

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE NO. 2,
Plaintiff,

CASE NO.: 08-CV-80119-MARRA/JOHNSON

vs.

JEFFREY EPSTEIN,
Defendant.

JANE DOE NO. 3,
Plaintiff,

CASE NO.: 08-CV-80232-MARRA/JOHNSON

vs.

JEFFREY EPSTEIN,
Defendant.

JANE DOE NO. 4,
Plaintiff,

CASE NO.: 08-CV-80380-MARRA/JOHNSON

vs.

JEFFREY EPSTEIN,
Defendant.

JANE DOE NO. 5,
Plaintiff,

CASE NO.: 08-CV-80381-MARRA/JOHNSON

vs.

JEFFREY EPSTEIN,
Defendant.

JANE DOE NO. 6,
Plaintiff,

CASE NO.: 08-CV-80994-MARRA/JOHNSON

vs.

JEFFREY EPSTEIN,
Defendant.

_____ /

JANE DOE NO. 7,
Plaintiff,

CASE NO.: 08-CV-80993-MARRA/JOHNSON

vs.

JEFFREY EPSTEIN,
Defendant.

_____ /

C.M.A.,
Plaintiff,

CASE NO.: 08-CV-80811-MARRA/JOHNSON

vs.

JEFFREY EPSTEIN,
Defendant.

_____ /

JANE DOE,
Plaintiff,

CASE NO.: 08-CV-80893-MARRA/JOHNSON

vs.

JEFFREY EPSTEIN et al,
Defendants.

_____ /

DOE II,
Plaintiff,

CASE NO.: 09-CV-80469-MARRA/JOHNSON

vs.

JEFFREY EPSTEIN et al,
Defendants.

/

JANE DOE NO. 101,
Plaintiff,

CASE NO.: 09-CV-80591-MARRA/JOHNSON

vs.

JEFFREY EPSTEIN,
Defendant.

/

JANE DOE NO. 102
Plaintiff,

CASE NO.: 09-CV-80656-MARRA/JOHNSON

vs.

JEFFREY EPSTEIN,
Defendant.

/

UNITED STATES' RESPONSE TO COURT'S ORDER
REQUESTING POSITION ON DEFENDANT'S MOTION TO STAY [DE 99]

Comes now the United States, by and through the undersigned Assistant United States Attorney, and files this response to the Court's Order requesting the position of the United States on Defendant Jeffrey Epstein's Motion to Stay Proceedings [DE 99]. For the reasons set forth below, it is the United States' position that a stay of the proceedings is not necessary and was not contemplated by the Non-Prosecution Agreement between the United States and Defendant Jeffrey Epstein.

ISSUE PRESENTED

The United States is not a party to these lawsuits and, accordingly, is not fully aware of the scope of the proceedings, the range of arguments presented by counsel, and any correspondence or oral communications between the parties in these civil suits. Based on the information presented by the Court and a review of Defendant Jeffrey Epstein's Motion to Stay and/or Continue Action for Time Certain Based on Parallel Civil and Criminal Proceedings with Incorporated Memorandum of Law (Court File No. 08-CV-80811-MARRA/JOHNSON DE 51-1), and responses thereto filed by various plaintiffs in their suits, the undersigned understands that the Court has requested the position of the United States on the following issue:

Are there "special circumstances" that require the imposition of a stay of the civil proceedings in the "interests of justice" until the "expiration" of the Non-Prosecution Agreement ["NPA"] between the United States and Epstein?

By filing this response, the United States does not make itself a party to this litigation and takes no position with respect to the outcome of any of the civil suits; nor does the United States take any position regarding Defendant Epstein's performance of his obligations pursuant to the NPA. The United States also declines to comment on Defendant Epstein's representations regarding past allegations of violations of the NPA by Epstein. The United States files this response solely as *amicus curiae* at the Court's request and does not waive any procedural or statutory bars to suit.

I. STANDARD FOR IMPOSING A DISCRETIONARY STAY

A. The Defendant Must Show that the Assertion of His Fifth Amendment Privilege Against Self-Incrimination Would Automatically Result in the Entry of Summary Judgment Against Him.

“The decision whether or not to stay civil litigation in deference to parallel criminal proceedings is discretionary. . . . A movant must carry a heavy burden to succeed in such an endeavor.” *Microfinancial, Inc.* ■ *Premier Holidays Internat’l, Inc.*, 385 F.3d 72, 77 (1st Cir. 2004) (citations omitted). When a defendant facing possible criminal liability invokes his Fifth Amendment right against compelled self-incrimination in connection with civil litigation, a court can stay discovery or the entire civil case. *Diaz* ■ *Jenne*, 2007 WL 624286 *1 (S.D. Fl. Feb. 23, 2007) (Cooke, J.). “However, ‘the Constitution does not require a stay of civil proceedings pending the outcome of related criminal proceedings. Forcing an individual to risk non-criminal disadvantage by remaining silent for fear of self incrimination in a parallel criminal proceeding does not rise to the level of an unconstitutional infringement.’” *Id.* (quoting *Shell Oil Co.* ■ *Altina Assocs., Inc.*, 866 F. Supp. 536, 540 (M.D. Fl. 1994)).

As this Court has previously explained:

The law regarding stays of civil actions is well-settled in the Eleventh Circuit. In *United States* ■ *Lot 5, Fox Grove, Alachua County, Fla.*, 23 F.3d 359, 363-65 (11th Cir. 1994) (“*Lot 5*”), the Court articulated the following principles of law with respect to a stay of a civil action pending resolution of a related criminal action:

[A] blanket assertion of the privilege is an inadequate basis for the issuance of a stay. Rather, a court must stay a civil

proceeding pending resolution of a related criminal prosecution only when “special circumstances” so require in the “interests of justice.” The court may deny a stay so long as the privilege’s invocation does not compel an adverse judgment against the claimant.

