACTED], AUSA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FGJ NO. 07-103 (WPB)

IN RE:

GRAND JURY PROCEEDINGS

---

APPLICATION FOR ORDER COMPELLING WITNESS TESTIMONY

The United States of America, through its undersigned attorney, makes application to this Court for an Order pursuant to the provisions of Title 18, United States Code, Section 6001, et seq., compelling [REDACTED] to give testimony and provide other information, which she is likely to refuse to give or provide, on the matters about which she may be interrogated before the United States District Court for the Southern District of Florida, including a Grand Jury impaneled therein, as well as subsequent proceedings or trial, and respectfully alleges as follows:

1. That [REDACTED] has been called to testify and provide other information before the United States District Court for the Southern District of Florida, including before a Grand Jury impaneled therein.

2. That, in the judgment of the undersigned, the testimony and other information from [REDACTED] may be necessary to the public interest.

3. That [REDACTED] is likely to refuse to testify and provide other information on the basis of her privilege against self-incrimination.

4. That this Application is made with the approval of the Assistant Attorney General in charge of the Criminal Division of the Department of Justice or a duly designated Acting

Assistant Attorney General, pursuant to the authority vested in him by Title 18, United States Code, Section 6003, and Title 28, Code of Federal Regulations, Sections 0.175 and 0.132(e). A copy of the letter from said Assistant Attorney General or his designee expressing such approval is attached hereto.

5. That counsel for [REDACTED] has informed the undersigned that an Order compelling testimony is required before [REDACTED] will appear and testify before the Grand Jury. Upon receipt of the Court's Order compelling such testimony, a Subpoena to Testify before Grand Jury 07-103 (WPB) will be issued commanding [REDACTED] appearance on Tuesday, April 24, 2007 at 1:00 p.m.

Respectfully submitted,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By:

[REDACTED]  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No. [REDACTED]  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33132  
[REDACTED]  
FAX [REDACTED]



U.S. Department of Justice

P. 62

Criminal Division

Office of the Assistant Attorney General

Washington, DC 20530-0001

APR 13 2007

The Honorable R. Alexander Acosta  
United States Attorney  
Southern District of Florida  
West Palm Beach, Florida 33401

Attention: [REDACTED]  
Assistant United States Attorney

Re: Grand Jury Investigation,  
Jeffrey Epstein, et al.

Dear Mr. Acosta:

Pursuant to the authority vested in me by 18 U.S.C. § 6003(b) and 28 C.F.R. § 0.175(a), I hereby approve your request for authority to apply to the United States District Court for the Southern District of Florida for an order pursuant to 18 U.S.C. §§ 6002-6003 requiring [REDACTED] to give testimony or provide other information in the above matter and in any further proceedings resulting therefrom or ancillary thereto.

Sincerely,

[REDACTED]  
Assistant Attorney General

[REDACTED]

CRIMINAL DIVISION

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FGJ 07-103(WPB)

IN RE:

GRAND JURY PROCEEDINGS

---

SEALED ORDER

On Application of the United States Attorney for the Southern District of Florida, and it appearing to the satisfaction of the Court:

1. That [REDACTED] has been called to testify and to provide other information before the United States District Court for the Southern District of Florida, including a Grand Jury impaneled therein; and

2. That in the judgment of the said United States Attorney, [REDACTED] has refused to testify and provide other information on the basis of her privilege against self-incrimination; and

3. That in the judgment of the said United States Attorney, the testimony and other information from [REDACTED] may be necessary to the public interest; and

4. That the aforesaid Application has been made with the approval of the Assistant Attorney General in charge of the Criminal Division of the Department of Justice or a duly designated Acting Assistant Attorney General, pursuant to the authority vested in him by Title 18, United States Code, Section 6003, and Title 28, Code of Federal Regulations, Sections 0.175 and 0.132(e).

NOW, THEREFORE, it is ordered pursuant to Title 18, United States Code, Section 6002, that [REDACTED] give testimony and provide other information which she refuses to give or to

provide on the basis of her privilege against self-incrimination, as to all matters about which she may be interrogated before said United States District Court, including a Grand Jury impaneled therein, as well as any subsequent proceeding or trial.

However, no testimony or other information compelled under this Order (or any information directly or indirectly derived from such testimony or other information) may be used against [REDACTED] in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this Order.

**IT IS FURTHER ORDERED** the this Order shall be **SEALED** in accordance with Fed. R. Crim. P. 6(e)(6), except that a copy of this Order shall be provided to counsel for the United States, who may disclose the existence of the Order to members of the Grand Jury, to the witness, to counsel for the witness, and to law enforcement officers engaged in the investigation pending before the Grand Jury. Those persons may review the Order, but may not retain a copy of the Order, nor may they disclose the existence of the Order to any others.

**DONE and ORDERED** this \_\_\_\_\_ day of April, 2007, at West Palm Beach, Florida.

---

DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

cc: [REDACTED], AUSA

# EISENBERG & FOUTS, P.A.

Attorneys At Law

JAMES L. EISENBERG

Florida Bar Board Certified Criminal Trial Lawyer

National Board Of Trial Advocacy Certified Criminal Trial Advocate

KAI LI ALOE FOUTS

One Clearlake Centre, Suite 704, 250 Australian Avenue South, West Palm Beach, FL 33401

Fax: [REDACTED]

February 12, 2007

[REDACTED], Asst. U.S. Attorney  
500 South Australian Avenue, Suite 400  
West Palm Beach, FL 33401

Re: Grand Jury Subpoena for [REDACTED] [REDACTED]

Dear [REDACTED],

As always, it was a pleasure speaking to you the other day. Pursuant to our telephone conference I am writing this letter to proffer my concerns for [REDACTED] [REDACTED] should she testify without immunity before a federal grand jury. Therefore, allow me to reiterate that Ms. [REDACTED] will refuse to voluntarily cooperate with the federal government. She has a good faith basis for her position under the Fifth Amendment to the United States Constitution.

We, of course, do not live or work in a vacuum. We have read many inflammatory remarks the Town of Palm Beach Police Chief has made to the media about the state court's handling of the Jeffrey Epstein investigation. The police chief's remarks frighten both myself and my client. I am aware that the town police have prepared documents to charge at least one of Mr. Epstein's lady friends in state court. If they can push to have one lady charged I remain unconvinced that they do not have the ability or political clout to push to have other ladies such as Ms. [REDACTED] charged.

The proffered facts that raise my concerns are being provided via this proffer letter. Pursuant to our telephone conference agreement, this letter and its contents cannot be used against Mr. [REDACTED].

Ms. [REDACTED] is not at all certain of dates. She does remember meeting Mr. Epstein about three years ago. She is not certain of her age, it could have been when she was sixteen. A girlfriend asked her if she wanted a job giving massages. Ms. [REDACTED] agreed because she had knowledge of massages through her mother, who was a masseuse.

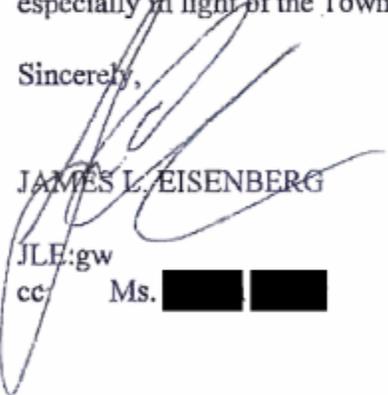
Ms. [REDACTED] went to Mr. Epstein's house via taxi. Ms. [REDACTED]'s girlfriend instructed Ms. [REDACTED] that, if asked, she had to tell Mr. Epstein that she ([REDACTED]) was eighteen years old. The friend was nineteen years old and [REDACTED] looked old for her age, so passing for eighteen was not a problem. At

the home Ms. [REDACTED] met Mr. Epstein and later gave him a massage. The friend had told Ms. [REDACTED] to give the message topless. Mr. Epstein told [REDACTED] that if she were at all uncomfortable being topless, not to do it and it was not a requirement of employment as a masseuse. Ms. [REDACTED] never touched Mr. Epstein in a sexual way and Mr. Epstein never touched Ms. [REDACTED] at all. At one point, Mr. Epstein did ask Ms. [REDACTED] her age. Ms. [REDACTED] insisted that she was eighteen years old.

Ms. [REDACTED] continued to see Mr. Epstein over time and massages were given in a similar fashion. She was later asked if her friends wanted to work in a similar way and she asked some girls who did give Mr. Epstein massages. Ms. [REDACTED] was never asked to bring girls of any age to Mr. Epstein's home. When she did have her friends come over, she instructed all of them that if asked, they insist that they were eighteen years old. She is not certain at all of any of these girls' real ages.

In summary, our concern is that if the government believes that Mr. Epstein committed some federal offense, then Ms. [REDACTED] could be considered a co-conspirator. We believe no crime was committed. The Fifth Amendment was not intended to protect the guilty, however. It was enacted to protect citizens who fear prosecution notwithstanding their innocence. Our fear of any prosecution, especially in light of the Town police chief's public remarks, is clearly in good faith.

Sincerely,



JAMES L. EISENBERG

JLE:gw

cc: Ms. [REDACTED]

# EISENBERG & FOUTS, P.A.

## Attorneys At Law

**JAMES L. EISENBERG**

Florida Bar Board Certified Criminal Trial Lawyer  
National Board Of Trial Advocacy Certified Criminal Trial Advocate

**KAI LI ALOE FOUTS**

One Clearlake Centre, Suite 704, 250 Australian Avenue South, West Palm Beach, FL 33401 [REDACTED] Fax: [REDACTED]

February 1, 2007

[REDACTED], Asst. U.S. Attorney  
500 South Australian Avenue, Suite 400  
West Palm Beach, FL 33401

Re: Grand Jury Subpoena for [REDACTED] [REDACTED]

Dear [REDACTED],

I received your letter dated January 24, 2007 with regard to [REDACTED] [REDACTED]. I must admit I forced myself to wait several days to respond in order to "cool off" and not say anything I would regret later. Now that time has passed, allow me to respond appropriately.

1. If you want to force Ms. [REDACTED] [REDACTED] to come to the grand jury room to personally invoke her Fifth Amendment rights, she will be there. That does remain her position. My only request is that you provide [REDACTED]. I will be there, but I am not [REDACTED] and Ms. [REDACTED] should not have to [REDACTED]. It is this type of attitude, that your office refuses to accept the fact that it is Ms. [REDACTED] decision not to cooperate with the government that upsets her. Your office fails to recognize that merely coming to court is a problem for [REDACTED] like Ms. [REDACTED] and, under these circumstances, appears to be a waste of time at best and, in her mind, personal harassment.

2. Rest assured that there is no conflict of interest in my representation of Ms. [REDACTED]. In this case I have always been asked and always will exercise independent judgment to follow my client's independent will. The remainder of your questions as to this matter are really none of the Government's business.

3. I will share with you that one of the reasons for our firm position that Ms. [REDACTED] will invoke her Fifth Amendment right and choose not to voluntarily cooperate with the Government is our concern that the Government is not exercising independent judgment in this case.

The history of this case has been in the newspapers. The case is being prosecuted in State court. Despite the state court prosecution, the Town of Palm Beach Police Chief went on what can only be

██████████, Asst. U.S. Attorney

February 1, 2007

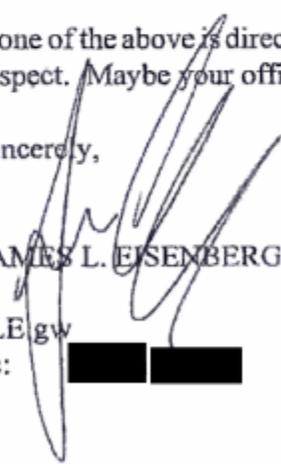
Page Two

described as a public rampage in the newspaper when the case was not prosecuted to his liking that reminded me of a small child having a public temper tantrum. In my thirty years of experience, I have never seen a law enforcement officer like this publicly make what appeared to be a political case in the newspaper for a prosecution and publicly criticize anyone who got in his way, including the elected State Attorney. This resulted in a federal investigation on a topic no one remembers the Federal Government ever being interested in prosecuting before. Although I am certain that you personally have not had your decision-making process compromised, the appearance that your office is being influenced by the Town of Palm Beach Police Chief's agenda is very real. Under these circumstances I don't see how any lawyer could advise any client to voluntarily cooperate. Of special concern is that the Town of Palm Beach Police have promoted prosecuting at least one of the girls who allegedly gave massages.

One final thought. My client and my fear that Ms. ██████████ could be prosecuted is enhanced by the demand for the personal appearance made in your letter. Your initial Kastiger letter fell far short of granting the functional equivalent of DOJ immunity. Several months ago I was given the distinct impression through our conversations that you were going to obtain DOJ immunity for Ms. ██████████. Now the government is changing course for no apparent reason. This leads to speculation that the only reason for the turnabout is that prosecution in either state or federal court is being considered by someone.

None of the above is directed at you personally. I want to repeat that you have always treated us with respect. Maybe your office should advise the Town Police Chief to act in a similar fashion.

Sincerely,

  
JAMES L. EISENBERG

JLE:gw

cc: ██████████ ██████████

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 2683  
CONNECTION TEL 6592380  
SUBADDRESS  
CONNECTION ID  
ST. TIME 09/06 14:52  
USAGE T 01'00  
PGS. SENT 2  
RESULT OK



U.S. Department of Justice

United States Attorney  
Southern District of Florida

[REDACTED]  
500 South Australian Ave, Suite 400  
West Palm Beach, Florida 33401  
[REDACTED]  
Facsimile [REDACTED]

FACSIMILE COVER SHEET

TO: JIM EISENBERG, ESO. DATE: September 6, 2006

FAX NO. [REDACTED] # OF PAGES: 2

PHONE NO. \_\_\_\_\_ RE: [REDACTED]

FROM: [REDACTED] ASSISTANT U.S. ATTORNEY

PHONE NO. [REDACTED]

COMMENTS: **Dear Jim: Here is the copy of the original subpoena that you requested. Also, I confirmed with the secretary who prepared the September 8th subpoena that it was signed by AUSA [REDACTED]**



U.S. Department of Justice

United States Attorney  
Southern District of Florida

██████████  
500 South Australian Ave, Suite 400  
West Palm Beach, Florida 33401

██████████  
Facsimile ██████████

FACSIMILE COVER SHEET

TO: JIM EISENBERG, ESQ. DATE: September 6, 2006

FAX NO. ██████████ # OF PAGES: 2

PHONE NO. \_\_\_\_\_ RE: ██████████ ██████████

FROM: ████████████████████ ASSISTANT U.S. ATTORNEY

PHONE NO. ██████████

COMMENTS: **Dear Jim: Here is the copy of the original subpoena that you requested. Also, I confirmed with the secretary who prepared the September 8th subpoena that it was signed by AUSA ██████████**

**As we discussed, ██████████ does not need to appear before the grand jury until you have had a chance to confer with her and we have spoken and agreed to a mutually convenient date.**

**Thank you for your assistance.**

██████████



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401

Facsimile: [REDACTED]

January 24, 2007

**DELIVERY BY HAND**

James L. Eisenberg, Esq.  
250 S Australian Ave, Ste 704  
West Palm Beach, FL 33401-5007

Re: Federal Grand Jury Subpoena

Dear Jim:

A new grand jury has been empaneled and I have enclosed a new subpoena for [REDACTED]. As I mentioned earlier, Ms. [REDACTED] is not a target of this investigation and the United States seeks her testimony solely as a victim/witness. During our last conversation regarding Ms. [REDACTED], you indicated that she was unwilling to speak with us pursuant to a *Kastigar* letter and that she also was unwilling to speak with the grand jury and intends to invoke the Fifth Amendment if questioned. Please confer with her to confirm whether this remains her position. If it is, please advise in writing. Even if Ms. [REDACTED] is inclined to invoke her Fifth Amendment rights, she must still appear pursuant to the subpoena so that I may ask her questions that would not require the invocation of the Fifth Amendment. If she still invokes, I intend to move to compel her answers. If you or your client is unavailable on February 6, 2007, please let me know of another Tuesday when you are available.

I also am concerned about a potential conflict of interest in your representation of Ms. [REDACTED]. In case of future litigation regarding this issue, please provide me with information regarding who is paying (directly or indirectly) for your services on behalf of Ms. [REDACTED], the scope of your representation, and whether you are taking direction on this matter from anyone other than Ms. [REDACTED]. If any formal or informal joint defense agreements exist, whether in writing or otherwise, please provide a copy of such agreements. If the agreement is purely oral, please provide a written summary of its terms.

JAMES EISENBERG, ESQ.  
JANUARY 24, 2007  
PAGE 2

I look forward to your response.

Sincerely,  
R. Alexander Acosta  
United States Attorney

By:



Assistant United States Attorney

**United States District Court**  
*SOUTHERN DISTRICT OF FLORIDA*

TO: [REDACTED]

**SUBPOENA TO TESTIFY  
BEFORE GRAND JURY**  
FGJ 07-103(WPB)-Tues./No. OLY-13/2

SUBPOENA FOR:

PERSON

DOCUMENTS OR OBJECT[S]

**YOU ARE HEREBY COMMANDED** to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

PLACE:

United States District Courthouse  
701 Clematis Street  
West Palm Beach, Florida 33401

ROOM:

Grand Jury Room

DATE AND TIME:

February 6, 2007  
1:00pm\*

**YOU ARE ALSO COMMANDED** to bring with you the following document(s) or object(s):

ANY AND ALL NOTES, LETTERS, CARDS, GIFTS, PAYMENTS, AND PHOTOGRAPHS YOU HAVE RECEIVED FROM JEFFREY EPSTEIN, [REDACTED].

ANY AND ALL PHOTOGRAPHS, WHETHER PRINTED OR DIGITAL, OF JEFFREY EPSTEIN, [REDACTED].

ANY AND ALL E-MAILS, INSTANT MESSAGES, CHATS, TEXT MESSAGES, VOICEMAILS, OR TELEPHONE MESSAGES THAT YOU HAVE SENT TO AND/OR RECEIVED FROM JEFFREY EPSTEIN, [REDACTED].

**\*Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [REDACTED] Federal Bureau of Investigation, Telephone: [REDACTED].**

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK

(BY) DEPUTY CLERK



DATE:

January 23, 2007

This subpoena is issued upon application

Name, Address and Phone Number of Assistant U.S. Attorney  
Ann [REDACTED] C. [REDACTED], Assistant U.S. Attorney  
500 So. Australian Avenue, Suite 400  
West Palm Beach, FL 33401-6235  
Tel: [REDACTED]  
Fax: (561) 802-1787

\*If not applicable, enter "none."

To be used in lieu of AO110

Case No. 08-80736-CV-MARRA

FORM ORD-227  
P-009788

EFTA00086408



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401

Facsimile: [REDACTED]

February 5, 2007

DELIVERY BY HAND

Ms. [REDACTED]  
c/o James L. Eisenberg, Esq.  
250 S Australian Ave, Ste 704  
West Palm Beach, FL 33401-5007

Re: Grand Jury Testimony of [REDACTED]

Dear Ms. [REDACTED]:

This letter confirms the understanding between yourself and the United States Attorney's Office for the Southern District of Florida.

You have represented that you will truthfully answer questions of the federal government in its investigation of the procurement of prostitutes, amongst others. You will supply complete and truthful information to the attorneys and law enforcement officers of the federal government and to any Federal Grand Jury which may conduct an investigation, as well as in any other proceeding related to or growing out of this investigation. The obligation of truthful disclosure includes your obligation to provide the attorneys and law enforcement officers of the federal government with any documents, records or other tangible evidence within your custody or control relating to the matters about which you are questioned. You will neither attempt to protect any person or entity through false information or omission, nor falsely implicate any person or entity.

No statements provided by you on this date in this matter pursuant to this agreement will be offered into evidence in any criminal case against you, except during a prosecution for perjury and/or giving a false statement. However, if it is determined that you have materially violated any provision of this agreement, all statements made by you shall be admissible in evidence against you in any proceeding.

