

3 computers that were taken

wires - pool cabana

I was Epstein's

I was [REDACTED]

Dalia was still the attorney when
the first discussion of search warrant
occurred

Hard files "massages" - hanging files w/
"models" contents removed

① What does act of production priv cover?

~~no things~~ production of items tending to incriminate
- if the act of producing establishes link in chain
- we already know where stuff came from how

② only protects person making the production → [redacted]
- unless [redacted] stands in shoes of Epstein

Fifth Amendment only bars compulsion of testimonial evidence
- handwriting, samples, blood, DNA, breath, fingerprints

Break discussion into two parts

- computer equipment (requests 1 and 2)
- other items

↳ no act of production privilege for these

① What does act of production privilege cover
a) production of items that tend to incriminate the subpoenaed party

Does the Attorney-Client privilege apply?

- privilege is not favored

- criteria for applying privilege

- Allen v. McGraw, 106 F.3d 582, 600
(4th Cir. 1997)

- the privilege protects only the attorney-client communication, not the underlying facts.

Id. at 604 (citing Upjohn, 449
US at 395)

Party asserting work product doctrine or attorney-client privilege as a bar to discovery has the burden of establishing that either or both is applicable. Barclays American Corp. v. Kane, 746 F.2d 653, 656 (10th Cir. 1984) (extensive citations omitted)

RETURN OF SERVICE¹

RECEIVED BY SERVER	DATE <u>05/22/2007</u>	PLACE <u>West Palm Beach, FL</u>
--------------------	------------------------	----------------------------------

SERVED	DATE <u>05/24/2007</u>	PLACE <u>Miawleah, FL</u>
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SERVED ON (NAME)
Paul A. Lavery

SERVED BY [REDACTED]	TITLE <u>FBI SA</u>
-------------------------	------------------------

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVICE²

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 05/24/2007
DATE

[REDACTED]
Signature of Server

[REDACTED] WTB, FL
Address of Server

ADDITIONAL INFORMATION

1. As to who may serve a subpoena and the manner of its service see Rule 17(d). Federal Rules of Criminal Procedure, or Rule 45(c), Federal Rules of Civil Procedure.

2. "Fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(c), Federal Rules of Civil Procedure; Rule 17(d), Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rule 17(b) Federal Rules of Criminal Procedure)"



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

*500 South Australian Ave., Suite 400
West Palm Beach, FL 33401*

Facsimile: [REDACTED]

June 6, 2007

VIA FACSIMILE

Robert I. Targ, Esq.
Diaz Reus Rolff & Targ LLP
100 S.E. Second Street, Suite 2600
Miami, FL 33131

Re: Subpoena to Paul Lavery

Dear Mr. Targ:

Thank you for your letter of June 4, 2007. Following receipt of your letter, I conducted some additional research regarding your blanket assertion of the attorney-client and work product privileges prior to the appearance before the grand jury. My research shows that the person asserting the privilege bears the burden of establishing its applicability. *See, e.g., United States v. Schaltenbrand*, 930 F.2d 1554 (11th Cir. 1991); *United States v. Muñoz*, 233 F.3d 1117 (9th Cir. 2000); *Hawkins v. Stables*, 148 F.3d 379 (4th Cir. 1998); *Motley v. Marathon Oil Co.*, 71 F.3d 1547 (10th Cir. 1995); *Christman v. Brauvin Realty Advisors, Inc.*, 185 F.R.D. 251 (N.D. Ill. 1999). Furthermore, blanket assertions are not proper, and the assertion must be made on a question-by-question and document-by-document basis. *See, e.g., Nguyen v. Excel Corp.*, 197 F.3d 200 (5th Cir. 1999); *Clarke v. American Commerce Nat. Bank*, 974 F.2d 127 (9th Cir. 1992); *United States v. White*, 950 F.2d 426, 430 (7th Cir. 1991). I do not intend to ask questions that fall within these privileges and the documents requested also do not fall within either of these privileges.

Accordingly, I have enclosed a revised grand jury subpoena that provides, in greater detail, the list of documents requested. I have asked for Mr. Lavery to appear on June 19, 2006, so that, if you believe that you have a basis for a pre-appearance motion for protective order or motion to quash, you will have time to prepare and file that motion. In case you decide to file such a motion, United States District Judge Middlebrooks is assigned to handle

ROBERT I. TARG, ESQ.
JUNE 6, 2007
PAGE 2 OF 2

matters related to the relevant grand jury. Pursuant to Fed. R. Crim. P. 6(e)(6), any such motion must be filed under seal.

If you elect not to file such a motion, I will expect Mr. Lavery's appearance before the grand jury on June 19, 2006. Please contact myself or Special Agent [REDACTED] on June 18, 2006, to confirm the time for appearance. If a motion is not filed and Mr. Lavery does not appear, I will proceed in accordance with Fed. R. Crim. P. 17(g).