...

[T]he standard set by the Eleventh Circuit as to when a stay should be granted to prevent unconstitutional infringement is more narrow. The law in the Eleventh Circuit requires consideration of whether, as a result of invoking the privilege, the defendant faces certain loss of the civil proceeding on summary judgment if the civil proceeding were to continue. *Lot 5*, 23 F.3d at 364; *Pervis* ■. *State Farm Fire & Casualty Co.*, 901 F.2d 944 (11th Cir. 1990). Under this standard, Movants must show that invocation of the privilege in the instant matter will result in certain loss by automatic summary judgment. *United States* ■. *Two Parcels of Real Property*, 92 F.3d 1123, 1129 (11th Cir. 1996); *Pervis*, 901 F.2d at 946-47. This must be an actual adverse judgment, and not “merely the loss of the defendant’s most ‘effective defense.’” *Securities & Exchange Comm.* ■. *Incendy*, 936 F. Supp. at 955 (S.D. Fl. 1996); *Shell Oil Co.*, 866 F. Supp. at 540-41.

Court-Appointed Receiver of Lancer Mgt. Group LLC ■. *Lauer*, 2009 WL 800144 (S.D. Fl. Mar. 25, 2009) (Marra, J.).

Thus, before reaching the relative benefit and prejudice to each of the parties caused by staying the cases, the Court must determine whether, if defendant Epstein were to invoke his Fifth Amendment right against self-incrimination¹ and the Court were to allow an adverse inference to be drawn therefrom, an adverse judgment against Epstein would be automatically compelled. The United States respectfully submits that it would not.

¹It appears from a brief review of some of Epstein’s discovery responses that Epstein has made a blanket assertion of the privilege. For example, Epstein has asserted his Fifth Amendment privilege in response to a plaintiff’s request to produce the NPA and the United States’ list of identified victims although these documents were provided to Epstein *by the United States*.

From a review of the Complaints filed by the plaintiffs in these cases, it appears that some have filed claims based upon Title 18, United States Code, Section 2255, some have filed claims based upon common law torts, and some have filed a combination of the two. Under general principles of tort law, a plaintiff is required to prove: (1) that the defendant committed a bad act; (2) that the plaintiff suffered damages; and (3) that the damages were caused by the defendant's bad act. To succeed on a claim under 18 U.S.C. § 2255, a plaintiff must show: (1) that the plaintiff is a person who, while a minor, was a victim of an enumerated offense committed by the defendant; (2) that the person suffered personal injury as a result of that violation; and (3) the amount of damages she sustained.

Epstein's assertion of his Fifth Amendment privilege could result in the drawing of a negative inference *only* as to the first element under both of these claims. Therefore, to succeed on summary judgment (or at trial), the plaintiffs would still have to prove that they suffered personal injury/damages as a result of the defendant's bad act. *Cf. In re Financial Federated Title & Trust, Inc.*, 252 B.R. 834, 838 (S.D. Fl. Bank. Ct. 2000) (Stay not warranted in bankruptcy proceeding where criminal indictment was pending because negative inference related only to defendant's receipt of allegedly fraudulent transfers, but "Trustee must still carry the burden of proving all of the elements of his complaint for fraudulent transfers . . . includ[ing] fraudulent intent, insolvency, and financial condition at the time of the transfers to the Defendants.").

While Epstein may believe that his arguments and proof as to the first element are his "most effective defense," that alone is insufficient to warrant the imposition of a stay of the

litigation. There are two other items for the Court to consider in deciding this issue. First, pursuant to the terms of the NPA, as to those victims identified by the United States, Epstein has already made a concession that they are victims of an enumerated offense committed by Epstein. Thus, this inference is drawn *not* due to his invocation of the right against self-incrimination but due to his entry into a contractual agreement with the United States for which the identified victims are third-party beneficiaries.² Second, in *Lot 5*, the Eleventh Circuit pointed out the wealth of evidence other than the defendant's testimony that could be used to defeat a liability claim. *See Lot 5*, 23 F.3d at 364 ("Thus, Claimant's assertion that only her own testimony could vindicate her is groundless; other participants to the illegal acts that gave rise to the forfeiture were available to testify at trial. Claimant's failure to indicate with precision why she did not use other parties' testimony to substantiate her defense was fatal."). For example, Epstein could mount a defense using effective cross-examination, telephone records, travel records, documents within the possession of the plaintiffs or third parties, and/or the testimony of third parties to rebut the plaintiffs' proof.

²The United States notes that it is not aware of the identities of all of the plaintiffs in the civil suits. To the extent that any are not "identified victims" under the NPA, this contractual provision would not apply.

B. Additional Factors to Consider in Balancing the Prejudice to the Parties

If the Court is persuaded that the negative inference drawn from Epstein's assertion of his Fifth Amendment privilege would result in an automatic grant of summary judgment in favor of the plaintiffs, then the Court must engage in a balancing of equities in determining whether there are "special circumstances" warranting the imposition of a stay "to prevent a party from suffering substantial and irreparable prejudice." *Securities and Exchange Comm'n v. Incendy*, 936 F. Supp. 952, 956 (S.D. Fl. 1996) (quoting *S.E.C. v. First Financial Group of Texas, Inc.*, 659 F.2d 660, 668 (5th Cir. 1981) (add'l citations omitted).

Examples of "special circumstances" provided by the Supreme Court in [*United States v. Kordel*] are: (1) if the Government brought the civil action solely to obtain evidence for its criminal prosecution, (2) if the Government failed to advise the defendant in the civil proceeding that it contemplates his criminal prosecution; (3) if the defendant is without counsel or reasonably fears prejudice from adverse pretrial publicity or other unfair injury; or (4) any other special circumstances indicating unconstitutionality or even impropriety.