The federal government remains free to use information derived from the grand jury testimony directly or indirectly for the purpose of obtaining leads to other evidence, which may be used against you. You expressly waive any right to claim that such evidence should not be introduced because it was obtained as a result of the grand jury testimony. Furthermore, the federal government may use statements made in the grand jury testimony and all evidence derived directly or indirectly therefrom for the purpose of cross-examination, if you testify at any trial or if you

Ms. [REDACTED]  
FEBRUARY 5, 2007  
PAGE 2

suborn testimony that contradicts your prior statements and testimony.

No additional promises, agreements and conditions have been entered into other than those set forth in this letter and none will be entered into unless in writing and signed by all parties.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

[REDACTED]  
Assistant United States Attorney

I have read this agreement and discussed it with my attorney, and I hereby acknowledge that it fully sets forth my agreement with the office of the United States Attorney for the Southern District of Florida. I state that there have been no additional promises, agreements or representations made to me by any officials of the United States in connection with this matter.

Dated: February \_\_\_\_, 2007  
West Palm Beach, Florida

[REDACTED]

Witnessed by:

James L. Eisenberg, Esq.  
Attorney for [REDACTED]



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401

Facsimile: [REDACTED]

February 5, 2007

DELIVERY BY HAND

James L. Eisenberg, Esq.  
250 S Australian Ave, Ste 704  
West Palm Beach, FL 33401-5007

Re: [REDACTED] [REDACTED]

Dear Mr. Eisenberg:

I am writing to clarify the ground rules for the interview with your client, [REDACTED] ("your client"), to occur February \_\_\_\_, 2007.

As I mentioned earlier, Ms. [REDACTED] is not a target or subject of this investigation, but instead is being interviewed solely as a victim/witness. However, to address your concern about criminal exposure, if your client complies with every provision of this agreement, then the United States Attorney's Office for the Southern District of Florida ("this Office") will treat all statements made by your client during the interview as statements made pursuant to Rule 11(f) of the Federal Rules of Criminal Procedure. This is not a grant of immunity, which can be given only with approval of the Justice Department, but protects your client from having the statements made by her during the interview from being used against her directly. To guard against any misunderstandings concerning the interview of your client, this letter sets forth the terms of this agreement.

Your client agrees to be fully interviewed, that is, to provide information concerning your client's knowledge of, and participation in criminal activity, including but not limited to the procurement of prostitutes. The protection of this letter applies to an interview that will be conducted by this Office, Special Agents of the Federal Bureau of Investigation, and any other federal law enforcement agency this Office may require. Under this agreement, no information disclosed by your client during the interview will be offered in evidence against her in any criminal or civil proceeding, provided that your client complies with this agreement and that the information your client furnishes is truthful, complete, and accurate.

If, however, your client gives materially false, incomplete, or misleading information,

JAMES L. EISENBERG, ESQ.

RE: [REDACTED]

FEBRUARY 2, 2007

PAGE 2

then this Office may use such information in any matter or proceeding and your client is subject to prosecution for perjury, obstruction of justice, and making false statements to government agencies. Any such prosecution may be based upon information provided by your client during the course of the interview, and such information, including your client's statements, will be admissible against your client in any grand jury or other proceeding.

The government also may use statements made by your client in the interview and all evidence derived directly or indirectly therefrom for the purpose of impeachment or cross-examination if she testifies at any trial or hearing, and/or in any rebuttal case against your client in a criminal trial in which she is a defendant or a witness. These provisions are necessary to ensure that your client does not make or offer any false representation or statement in any proceeding or to a government agency or commit perjury during any testimony.

Your client further agrees that attorneys for the United States may be present at the interview, and agrees not to seek disqualification of any such government attorney from any proceeding or trial because of their participation at the interview.

The entire agreement between the United States and your client is set forth in this letter. No additional promises, agreements, or conditions have been entered into and none will be entered into unless in writing and signed by all parties.

If the foregoing accurately reflects the understanding and agreement between this Office and your client, it is requested that you and your client execute this letter as provided below.

Sincerely,  
R. Alexander Acosta  
United States Attorney

By:

[REDACTED]  
Assistant United States Attorney

I have received this letter from my attorney, James L. Eisenberg, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it fully sets forth my understanding and agreement with the Office of the United States Attorney for the Southern

JAMES L. EISENBERG, ESQ.

RE: [REDACTED] [REDACTED]

FEBRUARY 2, 2007

PAGE 3

District of Florida. I state that there have been no additional promises or representations made to me by any official of the United States Government or by my attorney in connection with this matter.

Dated: \_\_\_\_\_

[REDACTED] \_\_\_\_\_

Witnessed by:

\_\_\_\_\_  
James L. Eisenberg, Esquire

Request for Unusual Expense(s) of Fact Witness  
(For United States Attorney's Office Use Only)

Control #

1. Case Name <i>Operation Leap Year</i>		2. Court Docket Number	3. Requesting AUSA [Redacted]
4. Location of Court Proceeding <i>West Palm Beach</i>		5. Contact Person	6. Contact Person Number [Redacted]
7. Witness Name & Address, Phone #, SSN [Redacted]		8. Vendor Name & Address, Phone #, TIN/SSN	
9. Payment to be made to: [Redacted]		10. Receipt/Invoice is:	
11. Type of Unusual Expense: <input type="checkbox"/> Medically Necessary Item (Attached Supporting Statement) [Redacted] <input type="checkbox"/> Excess Lodging/Per Diem <input type="checkbox"/> Travel & Transportation <input type="checkbox"/> Pretrial Conference Waiver <input type="checkbox"/> Other		12. Explanation: [Redacted]	
13. Start Date of Service (MO/DA/YR) <i>2/6/07</i>	14. End Date of Service (MO/DA/YR) <i>2/6/07</i>	15. Amount	

16. Justification:

17. I hereby certify that the expenses and services listed on this document are appropriate and are within the Federal laws and regulations. I fully understand that I can be held personally liable or be subject to disciplinary action for improperly using government funds or services that exceed delegated authority or that violate Federal laws or regulations.

Signature of Requesting AUSA		Date
18. Name & Title of Approving Official	19. Date (MO/DA/YR)	20. Signature of Approving Official

UFWE Form



U.S. Department of Justice

United States Attorney  
Southern District of Florida

██████████  
500 South Australian Ave, Suite 400  
West Palm Beach, Florida 33401

Facsimile ██████████

FACSIMILE COVER SHEET

TO: JIM EISENBERG, ESQ. DATE: February 5, 2007

FAX NO. ██████████ # OF PAGES: 6

PHONE NO. \_\_\_\_\_ RE: ██████ ██████

FROM: ████████████████████, ASSISTANT U.S. ATTORNEY

PHONE NO. ██████████

COMMENTS: Hi Jim - These probably say the same thing, but they sound a little different. If you have any suggestions for changes, please let me know.

Thank you for your time today. I appreciate your patience.

Regards,  
██████████

**EISENBERG & FOUTS, P.A.**  
**ATTORNEYS AT LAW**

---

**JAMES L. EISENBERG**

Suite 704, One Clearlake Centre  
250 Australian Avenue So.  
West Palm Beach, FL 33401

**BOARD CERTIFIED CRIMINAL TRIAL LAWYER**

561-659-2009

Fax 

# EISENBERG & FOUTS, P.A.

Attorneys At Law

**JAMES L. EISENBERG**

Florida Bar Board Certified Criminal Trial Lawyer  
National Board Of Trial Advocacy Certified Criminal Trial Advocate

**KALI ALOE FOUTS**

One Clearlake Centre, Suite 704, 250 Australian Avenue South, West Palm Beach, FL 33401

Fax: [REDACTED]

September 21, 2006

[REDACTED], Asst. U.S. Attorney  
500 South Australian Avenue, Suite 400  
West Palm Beach, FL 33401

Re: Grand Jury Subpoena for [REDACTED] [REDACTED]

Dear [REDACTED],

Please allow me to confirm my latest e-mail to you. I did receive your e-mail of last week with attachments and passed them on to my client. At this time, I can only say that my client does not want to do either of your suggestions. She does not want to give a statement under the immunity letter you provided with its Kastigar exception and she does not want to testify before the grand jury and will not on 5<sup>th</sup> Amendment grounds. With this client, I am sorry, but I must have a formal grant of immunity before she will say anything.

Sincerely,

JAMES L. EISENBERG

JLE:gw

cc: [REDACTED]



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FGJ 07-103(WPB)

IN RE:

GRAND JURY PROCEEDINGS

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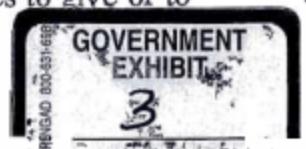
FILED BY \_\_\_\_\_  
2007 APR 16 PM 2:15  
U.S. DISTRICT COURT  
S.D. OF FLA. WPB

SEALED ORDER

On Application of the United States Attorney for the Southern District of Florida, and it appearing to the satisfaction of the Court:

1. That [REDACTED] [REDACTED] has been called to testify and to provide other information before the United States District Court for the Southern District of Florida, including a Grand Jury impanelled therein; and
2. That in the judgment of the said United States Attorney, [REDACTED] [REDACTED] has refused to testify and provide other information on the basis of her privilege against self-incrimination; and
3. That in the judgment of the said United States Attorney, the testimony and other information from [REDACTED] [REDACTED] may be necessary to the public interest; and
4. That the aforesaid Application has been made with the approval of the Assistant Attorney General in charge of the Criminal Division of the Department of Justice or a duly designated Acting Assistant Attorney General, pursuant to the authority vested in him by Title 18, United States Code, Section 6003, and Title 28, Code of Federal Regulations, Sections 0.175 and 0.132(e).

NOW, THEREFORE, it is ordered pursuant to Title 18, United States Code, Section 6002, that [REDACTED] [REDACTED] give testimony and provide other information which she refuses to give or to



provide on the basis of her privilege against self-incrimination, as to all matters about which she may be interrogated before said United States District Court, including a Grand Jury impaneled therein, as well as any subsequent proceeding or trial.

However, no testimony or other information compelled under this Order (or any information directly or indirectly derived from such testimony or other information) may be used against [REDACTED] in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this Order.

**IT IS FURTHER ORDERED** the this Order shall be **SEALED** in accordance with Fed. R. Crim. P. 6(e)(6), except that a copy of this Order shall be provided to counsel for the United States, who may disclose the existence of the Order to members of the Grand Jury, to the witness, to counsel for the witness, and to law enforcement officers engaged in the investigation pending before the Grand Jury. Those persons may review the Order, but may not retain a copy of the Order, nor may they disclose the existence of the Order to any others.

**DONE and ORDERED** this 16 day of April, 2007, at West Palm Beach, Florida.

[REDACTED]  
DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

cc: [REDACTED], AUSA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-80736-Civ-Marra/Matthewman

JANE DOES #1 AND #2,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

\_\_\_\_\_ /

UNITED STATES' NOTICE OF FILING PRIVILEGE LOG

Pursuant to the Court's June 18, 2013 Omnibus Order (DE 190), the Respondent, United States of America, by and through the undersigned Assistant United States Attorney, hereby gives notice of its filing of its Privilege Log, which is attached hereto.

The documents referenced in the Privilege Log are being delivered today to the Chambers of U.S. District Judge Kenneth A. Marra for *ex parte in camera* review, pursuant to the Court's Omnibus Order.

Respectfully submitted,

WIFREDO A. FERRER  
UNITED STATES ATTORNEY

By: s/ \_\_\_\_\_

Assistant United States Attorney  
Florida Bar No. \_\_\_\_\_  
500 South Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 19, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. According to the Court's website, counsel for all parties are able to receive notice via the CM/ECF system.

s/ [REDACTED]

Assistant United States Attorney

SERVICE LIST

Jane Does 1 and 2 v. United States,  
Case No. 08-80736-CIV-MARRA/MATTHEWMAN  
United States District Court, Southern District of Florida

[REDACTED], Esq.,  
[REDACTED]

Fort Lauderdale, FL 33301-3268  
[REDACTED]

Fax: [REDACTED]

Paul G. Cassell  
S.J. Quinney College of Law at the  
University of Utah  
332 S. 1400 E.  
Salt Lake City, Utah 84112

[REDACTED]  
Fax: (801) 585-6833

E-mail: [REDACTED]

Attorneys for Jane Doe # 1 and Jane Doe # 2

**PRIVILEGE LOG**

<b>Bates Range</b>	<b>Description</b>	<b>Privilege(s) Asserted</b>
Box #1 P-000001 thru P-000039	File folder entitled "CORR RE GJ SUBPOENAS" containing correspondence related to various grand jury subpoenas and attorney ( ) handwritten notes	6(e) Work Product
Box #1 P-000040 thru P-000549	Operation Leap Year Grand Jury Log containing subpoenas OLY-01 through OLY-81, correspondence and research related to enforcement of same, documents produced in response to some subpoenas; and attorney ( ) handwritten notes	6(e) Work Product Contains documents subject to investigative privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000550 thru P-000621	File folder entitled "Ritz Compact Flash SW" containing copies of a sealed search warrant application, warrant, and supporting documents	6(e) Contains information subject to investigative privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000622 thru P-000693	File folder entitled "PNY Technologies Compact Flash SW" containing copies of a sealed search warrant application, warrant, and supporting documents	6(e) Contains information subject to investigative privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000694 thru P-000781	File folder entitled "JE Corporations" containing attorney research on Epstein-owned corporations and prior litigation	Work Product Contains information subject to investigative privilege
Box #1 P-000782 thru P-000803	File folder entitled "Capital One" containing subpoena and correspondence	6(e)
Box #1 P-000804 thru P-000854	File folder entitled "DTG Operations/Dollar Rent-a-Car" containing subpoena and responsive documents	6(e) Contains documents and information subject to investigative privilege Also contains documents and information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-000855 thru P-000937	File folder entitled "JP Morgan Chase" containing subpoena, correspondence, and responsive documents	6(e) Contains documents and information subject to investigative privilege
Box #1 P-000938 thru P-000947	File folder entitled "Washington Mutual" containing subpoena, correspondence, and responsive documents	6(e) Contains documents and information subject to investigative privilege
Box #1 P-000948 thru P-000982	File folder entitled "Computer Search &" containing legal research on computer search and handwritten notes on indictment preparation	Work Product Attorney-Client Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000983 thru P-001007	File folder entitled "Attorney Notes from Document Review" containing typed and handwritten attorney (██████████) notes, target letters, correspondence re grand jury subpoena	Work product 6(e) Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-001008 thru P-001056	File folder entitled "Notes from Fed Ex Records" containing handwritten and typed attorney (██████████) notes and screen shots of FedEx subpoena response electronic file	Work Product 6(e) Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-001057 thru P-001959	File folder entitled "Colonial Bank Records" containing records received in response to grand jury subpoena	6(e) Contains information subject to investigative privilege
Box #1 P-001960 Thru P-002089	File folder entitled "OLY Grand Jury Log Vol 2: OLY-51 THROUGH" containing subpoenas numbered OLY-51 through OLY-81 with related correspondence	6(e) Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-002090 Thru P-002169	File folder entitled "Epstein Corporate Records: OLY-51, OLY-52, OLY-53, OLY-54" containing subpoenas, records received in response to subpoenas, and related correspondence	6(e) Contains information and documents subject to investigative privilege
Box #1 P-002170 Thru P-002246	File folder entitled "Colonial Bank" containing subpoenas, correspondence related to subpoenas, records received in response to subpoenas	6(e) Contains information and documents subject to investigative privilege
Box #1 P-002247 Thru P-002265	File folder entitled "JEJE & Hyperion from Goldberger OLY-46 & OLY-47" containing documents received in response to subpoenas	6(e) Contains information and documents subject to investigative privilege
Box #1 P-002266 Thru P-002386	Indictment preparation binder containing: Grand jury subpoena log, evidence/activity summary chart, witness/victim names and contact list, attorney (██████████) handwritten notes, 302s, portions of state investigative file, attorney (██████████) typed notes, of individuals listed as "Additional victims"	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-002387 Thru P-002769	Indictment preparation binder containing: Grand jury subpoena log, evidence/activity summary chart, witness/victim names and contact list, attorney (██████████) handwritten notes, 302s, portions of state investigative file, attorney (██████████) typed notes, relevant pieces of grand jury materials, telephone records/flight records analysis charts, victim/witness photographs, DAVID records, NCICs, and related materials for persons identified as Jane Does #15, 16, 17, 18, 19, Past Employees, Misc. Witnesses	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-002770 Thru P-003211	Indictment preparation binder containing: witness/victim list with identifying information, sexual activity summary, telephone call summary chart, attorney (██████████) handwritten notes, 302s, portions of state investigative file, attorney (██████████) typed notes, relevant pieces of grand jury materials, telephone records/flight records analysis charts, victim/witness photographs, DAVID records, NCICs, and related materials for persons identified as Jane Does #1, 2, 3, 4, 5, 6, 7, 8	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-003212 Thru P-003545	Indictment preparation binder containing meta-analysis charts of telephone/flight/grand jury information for a number of victim/witnesses, [REDACTED], and [REDACTED]	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003546 Thru P-003552	FBI Reports of March 2008 interviews of additional witness/victim located in New York	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003553 Thru P-003555B	Printout of filenames from Federal Express subpoena response with Attorney notations	Work product 6(e)
Box #1 P-003556 Thru P-003562	Document entitled "Identified Numbers" with accompanying handwritten attorney list compiled from grand jury materials and attorney analysis of records	Work product 6(e) Contains information subject to investigative privilege
Box #1 P-003563 Thru P-003629	Folder entitled "Flight Manifests" containing manifests received pursuant to grand jury subpoena	6(e) Contains information and documents subject to investigative privilege
Box #1 P-003630 Thru P-003633	File folder entitled "Recent Attorney Notes" containing handwritten attorney ([REDACTED]) notes regarding document review and case strategy	Work product 6(e) Investigative privilege Deliberative process
Box #1 P-003634 Thru P-003646	File folder bearing victim name containing FBI interview report from May 2008, telephone activity report with attorney ([REDACTED]) handwritten notes, related grand jury material	Work product Attorney-client privilege 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-003647 Thru P-003651	File folder entitled "Summary of Sexual Activity" containing chart bearing handwritten title "Sexual Activity – Summary" with meta-analysis of information, sorted by name of each victim/witness, including name and identifying information of each victim/witness	Work product 6(e) Investigative privilege Deliberative process Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003652 Thru P-003663	File folder entitled "Victim Civil Suits"	Not privileged. Produced to counsel for Petitioners
Box #1 P-003664 Thru P-003678	File folder entitled "Research re JE Websites" containing attorney research	Work product
Box #1 P-003679 Thru P-003680	File folder entitled "[REDACTED] (N.Y. AUSA)" containing attorney ([REDACTED]) handwritten notes	Work product
Box #1 P-003681 Thru P-003687	File folder entitled "Dr. [REDACTED]" containing attorney ([REDACTED]) memo to expert witness and handwritten attorney notes	Work product Investigative privilege
Box #1 P-003688 Thru P-003693	File folder entitled "I[] G[] Interview" containing attorney handwritten notes of interview, and attorney handwritten notes regarding potential charges	Work product Investigative privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003694 Thru P-003711	File folder entitled "Research re Travel for Prostitution" containing attorney ([REDACTED]) handwritten notes regarding grand jury presentation, chart entitled "Brought to Epstein's House" with handwritten notes, Message Pad meta-analysis chart, summary of evidence related to one victim/witness, and relevant grand jury information	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003712	Empty file folder bearing name of victim/witness	Investigative privilege Also contains information subject to privacy rights of victim who is not a party to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-003713 Thru P-003746	File folder entitled "T[] M[]" containing grand jury subpoenas, motion and order to compel testimony, and correspondence regarding same	6(e) Documents under seal pursuant to court order
Box #1 P-003747 Thru P-003751	File folder entitled "[REDACTED]" containing subpoena and correspondence regarding same	6(e)
Box #1 P-003752 Thru P-004295	File folder entitled "PBPD Investigative File" obtained via subpoena	6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004296 Thru P-004350	File folder bearing name of victim/witness containing meta-analysis chart showing telephone calls, travel, and grand jury materials relevant to possible charges	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004351 Thru P-004381	File folder entitled "[REDACTED] Documents 53909-004" containing attorney research related to bias issue	Work product
Box #1 P-004382 Thru P-004478	File Folder entitled "FEDEX" containing documents obtained via subpoena	6(e) Investigative privilege
Box #1 P-004479 Thru P-004551	File Folder entitled "State of Delaware Records" containing documents obtained in preparation for indictment	6(e) Investigative privilege Work product
Box #1 P-004552 Thru P-004555	File folder entitled "Jet Blue Records" containing documents obtained via subpoena	6(e) Work product Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004556 Thru P-004560	File folder entitled "FL EMPLOYMENT RECORDS" containing FDLE records on targets and witnesses obtained at attorney request	Investigative privilege Work product

