



EDWARDS
POTTINGER LLC

Florida Office

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425 North Andrews Avenue
Suite 2
Fort Lauderdale, FL 33301



New York Office
J. Stanley Pottinger ‡

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July 8, 2021

FOIA PRIVACY EXEMPTION

VIA E-MAIL AND FEDEX

The Honorable Audrey Strauss
United States Attorney for the
Southern District of New York

c/o [REDACTED]



Re: Request for Tangible and Documentary Evidence (Touhy Request)
[REDACTED] Doe v. Darren K. Indyke, et al., SDNY Case No. 1:19-cv-07772

Dear Mr. [REDACTED]:

To follow up to our October 15, 2020 and October 21, 2020¹ letters, we again request documentary and tangible evidence currently in the in the possession, custody, and control of the Department of Justice by way of the Southern District of New York relating to the sexual abuse of one of Jeffrey Epstein’s many victims, [REDACTED] Doe.² See United States ex rel. *Touhy v. Ragen*, 340 U.S. 462 (1951). We make this written request pursuant to the *Touhy* regulations codified as 28 C.F.R. § 16.21 et seq. (a copy of our October 15 and 21, 2020 letters, FedEx receipt and proof of email service are attached hereto).

As stated in our prior letters, please contact us should you find any deficiencies in this request, and we will do what is necessary to correct any such shortcomings.

[REDACTED] Doe was repeatedly sexually assaulted and trafficked by prolific pedophile and rapist, Jeffrey Epstein, from 2006 through 2013. Throughout the years of abuse, Epstein purchased a number of commercial flights, provided housing, and purchased a number of items of value for [REDACTED] Doe, record of which we believe is currently in the Government’s possession as a result

¹ Our October 21, 2020 letter identified our client as [REDACTED].

² To protect her anonymity, our client has elected to proceed as a [REDACTED] Doe. As such, we have referred to her herein using the pseudonym under which she has filed her lawsuit.

of the investigation that was conducted into Epstein's criminal activity relating to the sexual abuse of minor children. Given the highly relevant nature of this tangible evidence to [REDACTED] Doe's currently pending litigation, we request production of documentary evidence relating to [REDACTED] Doe to enable her to prove her claims from both a liability and damages standpoint.

28 C.F.R. § 16.24 (c) states that it is the Department of Justice's policy to authorize the production of materials "whenever possible." Pursuant to the *Touhy* regulations set forth by the Department, the Deputy or Associate Attorney General assesses the following considerations in determining whether disclosure is warranted:

- (a)(1) Whether such disclosure is appropriate under the rules of procedure governing the case or mater in which the demand arose;
- (a)(2) Whether disclosure is appropriate under the relevant substantive law of privilege.

See 28 C.F.R. 16.26 (a) This request satisfies both considerations. The requested materials should be disclosed because disclosure is appropriate under Federal Rule of Civil Procedure 26 and the relevant substantive law of privilege. The requested documentary evidence is not privileged and directly concerns the allegations in Ms. Doe's civil case.

In addition, the requested documents are not excluded from disclosure by 28 C.F.R § 16.26 (b). Disclosure will not violate any statute, rule of procedure or regulation, will not reveal any classified information, confidential source or informant, and will not interfere with law enforcement proceedings or disclose investigative techniques and procedures. In *In re The City of New York*, 607 F.3d 923, 945 (2nd Cir. 2010), the court recognized that the law enforcement privilege is qualified. *See also Miller v. Mehitretter*, 478 F. Supp. 415, 424 (W.D. N.Y. 2007) ("When the information sought is both relevant and essential to the presentation of the case on the merits and the need for disclosure outweighs need for secrecy, privilege is overcome.") While [REDACTED] Doe can overcome this privilege if asserted, she specifically does not request any investigatory records compiled for law enforcement purposes that would interfere with any ongoing law enforcement proceedings.

[REDACTED] Doe has recently declined an offer from the Epstein Victims' Compensation Fund and is proceeding to trial in the Southern District of New York. She is simply requesting information in the Government's possession that will assist in the prosecution of her claims and ultimately, aid in her ability to finally obtain the justice that she deserves. Disclosure of the documents she requests is not prohibited by either section 28 C.F.R 16.26 (a) or (b) and is warranted pursuant to 28 C.F.R § 16.26 (c). Subsection 16.26 (c) permits this disclosure, which is necessary for a civil proceeding, because (1) the criminal violations committed against Ms. Doe are serious, (2) Epstein's criminal behavior was outrageous and notorious; he victimized over a hundred young girls and women, inclusive of Ms. Doe, over the course of more than a decade, and (3) the relief sought in federal court is critically important to Ms. Doe and her ability to prove the degree of abuse she suffered at the hands of Jeffrey Epstein and his friends or associates. Ms. Doe strongly believes that pursuing her claims in federal court will give her and other victims a sense that justice was served. While

the Victims' Compensation Program offered monetary compensation, it did not provide victims, in particular Ms. Doe, the opportunity to expose Epstein in a court of law for the monster he was. Instead of accepting a monetary settlement, Ms. Doe opted for her "day in court." The relief sought by [REDACTED] Doe will ultimately prove that our judicial system works; however, in order to have the opportunity to achieve the justice she deserves, it is essential that she obtain from the Government those documents and information requested herein.