Incendy at 956 (citing *United States v. Kordel*, 397 U.S. 1, 11 (1970)). See also *Securities and Exchange Comm'n v. Wright*, 261 Fed. Appx. 259, 263 (11th Cir. 2008) ("[N]o 'special circumstances' existed in this case warranting a stay, as there is no record evidence suggesting the Government had brought the civil case solely to obtain evidence for the criminal prosecution or that the criminal case against [defendant] was unconstitutional or inappropriately instituted.").

No "special circumstances" exist here. First, unlike *Wright* and *Incendy*, the United States Government is not a party to the civil litigation. Each suit is brought on behalf of an

individual plaintiff represented by private counsel. Some of those plaintiffs are adverse to the United States and have filed suit against the Government based upon its handling of the criminal case against Epstein. (*See In re Jane Doe Litigation*, Court File No. 08-80736-Ci-██████████-Marra.) There has been no allegation, and certainly no showing, that the civil litigation is a ruse to obtain discovery on behalf of the criminal investigation.

As some of the plaintiffs have mentioned, one purpose of the NPA was to place the identified victims in the same position where they would have been if Epstein had been convicted after trial of an offense enumerated in 18 U.S.C. § 2255. (*See, e.g.*, Court File No. 08-CV-80119 DE 49-2.) If Epstein had proceeded to trial and been convicted, those victims would have been entitled to restitution *and* to file suit pursuant to 18 U.S.C. § 2255, and would have been entitled to the same sorts of discovery that they now seek. None of the plaintiffs has contacted the United States about passing on materials gathered through discovery to any criminal investigators or about seeking discovery that would be relevant only to the criminal proceedings, rather than to their individual cases. If Epstein has legitimate concerns that the civil discovery process is being abused in some way, he can ask the Court for a protective order limiting the scope of discovery or its distribution. Furthermore, if at some time in the future, Epstein were the subject of a criminal indictment and he alleged that the evidence to be used against him was gathered improperly, he could file a motion to suppress or to dismiss the indictment in that criminal action. *See, e.g., United States, ex. rel. Westrick* ██████████. *Second Chance*, 2007 WL 1020808 *4 (D.D.C. Mar. 31, 2007) (Defendant in civil False Claims Act suit moved to stay civil action pending criminal

investigation where no indictment had been returned. The district court denied the motion, noting that while “allowing civil discovery to proceed may afford the government [who was the real party in interest in the civil case] the opportunity to gain evidence that it may not be entitled to under the more restrictive criminal discovery rules, if and when discovery becomes necessary, protective orders and other remedial measures may be taken.” (citations omitted).

By entering into the NPA, with its explicit discussion of 18 U.S.C. § 2255, Epstein acknowledged that the United States was trying to protect the victims’ rights to restitution and that civil claims would likely follow. Epstein did not bargain for a stay of those proceedings. Instead, both parties received benefits and gave consideration for the bargain that was struck – while Epstein is faced with answering discovery requests that he would not face during criminal proceedings, he also is entitled to the identification of and extensive discovery from the victims, which he would not have received in the criminal case. Based upon a review of the discovery requests he has promulgated thus far, it appears that Epstein is taking full advantage of this benefit and if a criminal case were ever filed, he would, no doubt, seek to use that information in his defense.³

³With respect to the other “special circumstances” mentioned in *Incendy*, the government obviously advised Epstein of the potential for criminal charges, and that knowledge led to the negotiation of the NPA. Epstein also has a number of attorneys listed on the Service List for the civil cases and has retained a similarly large number of attorneys to handle the criminal investigation and negotiation of the NPA. Epstein alleges a fear of adverse publicity, but as the plaintiffs have pointed out, during the course of the state and federal criminal investigations, Epstein’s personal publicist distributed stories to the press impugning the credibility of the victims and other witnesses and averring that the victims’ allegations of abuse were made solely to extract money from the defendant. In the context of some of the civil suits currently pending, Epstein has asked the Court

Unlike *Wright* and *Incendy*, Epstein also has not been criminally indicted. In some districts, this alone is virtually dispositive. See, e.g., *Sterling Nat'l Bank v. A-1 Hotels Internat'l*, 175 F. Supp. 2d 573, 576-77 (S.D.N.Y. 2001) ("district courts in this Circuit 'generally grant the extraordinary remedy of a stay only after the defendant seeking a stay has been indicted.'" (quoting *Citibank, N.A. v. Hakim*, 1993 WL 481335 *1 (S.D.N.Y. Nov. 18, 1993) (add'l citations omitted)). As one court explained:

the consensus that a party seeking a stay bears a heavier burden when he has not yet been indicted derives logically from the balancing test set out by the courts of appeals that have considered the question. When a defendant has been indicted, his situation is particularly dangerous, and takes a certain priority, for the risk to his liberty, the importance of safeguarding his constitutional rights, and even the strain on his resources and attention that makes defending satellite civil litigation particularly difficult, all weigh in favor of his interest. Moreover, if the potential prejudice to the defendant is particularly high post-indictment, the prejudice to the plaintiff of staying proceedings is somewhat reduced, since the criminal litigation has reached a crisis that will lead to a reasonably speedy resolution. Furthermore, at that stage in the criminal proceeding, the contours of the indictment will provide the Court with a reasonable basis for determining the extent of the threat to the defendant's Fifth Amendment rights, and the likely extent and timing of the criminal litigation.

Pre-indictment, these factors must be balanced significantly differently. Though many of the same risks to the civil defendant are present, the dangers are at least somewhat more remote, and it is inherently unclear to the Court just how much the unindicted defendant really has to fear. Conversely, the delay imposed on the plaintiff is potentially indefinite. There is no telling how complicated the government's investigation may be, whether the allegations of the particular civil plaintiff are merely the tip of an iceberg that will result in a lengthy and open-ended investigation, what priority the government assigns to the investigation, whether it will result in charges that will have to

to unseal the victims' names so that he may make use similar press efforts to impugn their credibility.

be litigated, or how time-consuming the resulting criminal case will be. Under these circumstances, the likelihood that a civil party can make the necessary showing to obtain the “extraordinary” remedy of a stay is inevitably much reduced.