Bates Range	Description	Privilege(s) Asserted
Box #1 P-004561 Thru P-004565	Filed folder entitled "[REDACTED]" containing attorney ([REDACTED]) handwritten notes of interview	Work product Investigative privilege
Box #1 P-004566 Thru P-004716	File folder entitled "[REDACTED] RECORDS 23-0001 THROUGH 23-" containing documents obtained via subpoena	6(e) Work product Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004717 Thru P-004722	File folder entitled "[REDACTED]" containing attorney research regarding witness	Work product Investigative privilege
Box #1 P-004723 Thru P-004725	File folder entitled "BEAR STEARNS RESEARCH" containing attorney research regarding potential witness and subpoena recipient	Work Product Investigative privilege
Box #1 P-004726 Thru P-004819	File folder entitled "LAWSUITS INVOLVING EPSTEIN CORP'S" containing attorney research regarding Epstein's past personal and business litigative practices	Work Product Investigative privilege
Box #1 P-004820 Thru P-004959	Filed folder entitled "SEC RECORDS" containing attorney research regarding Epstein financial relationships	Work Product Investigative privilege
Box #1 P-004960 Thru P-005059	File folder entitled "Message Pads" containing selected items from evidence obtained via subpoena	Work Product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005060 Thru P-005081	File folder bearing name of victim/witness containing correspondence with counsel for victim/witness, attorney witness outline with attorney handwritten notes, attorney handwritten notes regarding witness reports and case preparation	Work Product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005082 Thru P-005083	File folder entitled "New York Trip" containing attorney notes re witness interview	Work product Investigative privilege

Bates Range	Description	Privilege(s) Asserted
	P-005084 thru P-005107 are non responsive documents and have been removed	
Box #1 P-005108 Thru P-005193	File folder entitled "[REDACTED]" containing attorney research on select expert, use of experts at trials in child exploitation cases, and additional research materials on offenders and victims	Work product Investigative privilege
Box #1 P-005194 Thru P-005300	File folder entitled "Extra Copies" containing meta-analysis chart and 302's of victim/witnesses used in preparing indictment package	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005301 Thru P-005331	File folder entitled "[REDACTED] STATEMENT" containing transcript obtained via subpoena	6(e) Investigative privilege
Box #1 P-005332 Thru P-005341	File folder entitled "[REDACTED]" containing attorney research on select expert, including attorney handwritten notes	Work product Investigative privilege
Box #1 P-005342 Thru P-005387	File folder entitled "Info re Planes" containing correspondence regarding subpoenas and documents received in response to subpoenas	6(e) Investigative privilege
Box #1 P-005388 Thru P-005442	File folder entitled "Police Reports & PC Affidavit" containing portions of police reports with attorney notes, related phone records, a list entitled "Victims" with identifying information and attorney handwritten notes, photographs and DAVID information, and additional attorney research regarding Epstein sexual activity	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005443 Thru P-005496	File folder entitled "[Victim name] Transcript of Interview & GJ Transcript"	6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005497 Thru P-005556	File folder entitled "Bear Stearns Subpoena Resp." containing material received in response to subpoena	6(e) Investigative privilege

<b>Bates Range</b>	<b>Description</b>	<b>Privilege(s) Asserted</b>
Box #1 P-005557 Thru P-005576	U.S. Attorney's Office Criminal Case File Jacket containing file opening documents, expert witness payment documents	Work product Deliberative process
Box #1 P-005578 Thru P-005583	U.S. Attorney's Office Asset Forfeiture Case File Jacket containing file opening and file closing documents	Work product Deliberative process
Box #1 P-005584 Thru P-005606	File folder entitled "6001 Immunity Request" containing internal memoranda seeking witness immunity and correspondence with counsel for witness regarding same	6(e) Work product and deliberative process (as to internal memoranda) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-005607 Thru P-005914	File folder entitled "MASTER PHONE RECORDS" containing meta-analysis of all phone, travel, and grand jury data for all victim/witnesses for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-005915 Thru P-005977	File folder bearing name of victim/witness containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-005978 Thru P-006050	File folder bearing name of victim/witness containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006051 Thru P-006065	File folder bearing name of victim/witness containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #2 P-006066 Thru P-006220	File folder entitled "JANE DOE #4" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006221 Thru P-006222	File folder entitled ""JANE DOE #12" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006223 Thru P-006522	File folder entitled "CORRECTED PHONE RECORDS 5/31/07" containing meta-analysis of all phone, travel, and grand jury data related to all victims/witnesses for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006523 Thru P-006802	File folder entitled "[Victim Name] Phone Records" containing telephone records received in response to subpoena	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006803 Thru P-006860	File folder entitled "Lists of Identified Phone Numbers" containing charts of information culled from grand jury materials, interviews, and other investigation, with attorney handwritten notes, and information to issue follow-up grand jury subpoena	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006861 Thru P-007785	File folder entitled "EPSTEIN, [REDACTED] CELL PHONE RECORDS" containing documents received via subpoena with attorney handwritten notes and highlighting	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #2 P-007786 Thru P-008120	Folder entitled "OLY GRAND JURY LOG: OLY-01 THROUGH OLY-50" containing subpoenas, correspondence regarding same, 6(e) letters, attorney handwritten notes regarding records received in response to subpoenas	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-008121 Thru P-008139	Handwritten flight logs received in response to subpoena	6(e) Investigative privilege
Box #2 P-008140 Thru P-008298	Grand jury presentation folder containing attorney handwritten notes, typed outline with additional handwritten notes, complete indictment package dated 2/19/2008, victim list with identifying information, photographs, and summary of activity	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-008299 Thru P-008363	File folder entitled "FINAL AGREEMENTS" containing subfolder entitled "Agrmts Filed in State Court" (P-008300-P-008327 [not being withheld as privileged – have been produced to opposing counsel]); signed Non-Prosecution Agreement, Addendum, and operative portion of 12/19/2007 ██████-Acosta letter (P-008328-P-008343 [not being withheld as privileged – have been produced to opposing counsel]); subfolder entitled "12/19/07 Acosta-█████ Ltr" containing unredacted copies of that letter (P-008344-P-008363 [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 <sup>th</sup> Circuit])	
Box #2 P-008364 Thru P-008382	File folder entitled "█████ Immunity Request" containing internal memoranda, Justice Department documentation, and subpoena regarding immunity request	6(e) Work Product Deliberative Process Investigative privilege
Box #2 P-008383 Thru P-008516	File folder containing March 18, 2008 grand jury presentation materials, including "Operation Leap Year Revised Indictment Summary Chart (by victim)," grand jury materials, draft indictments, victim reference list, grand jury subpoena log	Work product 6(e) Investigative privilege Deliberative process Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #2 P-008517 Thru P-008535	6/25/2007 Letter from Gerald Lefcourt to [REDACTED] and [REDACTED] [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 <sup>th</sup> Circuit]	
Box #2 P-008536 Thru P-008542	Handwritten attorney notes to prepare for interview of Jane Doe #2	Work product Investigative Privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008543 Thru P-008549	Handwritten attorney notes regarding May 8, 2007 grand jury presentation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008550 Thru P-008615	File folder entitled "Most Recent Indictment & Good Cases" containing draft indictment and legal research	Work product 6(e) Investigative privilege Deliberative process Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008616 Thru P-008686	File folder entitled "FBI Summary Charts" containing chart prepared at direction of AUSA, containing victim names, identifying information, summary of activity, and other information relevant to indictment	Work product Attorney-Client Privilege 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008687 Thru P-008776	File folder entitled "[Victim name]/Jane Doe #4" containing phone records and meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information and documents subject to privacy rights of victims who are not parties to this suit
Box #2 P-008777 Thru P-008808	File folder entitled "[Victim name]/Jane Doe #5" containing handwritten notes and meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit

Bates Range	Description	Privilege(s) Asserted
Box #2 P-008809 Thru P-008847	File folder entitled "[Victim name]/Jane Doe #6" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008848 Thru P-008862	File folder entitled "[Victim name]/Jane Doe #7" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008863 Thru P-008890	File folder entitled "[Victim name]/Jane Doe #8" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008891 Thru P-009103	File folder entitled "Certified Copy of State Case" containing certified copy of Epstein state criminal cases and change of plea transcript [not being withheld as privileged – copy provided to opposing counsel]	
Box #2 P-009104 Thru P-009111	File folder entitled "Meeting Timeline" containing [REDACTED] typed notes summarizing meetings with opposing counsel prepared at request of R. Alexander Acosta, with handwritten correction and typed guideline estimate	Work product Deliberative process
Box #2 P-009112 Thru P-009113	11/26/2008 Email from Roy Black to [REDACTED] and [REDACTED] re Jeffrey Epstein (work release) [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 <sup>th</sup> Circuit]	
Box #2 P-009114 Thru P-009115	7/3/2008 Email from [REDACTED] to [REDACTED]. [REDACTED] r at PBSO re Epstein work release with attachment [not being withheld as privileged – produced to opposing counsel]	
Box #2 P-009116 Thru P-009125	12/6/2007 Letter from [REDACTED] to Jay P. Lefkowitz re Jeffrey Epstein (victim notification) [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 <sup>th</sup> Circuit])	

Bates Range	Description	Privilege(s) Asserted
Box #2 P-009126 Thru P-009134	File folder entitled "[Victim name]/Jane Doe #9" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009135 Thru P-009141	File folder entitled "[Victim name]/Jane Doe #13" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009141A Thru P-009141C	File folder entitled "[Victim name]/Jane Doe #12" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009142 Thru P-009152	File folder entitled "[REDACTED]" containing meta-analysis of all phone, travel, and grand jury data related to that individual for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009153 Thru P-009156	File folder entitled "[REDACTED]" containing meta-analysis of all phone, travel, and grand jury data related to that individual for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009157 Thru P-009208	File folder entitled "[Victim name]/Jane Doe #1" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009209 Thru P-009213	File folder entitled "[Victim name]/Jane Doe #2" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit

Bates Range	Description	Privilege(s) Asserted
Box #2 P-009214 Thru P-009271	File folder entitled "[Victim name]/Jane Doe #3" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009272 Thru P-009354	File folder entitled "Purpose of Travel Cases" containing attorney research and handwritten notes	Work product
Box #2 P-009355 Thru P-009403	File folder entitled "Interstate Commerce Cases" containing attorney research and handwritten notes	Work product
Box #2 P-009404 Thru P-009536	File folder entitled "Attorney Conflict Research" containing attorney research and handwritten notes	Work product
Box #2 P-009537 Thru P-009574	File folder entitled "Mann Act/Travel to Have Sex w/Minor" containing attorney research and handwritten notes	Work product
Box #2 P-009575 Thru P-009603	File folder entitled "Travel Act" containing attorney research and handwritten notes	Work Product
Box #2 P-009604 Thru P-009711	File folder entitled "Florida Prostitution/Lewdness Statutes" containing attorney research and handwritten notes	Work Product
Box #2 P-009712 Thru P-009819	Booklet entitled "Attorney General Guidelines for Victim and Witness Assistance" [not being withheld as privileged – produced to opposing counsel]	
Box #2 P-009820 Thru P-009965	File folder entitled "Corporate Liability Rsrch" containing attorney research and handwritten notes	Work Product
Box #2 P-009966 Thru P-010096	File folder entitled "Research re Knowledge of Age Unnecessary" containing attorney research and handwritten notes and copy of grand jury subpoena	Work Product 6(e)

Bates Range	Description	Privilege(s) Asserted
Box #2 P-010097 Thru P-010276	File folder entitled "Money Laundering" containing attorney research and handwritten notes	Work Product
Box #2 P-010277 Thru P-010394	File folder entitled "1960 & Aiding/Abetting" containing attorney research and handwritten notes	Work Product
Box #2 P-010395 Thru P-010488	File folder entitled "18 USC § 2255 Cases" containing attorney research and handwritten notes	Work Product
Box #2 P-010489 Thru P-010509	File folder entitled "Research re Overt Acts & Witness Testimony" containing attorney research and handwritten notes	Work Product
Box #2 P-010510 Thru P-010525	File folder entitled "Extradition" containing attorney research and handwritten notes	Work Product
Box #2 P-010526 Thru P-010641	File folder entitled "Rsrch re Crime Victims Rights" containing attorney research, handwritten notes, draft victim notification letter, and draft correspondence to Jay Lefkowitz (Also contains a November 28, 2007 letter from Kenneth Starr to [REDACTED]; and a November 29, 2007 letter from Jay Lefkowitz to R. Alexander Acosta (P-010528 thru P-010530 and P-010556 thru P-010559). Pursuant to the Court's Order, these will be produced to opposing counsel upon lift of stay by 11 <sup>th</sup> Circuit)	Work Product Deliberative Process
Box #2 P-010642 Thru P-01650	File folder entitled "Immunity" containing attorney research on granting immunity to witnesses	Work Product
Box #2 P-010651 Thru P-010659	File folder entitled "Research re G.J. Transcript" containing attorney research and draft pleadings re compelling production of grand jury transcript with subpoena	Work Product 6(e) Deliberative process
Box #2 P-010660 Thru P-010757	File folder entitled "Research re GJ Transcript" containing grand jury subpoena, 6(e) letters, attorney research and correspondence related to subpoena	Work Product 6(e)

<b>Bates Range</b>	<b>Description</b>	<b>Privilege(s) Asserted</b>
Box #2 P-010758 Thru P-010793	File folder entitled "Original Proposed Ind." containing draft indictment	Work Product 6(e) Deliberative process
Box #2 P-010794 Thru P-010829	File folder entitled "Epstein" containing sample indictments and attorney research re potential charges with attorney notes	Work Product
Box #2 P-010830 Thru P-010853	File folder entitled "1591 & Money Laundering" containing attorney research and handwritten notes	Work Product
Box #2 P-010854 Thru P-010876	File folder entitled "18 USC 2425" containing attorney research and handwritten notes	Work Product
Box #2 P-010877 Thru P-010920	File folder entitled "Knowledge of Age" containing attorney research and handwritten notes	Work Product
Box #2 P-010921 Thru P-011049	File folder entitled "2423(b) Constitutionality and Purpose of Travel" containing attorney research and handwritten notes	Work Product
Box #2 P-011050 Thru P-011212	File folder entitled "Mistake not a Defense" containing attorney research and handwritten notes	Work Product
Box #2 P-011213 Thru P-011237	File folder entitled "Research re 'Pandering'" containing attorney research and handwritten notes	Work Product
Box #2 P-011238 Thru P-011319	File folder entitled "Research re Grand Jury Instructions" containing attorney research and handwritten notes	Work Product 6(e)
Box #2 P-011320 Thru P-011361	File folder entitled "Telephone = Facility of Commerce" containing attorney research and handwritten notes	Work Product
Box #2 P-011362 Thru P-011374	File folder entitled "Def of Prostitution" containing attorney research and handwritten notes	Work Product

Bates Range	Description	Privilege(s) Asserted
Box #2 P-011375 Thru P-011456	File folder entitled "Relevant Florida Statutes" containing attorney research and handwritten notes	Work Product
Box #2 P-011457 Thru P-011626	File folder entitled "Unit of Prosecution Research" containing attorney research and handwritten notes	Work Product
Box #3 P-011627 Thru P-011662	File folder entitled "Attorney Notes" containing attorney handwritten and typed notes	Work Product
Box #3 P-011663 Thru P-011698 and P-012189 thru P-012361 (gap was scanning error)	File folder entitled "Drafts" containing draft indictments with attorney handwritten notes, draft internal memoranda, relevant witness interview reports and grand jury material and attorney handwritten notes	6(e) Work Product Deliberative Process Investigative Privilege Contains information subject to privacy rights of victims who are not parties to this
Box #3 P-011699 Thru P-011777	File folder entitled "6/9/09 Signed Indictment" containing signed indictment package dated 6/9/2009 with corrections	6(e) Work product Deliberative process
Box #3 P-011778 Thru P-011788	File folder entitled "6/12/09 Victim Notif. Log" containing chart with victim contact information and attorney notes regarding dates and type of contacts	Work product
Box #3 P-011789 Thru P-011879	File folder entitled "Breach Memo" containing memorandum analyzing breach of Non-Prosecution Agreement with attachments	Work product Deliberative process
Box #3 P-011880 Thru P-011922	File folder entitled "Overt Act Lists" containing handwritten notes cross-checking all overt acts alleged in draft indictment by victim and typed overt act summary charts for indictment preparation	Work product Attorney-client privilege Deliberative process 6(e)

Bates Range	Description	Privilege(s) Asserted
Box #3 P-011923 Thru P-011966	Folder entitled "Responses to Arguments from JE Counsel" containing: <ul style="list-style-type: none"> <li>■ 7/13/2007 letter from [REDACTED] to [REDACTED] with handwritten attorney (Lourie) notes;</li> <li>■ 6/25/2007 letter from Gerald Lefcourt to [REDACTED] Matt Menchal, [REDACTED], and [REDACTED] with handwritten attorney ([REDACTED]) notes;</li> <li>■ 6/25/2007 email from [REDACTED] to Matt Menchel and [REDACTED] entitled "Thoughts on Lefcourt's letter"</li> </ul> Handwritten and typed attorney ([REDACTED]) notes regarding main themes raised by Epstein counsel	Work product Deliberative process 6(e) Attorney-Client Privilege
Box #3 P-011967 Thru P-012016	Composition book entitled "Operation Leap Year" containing attorney handwritten notes regarding investigation and case strategy	Work product Investigative privilege 6(e) Contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012017 Thru P-012055	Motion of Jeffrey Epstein to Intervene and to Quash Grand Jury Subpoenas and Incorporated Memorandum of Law	6(e)
Box #3 P-012056 Thru P-012088	Affidavit of Roy Black, Esq. in Support of Motion of Jeffrey Epstein to Intervene and to Quash Grand Jury Subpoenas	6(e)
Box #3 P-012089 Thru P-012129	United States' Response to Motion of Jeffrey Epstein to Intervene and to Quash Grand Jury Subpoenas and Cross-Motion to Compel	6(e)
Box #3 P-012130 Thru P-012150	Declaration of [REDACTED]	6(e)
Box #3 P-012151 Thru P-012167	Ex Parte Declaration Number One in Support of United States' Response to Motion to Quash Subpoenas	6(e) Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #3 P-012168 Thru P-012170	Ex Parte Declaration Number Two in Support of United States' Response to Motion to Quash Subpoenas	6(e) Investigative Privilege
Box #3 P-012171 Thru P-012173	Supplement to Ex Parte Declaration Number One in Support of United States' Response to Motion to Quash Subpoenas	6(e) Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012174 Thru P-012176	Draft of September 2009 letter from ██████████ to Roy Black regarding breach of Non Prosecution Agreement with handwritten attorney (██████████) notes	Work Product Attorney-Client Privilege Deliberative Process
Box #3 P-012177 Thru P-012178	Undated handwritten attorney (██████████) notes regarding negotiations and allegations	Work Product Attorney-Client Privilege Deliberative Process
Box #3 P-012179 Thru P-012188	File Folder entitled "FBI G.J. Log" containing copy of FBI grand jury subpoena log with attorney (██████████) handwritten notes	6(e) Work Product Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012362 Thru P-012451	File folder entitled "Key Documents" containing correspondence between AUSA and case agent regarding indictment prep questions, victim identification information, corrections to draft indictment, indictment preparation timeline, key grand jury material	6(e) Work Product Attorney-Client privilege Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012451 Thru P-012452	File folder entitled "Victim List" containing list of victims with dates of birth and age information	Work Product Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #3 P-012453 Thru P-012623	Complete indictment package marked "Originals 12/12/07"	Work-product Deliberative process 6(e) Also contains documents subject to investigative privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012624 Thru P-012653	Folder entitled "(Victims) Additional 302's" containing reports of interviews conducted in June 2007, October 2007, and March 2008.	Investigative Privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012654 Thru P-012864	3-ring binder entitled "Child Molesters: A Behavioral Analysis" with attorney ( ) handwritten notes	Work-product
Box #3 P-012865 Thru P-013226	Indictment preparation binder containing: witness/victim list with identifying information, sexual activity summary, telephone call summary chart, attorney ( ) handwritten notes, 302s, portions of state investigative file, attorney ( ) typed notes, relevant pieces of grand jury materials, telephone records/flight records analysis charts, victim/witness photographs, DAVID records, NCICs, and related materials for persons identified as Jane Does #9, 10, 11, 12, 13, 14	Work Product Deliberative Process 6(e) Also contains documents subject to investigative privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #3 P-013227	April 23, 2008 Memo from ( ) to Office of Professional Responsibility re Self Reporting, Corrected Version of the previously submitted April 21, 2008 Letter to OPR	Privacy Act
Box #3 P-013226 Thru P-013230	April 21, 2008 Letter from ( ) to Office of Professional Responsibility re Self Reporting	Privacy Act
Box #3 P-013231 Thru P-013239	April 22, 2008 Letter from ( ) ( ) to Office of Professional Responsibility re Self-Report of Allegation of Conflict of Interest	Privacy Act