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

- 1) Photographs of [REDACTED] Doe;
- 2) Videos of [REDACTED] Doe;
- 3) Any and all correspondence between Jeffrey Epstein, his agents, employees, medical providers, or attorneys and [REDACTED] Doe;
- 4) Any and all correspondence between Jeffrey Epstein, his agents, employees, medical providers, or attorneys about [REDACTED] Doe or which reference [REDACTED] Doe;
- 5) Any and all records of purchases of gifts or anything of value purchased for or sent to [REDACTED] Doe;
- 6) Any and all records showing that a letter or package was sent via U.S. Mail, UPS, FedEx, or by any other means of shipping from Jeffrey Epstein, his agents, or his employees to [REDACTED] Doe;
- 7) Any and all records of payments made to medical providers on behalf of [REDACTED] Doe;
- 8) Any and all records of payments made to attorneys on behalf of [REDACTED] Doe;
- 9) Any and all records of payments made to accountants on behalf of [REDACTED] Doe;
- 10) Any and all records of payments made to [REDACTED] Doe;
- 11) Any and all documents referencing [REDACTED] Doe residing at 301 East 66th Street, New York;
- 12) Any and all documents obtained from property belonging to Jeffrey Epstein that contains [REDACTED] Doe's true name;
- 13) Any and all lists containing or including [REDACTED] Doe's true name or any part thereof; and
- 14) Any and all other documentary materials relating in any way to [REDACTED] Doe.

28 C.F.R. 16.24 (d) (1) addresses the resolution of disclosure demands. We are willing to engage in discussions and negotiate a resolution to the request pursuant to section 16.24 (d)(1)(ii). Please contact us at your earliest convenience to discuss [REDACTED] Doe's case in more detail, at which time we are fully prepared to answer any questions that you may have and resolve this matter.

Very truly yours,
EDWARDS POTTINGER LLC



Bradley Edwards
Brittany Henderson
BJE:mwk



EDWARDS
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October 15, 2020

VIA E-MAIL AND FEDEX

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

c/o [REDACTED]
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
[REDACTED]

Re: Request for Tangible and Documentary Evidence (Touhy Request)
[REDACTED] Doe v. Darren K. Indyke, et al., SDNY Case No. 1:19-cv-07772

Dear Mr. [REDACTED]:

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

[REDACTED] Doe

[REDACTED] Doe was sexually assaulted by prolific pedophile, Jeffrey Epstein, from 2006 through 2013. From the time they met when she was only twenty years old, Epstein sexually abused and assaulted [REDACTED] Doe in the most horrific ways imaginable. Throughout the years of abuse, Epstein purchased a number of commercial flights, provided housing, and purchased a number of

¹ To protect her anonymity, our client has elected to proceed as a [REDACTED] Doe. As such, we have referred to her herein using the pseudonym under which she has filed her lawsuit. To the extent that her identity is not already known by the prosecutors in the Southern District of New York, please contact us at your earliest convenience to discuss her true identity.

items of value for [REDACTED] Doe, record of which we believe is currently in the Government's possession as a result of the investigation that was conducted into Epstein's criminal activity relating to the sexual abuse of minor children. Given the highly relevant nature of this tangible evidence to [REDACTED] Doe's currently pending litigation, we request production of documentary evidence relating to [REDACTED] Doe in order to enable her to prove her claims from both a liability and damages standpoint.

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

- 1) Photographs of [REDACTED] Doe;
- 2) Videos of [REDACTED] Doe;
- 3) Any and all correspondence between Jeffrey Epstein, his agents, employees, medical providers, or attorneys and [REDACTED] Doe;
- 4) Any and all records of purchases of gifts or anything of value purchased for or sent to [REDACTED] Doe;
- 5) Any and all records showing that a letter or package was sent via U.S. Mail, UPS, FedEx, or by any other means of shipping from Jeffrey Epstein, his agents, or his employees to [REDACTED] Doe;
- 6) Any and all records of payments made to medical providers on behalf of [REDACTED] Doe;
- 7) Any and all records of payments made to attorneys on behalf of [REDACTED] Doe;
- 8) Any and all records of payments made to accountants on behalf of [REDACTED] Doe;
- 9) Any and all documents referencing [REDACTED] Doe residing at 301 East 66th Street, New York;
- 10) Any and all documents including [REDACTED] Doe's true name;
- 11) Any and all lists including [REDACTED] Doe's true name; and
- 12) Any and all other documentary materials relating in any way to [REDACTED] Doe.