Sterling Nat’l Bank, 175 F. Supp. 2d at 577 (internal citations omitted).

The First Circuit has noted that the decision whether to grant a stay “is highly nuanced . . . [and] involves competing interests. Balancing these interests is a situation-specific task, and an inquiring court must take a careful look at the idiosyncratic circumstances of the case before it.” *Microfinancial, supra*, 385 F.3d at 78. Epstein’s case is more idiosyncratic than most.

As the Court aptly noted in its Order denying Epstein’s first motion to stay the civil proceedings, Epstein has not been indicted and there are no criminal proceedings pending against him.⁴ The resurrection of criminal proceedings against Epstein lies entirely within Epstein’s own hands, by performing or not performing under the terms of the NPA. This tips the balance of equities even further in favor of the plaintiffs. Epstein makes allegations that the U.S. Attorney’s Office has unfettered discretion in determining breaches of the NPA, but this is no different than in any contractual setting. If one party believes that there has been a breach, it may seek the remedy set forth in the contract. If the other party believes that

⁴Epstein points to provisions requiring him to maintain certain evidence “inviolable” as proof that the grand jury investigation is still active. These provisions are meant only to insure that easily destroyed evidence identified through the investigation, such as computer equipment, that is still in Epstein’s control, will still be available to investigators if Epstein does, in fact, breach the NPA. Epstein is well aware that litigation concerning those matters have been removed from the Court’s docket, at the insistence of the United States, because it fully halted its investigation in accordance with the terms of the NPA.

there has been no breach, it has a remedy at law or equity. In this situation, Epstein would be entitled to seek dismissal of the indictment. See *United States v. Beeks*, 167 Fed. Appx 777 (11th Cir. 2006); *United States v. Diaz*, 138 Fed. Appx. 965 (9th Cir. 2005); *United States v. Davis*, 393 F.3d 540 (5th Cir. 2004).

Epstein argues that because he is seeking a finite period of delay – until the time that he asserts that the NPA “expires” – and that, thereafter, he will promptly provide full and complete responses to all discovery, the harm to the plaintiffs is *de minimis*. With all respect, this overlooks a number of obvious issues. First, if a stay is imposed until Epstein’s proposed “expiration date,” it affords Epstein one of two incentives: (a) to delay any intended breach until a time when he believes that the United States has no remedy and then to breach the agreement with impunity (*i.e.*, to use the NPA as a shield and a sword); or (b) to delay the civil litigation as long as possible (until shortly before the “expiration” of the NPA), and then, after criminal charges have been filed, to seek a mandatory stay of the civil cases until the criminal case is resolved. Thus, contrary to the assertions of Epstein, the delay is not limited but, instead, is “potentially indefinite,” as *Sterling Bank* warns. If the U.S. Attorney’s Office were to proceed criminally, the litigation would likely be very lengthy, and would result in an even greater delay to the plaintiffs.⁵

⁵The United States also notes that this finite termination to Epstein’s exposure to potential criminal consequences is illusory. The NPA addresses only certain victims identified during the course of the government’s investigation. To the extent that any of the plaintiffs who have already filed suit against Epstein do not fall within that group, the NPA does not address potential charges based upon crimes committed against them. The NPA also does not bind any other state or federal prosecutor from pursuing charges for criminal acts committed within their jurisdiction(s). The federal statute of limitations for offenses against children is ten years or the life of the child,

The factors to consider include: “(i) the interests of the civil plaintiff in proceeding expeditiously with the civil litigation, including the avoidance of any prejudice to the plaintiff should a delay transpire; (ii) the hardship to the defendant, including the burden placed upon him should the cases go forward in tandem; (iii) the convenience of both the civil and criminal courts; (iv) the interests of third parties; . . . (v) the public interest[;] . . . (vi) the good faith of the litigants (or the absence of it) and (vii) the status of the cases.” *Microfinancial*, 385 F.3d at 78 (citations omitted).

In considering those factors, the United States respectfully recommends to the Court that *all* of the factors weigh against a stay. In making its decision, the Court should consider that, unlike all of the cases cited herein, Epstein seeks to stay not one suit involving a single plaintiff, but more than a dozen suits filed by individual plaintiffs. Each of those plaintiffs, in turn, impliedly asserts that she is a “crime victim” with the “right to full and timely restitution” and the “right to proceedings free from unreasonable delay.” 18 U.S.C. § 3771(a)(6) & (7). As noted above, one of the purposes of the NPA was to provide these rights to victims identified in the Government’s investigation. Thus, this factor weighs more heavily for the plaintiffs than in the average civil dispute as it embodies both the plaintiffs’ and the public’s interests. The victims who were identified in the government investigation, by and large, were without financial assets and had significant counseling needs that could

whichever is longer. 18 U.S.C. § 3283. Thus, for Epstein (or any other person accused of sexually abusing children) to “wait out” any chance of criminal liability, the court would have to stay civil litigation until all of the plaintiffs have died.

be remedied through obtaining restitution from Epstein. In addition to those needs, they have legitimate concerns about memories fading, witnesses becoming unavailable, and dissipation of Epstein's assets while the matter is stayed. On the other hand, while the potential harm to the defendant normally weighs in the defendant's favor, in this case, Epstein has significant control over whether the criminal investigation remains in abeyance and whether criminal charges are ever filed.

CONCLUSION

In accordance with the Court's Order, the United States hereby submits that it is not aware of any "special circumstances" that warrant staying all of the civil cases pending the "expiration" of the NPA.