Bates Range	Description	Privilege(s) Asserted
Box #3 P-013240 Thru P-013247	April 21, 2008 Letter from [REDACTED] to Office of Professional Responsibility re Self Reporting with attachments	Privacy Act
Box #3 P-013248 Thru P-013251	Emails between [REDACTED], Assistant General Counsel, Executive Office for United States Attorneys, and [REDACTED], First Assistant U.S. Attorney, Southern District of Florida, regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated August 24 and August 29, 2011	Attorney-Client Privilege
Box #3 P-013252 Thru P-013253	Emails between [REDACTED], Assistant General Counsel, Executive Office for United States Attorneys, and [REDACTED], First Assistant U.S. Attorney, Southern District of Florida, regarding Recusal matter, dated July 28, August 3, and August 24, 2011	Attorney-Client Privilege
Box #3 P-013254 Thru P-013257	Emails between [REDACTED], Assistant General Counsel, Executive Office for United States Attorneys, and [REDACTED], First Assistant U.S. Attorney, Southern District of Florida, regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated August 24 and August 29, 2011	Attorney-Client Privilege
Box #3 P-013258 Thru P-013259	Emails between [REDACTED], Assistant General Counsel, Executive Office for United States Attorneys, and [REDACTED], First Assistant U.S. Attorney, Southern District of Florida, regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated July 28 and August 3, 2011	Attorney-Client Privilege
Box #3 P-013260 Thru P-013262	Email from [REDACTED], Assistant General Counsel, Executive Office for United States Attorneys, to Wifredo Ferrer (U.S. Attorney, SDFL), Robert O'Neill (U.S. Attorney, MDL), [REDACTED] (FAUSA, SDFL), and [REDACTED] (FAUSA, MDL) regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated August 24, 2011. CC's David Margolis (ODAG), [REDACTED] (USAEO), [REDACTED] (USAEO), [REDACTED] (USAEO), [REDACTED] (USAEO)	Attorney-Client Privilege

Bates Range	Description	Privilege(s) Asserted
Box #3 P-013263 Thru P-013271	Emails between [REDACTED], Assistant General Counsel, Executive Office for United States Attorneys, and [REDACTED], First Assistant U.S. Attorney, Southern District of Florida, regarding recusal of Southern District of Florida, dated July 29, 2011, with attached memorandum from [REDACTED] to [REDACTED] summarizing Jeffrey Epstein Investigation	Attorney-Client Privilege Deliberative Process Work Product
Box #3 P-013272 Thru P-013278	Emails between [REDACTED] Executive Office for United States Attorneys, and [REDACTED], Southern District of Florida, seeking advice regarding office-wide recusal, dated December 16 and 17, 2010, with attached letter from Paul Cassell to Wifredo A. Ferrer, dated December 10, 2010	Attorney-Client Privilege

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:08-CV-80736-KAM

JANE DOE 1 and JANE DOE 2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

\_\_\_\_\_ /

**OPINION AND ORDER**

This cause is before the Court on various discovery related matters. In response to Petitioners' first requests for production, the respondent Government asserted various privileges in three privilege logs and submitted nearly 15,000 pages of documents for in camera inspection. (DEs 212-1, 216-1, 329-1). Petitioners object to every privilege asserted. (DE 265).

Intervenor Jeffrey Epstein supports the Government's assertion that certain grand jury materials should remain secret, and he moves to prevent disclosure of those materials. (DE 263). Petitioners filed a response. (DE 271).

Finally, the Government objects to the relevancy of several of Petitioners' requests for production. (DE 260). Petitioners responded (DE 266) and filed a supporting supplement (DEs 267, 268).

The Court has conducted its in camera review of materials submitted, has carefully considered the materials and the parties' submissions, and is fully advised in the premises.



### **I. Background**

This is a case against the United States for allegedly violating the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, by failing to involve Petitioners (and other similarly situated victims of Intervenor Epstein) in the process that ultimately led to a federal non-prosecution agreement between the Government and Epstein. (DE 1). The parties and intervenors debate the discoverability of documents that show exactly what led to the non-prosecution agreement.

In March 2011, Petitioners moved "to allow use of correspondence between the U.S. Attorney's Office and counsel for Epstein" to prove their CVRA case. (DE 51 at 1). Petitioners argued that the correspondence was relevant as it "shows that the U.S. Attorney's Office was aware of its statutory obligation to inform the victims of the non-prosecution agreement," and that they should be allowed to use it "as it sheds important light on the events surrounding the non-prosecution agreement, which are central to the victims' arguments that the U.S. Attorney's Office violated their rights." (*Id.* at 5, 6). The Court granted Petitioners' request and ordered the Government to "[p]roduce responsive documents in response to all outstanding requests for production of documents encompassing any documentary material exchanged by or between the federal government and persons or entities outside the federal government (including without limitation all correspondence generated by or between the federal government and Epstein's attorneys)" (DE 190 at 2). The Court also ordered the Government to produce all responsive documents "other than communications generated between the federal government and outside persons or entities." (*Id.*). If the Government claimed privilege over any of these documents, the Court ordered the Government to (1) file "a privilege log clearly identifying each document[] by author(s), addressee(s), recipients(s), date, and general subject matter and such other identifying

data,” and (2) to “submit all responsive documents withheld on claim of privilege to the court for in camera inspection.” (Id.).

The Government produced 1,357 pages of documents to Petitioners, filed three privilege logs, and submitted nearly 15,000 pages to the Court for in camera inspection. (See DE 257 at 2). The Government asserts that the documents submitted for in camera inspection are privileged for reasons such as the privacy rights of non-party victims, grand jury secrecy under Federal Rule of Criminal Procedure 6(e),<sup>1</sup> and the attorney–client, work product, deliberative process, and investigative privileges. (DEs 212-1; 216-1, 329-1). Moreover, with the Court’s leave (DE 257 at 4), the Government objects to the relevancy of several of Petitioners’ requests for production (DE 260).

## II. Discussion

District courts have “broad discretion in shaping the scope of discovery under Fed.R.Civ.P. 26(b).” Williams v. City of Dothan, 745 F.2d 1406, 1415 (11th Cir. 1984). The Court will first address matters related to whether a privilege protects the submitted documents from discovery and then turn to whether any otherwise non-privileged documents are relevant to Petitioners’ CVRA case. Specific rulings as to the submitted documents are found in the Table appended to this Opinion and Order.

### A. Privilege Assertions

#### 1. Challenge to the Sufficiency of Government’s Privilege Assertions

Petitioners raise several general objections to the Government’s privilege logs. They

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<sup>1</sup> In a previous ruling, the Court noted that Plaintiffs formally requested the release of grand jury materials, but the Court reserved “ruling as to whether the materials in question are protected from disclosure by Federal Rule of Criminal Procedure 6(e).” (DE 257 at 3).

argue that the Government's logs are inadequate because they do not "clearly identify" the documents as ordered by this Court. (DE 265 at 2; DE 190 at 2). The Court has reviewed the Government's privilege logs and the documents that they describe, and the Court finds that the logs—describing nearly 15,000 pages of documents—are adequate to facilitate a meaningful in camera inspection and assessment of the asserted privileges. To the extent inadequacies may be present, the Court finds that judicial resources would not be best spent by requiring the Government to submit a revised, more detailed log. See N.L.R.B. v. Jackson Hosp. Corp., 257 F.R.D. 302, 307 (D.D.C. 2009) (court may remedy inadequate privilege log by in camera inspection of described documents or permitting party another chance to submit a more detailed log).

Petitioners also argue that the Government has failed to provide the factual underpinnings necessary to hold that certain privileges apply, specifically the deliberative process privilege, investigative privilege, work product privilege, and attorney–client privilege. Discussed in more detail below, the Court finds it unnecessary to consider whether the deliberative process and investigative privilege apply in this case as other, stronger, privileges are at play, or, as discussed further below, many of the documents over which the deliberative process and investigative privileges are asserted are irrelevant to this proceeding. Regarding the work product and attorney–client privileges, and the Court has considered the materials submitted and the Government's arguments, and finds that the Government has submitted sufficient evidence to evaluate its claims of privilege. (See DE 238-1) (discussing documents prepared by the United States Attorney's Office in anticipation of possible Epstein prosecution); see Stern v. O-Quinn, 253 F.R.D. 663, 675 (S.D. Fla. 2008) (Rosenbaum, Mag. J.) (relying on allegations within

pleading to decide application of work product privilege). The Court will therefore evaluate each claim of privilege as it relates to the documents submitted.

## 2. Grand Jury Secrecy

The Government asserts that many of the documents identified in its logs are protected by Federal Rule of Criminal Procedure 6(e), which governs the secrecy of grand jury proceedings. (See DE 212-1; DE 216-1 at 4, 6). These documents include subpoenas issued and documents received and prepared during the course of grand jury investigations into whether Epstein committed indictable federal offenses. (DE 212-1 at 1). Petitioners argue that the Court can (and should) authorize disclosure in this case. (DE 265 at 17).

“It has long been a policy of the law that grand jury proceedings be kept secret . . . . The English rule of grand jury secrecy has been incorporated into our federal common law and remains an integral part of our criminal justice system.” United States v. Aisenberg, 358 F.3d 1327, 1346 (11th Cir. 2004) (internal quotation marks omitted). “Rule 6(e) of the Federal Rules of Criminal Procedure codifies this secrecy principle and prohibits the disclosure of grand jury material except in the limited circumstances provided for in Rule 6(e)(3).” Id. One such exception is Rule (6)(e)(3)(E)(i), which permits a court to authorize disclosure “preliminary to or in connection with a judicial proceeding.” Fed. R. Crim. P. 6(e)(3)(E)(i). Additionally, a court has inherent authority to disclose grand jury materials beyond the literal wording of Rule 6(e)(3) in “exceptional circumstances.” Aisenberg, 358 F.3d at 1347. “The district court has ‘substantial discretion’ in determining whether grand jury materials should be released.” Id. at 1349 (quoting Douglas Oil Co. v. Petrol Stops N.W., 441 U.S. 211, 223 (1979)).

Whether proceeding under Rule 6(e)(3) or the court’s inherent authority, there are well

settled guidelines for determining when grand jury secrecy may be broken. Id. at 1347.

Specifically, the parties seeking disclosure must show:

- (1) “that the material they seek is needed to avoid a possible injustice in another judicial proceeding”;
- (2) “that the need for disclosure is greater than the need for continued secrecy”; and
- (3) “that their request is structured to cover only material so needed.”

Id. at 1348 (citing Douglas Oil Co., N.W., 441 U.S. 211, 222 (1979)). These demanding standards apply even after the grand jury has concluded its operations. Id. The burden of demonstrating that the need for disclosure outweighs the need for secrecy rests on the party seeking disclosure. Id. “In order to carry this burden, the party seeking disclosure of grand jury material must show a compelling and particularized need for disclosure.” Id. That is, “the private party must show circumstances had created certain difficulties peculiar to this case, which could be alleviated by access to specific grand jury materials, without doing disproportionate harm to the salutary purpose of secrecy embodied in the grand jury process.” Id. at 1348-49 (internal quotation marks omitted) (emphasis in original).

Accordingly, the grand jury proceedings at issue are “presumptively secret,” see In re Subpoena to Testify, 864 F.2d 1559, 1562 (11th Cir. 1989), and Petitioners have the heavy burden of overcoming this presumption.<sup>2</sup> Petitioners argue that they have met their burden in their response to Epstein’s motion to uphold grand jury secrecy. (DE 271 at 3).

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<sup>2</sup> Because the burden lies with Petitioners, Petitioners’ argument that disclosure is appropriate because the Government “has not attempted to defend its invocation of grand jury secrecy” is of no moment. (DE 278 at 10).

Regarding whether (1) grand jury materials are “needed to avoid a possible injustice” in this case, Petitioners argue that “an injustice may occur” if the materials are not disclosed to them. (DE 217 at 4). They argue that the possibility for injustice exists because this Court has already recognized that aspects of this case “must be considered in the historical factual context of the entire interface between Epstein, the relevant prosecutorial authorities and the federal offense victims—including an assessment of the allegation of a deliberate conspiracy between Epstein and the federal prosecutors to keep the victims in the dark on the pendency of negotiations between Epstein and the federal authorities.” (*Id.*) (quoting the Court’s Order at DE 189 at 12 n.6). They also argue that injustice may result without the grand jury materials because the “critical starting point for the victims’ case” is proof that the Government had an “extremely strong case against Epstein.” (*Id.*).

The Court concludes that Petitioners have not met their heavy burden of demonstrating a compelling and particularized need for the disclosure of grand jury materials pertaining to the investigation of Epstein. Materials that the Government presented in secrecy to a grand jury relative to a case against Epstein are not part of the “interface” that occurred between Epstein, prosecuting authorities, and the victims. As the Court has already explained, the harm in this case did not arise out of the Government’s failure to secure a grand jury indictment against Epstein. (DE 189 at 10) (“The victim’s CVRA injury is not the government’s failure to prosecute Epstein federally—an end within the sole control of the government.”). Rather, the harm in this case arose from the Government’s alleged failure to confer adequately with Petitioners before deciding to abandon a federal case against Epstein. (*Id.*). The Court has reviewed the portions of the submitted documents to which grand jury secrecy is invoked, and it

finds that none of the grand jury materials produced has a bearing on the Government's alleged failure to confer with Petitioners before electing to forego a federal prosecution.

The Court also concludes that Petitioner's asserted need to prove that the Government had an "extremely strong case against Epstein" does not justify the disclosure of secret grand jury materials. Petitioners seek to use the grand jury materials as the means to an improper end—a judicial determination that the Government made an inexplicably poor decision when it decided not to prosecute Epstein.

"[T]he Government retains 'broad discretion' as to whom to prosecute." Wayte v. United States, 470 U.S. 598, 607 (1985). The CVRA incorporates this principle, providing that "[n]othing in this chapter shall be construed to impair the prosecutorial discretion" of federal prosecutors. 18 U.S.C. § 3771(d)(6). Courts tread lightly where prosecutorial discretion is concerned because "the decision to prosecute is particularly ill-suited to judicial review." Wayte, 470 U.S. at 607; see also 35 Geo. L.J. Ann. Rev. Crim. Proc. 203, 203 n.648 (2006). "Such factors as the strength of the case, the prosecution's general deterrence value, the Government's enforcement priorities, and the case's relationship to the Government's overall enforcement plan are not readily susceptible to the kind of analysis the courts are competent to undertake." Wayte, 470 U.S. at 607 (emphasis added); see also Town of Newton v. Rumery, 480 U.S. 386, 396 (1987) (courts normally must defer to prosecutorial decisions about whom to prosecute because, "[i]n addition to assessing the strength and importance of a case, prosecutors also must consider other tangible and intangible factors, such as government enforcement priorities.") (emphasis added).

Petitioners asserted strategy of demonstrating that the Government had an improper

motive to hide its “extremely strong” case asks the Court to decide (or assume) that the Government did in fact have an “extremely strong” case against Epstein. As Petitioners point out, the Government has not admitted that it believed it had a “strong case” for prosecution. (DE 266 at 8).<sup>3</sup> In light of this refusal to admit the strength of the case, Petitioners seek grand jury materials to present to the Court the case for prosecuting Epstein. (*Id.* at 9). Basically, Petitioners ask the Court to interject itself in place of the Government and adjudicate whether the Government erred, and thus had a motive for hiding its error, when it decided not to prosecute Epstein. As the Supreme Court has articulated, “courts are [not] competent to undertake” the kind of analysis necessary to assess the “strength of the case” for or against any particular prosecution. *Wayte*, 470 U.S. at 607; *see also United States v. Armstrong*, 517 U.S. 456, 465 (1996) (Judicial deference to prosecutors’ decisions “rests in part on an assessment of the relative competence of prosecutors and courts.”). Nor is the Court competent to undertake an analysis of how strong the Government perceived its case against Epstein at the time it decided not to prosecute. Stated plainly, whether the Government had a “strong” case against Epstein was for the Government to decide in its sole discretion; the Court will not foray into matters related to assessing the strength of the Government’s case against Epstein.

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<sup>3</sup> In response to Petitioners Request for Admission regarding whether the Government had a case for “federal prosecution against Epstein for many federal sex offenses,” (DE 266 at 8), the Government responded:

The government admits that the FBI and the U.S. Attorney’s Office for the Southern District of Florida (“USAO”) conducted an investigation into Jeffrey Epstein (“Epstein”) and developed evidence and information in contemplation of a potential federal prosecution against Epstein for many federal sex offenses. Except as otherwise admitted above, the government denies Request No. 1.

(DE 213-1 at 1).

Accordingly, because the Court will not—and cannot—endeavor to assess the strength of the Government’s case against Epstein at the time it decided to enter into the non-prosecution agreement, the Court concludes that Petitioners have not shown that they will suffer an injustice in this case if they are denied access to materials that the Government presented to grand juries during their investigation into whether Epstein committed federal crimes. Likewise, Petitioners have not shown that their need for these materials is compelling or particularized to their asserted interests under the CVRA. Therefore, the Court will deny Petitioners access to the materials over which grand jury secrecy applies under Fed. R. Crim. P. 6(e).

### **3. Work Product Doctrine**

The Government asserts that many of the documents submitted are protected by the attorney work-product privilege. (DE 212-1 at 1-21; DE 216-1 at 1-14). These documents include draft correspondences and indictments, as well as attorney research and handwritten notes. (See, e.g., DE 212-1 at 2, 17). Petitioners argue that the work-product privilege is unavailable for a number of reasons. (DE 265 at 6, 8, 14-16).

The work-product doctrine traces its roots to the Supreme Court’s recognition that “it is essential that a lawyer work with a certain degree of privacy, free from unnecessary intrusion by opposing parties and their counsel.” Hickman v. Taylor, 329 U.S. 495, 510 (1947). The privilege is codified at Federal Rule of Civil Procedure 26(b)(3):

Ordinarily, a party may not discover documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative (including the other party’s attorney, consultant, surety, indemnitor, insurer, or agent). But, subject to Rule 26(b)(4), those materials may be discovered if:

(i) they are otherwise discoverable under Rule 26(b)(1); and

(ii) the party shows that it has substantial need for the materials to prepare its case and cannot, without undue hardship, obtain their substantial equivalent by other means.

