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To: "[REDACTED] (USANYS)" <[REDACTED]>, "[REDACTED], [REDACTED] (USANYS)" <[REDACTED]>, "[REDACTED] (USANYS)" <[REDACTED]>
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Subject: Epstein FOIA Update
Date: Fri, 09 Apr 2021 23:21:46 +0000

All,

I'm writing to bring everyone up to speed in the Epstein FOIA. We had a pretty rough, approximately 2 hour oral argument today before Judge Engelmayer. It may be easier to share the transcript (which I have same-day ordered and will circulate once received) and/or to talk things through on a call. In sum, the Court is very skeptical of the breadth of the 7(A) withholdings here and will enter an Order on Monday directing that the withheld documents be produced to the Court for *in camera* review. In connection with that, the Court will direct that any material withheld under 7(A) in connection with the *Tartaglione* case be specifically marked out as such (as compared to the broader set of material withheld on account of its likelihood of interference with *Noel*). Basically, the Court has concerns that too much has been withheld on the theory of interference with the criminal cases and will undertake its own assessment of the withholding of the documents.

The Court was also interested in exactly how much of the withheld materials have been produced to the *Noel* defendants under Rule 16, and it sounds like it will ask us to make specific representations about precisely which documents have been produced in *Noel*.

Also, as you will see from the transcript, the Court directed that I communicate to Audrey that he wants her to consider this case and to evaluate whether it is necessary to confer with Main Justice on the FOIA response here (specifically whether more documents might be produced on reconsideration). In particular, the Court perceived a possibility that the recent change in administration could have some bearing on this. I plan to communicate this to Audrey as soon as we have the transcript (I've asked for that piece of it tonight).

As noted I will follow up once I have the transcript and will also circulate the Court's Order when it comes out on Monday. I think it would probably make sense to have a call thereafter and will circulate an invite for early next week. I am also available to speak over the weekend if anyone would like to talk sooner.

Thanks,
[REDACTED]
Assistant United States Attorney
[REDACTED]