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

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

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

Due to the establishment of the Epstein Victim Compensation Program that is currently underway, [REDACTED] Doe seeks this information on an expedited basis in order to properly and completely present her claim for consideration, and if necessary, to continue to proceed by way of formal litigation. The requested information is within the scope of ordinary practice and does not seek disclosure of information prohibited by statute or regulation. Furthermore, this request does not

seek information that is classified or that would reveal the source or identity of any informant. To that effect, [REDACTED] Doe specifically does not request any investigatory records compiled for law enforcement purposes that would interfere with ongoing law enforcement proceedings. [REDACTED] Doe simply requests information in the Government's possession that will assist in the prosecution of her claims and ultimately, aid in her ability to finally obtain the justice that she deserves. To the extent that the requested materials can be made available to [REDACTED] Doe on an expedited basis, it would be greatly appreciated.

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

Very truly yours,

EDWARDS POTTINGER LLC



Bradley Edwards
Brittany Henderson

From: TrackingUpdates@fedex.com
To: [Maria Kellichian](#)
Subject: FedEx Shipment 771814211816: This shipment is scheduled to be sent
Date: Thursday, October 15, 2020 5:52:59 PM



Hi. This shipment is
scheduled to be sent on Thu
10/15/2020.



The delivery date may be updated when FedEx receives the package.

Estimated delivery date

Fri, 10/16/2020
by 4:30pm



INITIATED

MANAGE DELIVERY

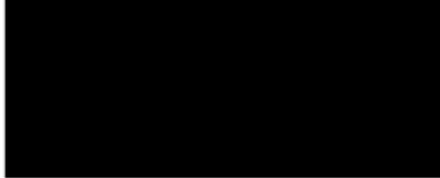
TRACKING NUMBER



FROM Edwards Pottinger LLC



TO United States States Attorney



PACKAGING TYPE FedEx Envelope

ORIGIN



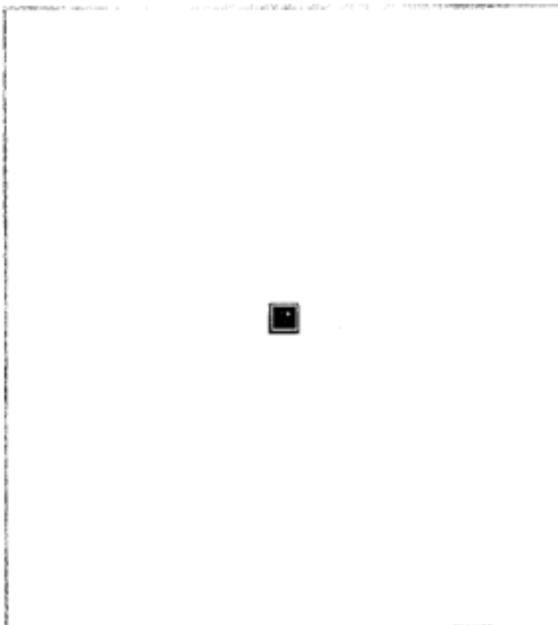
DESTINATION

STANDARD TRANSIT Fri, 10/16/2020 by 4:30pm

NUMBER OF PIECES 1

TOTAL SHIPMENT WEIGHT 0.50 LB

SERVICE TYPE FedEx Standard Overnight



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July 07, 2021

Dear Customer,

The following is the proof-of-delivery for tracking number: 771814211816

Delivery Information:

Status:	Delivered	Delivered To:	
Signed for by:		Delivery Location:	
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday		NEW YORK, NY,
		Delivery date:	Oct 16, 2020 10:10

Shipping Information:

Tracking number:	[REDACTED]	Ship Date:	Oct 15, 2020
		Weight:	

Recipient:

Shipper:



Proof-of-delivery details appear below; however, no signature is available for this FedEx Express shipment because a signature was not required.

