

From: "[REDACTED]" <[REDACTED]>
To: Laura Menninger <[REDACTED]>, Christian Everdell <[REDACTED]>, "[REDACTED]" <[REDACTED]>, "[REDACTED] (USANYS)" <[REDACTED]>
Cc: Jeff Pagliuca <[REDACTED]>, "Bobbi Sternheim ([REDACTED])" <[REDACTED]>, "[REDACTED] (USANYS) [Contractor]" <[REDACTED]>, "[REDACTED] (USANYS) [Contractor]" <[REDACTED]>, "[REDACTED] (USANYS) [Contractor]" <[REDACTED]>, "[REDACTED]" <[REDACTED]>

Subject: RE: Discovery Issues

Date: Fri, 21 May 2021 02:45:33 +0000

Attachments: 2021.05.20_Maxwell_Discovery_Letter.pdf;
2021.05.20_Supplementary_Production_Notes_for_Defense_Counsel.xlsx

Inline-Images: image001.jpg; image002.jpg

Counsel,

Today we have an additional discovery production ready to send to you. This production is small enough to produce via USAfx. Please let us know if you do not already have a USAfx account, in which case our paralegals (cc'd) can assist you in creating an account. We are also sending a CD containing this production to the MDC via FedEx.

Attached please find a cover letter accompanying this production. As you will see in the letter, the majority of this production consists of materials we are providing in response to your requests for additional information regarding the SUPP production (referenced in the below email exchange). I am also attaching the excel spreadsheet referenced in the cover letter to assist in your review of the materials from the SUPP production.

Please let us know if you have any further questions regarding the SUPP production or if you have any difficulty accessing the materials.

Best,
[REDACTED]

From: [REDACTED]
Sent: Tuesday, May 11, 2021 10:42 PM
To: Laura Menninger <[REDACTED]>; Christian Everdell <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Cc: Jeff Pagliuca <[REDACTED]>; Bobbi Sternheim ([REDACTED]) <[REDACTED]>
Subject: RE: Discovery Issues

Laura,

I am working with our paralegals to look into your requests below. Our paralegals are also still working on the list of files that you provided that Ms. Maxwell has been unable to review at the MDC. As soon as we are able to provide an update on these issues, I will reach back out.

Best,
[REDACTED]

[REDACTED]

Assistant United States Attorney
Southern District of New York

From: Laura Menninger <[REDACTED]>

Sent: Friday, May 7, 2021 4:53 PM

To: [REDACTED] <[REDACTED]>; Christian Everdell <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>

Cc: Jeff Pagliuca <[REDACTED]>; Bobbi Sternheim ([REDACTED]) <[REDACTED]>

Subject: RE: Discovery Issues

[REDACTED] -

Also following up on your response to Chris. We have had a chance to take a look at these files again.

For the SUPP production, many of the files were produced as PDFs, which seems as though they were converted prior to production. As I understand it (which is admittedly limited), carved or deleted files can still contain application metadata.

We request that as to the SUPP production, you:

- a. Provide a list of all files that were carved or deleted;
- b. Confirm if all those files were produced in native format or if any were converted to PDF;
- c. If any were converted, provide additional information including the MIME type (for all), and if available from application metadata original file name, file dates, etc. This would amount to the equivalent of the index you provided for SDNY011.
- d. In the absence of (b), confirm that no application metadata was recovered from those files which might indicate file creation/modified dates

Please let me know if you have any questions.

Thanks,

Laura

Laura A. Menninger | Partner

Haddon, Morgan & Foreman, P.C.

[REDACTED]

[REDACTED] (Office)

[REDACTED]

From: [REDACTED] <[REDACTED]>

Sent: Friday, April 23, 2021 10:30 AM

To: Christian Everdell <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>

Cc: Jeff Pagliuca <[REDACTED]>; Laura Menninger <[REDACTED]>; Bobbi Sternheim ([REDACTED]) <[REDACTED]>

Subject: RE: Discovery Issues

Chris,

Following up on these issues:

- For #3, the attachments were not recovered from the searched devices. We do not have them, which is why they were not produced.
- For #4, the electronic files recovered from Epstein's devices have the same metadata on the hard drive that was available when the FBI seized each file. For files that were carved or deleted, no metadata was recovered, so none is viewable, except for data showing when a particular file was saved to a drive by the investigative team or prepared for production. I am not aware of any additional metadata in our possession that you do not have for these files.
- For #5, those photographs were not processed by CART, which is why they do not have a CART number. They came from the CDs that your team reviewed last week. The available metadata for those photographs was produced in two excel spreadsheets with the same production – one with metadata for nude images (which were contained on one of the hard drives you reviewed last week), and one with metadata for non-nude images (which were produced in the November 9, 2020 discovery production). As I mentioned in my email to Laura earlier today, I am working with our vendor to figure out how to best convey to you which Bates numbers correspond with which rows in the spreadsheet.
- For #6:
 - The SDNY_GM_SUPP contain electronic files recovered from Epstein's devices. As noted above, those files have the same metadata on the hard drive that was available when the FBI seized each file. For files that were carved or deleted, no metadata was recovered, so none is viewable.
 - The videos from SDNY005 (October 20, 2020 production) were converted by a vendor from VHS and cassette tapes, so there is no metadata to provide. The Sept-Octo 2020 dates reflect when these recordings were converted by our vendor.
 - The SDNY011 (November 9, 2020 production) consists of images from the CDs seized from Epstein's residences, which you reviewed last week. As referenced above, those photographs were not processed by CART, which is why they do not have a CART number. As referenced above, the available metadata for those photographs was produced in two excel spreadsheets with the same production – one with metadata for nude images (which were contained on one of the hard drives you reviewed last week), and one with metadata for non-nude images (which were produced in the November 9, 2020 discovery production). As I mentioned in my email to Laura earlier today, I am working with our vendor to figure out how to best convey to you which Bates numbers correspond with which rows in the spreadsheet.

Best,

[REDACTED]
Assistant United States Attorney
Southern District of New York
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]

Sent: Tuesday, March 30, 2021 11:10 PM

To: Christian Everdell <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

Cc: 'Jeff Pagliuca' <[REDACTED]>; Laura Menninger <[REDACTED]>; Bobbi Sternheim

([REDACTED]) < [REDACTED] >

Subject: RE: Discovery Issues

Chris,

That all makes sense, thanks very much. I will reach back out once I have conferred with our vendor and have answers for you on #3-#6.

Best,

[REDACTED]

[REDACTED]
Assistant United States Attorney
Southern District of New York

[REDACTED]
New York, NY 10007
[REDACTED]
[REDACTED]

From: Christian Everdell < [REDACTED] >

Sent: Tuesday, March 30, 2021 10:58 PM

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

Cc: 'Jeff Pagliuca' < [REDACTED] >; Laura Menninger < [REDACTED] >; Bobbi Sternheim < [REDACTED] >

Subject: RE: Discovery Issues

[REDACTED] -

Apologies for the late response on this. It seems like it would be better to confer after you have heard back from your vendor, since the answers to #3-#6 will depend on what the vendor says. And I believe we have now resolved #7.

As for #1 and #2, I will call [REDACTED] at MDC and represent to her that we have your concurrence to send the drive directly to Ms. Maxwell. If she agrees, we can add the additional productions to our drive before we send it. If she refuses, we will take it up with Judge Nathan.

Thanks,

Chris

From: [REDACTED] < [REDACTED] > [mailto: [REDACTED]]

Sent: Monday, March 29, 2021 3:36 PM

To: Christian Everdell; [REDACTED]; [REDACTED] (USANYS)

Cc: 'Jeff Pagliuca'; Laura Menninger; Bobbi Sternheim ([REDACTED])

Subject: RE: Discovery Issues

Chris,

We are available for a call to discuss tomorrow between 1pm and 2pm, between 3pm and 5pm, or after 5:30pm. Please let us know if there is a time in those windows that would work on your end. In the meantime, below are some initial responses:

