



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

16320 N.W. 2nd Avenue  
North Miami Beach, Florida 33169  
October 20, 2009

Seth Lehrman, Esquire  
Rothstein, Rosenfeldt, Adler

[REDACTED]  
Fort Lauderdale, FL 33301

Re: Jane Doe v. Jeffrey Epstein  
Case No: 08-80893 CIV

Dear Mr. Lehrman:

We are in receipt of your subpoena in the above referenced civil action, received by this office on October 16, 2009.

Please be advised that the FBI response to this subpoena is governed by the provisions of Title 28, Code of Federal Regulations (CFR), Section 16.21 et seq. and the Privacy Act (Title 5, United States Code, Section 552a). These regulations specify that no employee of the Department of Justice, past or present, shall in response to a demand, produce or disclose information unless there is compliance with the applicable provisions. The procedure is mandatory and governs state and federal proceedings and has been upheld in the United States Supreme Court. See U.S. ex rel, Touhy v. Ragen, 340 U.S. 462 (1951).

To obtain FBI investigative information, the party making the request must provide to this office an affidavit, or statement which describes the nature of the litigation. To comply with the CFR, the statement should explain the **specific** information requested and its relevance to the proceedings. If testimony is being sought, then scope of that testimony should be explained. In accordance with these regulations, before any information from FBI files may be released, we must receive and have the opportunity to review you CFR statement.

In addition, the Privacy Act (Title 5, U.S.C., Section 522a(b)), prohibits the release of agency records pertaining to an individual, or information from those records, for a non-law enforcement purpose. The FBI may not disclose this information without the notarized written consent of **each** record subject, or an Order from a court of competent jurisdiction authorizing its disclosure by the FBI.

In the absence of compliance with the CFR, and either the notarized consent of **each** record subject or an appropriate court order authorizing disclosure, we are statutorily prohibited from testimony or releasing any records to you. Please take this into consideration, as your deposition may have to be postponed.

Enclosure

*NO CFR Compliance  
NO Records released.  
bn*

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A sample Privacy Act Order is enclosed to assist you in the draft. If your motion is granted, provide the Order along with your CFR compliance to this office. If you are providing the notarized consent forms in lieu of the court order, enclose them along with your CFR compliance.

You may direct your correspondence to the attention of Paralegal Specialist [REDACTED], at the above address. **In accordance with the above cited law and regulations, we must receive your CFR compliance and the notarized consent or court order before any documents may be released to you.**

If you have any questions or require further assistance, please contact [REDACTED].

Very Truly Yours,

[REDACTED]  
Special Agent in Charge  
[REDACTED]

By: [REDACTED]  
Chief Division Counsel

11/13/09  
10:50:44

View Case

ICMCM002  
Page 1 of 3

View Case, then press Enter

Case ID. . . . . : 31E-MM-108062  
Class. . . . . : 031 E WSTA-CHILD PROSTITUTION  
Status . . . . . : P PENDING  
Squad. . . . . : PB2 PB2  
Source . . . . . : 11 OTHER  
Case Type. . . . . :  
Opened . . . . . : 07/25/2006  
Identity Theft . . . : N

Title

EPSTEIN, JEFFREY  
[REDACTED]

Case Agent: [REDACTED]

Summary

1

Command . . > ..... +  
F1=Help, F3=Exit, F4=Prompt, F6=Multv, F7=Bkwd, F8=Fwd, F11=NextPg, F12=Cancel  
F13=ListSerial

4AÛ

03,074

UNITED STATES DISTRICT COURT  
for the  
Southern District of Florida

Jane Doe  
Plaintiff  
v.  
Jeffrey Epstein  
Defendant

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)  
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)  
)

Civil Action No. 08-80893CIV-MARRA/JOHNSO

(If the action is pending in another district, state where:

10/16/09 2:17 PM  
17th JAH

SUBPOENA TO TESTIFY AT A DEPOSITION  
OR TO PRODUCE DOCUMENTS IN A CIVIL ACTION

To: Records Custodian, Federal Bureau Investigators,  
C/O [redacted] North Miami Beach, FL 33169

**Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Esquire Court Reporters, 4 [redacted] Miami, FL 33130	Date and Time: 11/09/2009 1:00 am
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The deposition will be recorded by this method: Recorded

**Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

Provide any and all evidence involving the Jeffrey Epstein investigation obtained by the FBI or taken from the Palm Beach Police Department and the Palm Beach County Sheriffs Office to include all videos, compact discs, DVD's, photographs, documentary evidence and any other evidence that the FBI seized from the Palm Beach P.D. or in any way relating to any investigation of Jeffrey Epstein

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: October 15, 2009  
CLERK OF COURT

OR

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

\_\_\_\_\_  
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Jane Doe  
Seth Lehrman, who issues or requests this subpoena, are:  
Brad Edwards, Rothstein Rosenfeldt Adler, Suite 1650, 401 E. Las Olas Blvd. Fort Lauderdale, FL 33301.  
954 522 3456. Bedwards@RRA-law.com.

Rec'd 10/20/09  
BHR

Civil Action No. 08-80893CIV-MARRA/JOHNSO

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the subpoena on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the subpoena on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the subpoena unexecuted because \_\_\_\_\_; or

Other *(specify)*:

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 Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).