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2021 OCT 21 AM 10:00
DEL. DEPT. OF STATE

October 14, 2021

BY CERTIFIED MAIL

[REDACTED]
Office of the Legal Adviser
U.S. Department of State
Suite [REDACTED]
600 19th Street, NW
Washington, D.C. 20522

SERVICE ACCEPTED IN
OFFICIAL CAPACITY ONLY
~~EXECUTIVE DIRECTOR
OFFICE OF THE LEGAL ADVISER~~

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

Dear [REDACTED]:

We represent the defendant, Ghislaine Maxwell, in the above-referenced matter. This letter constitutes a request made pursuant to *United States ex. rel. Touhy v. Regan*, 340 U.S. 462 (1951) and 22 C.F.R. § 172.3(a)(1) for the production of documents in the possession of the U.S. Department of State at the trial in this case on November 29, 2019 at 9:00 A.M., before the Honorable Alison J. Nathan, United States District Judge. The requested documents are set forth in the attached subpoena.

In accordance with 22 C.F.R. § 172.5(a), we make the following statement setting forth “the nature and relevance” of the information we seek:

On March 29, 2021, Ghislaine Maxwell was charged in a superseding indictment with the following offenses: (1) Count One: conspiracy to entice minors to travel to engage in illegal sex acts, (2) Count Two: enticement of a minor to travel to engage in illegal sex acts, (3) Count Three: conspiracy to transport minors with intent to engage in criminal sexual activity, (4) Count Four: transportation of a minor with intent to engage in criminal sexual activity, (5) Count Five: sex trafficking conspiracy, and (6) Count Six: sex trafficking of a minor. The charges relate to an alleged scheme between Ms. Maxwell and Jeffrey Epstein to sexually abuse underaged girls from in or about 1994 to in or about 2004.

The three individuals listed in the attached subpoena are identified in the superseding indictment as “Minor Victim 1,” “Minor Victim 2,” and “Minor Victim 3.” All three individuals are expected to testify for the government at trial.

All three of the witnesses traveled internationally during the time period covered by the attached subpoena, and some have alleged that they traveled at the request

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of, or with the assistance of, Jeffrey Epstein. Because the crimes alleged require interstate or foreign travel, the passport applications for these individuals will be directly relevant at trial.

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

Sincerely,

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

UNITED STATES DISTRICT COURT

for the Southern District of New York

United States of America

v.

Ghislaine Maxwell

Defendant

Case No. S2 Cr 330 (AJN)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS IN A CRIMINAL CASE

To: [Redacted] Office of the Legal Adviser, U.S. Department of State, Suit [Redacted] 600 19th Street, NW, Washington, D.C. 20522

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See attached rider -- personal appearance is not required if the documents can be produced in advance of the trial date. Please call Christian Everdell at [Redacted]

Place: United States Courthouse, 40 Foley Square, Courtroom 906, New York, NY 10007

Date and Time: 11/29/2021 8:00 am

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: OCT 14 2021

RUBY J. KRAJICK CLERK OF COURT

[Handwritten Signature] Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) Ms. Ghislaine Maxwell, who requests this subpoena, are:

Christian R. Everdell, Cohen & Gresser LLP, 800 Third Avenue, New York, NY 10022, [Redacted]

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No. S2 Cr. 330 (AJN)

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* U.S. Department of State
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc.:

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

(1) In General. A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) Quashing or Modifying the Subpoena. On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) Subpoena for Personal or Confidential Information About a Victim. After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

(1) In the United States. A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) In a Foreign Country. If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) Contempt. The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

Subpoena Rider
Subpoena to the U.S. Department of State

YOU ARE COMMANDED to produce at the time, date, and place set forth in the subpoena the following books, papers, documents, data, or other objects:*

1. All passport applications for the time period **1994 to the present** for the following individuals:

a. [REDACTED]

[REDACTED]

[REDACTED]

2. Please provide a certificate of authenticity from a custodian of records or another qualified employee certifying, pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, that the records responsive to Request #1 are authentic business records maintained by the U.S. Department of State.

* Personal appearance is not required if the documents can be produced in advance of the trial date. If you have any questions concerning the requested certificate of authenticity or the subpoena itself, please call Christian Everdell at [REDACTED]