Fed. R. Civ. P. 26(b)(3)(A). Although fact-based work product may be disclosed on a showing of “substantial need,” the court must avoid “disclosure of the mental impressions, conclusions, opinions, or legal theories of a party’s attorney or other representative concerning the litigation.”

Id. 26(b)(3)(B). Such “opinion work product enjoys a nearly absolute immunity and can be discovered only in very rare and extraordinary circumstances.” Cox v. Adm’r U.S. Steel & Carnegie, 17 F.3d 1386, 1422 (11th Cir. 1994). In the context of government attorneys, the “work-product privilege applies to . . . discussions between prosecutors and investigating agents, both state and federal.” United States v. Zingsheim, 384 F.3d 867, 872 (7th Cir. 2004) (citing FTC v. Grolier Inc., 462 U.S. 19 (1983)).

The work-product privilege extends only to documents that an attorney prepares “in anticipation of litigation.” Fed. R. Civ. P. 26(a)(3)(A). Petitioners argue that the work-product privilege does not apply to the submitted documents because they were not prepared “in anticipation of [the instant] CVRA litigation.” (DE 265 at 7). Retreating somewhat from this initial assertion, Petitioners argue that “[m]any of the documents at issue here were not prepared in anticipation of litigation, and certainly not in anticipation of the litigation about the Crime Victims’ Rights Act.” (Id.).

Although “[s]ome older cases took the position that the work-product immunity applied only to documents prepared in direct relation to the case at bar,” 8 Wright, Miller & Marcus, Fed. Prac. & Fed. P. § 2024, p. 518 (3d ed. 2010), more recent cases “have generally found that documents produced in anticipation of litigating one case remain protected in a subsequent case[]

if they were created by or for a party to the subsequent litigation,” Underwriters Ins. Co. v. Atlanta Gas Light Co., 248 F.R.D. 663, 668 (N.D. Ga. 2008). These cases rely on the Supreme Court’s dicta in Federal Trade Communication v. Grolier, Inc., that “the literal language of [Rule 26(b)(3)] protects materials prepared for any litigation or trial as long as they were prepared by or for a party to the subsequent litigation.” 462 U.S. 19, 25 (1983) (emphasis in original); see also 8 Wright, Miller & Marcus, Fed. Prac. & Fed. P. § 2024, p. 519 n.47 (3d ed. 2010) (collecting cases). Similarly, the work-product doctrine applies regardless of whether litigation actually ensued, so long as it can be fairly said that the document was prepared or obtained because of the prospect of litigation. See Kent Corp. v. N.L.R.B., 530 F.2d 612, 623 (5th Cir. 1976) (holding that agency documents produced when deciding “to prosecute or not to prosecute” were protected work product, regardless of “whether litigation actually ensued”).

After its in camera review, the Court finds that the majority of work-product documents identified by the Government were prepared or obtained by the Government because of the reasonable prospect of litigating a criminal case against Epstein. (DE 212-1 at 1–21; DE 216-1 at 1–12; DE 329-1 at 1–18).<sup>4</sup> This CVRA litigation and the underlying criminal investigation are integrally related, and the work-product doctrine protects from discovery materials prepared in anticipation of either in the instant litigation.

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<sup>4</sup> The Government asserts that the work-product doctrine applies to documents prepared by attorneys in the Department of Justice’s Office of Professional Responsibility (OPR) in response to Petitioners’ counsel’s request for an investigation into the Government’s handling of the Epstein case. (DE 216-1 at 12–14). Although these documents were prepared by Government attorneys, the Government has not demonstrated that they were prepared “in anticipation of litigation or for trial” so as to be protected work product. Fed. R. Civ. P. 26(b)(3)(A). As discussed in the next section, however, the Court has thoroughly reviewed these documents and finds that they are not relevant, or likely to lead to materials relevant to the instant CVRA litigation. (See infra Sect. B.3.)

Petitioners argue that the work-product doctrine “does not apply” in this case for two additional reasons. First, they argue that the doctrine does not apply in a case brought by crime victims against the federal prosecutors who were bound to protect their rights under the CVRA. (DE 265 at 13). Second, they argue that the doctrine does not apply because the conduct of those prosecutors is a “central issue” in this case. (Id. at 15). The Courts finds these arguments unavailing.

First, Petitioners argue that the “work product doctrine does not apply to claims advanced by crime victims that federal prosecutors have violated their public responsibilities under the Crime Victims’ Rights Act.” (Id. at 14). Because the CVRA compels prosecutors to make their “best efforts” to notify victims of their rights, Petitioners argue that the Government cannot withhold documents that “might allow them to protect those very rights.” (Id. at 15). By way of illustration, Petitioners offer the case of In re Grand Jury Subpoena Duces Tecum, where the Eighth Circuit broadly stated that “the general duty of public service calls upon government employees and agencies to favor disclosure over concealment.” 112 F.3d 910, 920 (8th Cir. 1997).

A closer inspection of In re Grand Jury Subpoena reveals that it does not stand for the categorical rule that the work product doctrine is inapplicable in cases against public prosecutors. The statement on which Petitioners rely was made in the context of determining whether to recognize a previously undefined privilege: “whether an entity of the federal government may use the attorney-client privilege to avoid complying with a subpoena by a federal grand jury.” Id. at 915 (emphasis added); see also id. at 921 (“We believe the strong public interest in honest government and in exposing wrongdoing by public officials would be ill-served by recognition of

a governmental attorney-client privilege applicable in criminal proceedings inquiring into the actions of public officials.”). The Eighth Circuit did not purport to espouse a broad-ranging rule that defeated existing, well-defined privileges such as the work product doctrine. This is important, as the Supreme Court has recognized that the “work-product doctrine is distinct from and broader than the attorney-client privilege.” United States v. Nobles, 422 U.S. 225, 238 (1975) (citing Hickman, 329 U.S. at 508). In fact, the Eighth Circuit went on to consider the application of the work product doctrine and concluded that it did not apply because the materials in question were not prepared in “anticipation of litigation.” 112 F.3d at 924-25. It did not find the work product doctrine wholly inapplicable based on a goal of public disclosure.

In light of the well-established bounds of the work product doctrine—which grants public prosecutors “near absolute immunity” over their mental impressions in subsequent civil litigation—the Court finds that the CVRA’s mandate that prosecutors make their “best efforts” to accord crime victims their rights does not create a “very rare and extraordinary circumstance” in which discovery of protected work product would be allowed. See Cox, 17 F.3d at 1422.

Second, Petitioners argue that the work product doctrine does not apply because the conduct of the Government’s attorneys is a “central issue” in this case. (Id. at 15). Some lower courts have held that disclosure of opinion work product is “justified principally where the material is directly at issue, particularly if the lawyer or law firm is a party to the litigation.” 8 Wright, Miller & Marcus, Fed. Prac. & Fed. P. § 2026, p. 567 & n.19 (3d ed. 2010) (collecting cases). To satisfy this showing, however, the party seeking disclosure of opinion work product must make “a far stronger showing of necessity and unavailability by other means” than is needed to justify discovery of fact-based work product. Id. (quoting Upjohn Co. v. United States,

449 U.S. 383, 402 (1981)); see also In re Doe, 662 F.2d 1073, 1080 (4th Cir. 1981) (even under crime-fraud exception to work product doctrine, party “must show a greater need for the opinion work product material than was necessary in order to obtain the fact work product material”).

The Court finds that Petitioners have not made the strong showing of necessity and unavailability required to disclose the mental impressions of counsel that might be at issue in this case. (See DE 265 at 16). Discovery of opinion work product is most often granted in bad-faith settlement cases, where “mental impressions [of the underlying counsel] are the pivotal issue in the current litigation.” Holmgren v. State Farm Mut. Auto. Ins. Co., 976 F.2d 573, 577 (9th Cir. 1992). Other than by analogizing to bad-faith actions, Petitioners have not demonstrated how delving in to the “mental impressions” of Government attorneys is pivotal to proving their allegations that the Government failed to accord them their rights under the CVRA. (See DE 265 at 15). Insofar as they seek to demonstrate that the attorneys’ mental impressions should have led them to conclude that prosecution was the best course, such inquiry cannot be allowed for reasons discussed above. Elsewhere, Petitioners assert that they can prove their case by demonstrating a “conspiracy between the Government and defense counsel to deliberately conceal vital information from the victims.” (DE 266 at 7). Because of the availability of this method of proof, Petitioners lack a compelling need to gain access to internal Government work product evidencing its internal mental impressions regarding the Epstein matter.

Finally, Petitioners argue that any work-product protection available in this case should be negated because the Government’s communications facilitated “misconduct” by depriving the victims of their rights under the CVRA. (DE 265 at 6). The Eleventh Circuit has recognized that “[t]he crime-fraud exception presents one of the rare and extraordinary circumstances in which

opinion work product is discoverable.” Cox, 17 F.3d at 1422. The Eleventh Circuit has not indicated whether this “rare and extraordinary” exception extends to instances of “misconduct” in the form of violating a civil rights statute, such as the CVRA. Even so, the Court finds that such alleged “misconduct” does not rise to the level of conduct that triggers an exception to the work product doctrine. See, e.g., In re Sealed Case, 754 F.2d 395, 401 (D.C. Cir. 1985) (exception to attorney-client privilege applied where alleged wrongdoing included “perjured testimony, document destruction, and similar misconduct”); United States v. Myers, 593 F.3d 338, 347 n.14 (4th Cir. 2010) (noting that exception applied where litigant “defrauded” public defender by submitting false invoices). Petitioners’ allegation that the Government failed to accord them their full CVRA rights—the allegation at the heart of this case—does not rise to the level of conduct sufficiently serious enough to displace the work product privilege.

Moreover, Petitioners fail to set forth prima facie evidence that the Government in fact committed “misconduct” in this case. To invoke the crime-fraud exception, the party seeking disclosure must (1) make a prima facie showing that the material was produced in the commission of criminal or fraudulent conduct and (2) that it was produced “in furtherance of the criminal or fraudulent activity or was closely related to it.” Cox, 17 F.3d at 1416; see also id. at 1422 (noting that same “two-part test” applies in context of both attorney client privilege and work product doctrine). Petitioners argue that the fact that the OPR “collected information about possible improper behavior” establishes a prima facie case of Government misconduct. (DE 265 at 7). An investigation into wrongdoing does not presuppose that wrongdoing took place. After its in camera review, the Court finds that Petitioners have not made a prima facie showing of serious misconduct sufficient to negate the protections of the work product doctrine.

Materials constituting the opinion work product of the Government's attorneys shall therefore be withheld from Petitioners. Certain documents that the Court considers fact-based work product may be produced subject to relevancy considerations discussed below.

**B. Relevancy of Requests for Production**

In addition to asserting privileges, the Government responds to Petitioners' first request for production by arguing that many of the materials requested are not relevant to the instant CVRA litigation. (DE 260).

Rule 26 of the Federal Rules of Civil Procedure defines the general scope of discovery as follows:

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense—including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons who know of any discoverable matter. . . . Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.

Fed. R. Civ. P. 26(b)(1). "Discovery should ordinarily be allowed unless it is clear that the information sought has no possible bearing on the claims and defenses of the parties or otherwise on the subject matter of the action." Milinzazzo v. State Farm Ins. Co., 247 F.R.D. 691, 695-96 (S.D. Fla. 2007) (citing Dunkin' Donuts, Inc. v. Mary's Donuts, Inc., No. 01-0392, 2001 WL 34079319, at \*2 (S.D. Fla. Nov. 1, 2001)).

**1. Request No. 1—the FBI File on the Epstein Matter and Indictment Material**

In their first request for production, Petitioners seek the file generated by the FBI in the Epstein matter, including all documents "collected as part of its case against and/or investigation

of Epstein.” (DE 260 at 2). Petitioners also request that the Government produce all prosecution memoranda and draft indictments prepared in the case. (*Id.*). The Government argues that such materials regarding its decision to prosecute Epstein are irrelevant to the issue of whether they denied Petitioners their rights under the CVRA. (*Id.*). Petitioners disagree. They argue that “materials going to the strength of the Government’s case against Epstein” are a “vital part” of their case against the Government. (DE at 266 at 8). “Those materials would directly demonstrate that the Government had an extremely strong case against Epstein, giving the Government a motive for needing to keep the victims in the dark about the plea deal.” (*Id.*). The Court concludes that discovery should not extend to these materials.

First, the Court finds that all prosecution memoranda, research into indictable offenses, and draft indictments are protected opinion work product. These documents were created by the Government in anticipation of a possible prosecution of Epstein and evince the Government’s internal mental impressions, legal theories, and strategy concerning the issues presented by a possible prosecution. As discussed above, Petitioners have not demonstrated “rare and extraordinary circumstances” justifying an exception to this well-established protection.

Second, the Court finds that the information in the FBI’s file regarding its investigation into Epstein has no possible bearing on the CVRA claim that is the subject matter of this action. Petitioners assert that the relevancy of this material is to “directly demonstrate that the Government had an extremely strong case against Epstein.” (DE 266 at 8). As discussed above, this Court is ill-equipped to decide that the Government did in fact have a “strong case” for prosecution and made a hard-to-explain decision to forego a federal prosecution in lieu of a state plea. Rather, the inquiry for the Court is whether the Government afforded Petitioners their

rights under the CVRA, which does not turn on its decision whether to initiate a federal prosecution. See 18 U.S.C. § 3771(d)(6). Materials going to the “strength” of the Government’s case for prosecution—and whether the Government had a motive to hide an embarrassing misstep in failing to prosecute—have no relevance to that inquiry.

**2. Request No. 10—Materials Proving that the FBI was Mislead about Likelihood of Prosecution**

Request number 10 requests “[a]ll documents, correspondence, and other information relating to discussions between the U.S. Attorney’s Office and the FBI concerning the status of the investigation and the plea discussions with Epstein, as well as what kind of charges would appropriately be filed against Epstein,” and “[a]ll documents, correspondence, and other information relating to the U.S. Attorney’s Office’s representations to the FBI and any other state or local law enforcement agency about how this case was being handled.” (DE 274 at 5). The Government argues that communications it had with the FBI are irrelevant because the “decision on whether to prosecute belongs to the United States Attorney.” (DE 260 at 3). Petitioners argue that these communications between the United States Attorney’s Office and the FBI lie at the “heart of this case” because they will prove that the Government misled the FBI about the progress of the Epstein case, and the FBI in turn misled the victims. (DE 266 at 9). The Court concludes that discovery should not extend to these materials.

First, the vast majority of documents responsive to this request—communications between the U.S. Attorney’s Office and the FBI—are protected from disclosure under either principles of grand jury secrecy, the opinion work product doctrine, or both. (See Table).

Second, the only portion of FBI materials which the Court has not found to be protected

by either grand jury secrecy or work product protection—the file folder labeled “(Victims) Additional 302’s,” P-012624–012653 (DE 212-1 at 21)—is not responsive to the instant request as it does not contain communications from the United States Attorney’s Office to the FBI, which was then in a position to relay communications to the victims. Rather, these materials contain fact-based summaries of statements provided by victims to interviewing FBI agents. They are not relevant to this proceeding.

**3. Request No. 16—Materials Proving that Prosecutors had Improper Relationships with Persons Close to Epstein**

Request number 16 seeks materials demonstrating that persons inside the United States Attorney’s Office had improper relationships with persons close to Epstein. (DE 260 at 3). Petitioners argue that these documents “show[] that a prosecutor working inside the U.S. Attorney’s Office when the deal was being arranged left the office shortly thereafter and began representing persons close to Epstein (such as his pilots).” (DE 266 at 11). They argue that such materials are relevant to their CVRA case because “if one of the prosecutors in the Office was not working for the best interests of the United States, but rather for those of Epstein, that would be clear evidence of motive to intentionally keep the victims in the dark.” (*Id.* at 11). The Court concludes that production of such documents should not issue.

After its *in camera* review, the Court finds that the documents discussing the issue of whether an improper relationship existed between a former prosecutor and Epstein’s co-conspirators are not relevant to this proceeding. The issue of whether a prosecutor violated ethical canons by representing persons with close ties to Epstein after his retirement from the United States Attorney’s Office does not bear on the issue of whether the Government violated

Petitioners' CVRA rights during its negotiations with Epstein. The only impropriety to which Petitioners point occurred after the prosecutor's departure from the Government. The OPR—which opened an inquiry into the matter at Petitioners' counsel's request—closed their inquiry into the matter by noting that the OPR has jurisdiction to investigate allegations of misconduct involving only current Department of Justice attorneys. (See P-013937;<sup>5</sup> see also P-0013946). The OPR did not investigate the matter further, and it issued no factual determinations on whether a conflict existed before the prosecutor's departure. Any OPR correspondence regarding this inquiry that is not otherwise privileged is irrelevant to this CVRA litigation. (See Table at P-013944, P-013945).

In the same vein, correspondence between the United States Attorney's Office and the OPR regarding self-reporting of conflicts alleged by Epstein's defense counsel are irrelevant to this proceeding.<sup>6</sup> (DE 212-1 at 21-22); (see Table at P-013227–013247).

**4. Request No. 18—Documents Concerning Recusal of the United States Attorney's Office for the Southern District of Florida**

Request number 18 seeks information about why the United States Attorney's Office for the Southern District of Florida was "'conflicted out' of handing various issues related to the Epstein case." (DE 266 at 11). Specifically, it requests "all documents, correspondence, and other information regarding the potential conflicts of interest that the Justice Department discussed or determined existed for the USAO SDFL, as well as any referral that was made to

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<sup>5</sup> This is a draft letter addressed to Petitioners' counsel from an OPR attorney. The Court assumes Plaintiff's counsel received the final version of this letter explaining the OPR's reasons for closing its investigation.

<sup>6</sup> Ironically, Epstein's counsel raised conflict-of-interest concerns because they believed that certain prosecutors were too close to persons associated with the victims.

Main Justice or to any other District, including any documents that were transmitted to any other District regarding the conflict and regarding what was to be investigated.” (DE 260 at 4). Petitioners argue that such materials are relevant because they “show why the victims did not receive proper notifications about the non-prosecution agreement that the [United States Attorney’s Office for the Southern District of Florida] negotiated with Epstein.” (DE 266 at 11). The Court concludes that the materials are not relevant in that regard.

First, the Court finds that the responsive documents are shielded by governmental attorney-client privilege. The responsive documents are internal Department of Justice correspondences between attorneys for the United States Attorney’s Office for the Southern District of Florida and the Executive Office of United States Attorneys. (DE 212-1 at 22-23); (see Table at P-013248–13278). One of the Executive Office’s functions is to “[p]rovide general legal interpretations, opinions, and advice to United States Attorneys in areas of recusals.” Offices of the United States Attorneys, United States Department of Justice, <http://www.justice.gov/usao/eousa/mission-and-functions> (last visited June 19, 2015). The internal documents that Petitioners seek relate to the provision of legal advice by the Executive Office to the United States Attorney’s Office for the Southern District of Florida regarding how to proceed in the Epstein matter given the initiation of CVRA litigation by Petitioners. These communications are solely between attorneys within the United States Department of Justice. The communications do not constitute the commission of crime, fraud, or misconduct, but rather simply advise how to proceed given that allegations of misconduct have been made, i.e., allegations that the Government violated the victims’ CVRA rights.

Moreover, the documents related to the recusal determination are not relevant to matters

concerning whether the Government violated Petitioners' CVRA rights several years before. Petitioners speculate that the reason that the Southern District recused "may have to do with the Office's treatment of the victims." (DE 266 at 12). The Court has reviewed the recusal materials, and they do not indicate that the Office had to step away from the Epstein matter because of its handling of victims' notifications, but rather because of the perceived conflict that would exist if the Office continued to investigate Epstein after the institution of CVRA litigation by Petitioners. The recusal materials have no relevancy to anything that occurred prior to the institution of the instant litigation by Petitioners.