Respectfully submitted,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By:

Assistant United States Attorney

500 East Broward Boulevard, 7th Floor
Ft. Lauderdale, FL 33394
Telephone: _____
Facsimile: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 28, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. According to the Court's website, counsel for all parties are able to receive notice via the CM/ECF system.

A solid black rectangular box redacting the signature of the Assistant United States Attorney.

Assistant United States Attorney



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]

January 24, 2007

DELIVERY BY HAND

James L. Eisenberg, Esq.
250 S Australian Ave, Ste 704
West Palm Beach, FL 33401-5007

Re: Federal Grand Jury Subpoena

Dear Jim:

A new grand jury has been empaneled and I have enclosed a new subpoena for [REDACTED]. As I mentioned earlier, Ms. [REDACTED] is not a target of this investigation and the United States seeks her testimony solely as a victim/witness. During our last conversation regarding Ms. [REDACTED], you indicated that she was unwilling to speak with us pursuant to a *Kastigar* letter and that she also was unwilling to speak with the grand jury and intends to invoke the Fifth Amendment if questioned. Please confer with her to confirm whether this remains her position. If it is, please advise in writing. Even if Ms. [REDACTED] is inclined to invoke her Fifth Amendment rights, she must still appear pursuant to the subpoena so that I may ask her questions that would not require the invocation of the Fifth Amendment. If she still invokes, I intend to move to compel her answers. If you or your client is unavailable on February 6, 2007, please let me know of another Tuesday when you are available.

I also am concerned about a potential conflict of interest in your representation of Ms. [REDACTED]. In case of future litigation regarding this issue, please provide me with information regarding who is paying (directly or indirectly) for your services on behalf of Ms. [REDACTED], the scope of your representation, and whether you are taking direction on this matter from anyone other than Ms. [REDACTED]. If any formal or informal joint defense agreements exist, whether in writing or otherwise, please provide a copy of such agreements. If the agreement is purely oral, please provide a written summary of its terms.



JAMES EISENBERG, ESQ.
JANUARY 24, 2007
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I look forward to your response.

Sincerely,
R. Alexander Acosta
United States Attorney

By:


Assistant United States Attorney

United States District Court
SOUTHERN DISTRICT OF FLORIDA

TO: T [REDACTED] M [REDACTED]

SUBPOENA TO TESTIFY

[REDACTED]

SUBPOENA FOR:

PERSON

DOCUMENTS OR OBJECT[S]

YOU ARE HEREBY COMMANDED to appear and testify before the [REDACTED] 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:

[REDACTED]

DATE AND TIME:

February 6, 2007
1:00pm*

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

ANY AND ALL NOTES, LETTERS, CARDS, GIFTS, PAYMENTS, AND PHOTOGRAPHS YOU HAVE RECEIVED FROM JEFFREY EPSTEIN, [REDACTED]

ANY AND ALL PHOTOGRAPHS, WHETHER PRINTED OR DIGITAL, OF JEFFREY EPSTEIN, [REDACTED]

ANY AND ALL E-MAILS, INSTANT MESSAGES, CHATS, TEXT MESSAGES, VOICEMAILS, OR TELEPHONE MESSAGES THAT YOU HAVE SENT TO AND/OR RECEIVED FROM JEFFREY EPSTEIN, [REDACTED]

***Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [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:

January 23, 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."

EISENBERG & FOUTS, P.A.

Attorneys At Law

JAMES L. EISENBERG

Florida Bar Board Certified Criminal Trial Lawyer
National Board Of Trial Advocacy Certified Criminal Trial Advocate

KAI LI ALOE FOUTS

One Clearlake Centre, Suite 704, 250 Australian Avenue South, West Palm Beach, FL 33401 [REDACTED] Fax: [REDACTED]

February 1, 2007

[REDACTED], Asst. U.S. Attorney
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401

Re: Grand Jury Subpoena for [REDACTED] [REDACTED]

Dear [REDACTED],

I received your letter dated January 24, 2007 with regard to [REDACTED] [REDACTED]. I must admit I forced myself to wait several days to respond in order to "cool off" and not say anything I would regret later. Now that time has passed, allow me to respond appropriately.

1. If you want to force Ms. [REDACTED], a single mother, to come to the grand jury room to personally invoke her Fifth Amendment rights, she will be there. That does remain her position. My only request is that you provide a babysitter service for her child. I will be there, but I am not paid to babysit and Ms. [REDACTED] should not have to pay someone. It is this type of attitude, that your office refuses to accept the fact that it is Ms. [REDACTED] decision not to cooperate with the government that upsets her. Your office fails to recognize that merely coming to court is a problem for a single mother like Ms. [REDACTED] and, under these circumstances, appears to be a waste of time at best and, in her mind, personal harassment.

2. Rest assured that there is no conflict of interest in my representation of Ms. [REDACTED]. In this case I have always been asked and always will exercise independent judgment to follow my client's independent will. The remainder of your questions as to this matter are really none of the Government's business.

3. I will share with you that one of the reasons for our firm position that Ms. [REDACTED] will invoke her Fifth Amendment right and choose not to voluntarily cooperate with the Government is our concern that the Government is not exercising independent judgment in this case.

The history of this case has been in the newspapers. The case is being prosecuted in State court. Despite the state court prosecution, the Town of Palm Beach Police Chief went on what can only be



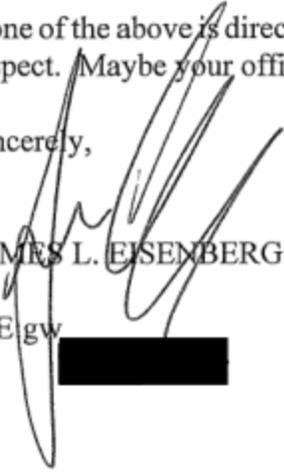
██████████, Asst. U.S. Attorney
February 1, 2007
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described as a public rampage in the newspaper when the case was not prosecuted to his liking that reminded me of a small child having a public temper tantrum. In my thirty years of experience, I have never seen a law enforcement officer like this publicly make what appeared to be a political case in the newspaper for a prosecution and publicly criticize anyone who got in his way, including the elected State Attorney. This resulted in a federal investigation on a topic no one remembers the Federal Government ever being interested in prosecuting before. Although I am certain that you personally have not had your decision-making process compromised, the appearance that your office is being influenced by the Town of Palm Beach Police Chief's agenda is very real. Under these circumstances I don't see how any lawyer could advise any client to voluntarily cooperate. Of special concern is that the Town of Palm Beach Police have promoted prosecuting at least one of the girls who allegedly gave massages.