If you have any questions, please do not hesitate to call me.

Sincerely,

R. Alexander Acosta
United States Attorney

By:

[REDACTED]
Assistant United States Attorney

cc: [REDACTED], FBI (with enclosure)

RETURN OF SERVICE¹

RECEIVED BY SERVER

DATE 6/6/07

PLACE USAO-WPB

SERVED

DATE 6/6/07

PLACE USAO-WPB via fax to Robert Tang

SERVED ON (NAME)

Robert I. Tang, Esq.

SERVED BY



TITLE

AUSA

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVICE²

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

6/6/07
DATE

Signature of Server

U.S. Attorney's Office, W. Palm Bch, FL

Address of Server

ADDITIONAL INFORMATION

Served via facsimile on counsel for the subpoenaed party.

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ATTACHMENT A
SUBPOENA TO PAUL A. LAVERY

1. All computer equipment and electronic storage media removed from the residence located at 358 El Brillo Way, Palm Beach, Florida, including but not limited to central processing units ("CPUs"), laptop computers, keyboards, printers, modems, routers, hard drives, flash drives, thumb drives, CD-Roms, DVDs, floppy diskettes, digital cameras, and memory cards.
2. All computer equipment and electronic storage media that currently belongs to, or has ever belonged to, Jeffrey Epstein, including but not limited to central processing units ("CPUs"), laptop computers, keyboards, printers, modems, routers, hard drives, flash drives, thumb drives, CD-Roms, DVDs, floppy diskettes, digital cameras, and memory cards.
3. All documents and information related to the nature of the relationship between Mr. Paul A. Lavery and/or Paul A. Lavery and Associates Investigative Services, Inc. and Mr. Jeffrey Epstein, including, but not limited to, retainer agreements; employment agreements; billing statements (whether submitted directly to Mr. Epstein or to a third party for reimbursement); records of the dates when services were performed and the hours worked; telephone logs or records of dates of communications with Mr. Epstein (or with a third party on Mr. Epstein's behalf); appointment calendars/datebooks and the like (whether in hard copy or electronic form) for any period when work was performed on behalf of Mr. Epstein or when any communication was had with Mr. Epstein (or with a third party on Mr. Epstein's behalf); and records of fee arrangements and payments received for work performed on Mr. Epstein's behalf.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4844
CONNECTION TEL 13053758050
SUBADDRESS
CONNECTION ID
ST. TIME 06/06 19:08
USAGE T 00'43
PGS. SENT 5
RESULT OK



U.S. Department of Justice

United States Attorney
Southern District of Florida

[Redacted]
500 South Australian Ave, Suite 400
West Palm Beach, Florida 33401

Facsimile [Redacted]

FACSIMILE COVER SHEET

TO: ROBERT I. TARG, ESQ. DATE: June 6, 2007

FAX NO. [Redacted] # OF PAGES: 5

PHONE NO. [Redacted] RE: PAUL A. LAVERY

FROM: [Redacted] ASSISTANT U.S. ATTORNEY

PHONE NO. [Redacted]

COMMENTS:



U.S. Department of Justice

United States Attorney
Southern District of Florida

[REDACTED]
500 South Australian Ave, Suite 400
West Palm Beach, Florida 33401

Facsimile [REDACTED]

FACSIMILE COVER SHEET

TO: ROBERT I. TARG, ESQ. DATE: June 6, 2007

FAX NO. [REDACTED] # OF PAGES: 5

PHONE NO. [REDACTED] RE: PAUL A. LAVERY

FROM: [REDACTED] ASSISTANT U.S. ATTORNEY

PHONE NO. [REDACTED]

COMMENTS:

United States District Court
SOUTHERN DISTRICT OF FLORIDA

TO: Paul A. Lavery, in his individual capacity and as custodian of records for Paul A. Lavery and Associates Investigative Services, Inc.
5325 West 20th Lane
Hialeah, FL 33016

SUBPOENA TO TESTIFY
BEFORE GRAND JURY
FGJ 05-02(WPB)-Fri./No. OLY-49/2

SUBPOENA FOR:



PERSON



DOCUMENTS OR OBJECT[S]

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

PLACE:

United States District Courthouse
701 Clematis Street
West Palm Beach, Florida 33401

ROOM:

Grand Jury Room

DATE AND TIME:

June 19, 2007
1:00 pm*

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

THE DOCUMENTS AND OBJECTS LISTED ON ATTACHMENT A.