**5. Request No. 19—Materials Related to Defense's Assault on Prosecution**

In request number 19, Petitioners seek all documents supporting, or contradicting, a statement made by a United States Attorney to the media that Epstein launched "a yearlong assault on the prosecution and the prosecutors." (DE 260 at 4). After its in camera review, the Court has not identified any documents that are responsive to this request that are not otherwise protected opinion work product. No production under this request is necessary.

**6. Request No. 25—Initial Disclosures under FRCP 26(a)(1)**

Finally, Petitioners request that the Government comply with its obligation to serve initial disclosures under Federal Rule of Civil Procedure 26(a)(1). Although Petitioners have already served their Rule 26(a)(1) disclosures (DE 266 at 13), and although this Court has repeatedly held that the Federal Rules of Civil Procedure "govern the general course of this proceeding," the Government maintains that the rule governing initial disclosures in civil litigation does not apply to it in this case. (DE 274 at 8). The Court disagrees. The Government shall serve its Rule 26(a)(1) disclosures on Petitioners within 14 days of this Opinion and Order.

**C. Other Considerations**

Before concluding, the Court finds it necessary to address certain aspects of the Government's privilege logs.

As mentioned, the Court previously ordered the Government to provide Petitioners all "documentary material exchanged by or between the federal government and persons or entities outside the federal government." (DE 190 at 2). Petitioners state that they "have now obtained the full text of correspondence between the defense attorneys and the prosecutors." (DE 298 at 6). The documents produced for in camera review contain correspondence between the Government and counsel for both Epstein and Petitioners. Some of the documents were inadvertently marked as privileged; some of the documents bear handwritten notes of Government attorneys, and some are part of communication chains made up of both internal and external communications. The Table at the end of this order indicates instances where such communications appear. The Court requests that the Government certify within 14 days that Petitioners have been provided with all external communications.

Additionally, the Court has identified several documents that are asserted "work product," but which are nothing more than factual complications of information regarding victim identification. The Court finds that Petitioners have a compelling need to know which individuals the Government considered to be victims or potential victims at the time it negotiated the non-prosecution agreement. As indicated in the Table, the Government should confer with Petitioners regarding the names of the individuals identified in these documents. If Petitioners have not been previously provided with these names, then Petitioners should have production of the indicated documents. The parties should stipulate to an appropriate protective order to

protect the victims' identity.

### III. Conclusion

Accordingly, it is hereby **ORDERED AND ADJUDGED** that the Government shall produce documents consistent with the following Table. It is further **ORDERED AND ADJUDGED** that Intervenor Epstein's Motion for the Court to Protect From Disclosure Grand Jury Materials (DE 263) is **GRANTED**, and Petitioners' Motion to Seal (DE 267) is **DENIED** in light of this Court's Order at DE 326; DE 268 is hereby **UNSEALED**.

**DONE AND ORDERED** in chambers at West Palm Beach, Palm Beach County, Florida, this 6<sup>th</sup> day July, 2015.



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KENNETH A. MARRA  
United State District Judge

**TABLE**  
Detail of Privilege and Relevancy Holdings

<b>Bates Range</b>	<b>Ruling on Privilege or Relevancy</b>	<b>Comment (as necessary)</b>
1:000001-000039 <sup>7</sup>	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:000040-000549	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:000550-000621	Protected from discovery by grand jury secrecy.	
1:000622-000693	Protected from discovery by grand jury secrecy.	
1:000694-000781	Protected from discovery by opinion work product privilege.	
1:000782-000803	Protected from discovery by grand jury secrecy.	
1:000804-000854	Protected from discovery by grand jury secrecy.	
1:000855-000937	Protected from discovery by grand jury secrecy.	
1:000938-000947	Protected from discovery by grand jury secrecy.	
1:000948-000982	Protected from discovery by opinion work product privilege.	
1:000983-001007	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:001008-001056	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:001057-001959	Protected from discovery by grand jury secrecy.	
1:001960-002089	Protected from discovery by grand jury secrecy.	
1:002090-002169	Protected from discovery by grand jury secrecy.	
1:002170-002246	Protected from discovery by grand jury secrecy.	
1:002247-002265	Protected from discovery by grand jury secrecy.	
1:002266-002386	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:002387-002769	Protected from discovery by grand jury secrecy and opinion work product privilege.	

<sup>7</sup> The first digit indicates the box number, with an "S" indicating materials identified in the supplemental privilege logs (DEs 216-1, 329-1). The numbers following the colon are page ranges.

1:002770-003211	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:003212-003545	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:003546-003552	Protected from discovery by opinion work product privilege.	
1:003553-003555 B	Protected from discovery by opinion work product privilege.	
1:003556-003562	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:003563-003629	Protected from discovery by grand jury secrecy.	
1:003630-003633	Protected from discovery by opinion work product privilege.	
1:003634-003646	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:003647-003651	Produce victim identities.	Document bears no indication that it was directly related to grand jury presentation, and it does not exhibit the mental impressions of counsel but rather the cumulation of facts. Petitioners should be provided with the victim identities under an appropriate protective order.
1:003664-003678	Protected from discovery by opinion work product privilege.	
1:003679-003680	Protected from discovery by opinion work product privilege.	
1:003681-003687	Protected from discovery by opinion work product privilege.	
1:003688-003693	Protected from discovery by opinion work product privilege.	
1:003694-003711	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:003712	Produce victim identity.	Contains nothing other than the written name of one victim. The Court finds that no privilege applies, and Petitioners should be made aware that this victim was known to the Government.

1:003713-003746	Protected from discovery by grand jury secrecy.	
1:003747-003751	Protected from discovery by grand jury secrecy.	
1:003752-004295	Protected from discovery by grand jury secrecy.	
1:004296-004350	Protected from discovery by grand jury secrecy; also contains no materials relevant or likely to lead to discovery of materials relevant to the instant CVRA litigation.	
1:004351-004381	Protected from discovery by work product privilege.	
1:004382-004478	Protected from discovery by grand jury secrecy.	
1:004479-004551	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:004552-004555	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:004556-004560	Production not necessary; not relevant or likely to lead to the discovery of materials relevant to the instant CVRA litigation.	Contains factual information regarding the employment and wage history of Epstein's employees, obtained during the investigation into Epstein and his associates. No bearing on victim notification or rights.
1:004561-004565	Protected from discovery by opinion work product privilege.	
1:004566-004716	Protected from discovery by grand jury secrecy.	
1:004717-004722	Protected from discovery by opinion work product privilege.	
1:004723-004725	Protected from discovery by opinion work product privilege.	
1:004726-004819	Protected from discovery by opinion work product privilege.	
1:004820-004959	Protected from discovery by opinion work product privilege.	
1:004960-005059	Protected from discovery by grand jury secrecy; also not relevant or likely to lead to the discovery of materials relevant to the instant CVRA litigation.	Contains factual information regarding the call history of Epstein (and associates) to victims, obtained during investigation into Epstein and associates. Contains no information bearing on Government's obligation to crime victims.

1:005060-005081	Partially protected from discovery by opinion work product privilege.	Attorney handwritten notes are protected from discovery; the underlying correspondence is not and should be produced. The Government must certify that Petitioners have been provided the correspondence.
1:005082-005083	Protected from discovery by opinion work product privilege.	
1:005108-005193	Protected from discovery by opinion work product privilege.	
1:005194-005300	Protected from discovery by opinion work product privilege.	
1:005301-005331	Protected from discovery by grand jury secrecy.	
1:005332-005341	Protected from discovery by opinion work product privilege.	
1:005342-005387	Protected from discovery by grand jury secrecy.	
1:005388-005442	Except P-005420, protected from discovery by grand jury secrecy and opinion work product privilege.	The victims list at P-005420 bears no indication that it was produced to a grand jury and bears no attorney mental impressions. Petitioners should be provided with the victim identities under an appropriate protective order.
1:005443-005496	Protected from discovery by grand jury secrecy.	
1:005497-005556	Protected from discovery by grand jury secrecy.	
1:005557-005576	Protected from discovery by opinion work product privilege.	
1:005578-005583	Protected from discovery by opinion work product privilege.	
1:005584-005606	Except P-005590-005595 and P-005596, protected from discovery by grand jury secrecy and opinion work product privilege.	P-005590-005595 and P-005596 are correspondence documents sent to victim's counsel. No privilege applies. The Government must certify that Petitioners have been provided the correspondence.
2:005607-005914	Protected from discovery by grand jury secrecy and opinion work product privilege.	

2:005915-005977	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:005978-006050	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006051-006065	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006066-006220	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006221-006222	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006223-006522	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006523-006802	Protected from discovery by grand jury secrecy.	
2:006803-006860	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006861-007785	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:007786-008120	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008121-008139	Protected from discovery by grand jury secrecy.	
2:008140-008298	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008364-008382	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:08383-008516	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008536-008542	Protected from discovery by opinion work product privilege.	
2:008543-008549	Protected from discovery by opinion work product privilege.	
2:008550-008615	Protected from discovery by opinion work product privilege.	
2:008616-008686	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008687-008776	Protected from discovery by grand jury secrecy and opinion work product privilege.	

2:008777-008808	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008809-008847	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008848-008862	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008863-008890	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009104-009111	Protected from discovery by opinion work product privilege.	
2:009126-008134	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009135-009141	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009141A-009141C	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009142-009152	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009153-009156	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009157-009208	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009209-009213	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009214-009271	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009272-009354	Protected from discovery by opinion work product privilege.	
2:009355-009403	Protected from discovery by opinion work product privilege.	
2:009404-009536	Protected from discovery by opinion work product privilege.	
2:009537-009574	Protected from discovery by opinion work product privilege.	
2:009575-009603	Protected from discovery by opinion work product privilege.	
2:009604-009711	Protected from discovery by opinion work product privilege.	

2:009820-009965	Protected from discovery by opinion work product privilege.	
2:009966-010096	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:010097-010276	Protected from discovery by opinion work product privilege.	
2:010277-010394	Protected from discovery by opinion work product privilege.	
2:010395-010488	Protected from discovery by opinion work product privilege.	
2:010489-010509	Protected from discovery by opinion work product privilege.	
2:010510-010525	Protected from discovery by opinion work product privilege.	
2:010526-010641	Protected from discovery by opinion work product privilege.	The correspondence between the Government and Epstein's counsel is not privileged and should be produced. The Government must certify that it has been produced.
2:010642-010650	Protected from discovery by opinion work product privilege.	
2:010651-010659	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:010660-010757	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:010758-010793	Protected from discovery by opinion work product privilege.	
2:010794-010829	Protected from discovery by opinion work product privilege.	
2:010830-010853	Protected from discovery by opinion work product privilege.	
2:010854-010876	Protected from discovery by opinion work product privilege.	
2:010877-010920	Protected from discovery by opinion work product privilege.	
2:010921-011049	Protected from discovery by opinion work product privilege.	

2:011050-011212	Protected from discovery by opinion work product privilege.	
2:011213-011237	Protected from discovery by opinion work product privilege.	
2:011238-011319	Protected from discovery by opinion work product privilege.	
2:011320-011361	Protected from discovery by opinion work product privilege.	
2:011362-011374	Protected from discovery by opinion work product privilege.	
2:011375-011456	Protected from discovery by opinion work product privilege.	
2:011457-011626	Protected from discovery by opinion work product privilege.	
3:011627-011662	Protected from discovery by opinion work product privilege.	
3:011663-012361	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:011699-011777	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:011778-011788	Produce victim identities.	Document does not exhibit the mental impressions of counsel but rather the cumulation of facts. Petitioners should be provided with the victim identities under an appropriate protective order.
3:011789-011879	Protected from discovery by opinion work product privilege.	
3:011880-011922	Protected from discovery by opinion work product privilege.	
3:011923-011966	Protected from discovery by opinion work product privilege.	The underlying correspondence between Government and Epstein's counsel should be produced without attorney annotations. The Government must certify that Petitioners have this correspondence.
3:011967-012016	Protected from discovery by opinion work product privilege.	

3:01217-012055	Protected from discovery by grand jury secrecy.	
3:012056-012088	Protected from discovery by grand jury secrecy.	
3:012089-012129	Protected from discovery by grand jury secrecy.	
3:012130-012150	Protected from discovery by grand jury secrecy.	
3:012151-012167	Protected from discovery by grand jury secrecy.	
3:012168-012170	Protected from discovery by grand jury secrecy.	
3:012171-012173	Protected from discovery by grand jury secrecy.	
3:012174-012176	Protected from discovery by opinion work product privilege.	Final versions of sent correspondence should be produced. The Government must certify whether Petitioners have any sent version of this correspondence.
3:012177-012178	Protected from discovery by opinion work product privilege.	
3:012179-012188	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:012362-012451	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:012451-012452	Produce victim identities.	Document does not exhibit the mental impressions of counsel but rather the cumulation of facts. Petitioners' need outweighs investigative privilege. Petitioners should be provided with the victim identities under an appropriate protective order.
3:012453-012623	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:012624-012653	Production not necessary; documents are not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	The Court has reviewed the content of the FBI "302's," which are forms prepared by FBI agents to document interviews. These interview reports summarize the various victims' interactions with Epstein, and do not indicate a conveyance of information from the FBI to the victims regarding the likelihood of prosecution.

3:012654-012864	Protected from discovery by opinion work product privilege.	
3:012865-013226	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:013227	Production not necessary; not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	Involves OPR investigation into Epstein's allegation that certain prosecutors had conflicts of interest. Not relevant to victims' CVRA rights.
3:013228-013230	Production not necessary; not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	Involves OPR investigation into Epstein's allegation that certain prosecutors had conflicts of interest. Not relevant to victims' CVRA rights.
3:013231-013239	Production not necessary; not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	Involves OPR investigation into Epstein's allegation that certain prosecutors had conflicts of interest. Not relevant to victims' CVRA rights.
3:013240-013247	Production not necessary; not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	Involves OPR investigation into Epstein's allegation that certain prosecutors had conflicts of interest. Not relevant to victims' CVRA rights.
3:013248-013251	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
3:013252-013253	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
3:013254-013257	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
3:013258-013259	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
3:013260-013262	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	

3:013263-013271	Protected from discovery by attorney-client and opinion work product privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
3:013272-013278	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
S:013279-013280	Protected from discovery by opinion work product privilege.	
S:013281	Protected from discovery by opinion work product privilege.	
S:013282-013283	Protected from discovery by opinion work product privilege.	
S:013284	Protected from discovery by opinion work product privilege.	
S:013285-013289	Protected from discovery by opinion work product privilege.	
S:013290-013292	Protected from discovery by opinion work product privilege.	
S:013293-013299	Protected from discovery by opinion work product privilege.	The portions of this correspondence between the Government and Epstein's counsel should be produced. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013300-013303	Protected from discovery by opinion work product privilege.	
S:013304-013325	Protected from discovery by opinion work product privilege.	
S:013326-013329	Protected from discovery by opinion work product privilege.	
S:013330-013333	Protected from discovery by opinion work product privilege.	
S:013334-013337	Protected from discovery by opinion work product privilege.	

S:013342-013350	Protected from discovery by opinion work product privilege.	The underlying correspondence between Epstein's counsel and the Government should be produced without attorney annotations. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013351-013361	Protected from discovery by opinion work product privilege.	The underlying correspondence between Epstein's counsel and the Government should be produced without attorney annotations. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013362-013366	Protected from discovery by opinion work product privilege.	Any version of the letter actually sent to Epstein's counsel should be produced. Government must certify whether it has been produced.
S:013367-013372	Protected from discovery by opinion work product privilege.	Any version of the letter actually sent to Epstein's counsel should be produced. Government must certify whether it has been produced.
S:013373-013503	Protected from discovery by opinion work product privilege.	
S:013504-013507	Protected from discovery by opinion work product privilege.	
S:013508-013514	Partially protected from discovery by opinion work product privilege.	Only the top portion of P-013509 contains materials internal to the Government—a one-sentence email between two United States Attorneys. The Government must certify that Petitioners have the remainder of P-013509 and P-013510-013514, as these communications are between the Government and Epstein's counsel.

S:013515-013525	Protected from discovery by opinion work product privilege.	Any final version of the letter actually sent to Epstein's counsel should be produced. Government must certify whether it has been produced.
S:013526-013527	Protected from discovery by opinion work product privilege.	
S:013528-013530, 013532-013537	Protected from discovery by opinion work product privilege.	
S:013531	Protected from discovery by grand jury secrecy.	
S:013538-013553	Protected from discovery by opinion work product privilege.	
S:013554-013608	Protected from discovery by opinion work product privilege.	
S:013609-013615	Protected from discovery by grand jury secrecy.	
S:013616-013621	Protected from discovery by opinion work product privilege.	
S:013622-013643	Protected from discovery by opinion work product privilege.	
S:013644-013653	Protected from discovery by opinion work product privilege.	
S:013654-013745	Protected from discovery by opinion work product privilege.	
S:013747-013810	Protected from discovery by opinion work product privilege.	
S:013811-013833	Protected from discovery by opinion work product privilege.	
S:013834-013835	Protected from discovery by opinion work product privilege.	
S:013836-013837	Protected from discovery by opinion work product privilege.	
S:013838-013841	Protected from discovery by opinion work product privilege; also not relevant material or likely to lead to discovery of material relevant to the instant CVRA litigation.	The underlying correspondence between Epstein's counsel and the Government should be produced without attorney annotations. The Government must certify that Petitioners have been provided with these outside correspondences.

S:013842	Protected from discovery by opinion work product privilege; also not relevant material or likely to lead to discovery of material relevant to the instant CVRA litigation.	
S:013843-013844	Protected from discovery by opinion work product privilege.	
S:013845-013846	Protected from discovery by opinion work product privilege.	
S:013847-013849	Protected from discovery by opinion work product privilege.	
S:013850	Protected from discovery by opinion work product privilege.	
S:013851-013853	Protected from discovery by opinion work product privilege.	
S:013854	Protected from discovery by opinion work product privilege.	
S:013855	Protected from discovery by opinion work product privilege.	
S:013856-013857	Protected from discovery by opinion work product privilege.	
S:013858	Protected from discovery by opinion work product privilege.	
S:013861-013865	Protected from discovery by opinion work product privilege.	
S:013866	Protected from discovery by opinion work product privilege.	
S:013867-013868	Protected from discovery by opinion work product privilege.	
S:013869	Protected from discovery by opinion work product privilege.	
S:013870-013871	Produce; not protected from discovery by any privilege.	Only the top portion of the email chain contains correspondence internal to the Government, and this does not divulge any mental impressions or legal theories. The rest of the email chain is between the Government and Epstein's counsel. It should be produced.

S:013872	Protected from discovery by opinion work product privilege.	Besides internal Government correspondence, contains one email correspondence between the Government and Epstein's counsel, which will be produced at P-013870-013871.
S:013873	Protected from discovery by opinion work product privilege.	
S:013876-013877	Partially protected from discovery by opinion work product privilege.	The email correspondence at P-013877 is between the Government and Epstein's counsel, and not privileged. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013878-013879	Protected from discovery by opinion work product privilege.	
S:013880-013882	Partially protected from discovery by opinion work product privilege.	Only the top two email correspondences are internal to the Government. The remaining emails, starting at the bottom of P-013880 and running through P-013882, are between the Government and Epstein's counsel, and should be produced. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013883	Protected from discovery by opinion work product privilege.	
S:013884-013886	Protected from discovery by opinion work product privilege.	
S:013887	Protected from discovery by opinion work product privilege.	
S:013888	Protected from discovery by opinion work product privilege.	
S:013889-013890	Protected from discovery by opinion work product privilege.	
S:013891	Protected from discovery by opinion work product privilege.	

S:013894-013898	Protected from discovery by opinion work product privilege.	
S:013899	Protected from discovery by opinion work product privilege.	
S:013900-013901	Protected from discovery by opinion work product privilege.	
S:013902	Protected from discovery by opinion work product privilege.	
S:013903-013904	Identical to the email chain at S:013870-013871, and should likewise be disclosed.	
S:013905	Partially protected from discovery by opinion work product privilege.	Email correspondence at bottom of page between Government and Epstein's counsel should be produced. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013906	Protected from discovery by opinion work product privilege.	
S:013909-013911	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013912-013914	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013915-013918	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013919-013921	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013922-013924	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013925-013927	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	The final version of this letter, which is addressed to Petitioners' counsel, should be available to Petitioners.
S:013928-013930	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	The final version of this letter, which is addressed to Petitioners' counsel, should be available to Petitioners.