One final thought. My client and my fear that Ms. ██████████ could be prosecuted is enhanced by the demand for the personal appearance made in your letter. Your initial Kastiger letter fell far short of granting the functional equivalent of DOJ immunity. Several months ago I was given the distinct impression through our conversations that you were going to obtain DOJ immunity for Ms. ██████████. Now the government is changing course for no apparent reason. This leads to speculation that the only reason for the turnabout is that prosecution in either state or federal court is being considered by someone.

None of the above is directed at you personally. I want to repeat that you have always treated us with respect. Maybe your office should advise the Town Police Chief to act in a similar fashion.

Sincerely,


JAMES L. EISENBERG

JLE:gw

cc: ██████████



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: JIM EISENBERG, ESQ. DATE: February 5, 2007

FAX NO. [REDACTED] # OF PAGES: 6

PHONE NO. _____ RE: [REDACTED]

FROM: A. [REDACTED] VILLAFANA, ASSISTANT U.S. ATTORNEY

PHONE NO. [REDACTED]

COMMENTS: Hi Jim - These probably say the same thing, but they sound a little different. If you have any suggestions for changes, please let me know.

Thank you for your time today. I appreciate your patience.

Regards,
[REDACTED]





U.S. Department of Justice

United States Attorney
Southern District of Florida

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

Facsimile: (██████████)

February 5, 2007

DELIVERY BY HAND

Ms. ██████████
c/o James L. Eisenberg, Esq.
250 S Australian Ave, Ste 704
West Palm Beach, FL 33401-5007

Re: Grand Jury Testimony of ██████████

Dear Ms. ██████████

This letter confirms the understanding between yourself and the United States Attorney's Office for the Southern District of Florida.

You have represented that you will truthfully answer questions of the federal government in its investigation of the procurement of prostitutes, amongst others. You will supply complete and truthful information to the attorneys and law enforcement officers of the federal government and to any Federal Grand Jury which may conduct an investigation, as well as in any other proceeding related to or growing out of this investigation. The obligation of truthful disclosure includes your obligation to provide the attorneys and law enforcement officers of the federal government with any documents, records or other tangible evidence within your custody or control relating to the matters about which you are questioned. You will neither attempt to protect any person or entity through false information or omission, nor falsely implicate any person or entity.

No statements provided by you on this date in this matter pursuant to this agreement will be offered into evidence in any criminal case against you, except during a prosecution for perjury and/or giving a false statement. However, if it is determined that you have materially violated any provision of this agreement, all statements made by you shall be admissible in evidence against you in any proceeding.

The federal government remains free to use information derived from the grand jury testimony directly or indirectly for the purpose of obtaining leads to other evidence, which may be used against you. You expressly waive any right to claim that such evidence should not be introduced because it was obtained as a result of the grand jury testimony. Furthermore, the federal government may use statements made in the grand jury testimony and all evidence derived directly or indirectly therefrom for the purpose of cross-examination, if you testify at any trial or if you

Ms. [REDACTED]
FEBRUARY 5, 2007
PAGE 2

suborn testimony that contradicts your prior statements and testimony.

No additional promises, agreements and conditions have been entered into other than those set forth in this letter and none will be entered into unless in writing and signed by all parties.

Sincerely,

R. Alexander Acosta
United States Attorney

By:

[REDACTED]
Assistant United States Attorney

I have read this agreement and discussed it with my attorney, and I hereby acknowledge that it fully sets forth my agreement with the office of the United States Attorney for the Southern District of Florida. I state that there have been no additional promises, agreements or representations made to me by any officials of the United States in connection with this matter.

Dated: February ____, 2007
West Palm Beach, Florida

[REDACTED]

Witnessed by:

James L. Eisenberg, Esq.
Attorney for [REDACTED]



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]

February 5, 2007

DELIVERY BY HAND

James L. Eisenberg, Esq.
250 S Australian Ave, Ste 704
West Palm Beach, FL 33401-5007

Re: [REDACTED]

Dear Mr. Eisenberg:

I am writing to clarify the ground rules for the interview with your client, [REDACTED] ("your client"), to occur February ____, 2007.

As I mentioned earlier, Ms. [REDACTED] is not a target or subject of this investigation, but instead is being interviewed solely as a victim/witness. However, to address your concern about criminal exposure, if your client complies with every provision of this agreement, then the United States Attorney's Office for the Southern District of Florida ("this Office") will treat all statements made by your client during the interview as statements made pursuant to Rule 11(f) of the Federal Rules of Criminal Procedure. This is not a grant of immunity, which can be given only with approval of the Justice Department, but protects your client from having the statements made by her during the interview from being used against her directly. To guard against any misunderstandings concerning the interview of your client, this letter sets forth the terms of this agreement.

Your client agrees to be fully interviewed, that is, to provide information concerning your client's knowledge of, and participation in criminal activity, including but not limited to the procurement of prostitutes. The protection of this letter applies to an interview that will be conducted by this Office, Special Agents of the Federal Bureau of Investigation, and any other federal law enforcement agency this Office may require. Under this agreement, no information disclosed by your client during the interview will be offered in evidence against her in any criminal or civil proceeding, provided that your client complies with this agreement and that the information your client furnishes is truthful, complete, and accurate.