EFTA00089758

1. Our supervisors have indicated that we are not permitted to send a drive that our IT department did not load to the MDC. As a result, we cannot provide the drive directly to the MDC. That said, I am happy to join you in asking the MDC to accept the drive from you. If the MDC still refuses, then my office would not object to an application to Judge Nathan for an order directing the MDC to accept the drive from you, though we would need to allow MDC legal counsel the opportunity to note their objections to Judge Nathan.
2. The MDC recently alerted us to this issue, and our paralegal converted the excel files at issue to pdfs and sent a new CD with those pdfs to the MDC. If you client still cannot view them, then we are happy to load them to a drive if you would like to provide one for us.
3. I have asked our vendor to look into this issue and will get back to you when I have spoken with them.
4. I have asked our vendor to look into this issue and will get back to you when I have spoken with them. That said, similar to the note I sent in my email regarding highly confidential images on March 16, 2021, the electronic files recovered from Epstein's devices have the same metadata on the hard drive that was available when the FBI seized each file. For files that were carved or deleted, no metadata was recovered, so none is viewable, except for data showing when a particular file was saved to a drive by the investigative team or prepared for production.
5. As indicated in our November 9, 2020 discovery letter, all images within Bates range SDNY_GM_00467566 though SDNY_GM_00514100 were seized during the 2019 searches of Epstein residences. These are the images from the CDs that were recovered during those searches, so they did not come from any of the electronic devices that were the subject of extractions by CART. As a result, these images would not have CART numbers. As for the metadata, I have asked our vendor to look into this issue and will get back to you when I have spoken with them.
6. I have asked our vendor to look into this issue and will get back to you when I have spoken with them. That said, I note again that the electronic files recovered from Epstein's devices have the same metadata on the hard drive that was available when the FBI seized each file. For files that were carved or deleted, no metadata was recovered, so none is viewable. Additionally, as indicated in our November 9, 2020 discovery letter, all images within the SDNY011 load file (Bates range SDNY_GM_00467566 though SDNY_GM_00514100) were seized during the 2019 searches of Epstein residences. These are the images from the CDs that were recovered during those searches, so they did not come from any of the electronic devices that were the subject of extractions by CART. As a result, these images would not have CART numbers.
7. I have asked our paralegals and vendor to look into the Bates gap and will get back to you when I have spoken to them.

Best,
[REDACTED]

[REDACTED]
Assistant United States Attorney
Southern District of New York
[REDACTED]
[REDACTED]
[REDACTED]

From: Christian Everdell <[REDACTED]>

Sent: Monday, March 29, 2021 2:40 PM

EFTA00089759

To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED]
(USANYS) <[REDACTED]>
Cc: 'Jeff Pagliuca' <[REDACTED]>; Laura Menninger <[REDACTED]>; Bobbi Sternheim
([REDACTED]) <[REDACTED]>
Subject: Discovery Issues

[REDACTED], [REDACTED] and [REDACTED] –

We write to raise a few issues concerning the discovery. Below is the list of items. Please let me know if you are free for a call to discuss.

1. On our last call, we asked you if we could send our client a hard drive containing the discovery that we had created (without the highly confidential items). You had said you would check to see if you could facilitate this. We have not heard back from you. Are you able to send Ms. Maxwell the hard drive?
2. The last two productions you sent to Ms. Maxwell on disks. As you know, she cannot read disks on her laptop and must use the prison computer. But the prison computer cannot read some of the files. We can include these files on our hard drive to send to Ms. Maxwell. Otherwise, you will need to produce them on a hard drive. Please advise which way you would like to proceed.
3. A number of the emails in the discovery – over 109,000 – were produced without their attachments (see tab 1 of the attached Excel file). Instead, the attachments appear as slip-sheets (see example attached). Please provide the missing attachments, if they exist.
4. A number of electronic documents – over 110,000 – that were extracted from one of Epstein’s devices, as identified by a CART number, have metadata that indicates a “date created” or “date last modified” date in July 2020 or afterwards (see tab 2 of the attached Excel file). We request that you produce a metadata overlay with the original metadata for these files.
5. A number of photographs – over 6500 – were produced in native format, but do not have a CART number and have “date created” and/or “date last modified” dates after July 2019 (see tab 3 of the attached Excel file). Please provide the CART number for these photographs or specify which device they came from. Also, we request that you produce a metadata overlay with the original metadata for these files.
6. A number of the audio/visual files – over 460 – have similar metadata issues (see tab 4 of the attached Excel file). These fall into the following buckets:
 - a. SDNY_GM_SUPP: these have CART numbers, but were produced without metadata load files and have “date created” and “date last modified” dates in September-November 2020, after the date the device was seized. We request that you produce a metadata overlay with the original metadata for these files.
 - b. SDNY005 (October 20, 2020 production): these are a few videos from the SDFL or PBPD investigations that were produced in native form without metadata load files. They have Sept-Oct 2020 dates. We request that you produce a metadata overlay with the original metadata for these files.
 - c. SDNY011 (November 9, 2020 production): these were produced in native form with load files, but do not reference a CART number and have Sept 2020 dates. We request that you provide a CART number for these files or indicate their source. Also, we request that you produce a metadata overlay with the original metadata for these files.
7. There is a gap between 11/18 and 12/18 production numbers (SDNY_GM_02742044 to 2742183). Was that intentional or are we missing those documents?

Please let us know your responses as soon as possible.

Thanks,

Chris

Christian R Everdell

COHEN & GRESSER LLP

[REDACTED]
[REDACTED] | [view bio](#)
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