S:013931-013933	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	The final version of this letter, which is addressed to Petitioners' counsel, should be available to Petitioners.
S:013934-013936	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013937-013939	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	The final version of this letter, which is addressed to Petitioners' counsel, should be available to Petitioners.
S:013940-013942	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013943	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013944	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013945	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013946	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013947	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013948-013951	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013952-013953	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013954-013955	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013956-013969	Protected from discovery by opinion work product privilege.	
S: <sup>8</sup> 13970-13971	Protected from discovery by opinion work product privilege; also, not relevant or likely to lead to material relevant to this CVRA litigation.	
S:13972	Protected from discovery by opinion work product privilege.	
S:13973-13976	Protected from discovery by opinion work product privilege.	

<sup>8</sup> The Government's Second Supplemental Privilege Log begins here. (DE 329-1).

S:13977-13979	Protected from discovery by opinion work product privilege.	
S:13980	Protected from discovery by opinion work product privilege.	
S:13981	Protected from discovery by opinion work product privilege.	
S:13982	Protected from discovery by opinion work product privilege.	
S:13983-13984	Protected from discovery by opinion work product privilege.	
S:13985-13989	Protected from discovery by opinion work product privilege.	
S:13990-13991	Protected from discovery by opinion work product privilege.	
S:13992-13994	Protected from discovery by opinion work product privilege.	
S:13995-14010	Protected from discovery by opinion work product privilege; also, not relevant or likely to lead to material relevant to this CVRA litigation.	
S:S:14011-14025	Protected from discovery by opinion work product privilege.	
S:14026-14027	Protected from discovery by opinion work product privilege.	
S:14028-14030	Protected from discovery by opinion work product privilege.	
S:14031-01432	Protected from discovery by opinion work product privilege.	
S:14033	Protected from discovery by opinion work product privilege.	
S:14034	Protected from discovery by opinion work product privilege.	
S:14035	Protected from discovery by opinion work product privilege.	
S:14036	Protected from discovery by opinion work product privilege.	
S:14037	Protected from discovery by opinion work product privilege.	

S:14038-14041	Protected from discovery by opinion work product privilege.	
S:14042	Protected from discovery by opinion work product privilege.	
S:14043-14044	Protected from discovery by opinion work product privilege.	
S:14045-14046	Protected from discovery by opinion work product privilege.	
S:14047	Protected from discovery by opinion work product privilege.	
S:14048	Protected from discovery by opinion work product privilege.	
S:14049-14050	Protected from discovery by opinion work product privilege.	
S:14051	Protected from discovery by opinion work product privilege.	
S:14052	Protected from discovery by opinion work product privilege.	
S:14053	Protected from discovery by opinion work product privilege.	
S:14054	Protected from discovery by opinion work product privilege.	
S:14055	Protected from discovery by opinion work product privilege.	
S:14056	Protected from discovery by opinion work product privilege.	
S:14057	Protected from discovery by opinion work product privilege.	
S:14058	Protected from discovery by opinion work product privilege.	
S:14059-14061	Protected from discovery by opinion work product privilege.	
S:14062-14068	Protected from discovery by opinion work product privilege.	
S:14069	Protected from discovery by opinion work product privilege.	
S:14070-14074	Protected from discovery by opinion work product privilege.	

S:14075-14089	Protected from discovery by opinion work product privilege.	
S:14090-14102	Protected from discovery by opinion work product privilege.	
S:14103-14107	Protected from discovery by opinion work product privilege.	
S:14108-14134	Protected from discovery by opinion work product privilege.	
S:14135-14149	Protected from discovery by opinion work product privilege.	
S:14150-14156	Protected from discovery by opinion work product privilege.	
S:14157-15160	Protected from discovery by opinion work product privilege.	
S:14161	Protected from discovery by opinion work product privilege.	
S:14162-14170	Protected from discovery by opinion work product privilege.	
S:14171-14174	Protected from discovery by opinion work product privilege.	
S:14175-14203	Protected from discovery by opinion work product privilege.	
S:14204-14205	Protected from discovery by opinion work product privilege.	
S:14206-14216	Partially protected from discovery by opinion work product privilege.	The portions of the email chain from Epstein's counsel are not privileged. The Government must certify that this outside correspondence has been produced.
S:14217-14238	Partially protected from discovery by opinion work product privilege.	The portions of the email chain from Epstein's counsel are not privileged. The Government must certify that this outside correspondence has been produced.
S:14239-14242	Protected from discovery by opinion work product privilege.	
S:14243-14251	Protected from discovery by opinion work product privilege.	

S:14252-14275	Partially protected from discovery by opinion work product privilege.	The portions of the email chain from Epstein's counsel are not privileged. The Government must certify that this outside correspondence has been produced.
S:14276	Protected from discovery by opinion work product privilege.	
S:14277-14282	Protected from discovery by opinion work product privilege.	
S:14283-14284	Protected from discovery by opinion work product privilege.	
S:14285-14298	Protected from discovery by opinion work product privilege.	
S:14299-14307	Protected from discovery by opinion work product privilege.	
S:14308-14310	Protected from discovery by opinion work product privilege.	
S:14311-14329	Partially protected from discovery by opinion work product privilege; outside correspondence and P-014315-014316 must be produced.	The Government must certify that the outside correspondence has been produced. The correspondence at P-014315-014316 must be produced; this fact-based material is not opinion work product as it does not reveal the mental impressions of counsel, and the court finds that Petitioners have a compelling need for the information contained therein. This need also outweighs any deliberative-process privilege that may apply. It not protected by the attorney-client privilege, as the Government has not demonstrated that FBI agent [REDACTED] provided this information in an attempt to secure legal advice or a legal opinion from the United States Attorney's Office. The correspondence must be produced pursuant to an appropriate protective order.

S:14330-14337	Partially protected from discovery by opinion work product privilege.	The portions of the email chain from Epstein's counsel are not privileged. The Government must certify that this outside correspondence has been produced.
S:14338-14354	Protected from discovery by opinion work product privilege.	
S:14355-14361	Protected from discovery by opinion work product privilege.	
S:14362-14402	Protected from discovery by opinion work product privilege.	
S:14403-14414	Protected from discovery by opinion work product privilege.	
S:14415-14420	Protected from discovery by opinion work product privilege.	
S:14421-14428	Protected from discovery by opinion work product privilege.	
S:14429-14439	Protected from discovery by opinion work product privilege.	
S:14440	Protected from discovery by opinion work product privilege.	
S:14441	Protected from discovery by opinion work product privilege.	
S:14442	Protected from discovery by opinion work product privilege.	
S:14443	Protected from discovery by opinion work product privilege.	
S:14444	Protected from discovery by opinion work product privilege.	
S:14445-14447	Protected from discovery by opinion work product privilege.	
S:14448-14454	Protected from discovery by opinion work product privilege.	
S:14455-14456	Protected from discovery by opinion work product privilege.	
S:14457-14464	Protected from discovery by opinion work product privilege.	

S:14486	Protected from discovery by opinion work product privilege.	
S:14487	Protected from discovery by opinion work product privilege.	
S:14488-14499	Protected from discovery by opinion work product privilege.	
S:14500	Protected from discovery by opinion work product privilege.	
S:14501-14506	Protected from discovery by opinion work product privilege.	
S:14507-14508	Protected from discovery by opinion work product privilege.	
S:14509-14519	Protected from discovery by opinion work product privilege.	
S:14520	Produce.	The Government has not supported its assertion of attorney-client privilege: the email does not, in and of itself, demonstrate that it was a communication between an attorney and clients regarding the provision of legal services or legal advice. Petitioners' need for this material outweighs any deliberative process or investigative privilege that may apply.
S:14521-14522	Protected from discovery by opinion work product privilege.	
S:14523	Protected from discovery by opinion work product privilege.	
S:14524-14550	Protected from discovery by opinion work product privilege.	

S:14551	Produce.	The Government has not supported its assertion of attorney-client privilege: the email, authored by an FBI agent, does not indicate that it is a client communication seeking legal services or advice from an attorney, the United States Attorney's Office. Petitioners' need for this material outweighs any investigative privilege that may apply. This must be produced pursuant to an appropriate protective order.
S:14552	Protected from discovery by opinion work product privilege.	
S:14553-14556	Protected from discovery by opinion work product privilege.	
S:14557	Production not necessary as not relevant or likely to lead to material relevant to this CVRA litigation.	
S:14558	Protected from discovery by opinion work product privilege.	
S:14559-14562	Protected from discovery by opinion work product privilege.	
S:14563-14565	Protected from discovery by opinion work product privilege.	
S:14566-14568	Protected from discovery by opinion work product privilege.	
S:14569-14573	Protected from discovery by opinion work product privilege.	
S:14574-14583	Protected from discovery by opinion work product privilege.	
S:14584-14622	Protected from discovery by opinion work product privilege.	
S:14623-14627	Protected from discovery by opinion work product privilege.	
S:14628	Protected from discovery by opinion work product privilege.	
S:14629	Protected from discovery by opinion work product privilege.	

S:14630-14631	Protected from discovery by opinion work product privilege.	
S:14632-14646	Protected from discovery by opinion work product privilege.	
S:14647-14649	Protected from discovery by opinion work product privilege.	
S:14650-14653	Protected from discovery by opinion work product privilege.	
S:14654-14655	Protected from discovery by opinion work product privilege.	
S:14656-14665	Protected from discovery by opinion work product privilege.	
S:14666-14693	Protected from discovery by opinion work product privilege.	
S:14694-14706	Protected from discovery by opinion work product privilege.	
S:14707-14711	Protected from discovery by opinion work product privilege.	
S:14712-14716	Protected from discovery by opinion work product privilege.	
S:14717-14721	Protected from discovery by opinion work product privilege.	
S:14722-14727	Protected from discovery by opinion work product privilege.	
S:14728-14742	Protected from discovery by opinion work product privilege.	
S:14743-14780	Protected from discovery by opinion work product privilege.	
S:14781-14800	Protected from discovery by opinion work product privilege.	
S:14801-14810	Protected from discovery by opinion work product privilege.	
S:14811-14829	Protected from discovery by opinion work product privilege.	
S:14830-14837	Protected from discovery by opinion work product privilege.	
S:14838-14843	Protected from discovery by opinion work product privilege.	

S:14844-14851	Protected from discovery by opinion work product privilege.	
S:14852-14864	Protected from discovery by opinion work product privilege; also not relevant or likely to lead to material relevant to this CVRA litigation.	Involves self-reporting to OPR regarding Epstein's allegation that certain prosecutors had conflicts of interest. Not relevant to victims' CVRA rights.
S:14865	Protected from discovery by opinion work product privilege.	
S:14866-14883	Protected from discovery by opinion work product privilege.	
S:14884-14886	Protected from discovery by opinion work product privilege.	
S:14887-14894	Protected from discovery by opinion work product privilege.	
S:14895-14900	Protected from discovery by opinion work product privilege.	
S:14901-14906	Protected from discovery by opinion work product privilege.	
S:14907-14911	Protected from discovery by opinion work product privilege.	
S:14912-14919	Protected from discovery by opinion work product privilege.	
S:14920-14923	Protected from discovery by opinion work product privilege.	The Government notes that a redacted version has been produced to Petitioners. (DE 329-1 at 18). Only the unredacted version is privileged.

**DECLARATION OF [REDACTED]**

1. My name is [REDACTED] and I was born in [REDACTED]
2. I was paid by Jeffrey Epstein to interact sexually with him as a minor on dozens of occasions in his mansion in Palm Beach, Florida from around 2002 to 2005, and also to bring him other girls who were my approximate age for the same purposes. I understand that evidence collected from Epstein's home showed conclusively that I was there as a minor, along with many other underage girls. Given how many girls Epstein was sexually abusing, there could not have been any doubt in anyone's mind that had access to the testimonial and other evidence that Epstein sexually molested me as a minor (and many others).
3. My son was very young when the FBI came to speak with me the first time. I did not know what to do and I was scared. I called Epstein, who told me not to worry and that he would hire an attorney for me. I believed that if I told the truth about what happened at Epstein's house, the police [REDACTED] [REDACTED] That made me really scared.
4. Through the attorney that Jeffrey Epstein obtained for me, it was arranged for me to give a statement to the prosecutor investigating Epstein.
5. While with the attorney Epstein obtained for me I gave a statement to the prosecutor that was favorable to Epstein. The prosecutors knew the truth because of the volume of evidence they had, and they continued to recognize me as a victim of Epstein's crimes.
6. I had been greatly intimidated, which is why I could not be truthful initially and I wanted to end the threat of the possibility of [REDACTED] [REDACTED]. My involvement with Epstein from a very young age was a deep, dark secret and Epstein told me to keep it a secret. I knew that I was expected to keep it a secret.
7. The more I thought about what was going on, the more I realized that what Epstein had done to both me and my friends was wrong and that anyone who was not very wealthy would be punished. At this time, I



wanted Epstein held accountable the same way anyone else would be. I spoke about this with one of my friends around May 2008. I then called an attorney, [REDACTED], around June 2008, understanding that he was hired to get the prosecutors to talk to us and hear the truth from me. That was especially important to me because I was finally represented by someone other than Epstein's attorney and wanted to talk to the prosecutors about everything I knew.

8. The prosecutors had a lot of information revealing the truth about the situation at Epstein's house. I had lot of information, too, because I was one of the young teenagers who had brought many other young teenagers to Epstein for the purpose of getting paid by Epstein. I wanted to assist the prosecutors in the investigation. I hired Mr. [REDACTED] to let them know that I was cooperative and ready to tell them all of the helpful information I had. I understood that Mr. [REDACTED] did that.
9. I authorized Mr. [REDACTED] to join me in the lawsuit against the U.S. Attorney's Office to enforce my rights and to try to get me my chance to confer with the prosecutors before Mr. Epstein took a plea or the case was resolved in any way. I just wanted to be treated fairly in the process.
10. When Epstein pled guilty to a state crime at the end of June 2008, no one notified me that his plea had anything to do with my case against him. I did not know, for example, that this plea had some connection to a crime he committed against me particularly. In fact, at this young age, I had no idea what was going on and nobody tried to explain it to me.
11. In July 2008, [REDACTED]. [REDACTED]. [REDACTED] I learned for the first time at that hearing that the prosecutors worked out some sort of secret deal with Epstein that might block his prosecution for crimes against me. It also appeared that there was a lot of continued communication between Epstein and the U.S. Attorney's Office. I was really upset that the U.S. Attorney's Office seemed like it would not talk with me or the other victims about what was going on. It was easier to get them to talk to me when I was represented by Epstein's attorney.

12. I wanted to see this secret deal that the Government had with Epstein, but they would not give it to me [REDACTED]. Later, the other victims and I finally got to see the secret deal after the judge forced the prosecutors to show it to us.
13. I understand that I did not initially help the investigation by speaking on Epstein's behalf untruthfully. But I was intimidated and had good reason [REDACTED] – reasons that I think everyone who was talking to me could obviously see. Also, the agents and attorneys obviously had a lot of evidence that provided proof of what Epstein had actually done. Epstein was still supporting me, providing me a lawyer and in my mind protecting me, so I was in a position where I felt I had to say certain things. And Epstein expected me to say those things.
14. Once I wanted to cooperate and tried to cooperate, I was never given the opportunity to confer with prosecutors from the time they were informed by my attorney that I was a cooperating witness. I was never told about the secret deal until after it was already concluded. I would have had my attorney object if I had been given the chance.
15. I don't feel like I was treated fairly in this process. And I know Epstein got a really good plea deal because he is rich and powerful. That doesn't seem fair either.

Executed this 28<sup>th</sup>, day of January, 2015.

[REDACTED]

**EISENBERG & FOUTS, P.A.**

**Attorneys At Law**

**JAMES L. EISENBERG**

Florida Bar Board Certified Criminal Trial Lawyer

National Board Of Trial Advocacy Certified Criminal Trial Advocate

**KAI LI ALOE FOUTS**

One Clearlake Centre, Suite 704, 250 Australian Avenue South, West Palm Beach, FL 33401

Fax: [REDACTED]

September 21, 2006

[REDACTED], Asst. U.S. Attorney  
500 South Australian Avenue, Suite 400  
West Palm Beach, FL 33401

Re: [REDACTED] Subpoena for [REDACTED]

Dear [REDACTED],

Please allow me to confirm my latest e-mail to you. I did receive your e-mail of last week with attachments and passed them on to my client. At this time, I can only say that my client does not want to do either of your suggestions. She does not want to give a statement under the immunity letter you provided with its Kastigar exception and she does not want to testify [REDACTED] and will not on 5<sup>th</sup> Amendment grounds. With this client, I am sorry, but I must have a formal grant of immunity before she will say anything.

Sincerely,

JAMES L. EISENBERG

JLE:gw

cc: [REDACTED]



## EISENBERG & FOUTS, P.A.

Attorneys At Law

JAMES L. EISENBERG

Florida Bar Board Certified Criminal Trial Lawyer

National Board Of Trial Advocacy Certified Criminal Trial Advocate

KAI LI ALOE FOUTS

One Clearlake Centre, Suite 704, 250 Australian Avenue South, West Palm Beach, FL 33401

Fax: [REDACTED]

February 12, 2007

[REDACTED], Asst. U.S. Attorney  
500 South Australian Avenue, Suite 400  
West Palm Beach, FL 33401

Re: [REDACTED] for [REDACTED]

Dear [REDACTED],

As always, it was a pleasure speaking to you the other day. Pursuant to our telephone conference I am writing this letter to proffer my concerns for [REDACTED] should she testify without immunity before a [REDACTED]. Therefore, allow me to reiterate that Ms. [REDACTED] will refuse to voluntarily cooperate with the federal government. She has a good faith basis for her position under the Fifth Amendment to the United States Constitution.

We, of course, do not live or work in a vacuum. We have read many inflammatory remarks the Town of Palm Beach Police Chief has made to the media about the state court's handling of the Jeffrey Epstein investigation. The police chief's remarks frighten both myself and my client. I am aware that the town police have prepared documents to charge at least one of Mr. Epstein's lady friends in state court. If they can push to have one lady charged I remain unconvinced that they do not have the ability or political clout to push to have other ladies such as Ms. [REDACTED] charged.

The proffered facts that raise my concerns are being provided via this proffer letter. Pursuant to our telephone conference agreement, this letter and its contents cannot be used against Mr. M [REDACTED]

M [REDACTED] is not at all certain of dates. She does remember meeting Mr. Epstein about three years ago. She is not certain of her age, it could have been when she was sixteen. A girlfriend asked her if she wanted a job giving massages. Ms. [REDACTED] agreed because she had knowledge of massages through her mother, who was a masseuse.

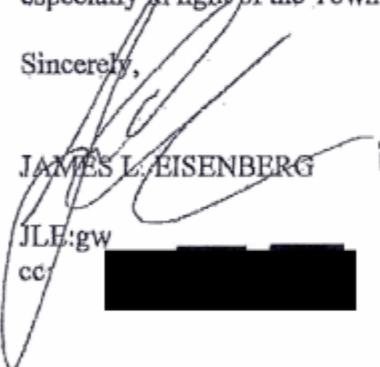
Ms. [REDACTED] went to Mr. Epstein's house via taxi. Ms. [REDACTED]'s girlfriend instructed Ms. [REDACTED] that, if asked, she had to tell Mr. Epstein that she [REDACTED] was eighteen years old. The friend was nineteen years old and [REDACTED] looked old for her age, so passing for eighteen was not a problem. At

the home Ms. [REDACTED] met Mr. Epstein and later gave him a massage. The friend had told Ms. [REDACTED] to give the message topless. Mr. Epstein told [REDACTED] that if she were at all uncomfortable being topless, not to do it and it was not a requirement of employment as a masseuse. Ms. [REDACTED] never touched Mr. Epstein in a sexual way and Mr. Epstein never touched Ms. [REDACTED] at all. At one point, Mr. Epstein did ask Ms. [REDACTED] her age. Ms. [REDACTED] insisted that she was eighteen years old.