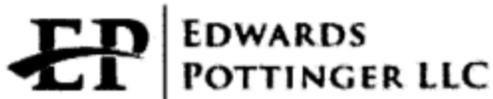
Thank you for choosing FedEx

EFTA00090484

From: [Maria Kellichian](#)
To: [REDACTED]@usdoj.gov
Cc: [Brad Edwards](#); [Brittany Henderson](#)
Subject: Edwards Pottinger Touhy Requests
Date: Thursday, October 15, 2020 5:37:00 PM
Attachments: [2020-10-15 \[REDACTED\] Doe Touhy Request.pdf](#)
[2020-10-15 \[REDACTED\] Doe Touhy Request.pdf](#)
[image001.png](#)
[2020-10-15 \[REDACTED\] Doe Touhy Request.pdf](#)
[2020-10-14 VF Touhy Request.pdf](#)
[2020-10-15 \[REDACTED\] Doe Touhy Request.pdf](#)
[2020-10-15 \[REDACTED\] Doe 2 Touhy Request.pdf](#)

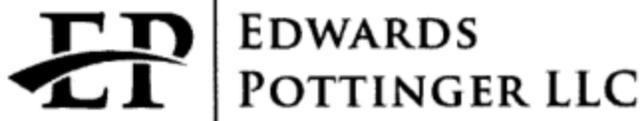
Good afternoon. Please see attached from Brad Edwards.

Thank you,
Maria



Maria W. Kelljchian
Florida Registered Paralegal





EDWARDS
POTTINGER LLC

Florida Office

Bradley J. Edwards *†
Seth M. Lehrman *†
Brittany N. Henderson *‡
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J. Stanley Pottinger ‡

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‡ Board Certified Civil Trial Lawyer

October 21, 2020

FOIA PRIVACY EXEMPTION

VIA E-MAIL AND FEDEX

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

c/o [REDACTED]
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
[REDACTED].gov

Re: Request for Tangible and Documentary Evidence (Touhy Request)
[REDACTED] Doe v. Darren K. Indyke, et al., SDNY Case No. 1:19-cv-07772
Victim: [REDACTED]

Dear Mr. [REDACTED]:

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

[REDACTED] Doe

[REDACTED] Doe was sexually assaulted by prolific pedophile, Jeffrey Epstein, from 2006 through 2013. From the time they met when she was only twenty years old, Epstein sexually abused and

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assaulted [REDACTED] Doe in the most horrific ways imaginable. Throughout the years of abuse, Epstein purchased a number of commercial flights, provided housing, and purchased a number of items of value for [REDACTED] Doe, record of which we believe is currently in the Government's possession as a result of the investigation that was conducted into Epstein's criminal activity relating to the sexual abuse of minor children. Given the highly relevant nature of this tangible evidence to [REDACTED] Doe's currently pending litigation, we request production of documentary evidence relating to [REDACTED] Doe in order to enable her to prove her claims from both a liability and damages standpoint.

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

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- 7) Any and all records of payments made to attorneys on behalf of [REDACTED] Doe;
- 8) Any and all records of payments made to accountants on behalf of [REDACTED] Doe;
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- 11) Any and all lists including [REDACTED] Doe's true name; and
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litigation. The requested information is within the scope of ordinary practice and does not seek disclosure of information prohibited by statute or regulation. Furthermore, this request does not seek information that is classified or that would reveal the source or identity of any informant. To that effect, [REDACTED] Doe specifically does not request any investigatory records compiled for law enforcement purposes that would interfere with ongoing law enforcement proceedings. [REDACTED] Doe simply requests information in the Government's possession that will assist in the prosecution of her claims and ultimately, aid in her ability to finally obtain the justice that she deserves. To the extent that the requested materials can be made available to [REDACTED] Doe on an expedited basis, it would be greatly appreciated.

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

Very truly yours,

EDWARDS POTTINGER LLC

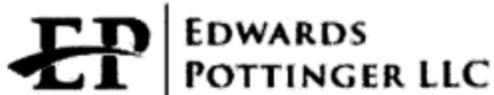


Bradley Edwards
Brittany Henderson

From: Maria Kellichian
To: [REDACTED]@usdoj.gov
Cc: Brad Edwards; Brittany Henderson
Bcc: Maria Cardenal
Subject: RE: Edwards Pottinger Touhy Requests
Date: Wednesday, October 21, 2020 6:15:00 PM
Attachments: 2020-10-21 [REDACTED]e Touhy Request.pdf
2020-10-21 [REDACTED]oe Touhy Request.pdf
image001.png
2020-10-21 [REDACTED]Touhy Request.pdf
2020-10-21 [REDACTED]2 Touhy Request.pdf
2020-10-21 [REDACTED]Touhy Request.pdf
2020-10-21 VE Touhy Request.pdf

Good afternoon. Please see attached from Brad Edwards.

Thank you,
Maria



Maria W. Kellichian
Florida Registered Paralegal