***Please coordinate your compliance with this subpoena and confirm the date, time, and location of your appearance with S/A [REDACTED] Federal Bureau of Investigation, Telephone: [REDACTED]**

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK

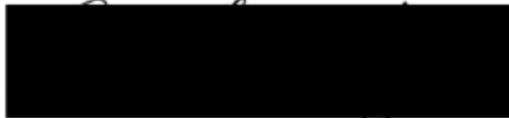
(BY) DEPUTY CLERK



DATE:

June 6, 2007

This subpoena is issued upon application of the United States of America



Name, Address and Phone Number of Assistant U.S. Attorney
[REDACTED] Assistant U.S. Attorney
500 So. Australian Avenue, Suite 400
West Palm Beach, FL 33401-6235
Tel: [REDACTED]
Fax: [REDACTED]

*If not applicable, enter "none."

RETURN OF SERVICE

RECEIVED BY SERVER

DATE 6/6/07

PLACE USAO-WPB

SERVED

DATE 6/6/07

PLACE USAO-WPB via fax to Robert Tang

SERVED ON (NAME)

Robert I. Tang, Esq.

SERVED BY



TITLE AUSA

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

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6/6/07
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U.S. Attorney's Office, W. Palm Bch, FL

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2. All computer equipment and electronic storage media that currently belongs to, or has ever belonged to, Jeffrey Epstein, including but not limited to central processing units ("CPUs"), laptop computers, keyboards, printers, modems, routers, hard drives, flash drives, thumb drives, CD-Roms, DVDs, floppy diskettes, digital cameras, and memory cards.
3. All documents and information related to the nature of the relationship between Mr. Paul A. Lavery and/or Paul A. Lavery and Associates Investigative Services, Inc. and Mr. Jeffrey Epstein, including, but not limited to, retainer agreements; employment agreements; billing statements (whether submitted directly to Mr. Epstein or to a third party for reimbursement); records of the dates when services were performed and the hours worked; telephone logs or records of dates of communications with Mr. Epstein (or with a third party on Mr. Epstein's behalf); appointment calendars/datebooks and the like (whether in hard copy or electronic form) for any period when work was performed on behalf of Mr. Epstein or when any communication was had with Mr. Epstein (or with a third party on Mr. Epstein's behalf); and records of fee arrangements and payments received for work performed on Mr. Epstein's behalf.



TELEFAX TRANSMITTAL SHEET

DATE: June 4, 2007

TO: [Redacted] Esquire
Assistant U.S. Attorney
U.S. Attorney's Office

FAX: [Redacted]

FROM: Robert I. Targ *RT*

RE: **Paul Lavery**
Federal Grand Jury Subpoena

MESSAGE: Please see attached correspondence.

Number of pages transmitted (including cover sheet): 2

 This transmittal is intended only for the use of the addressee and may contain information that is privileged, confidential and
 exempt from disclosure by law. If the reader of this transmittal is not the intended recipient, you are hereby notified that any
 dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in
 error, please notify us immediately by telephone and return the original transmittal to us by mail. Thank you for your
 cooperation.

If you have not received a clear and legible transmission or if there are any problems with this transmission, please
telephone us immediately at [Redacted]



ATTORNEYS & COUNSELORS

A CASE EXPANSION GROUP

MIAMI OFFICE

100 S.E. Second Street
Suite 2600
Bank of America Tower
Miami, Florida 33131-USA
Tel: [REDACTED]
Fax: [REDACTED]
www.drrtlaw.com

June 4, 2007

Via Facsimile [REDACTED]

[REDACTED] Esquire
Assistant U.S. Attorney
U.S. Attorney's Office
500 South Australian Avenue
Suite 400
West Palm Beach, Florida 33401

Re: **Paul Lavery**
Federal Grand Jury Subpoena

Dear Ms. Villafara:

This will confirm our telephone conversation of earlier today wherein I advised you that my client, Mr. Paul Lavery, would assert the privilege (both work product and attorney-client) on behalf of Mr. Jeffrey Epstein if called before the Grand Jury pursuant to the Grand Jury Subpoena issued on May 21, 2007. Based upon this confirming letter, it is my understanding that Mr. Lavery is excused from appearing before the Grand Jury tomorrow, June 5, 2007.

Thank you for your professional courtesies in these regards.

Sincerely,

Robert I. Targ

R.T/eg

cc: Paul Lavery

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3. All documents and information related to the nature of the relationship between Mr. William Riley and/or Riley Kiraly and Mr. Jeffrey Epstein, including, but not limited to, retainer agreements; employment agreements; billing statements (whether submitted directly to Mr. Epstein or to a third party for reimbursement); records of the dates when services were performed and the hours worked; telephone logs or records of dates of communications with Mr. Epstein (or with a third party on Mr. Epstein's behalf); appointment calendars/datebooks and the like (whether in hard copy or electronic form) for any period when work was performed on behalf of Mr. Epstein or when any communication was had with Mr. Epstein (or with a third party on Mr. Epstein's behalf); and records of fee arrangements and payments received for work performed on Mr. Epstein's behalf.