Ms. [REDACTED] continued to see Mr. Epstein over time and massages were given in a similar fashion. She was later asked if her friends wanted to work in a similar way and she asked some girls who did give Mr. Epstein massages. Ms. [REDACTED] was never asked to bring girls of any age to Mr. Epstein's home. When she did have her friends come over, she instructed all of them that if asked, they insist that they were eighteen years old. She is not certain at all of any of these girls' real ages.

In summary, our concern is that if the government believes that Mr. Epstein committed some federal offense, then Ms. [REDACTED] could be considered a co-conspirator. We believe no crime was committed. The Fifth Amendment was not intended to protect the guilty, however. It was enacted to protect citizens who fear prosecution notwithstanding their innocence. Our fear of any prosecution, especially in light of the Town police chief's public remarks, is clearly in good faith.

Sincerely,

  
JAMES L. EISENBERG

JLE:gw  
cc: [REDACTED]

## EISENBERG & FOUTS, P.A.

Attorneys At Law

JAMES L. EISENBERG

Florida Bar Board Certified Criminal Trial Lawyer

National Board Of Trial Advocacy Certified Criminal Trial Advocate

KAI LJ ALOE FOUTS

One Clearlake Centre, Suite 704, 250 Australian Avenue South, West Palm Beach, FL 33401

Fax: [REDACTED]

February 1, 2007

[REDACTED], Asst. U.S. Attorney  
500 South Australian Avenue, Suite 400  
West Palm Beach, FL 33401

Re: Grand Jury Subpoena for [REDACTED]

Dear [REDACTED],

I received your letter dated January 24, 2007 with regard to [REDACTED]. I must admit I forced myself to wait several days to respond in order to "cool off" and not say anything I would regret later. Now that time has passed, allow me to respond appropriately.

1. If you want to force Ms. [REDACTED] to come to the [REDACTED] to personally invoke her Fifth Amendment rights, she will be there. That does remain her position. My only request is that you provide [REDACTED]. I will be there, but I am not paid to [REDACTED] and Ms. [REDACTED] should not have to [REDACTED]. It is this type of attitude, that your office refuses to accept the fact that it is Ms. [REDACTED]'s decision not to cooperate with the government that upsets her. Your office fails to recognize that merely coming to court is a problem for [REDACTED] like Ms. [REDACTED] and, under these circumstances, appears to be a waste of time at best and, in her mind, personal harassment.

2. Rest assured that there is no conflict of interest in my representation of Ms. [REDACTED]. In this case I have always been asked and always will exercise independent judgment to follow my client's independent will. The remainder of your questions as to this matter are really none of the Government's business.

3. I will share with you that one of the reasons for our firm position that Ms. [REDACTED] will invoke her Fifth Amendment right and choose not to voluntarily cooperate with the Government is our concern that the Government is not exercising independent judgment in this case.

The history of this case has been in the newspapers. The case is being prosecuted in State court. Despite the state court prosecution, the Town of Palm Beach Police Chief went on what can only be

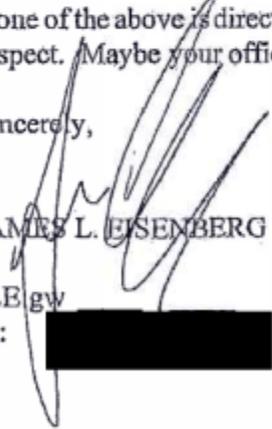
[REDACTED], Asst. U.S. Attorney  
February 1, 2007  
Page Two

described as a public rampage in the newspaper when the case was not prosecuted to his liking that reminded me of a small child having a public temper tantrum. In my thirty years of experience, I have never seen a law enforcement officer like this publicly make what appeared to be a political case in the newspaper for a prosecution and publicly criticize anyone who got in his way, including the elected State Attorney. This resulted in a federal investigation on a topic no one remembers the Federal Government ever being interested in prosecuting before. Although I am certain that you personally have not had your decision-making process compromised, the appearance that your office is being influenced by the Town of Palm Beach Police Chief's agenda is very real. Under these circumstances I don't see how any lawyer could advise any client to voluntarily cooperate. Of special concern is that the Town of Palm Beach Police have promoted prosecuting at least one of the girls who allegedly gave massages.

One final thought. My client and my fear that Ms. [REDACTED] could be prosecuted is enhanced by the demand for the personal appearance made in your letter. Your initial Kastiger letter fell far short of granting the functional equivalent of DOJ immunity. Several months ago I was given the distinct impression through our conversations that you were going to obtain DOJ immunity for Ms. [REDACTED]. Now the government is changing course for no apparent reason. This leads to speculation that the only reason for the turnabout is that prosecution in either state or federal court is being considered by someone.

None of the above is directed at you personally. I want to repeat that you have always treated us with respect. Maybe your office should advise the Town Police Chief to act in a similar fashion.

Sincerely,

  
JAMES L. EISENBERG

JLE:gw

cc: [REDACTED]



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

January 24, 2007

DELIVERY BY HAND

James L. Eisenberg, Esq.  
250 S Australian Ave, Ste 704  
West Palm Beach, FL 33401-5007

Re: Federal [REDACTED] Subpoena

Dear Jim:

[REDACTED] I have enclosed a new subpoena for [REDACTED]. As I mentioned earlier, Ms. [REDACTED] is not a target of this investigation and the United States seeks her testimony solely as a victim/witness. During our last conversation regarding Ms. [REDACTED], you indicated that she was unwilling to speak with us pursuant to a *Kastigar* letter and that she also was unwilling to speak with the [REDACTED] and intends to invoke the Fifth Amendment if questioned. Please confer with her to confirm whether this remains her position. If it is, please advise in writing. Even if Ms. [REDACTED] is inclined to invoke her Fifth Amendment rights, she must still appear pursuant to the subpoena so that I may ask her questions that would not require the invocation of the Fifth Amendment. If she still invokes, I intend to move to compel her answers. If you or your client is unavailable on February 6, 2007, please let me know of another Tuesday when you are available.

I also am concerned about a potential conflict of interest in your representation of Ms. [REDACTED]. In case of future litigation regarding this issue, please provide me with information regarding who is paying (directly or indirectly) for your services on behalf of Ms. [REDACTED], the scope of your representation, and whether you are taking direction on this matter from anyone other than Ms. [REDACTED]. If any formal or informal joint defense agreements exist, whether in writing or otherwise, please provide a copy of such agreements. If the agreement is purely oral, please provide a written summary of its terms.

JAMES EISENBERG, ESQ.  
JANUARY 24, 2007  
PAGE 2

I look forward to your response.

Sincerely,  
R. Alexander Acosta  
United States Attorney

By:

  
Assistant United States Attorney

**United States District Court**  
SOUTHERN DISTRICT OF FLORIDA

TO: [REDACTED]

**SUBPOENA TO TESTIFY**

[REDACTED]

**SUBPOENA FOR:**

PERSON

DOCUMENTS OR OBJECT[S]

**YOU ARE HEREBY COMMANDED** to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

**PLACE:**

United States District Courthouse  
701 Clematis Street  
West Palm Beach, Florida 33401

**ROOM:**

[REDACTED]

**DATE AND TIME:**

February 6, 2007  
1:00pm\*

**YOU ARE ALSO COMMANDED** to bring with you the following document(s) or object(s):

[REDACTED]

**\*Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [REDACTED], Federal Bureau of Investigation, Telephone: [REDACTED].**

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK



DATE:

January 23, 2007

(BY) DEPUTY CLERK

This subpoena is issued upon application

[REDACTED]

Name, Address and Phone Number of Assistant U.S. Attorney

[REDACTED], Assistant U.S. Attorney  
500 So. Australian Avenue, Suite 400  
West Palm Beach, FL 33401-6235

Tel: [REDACTED]  
Fax: [REDACTED]

\*If not applicable, enter "none."

To be used in lieu of ADJ10



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

February 5, 2007

DELIVERY BY HAND

[REDACTED]  
c/o James L. Eisenberg, Esq.  
250 S Australian Ave, Ste 704  
West Palm Beach, FL 33401-5007

Re: [REDACTED] Testimony of [REDACTED]

Dear Ms. [REDACTED]

This letter confirms the understanding between yourself and the United States Attorney's Office for the Southern District of Florida.

You have represented that you will truthfully answer questions of the federal government in its investigation of the procurement of prostitutes, amongst others. You will supply complete and truthful information to the attorneys and law enforcement officers of the federal government and to any [REDACTED] which may conduct an investigation, as well as in any other proceeding related to or growing out of this investigation. The obligation of truthful disclosure includes your obligation to provide the attorneys and law enforcement officers of the federal government with any documents, records or other tangible evidence within your custody or control relating to the matters about which you are questioned. You will neither attempt to protect any person or entity through false information or omission, nor falsely implicate any person or entity.

No statements provided by you on this date in this matter pursuant to this agreement will be offered into evidence in any criminal case against you, except during a prosecution for perjury and/or giving a false statement. However, if it is determined that you have materially violated any provision of this agreement, all statements made by you shall be admissible in evidence against you in any proceeding.

The federal government remains free to use information derived from the [REDACTED] testimony directly or indirectly for the purpose of obtaining leads to other evidence, which may be used against you. You expressly waive any right to claim that such evidence should not be introduced because it was obtained as a result of the grand jury testimony. Furthermore, the federal government may use statements made in the grand jury testimony and all evidence derived directly or indirectly therefrom for the purpose of cross-examination, if you testify at any trial or if you

[REDACTED]  
FEBRUARY 5, 2007

PAGE 2

suborn testimony that contradicts your prior statements and testimony.

No additional promises, agreements and conditions have been entered into other than those set forth in this letter and none will be entered into unless in writing and signed by all parties.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

[REDACTED]  
Assistant United States Attorney

I have read this agreement and discussed it with my attorney, and I hereby acknowledge that it fully sets forth my agreement with the office of the United States Attorney for the Southern District of Florida. I state that there have been no additional promises, agreements or representations made to me by any officials of the United States in connection with this matter.

Dated: February \_\_\_\_, 2007  
West Palm Beach, Florida

[REDACTED]  
Witnessed by:

James L. Eisenberg, Esq.  
Attorney for [REDACTED]



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401

Facsimile: [REDACTED]

February 5, 2007

DELIVERY BY HAND

James L. Eisenberg, Esq.  
250 S Australian Ave, Ste 704  
West Palm Beach, FL 33401-5007

Re: [REDACTED]

Dear Mr. Eisenberg:

I am writing to clarify the ground rules for the interview with your client, [REDACTED] ("your client"), to occur February \_\_\_\_, 2007.

As I mentioned earlier, Ms. [REDACTED] is not a target or subject of this investigation, but instead is being interviewed solely as a victim/witness. However, to address your concern about criminal exposure, if your client complies with every provision of this agreement, then the United States Attorney's Office for the Southern District of Florida ("this Office") will treat all statements made by your client during the interview as statements made pursuant to Rule 11(f) of the Federal Rules of Criminal Procedure. This is not a grant of immunity, which can be given only with approval of the Justice Department, but protects your client from having the statements made by her during the interview from being used against her directly. To guard against any misunderstandings concerning the interview of your client, this letter sets forth the terms of this agreement.

Your client agrees to be fully interviewed, that is, to provide information concerning your client's knowledge of, and participation in criminal activity, including but not limited to the procurement of prostitutes. The protection of this letter applies to an interview that will be conducted by this Office, Special Agents of the Federal Bureau of Investigation, and any other federal law enforcement agency this Office may require. Under this agreement, no information disclosed by your client during the interview will be offered in evidence against her in any criminal or civil proceeding, provided that your client complies with this agreement and that the information your client furnishes is truthful, complete, and accurate.

If, however, your client gives materially false, incomplete, or misleading information,

JAMES L. EISENBERG, ESQ.  
RE [REDACTED]  
FEBRUARY 2, 2007  
PAGE 2

then this Office may use such information in any matter or proceeding and your client is subject to prosecution for perjury, obstruction of justice, and making false statements to government agencies. Any such prosecution may be based upon information provided by your client during the course of the interview, and such information, including your client's statements, will be admissible against your client in any grand jury or other proceeding.

The government also may use statements made by your client in the interview and all evidence derived directly or indirectly therefrom for the purpose of impeachment or cross-examination if she testifies at any trial or hearing, and/or in any rebuttal case against your client in a criminal trial in which she is a defendant or a witness. These provisions are necessary to ensure that your client does not make or offer any false representation or statement in any proceeding or to a government agency or commit perjury during any testimony.

Your client further agrees that attorneys for the United States may be present at the interview, and agrees not to seek disqualification of any such government attorney from any proceeding or trial because of their participation at the interview.

The entire agreement between the United States and your client is set forth in this letter. No additional promises, agreements, or conditions have been entered into and none will be entered into unless in writing and signed by all parties.

If the foregoing accurately reflects the understanding and agreement between this Office and your client, it is requested that you and your client execute this letter as provided below.

Sincerely,  
R. Alexander Acosta  
United States Attorney

By:

[REDACTED]  
Assistant United States Attorney

I have received this letter from my attorney, James L. Eisenberg, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it fully sets forth my understanding and agreement with the Office of the United States Attorney for the Southern

JAMES L. EISENBERG, ESQ.  
RE: [REDACTED]  
FEBRUARY 2, 2007  
PAGE 3

District of Florida. I state that there have been no additional promises or representations made to me by any official of the United States Government or by my attorney in connection with this matter.

Dated: \_\_\_\_\_

[REDACTED] \_\_\_\_\_

Witnessed by:

\_\_\_\_\_  
James L. Eisenberg, Esquire

U.S. Department of Justice

Authorization for Reimbursement  
of Unusual Expenses of Fact Witnesses

Request for Unusual Expense(s) of Fact Witness  
(For United States Attorney's Office Use Only)

Control #

1. Case Name [REDACTED]	2. Court Docket Number [REDACTED]	3. Requesting AUSA [REDACTED]
4. Location of Court Proceeding West Palm Beach	5. Contact Person [REDACTED]	6. Contact Person Number [REDACTED]
7. Witness Name & Address, Phone #, SSN [REDACTED]		8. Vendor Name & Address, Phone #, TIN/SSN [REDACTED]
9. Payment to be made to: [REDACTED]		10. Receipt/Invoice (s): [REDACTED]
11. Type of Unusual Expense: <input type="checkbox"/> Medically Necessary Item (Attached Supporting Statement) [REDACTED] <input type="checkbox"/> Excess Lodging/Per Diem <input type="checkbox"/> Travel & Transportation <input type="checkbox"/> Pretrial Conference Waiver <input type="checkbox"/> Other		12. Explanation: [REDACTED]
13. Start Date of Service (MO/DA/YR) 2/6/07	14. End Date of Service (MO/DA/YR) 2/6/07	15. Amount [REDACTED]

16. Justification:

17. I hereby certify that the expenses and services listed on this document are appropriate and are within the Federal laws and regulations. I fully understand that I can be held personally liable or be subject to disciplinary action for improperly using government funds or services that exceed delegated authority or that violate Federal laws or regulations.

Signature of Requesting AUSA		Date
18. Name & Title of Approving Official	19. Date (MO/DA/YR)	20. Signature of Approving Official

UFWE Form

Case No. 08-80736-CV-MARRA

P-003744

EFTA00086512



U.S. Department of Justice

United States Attorney  
Southern District of Florida

[REDACTED]  
500 South Australian Ave, Suite 400  
West Palm Beach, Florida 33401

Facsimile [REDACTED]

FACSIMILE COVER SHEET

TO: JIM EISENBERG, ESQ. DATE: February 5, 2007

FAX NO. 561 659-2380 # OF PAGES: 6

PHONE NO. \_\_\_\_\_ RE: [REDACTED]

FROM: [REDACTED], ASSISTANT U.S. ATTORNEY

PHONE NO. [REDACTED]

COMMENTS: Hi Jim - These probably say the same thing, but they sound a little different. If you have any suggestions for changes, please let me know.

Thank you for your time today. I appreciate your patience.

Regards,  
[REDACTED]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION

FILED BY \_\_\_\_\_  
2007 APR 16 PM 2:15  
CLERK U.S. DISTRICT  
C.T.  
S.D. OF FLA. - WPB

IN RE:

SEALED ORDER

On Application of the United States Attorney for the Southern District of Florida, and it appearing to the satisfaction of the Court:

1. That [REDACTED] has been called to testify and to provide other information before the United States District Court for the Southern District of Florida, [REDACTED]; and
2. That in the judgment of the said United States Attorney, [REDACTED] has refused to testify and provide other information on the basis of her privilege against self-incrimination; and
3. That in the judgment of the said United States Attorney, the testimony and other information from [REDACTED] may be necessary to the public interest; and
4. That the aforesaid Application has been made with the approval of the Assistant Attorney General in charge of the Criminal Division of the Department of Justice or a duly designated Acting Assistant Attorney General, pursuant to the authority vested in him by Title 18, United States Code, Section 6003, and Title 28, Code of Federal Regulations, Sections 0.175 and 0.132(e).

NOW, THEREFORE, it is ordered pursuant to Title 18, United States Code, Section 6002, that [REDACTED] give testimony and provide other information which she refuses to give or to

provide on the basis of her privilege against self-incrimination, as to all matters about which she may be interrogated before said United States District Court, [REDACTED], as well as any subsequent proceeding or trial.

However, no testimony or other information compelled under this Order (or any information directly or indirectly derived from such testimony or other information) may be used against [REDACTED] in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this Order.

**IT IS FURTHER ORDERED** the this Order shall be **SEALED** in accordance with Fed. R. Crim. P. 6(e)(6), except that a copy of this Order shall be provided to counsel for the United States, who may disclose the existence of the Order [REDACTED] to the witness, to counsel for the witness, and to law enforcement officers engaged in the investigation [REDACTED]. Those persons may review the Order, but may not retain a copy of the Order, nor may they disclose the existence of the Order to any others.

**DONE and ORDERED** this 16 day of April, 2007, at West Palm Beach, Florida.

[REDACTED]  
DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

cc: [REDACTED], AUSA

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NORTHERN (WEST PALM BEACH) DIVISION**

**FGJ NO. 07-103 (WPB)**

**IN RE:**

**GRAND JURY PROCEEDINGS**

---

**SEALED ORDER**

This matter comes before the Court on the United States' Sealed Motion for Permission to Disclose Grand Jury Material. The Court has considered the Motion and attachments thereto, and finds that the United States has shown a "particularized need" for the limited disclosure of materials related to matters occurring before the Grand Jury. The Court further finds that the United States has shown that: (1) the materials are needed to avoid an injustice in another proceeding, that is, *Jane Doe 1 and Jane Doe 2 v. United States*, S.D. Fla. Case No. 08-80736-Civ-Marra; (2) the need for disclosure is greater than the need for continued secrecy; and (3) the request is structured to cover only needed materials.

Accordingly, the United States Attorney's Office for the Southern District of Florida may disclose Exhibit 7 to its Motion for Permission to Disclose Grand Jury Material, and file those in the public portion of the Court file in S.D. Fla. Case No. 08-80736-Civ-Marra.

Furthermore, Exhibits 4, 5, and 6 to the government's Sealed Motion for Permission to Disclose Grand Jury Material are already part of the public portion of the Court file in S.D. Fla.

Case No. 08-80736-Civ-Marra. The government has not sought to remove them from the public portion of that Court file, and they remain part of the public record in that matter.

**IT IS SO ORDERED.**

**DONE AND ORDERED** in chambers this \_\_\_\_ day of May, 2017, at West Palm Beach, Florida.

---

DANIEL T. K. HURLEY  
SENIOR UNITED STATES DISTRICT JUDGE

cc: [REDACTED], AUSA