If, however, your client gives materially false, incomplete, or misleading information,

JAMES L. EISENBERG, ESQ.

RE: [REDACTED]

FEBRUARY 2, 2007

PAGE 2

then this Office may use such information in any matter or proceeding and your client is subject to prosecution for perjury, obstruction of justice, and making false statements to government agencies. Any such prosecution may be based upon information provided by your client during the course of the interview, and such information, including your client's statements, will be admissible against your client in any grand jury or other proceeding.

The government also may use statements made by your client in the interview and all evidence derived directly or indirectly therefrom for the purpose of impeachment or cross-examination if she testifies at any trial or hearing, and/or in any rebuttal case against your client in a criminal trial in which she is a defendant or a witness. These provisions are necessary to ensure that your client does not make or offer any false representation or statement in any proceeding or to a government agency or commit perjury during any testimony.

Your client further agrees that attorneys for the United States may be present at the interview, and agrees not to seek disqualification of any such government attorney from any proceeding or trial because of their participation at the interview.

The entire agreement between the United States and your client is set forth in this letter. No additional promises, agreements, or conditions have been entered into and none will be entered into unless in writing and signed by all parties.

If the foregoing accurately reflects the understanding and agreement between this Office and your client, it is requested that you and your client execute this letter as provided below.

Sincerely,
R. Alexander Acosta
United States Attorney

By:

[REDACTED]
Assistant United States Attorney

I have received this letter from my attorney, James L. Eisenberg, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it fully sets forth my understanding and agreement with the Office of the United States Attorney for the Southern

JAMES L. EISENBERG, ESQ.

RE: [REDACTED]

FEBRUARY 2, 2007

PAGE 3

District of Florida. I state that there have been no additional promises or representations made to me by any official of the United States Government or by my attorney in connection with this matter.

Dated: _____

[REDACTED] _____

Witnessed by:

James L. Eisenberg, Esquire

Request for Unusual Expense(s) of Fact Witness
(For United States Attorney's Office Use Only)

Control #

1. Case Name <i>Operation Leap Year</i>		2. Court Docket Number	3. Requesting AUSA [Redacted]
4. Location of Court Proceeding <i>West Palm Beach</i>		5. Contact Person	6. Contact Person Number [Redacted]
7. Witness Name & Address, Phone #, SSN [Redacted]		8. Vendor Name & Address, Phone #, TIN/SSN	
9. Payment to be made to: [Redacted]		10. Receipt/Invoice is:	
11. Type of Unusual Expense: <input type="checkbox"/> Medically Necessary Item (Attached Supporting Statement) <input checked="" type="checkbox"/> Dependent Care <input type="checkbox"/> Excess Lodging/Per Diem <input type="checkbox"/> Travel & Transportation <input type="checkbox"/> Pretrial Conference Waiver <input type="checkbox"/> Other		12. Explanation: <i>The witness has a small child and would not had no one who could watch the child while she testified.</i>	
13. Start Date of Service (MO/DA/YR) <i>2/6/07</i>	14. End Date of Service (MO/DA/YR) <i>2/6/07</i>	15. Amount	

16. Justification:

17. I hereby certify that the expenses and services listed on this document are appropriate and are within the Federal laws and regulations. I fully understand that I can be held personally liable or be subject to disciplinary action for improperly using government funds or services that exceed delegated authority or that violate Federal laws or regulations.

Signature of Requesting AUSA		Date
18. Name & Title of Approving Official	19. Date (MO/DA/YR)	20. Signature of Approving Official



UFWE Form

EISENBERG & FOUTS, P.A.

Attorneys At Law

JAMES L. EISENBERG

Florida Bar Board Certified Criminal Trial Lawyer

National Board Of Trial Advocacy Certified Criminal Trial Advocate

KAI LI ALOE FOUTS

One Clearlake Centre, Suite 704, 250 Australian Avenue South, West Palm Beach, FL 33401 [REDACTED] Fax: [REDACTED]

February 12, 2007

[REDACTED] Asst. U.S. Attorney
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401

Re: Grand Jury Subpoena for [REDACTED] [REDACTED]

Dear [REDACTED],

As always, it was a pleasure speaking to you the other day. Pursuant to our telephone conference I am writing this letter to proffer my concerns for [REDACTED] [REDACTED] should she testify without immunity before a federal grand jury. Therefore, allow me to reiterate that Ms. [REDACTED] will refuse to voluntarily cooperate with the federal government. She has a good faith basis for her position under the Fifth Amendment to the United States Constitution.

We, of course, do not live or work in a vacuum. We have read many inflammatory remarks the Town of Palm Beach Police Chief has made to the media about the state court's handling of the Jeffrey Epstein investigation. The police chief's remarks frighten both myself and my client. I am aware that the town police have prepared documents to charge at least one of Mr. Epstein's lady friends in state court. If they can push to have one lady charged I remain unconvinced that they do not have the ability or political clout to push to have other ladies such as Ms. [REDACTED] charged.

The proffered facts that raise my concerns are being provided via this proffer letter. Pursuant to our telephone conference agreement, this letter and its contents cannot be used against Mr. [REDACTED].

Ms. [REDACTED] is not at all certain of dates. She does remember meeting Mr. Epstein about three years ago. She is not certain of her age, it could have been when she was sixteen. A girlfriend asked her if she wanted a job giving massages. Ms. [REDACTED] agreed because she had knowledge of massages through her mother, who was a masseuse.

Ms. [REDACTED] went to Mr. Epstein's house via taxi. Ms. [REDACTED] girlfriend instructed Ms. [REDACTED] that, if asked, she had to tell Mr. Epstein that she ([REDACTED]) was eighteen years old. The friend was nineteen years old and [REDACTED] looked old for her age, so passing for eighteen was not a problem. At

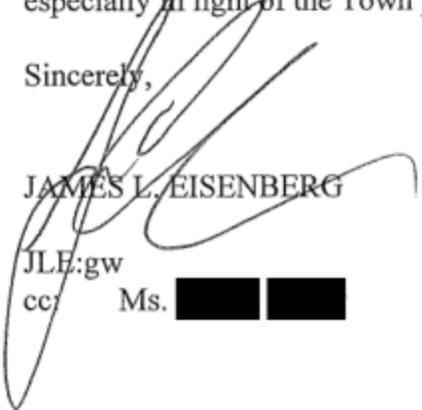


the home Ms. [REDACTED] met Mr. Epstein and later gave him a massage. The friend had told Ms. [REDACTED] to give the message topless. Mr. Epstein told [REDACTED] that if she were at all uncomfortable being topless, not to do it and it was not a requirement of employment as a masseuse. Ms. [REDACTED] never touched Mr. Epstein in a sexual way and Mr. Epstein never touched Ms. [REDACTED] at all. At one point, Mr. Epstein did ask Ms. [REDACTED] her age. Ms. [REDACTED] insisted that she was eighteen years old.

Ms. [REDACTED] continued to see Mr. Epstein over time and massages were given in a similar fashion. She was later asked if her friends wanted to work in a similar way and she asked some girls who did give Mr. Epstein massages. Ms. [REDACTED] was never asked to bring girls of any age to Mr. Epstein's home. When she did have her friends come over, she instructed all of them that if asked, they insist that they were eighteen years old. She is not certain at all of any of these girls' real ages.

In summary, our concern is that if the government believes that Mr. Epstein committed some federal offense, then Ms. [REDACTED] could be considered a co-conspirator. We believe no crime was committed. The Fifth Amendment was not intended to protect the guilty, however. It was enacted to protect citizens who fear prosecution notwithstanding their innocence. Our fear of any prosecution, especially in light of the Town police chief's public remarks, is clearly in good faith.

Sincerely,



JAMES L. EISENBERG

JLE:gw

cc: Ms. [REDACTED] [REDACTED]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
NORTHERN (WEST PALM BEACH) DIVISION

FGJ 07-103(WPB)

FILED BY _____
2007 APR 16 PM 2:15
CLERK U.S. DISTRICT COURT
S.D. OF FLA. WPB

IN RE:

GRAND JURY PROCEEDINGS

SEALED ORDER

On Application of the United States Attorney for the Southern District of Florida, and it appearing to the satisfaction of the Court:

1. That [REDACTED] [REDACTED] has been called to testify and to provide other information before the United States District Court for the Southern District of Florida, including a Grand Jury impanelled therein; and
2. That in the judgment of the said United States Attorney, [REDACTED] [REDACTED] has refused to testify and provide other information on the basis of her privilege against self-incrimination; and
3. That in the judgment of the said United States Attorney, the testimony and other information from [REDACTED] [REDACTED] may be necessary to the public interest; and
4. That the aforesaid Application has been made with the approval of the Assistant Attorney General in charge of the Criminal Division of the Department of Justice or a duly designated Acting Assistant Attorney General, pursuant to the authority vested in him by Title 18, United States Code, Section 6003, and Title 28, Code of Federal Regulations, Sections 0.175 and 0.132(e).

NOW, THEREFORE, it is ordered pursuant to Title 18, United States Code, Section 6002, that [REDACTED] [REDACTED] give testimony and provide other information which she refuses to give or to

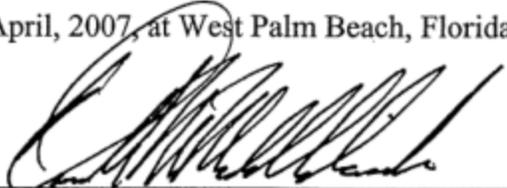


provide on the basis of her privilege against self-incrimination, as to all matters about which she may be interrogated before said United States District Court, including a Grand Jury impaneled therein, as well as any subsequent proceeding or trial.

However, no testimony or other information compelled under this Order (or any information directly or indirectly derived from such testimony or other information) may be used against [REDACTED] in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this Order.

IT IS FURTHER ORDERED the this Order shall be **SEALED** in accordance with Fed. R. Crim. P. 6(e)(6), except that a copy of this Order shall be provided to counsel for the United States, who may disclose the existence of the Order to members of the Grand Jury, to the witness, to counsel for the witness, and to law enforcement officers engaged in the investigation pending before the Grand Jury. Those persons may review the Order, but may not retain a copy of the Order, nor may they disclose the existence of the Order to any others.

DONE and ORDERED this 16 day of April, 2007, at West Palm Beach, Florida.



DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

cc: [REDACTED] AUSA



U.S. Department of Justice

United States Attorney
Southern District of Florida

500 S. Australian Ave, Ste 400
West Palm Beach, FL 33401

Facsimile: [REDACTED]

December 13, 2007

DELIVERY BY ELECTRONIC MAIL

Jay P. Lefkowitz, Esq.
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022-4675

Re: Jeffrey Epstein

Dear Jay:

I am writing not to respond to your asserted "policy concerns" regarding Mr. Epstein's Non-Prosecution Agreement, which will be addressed by the United States Attorney, but the time has come for me to respond to the ever-increasing attacks on my role in the investigation and negotiations.

It is an understatement to say that I am surprised by your allegations regarding my role because I thought that we had worked very well together in resolving this dispute. I also am surprised because I feel that I bent over backwards to keep in mind the effect that the agreement would have on Mr. Epstein and to make sure that you (and he) understood the repercussions of the agreement. For example, I brought to your attention that one potential plea could result in no gain time for your client; I corrected one of your calculations of the Sentencing Guidelines that would have resulted in Mr. Epstein spending far more time in prison than you projected; I contacted the Bureau of Prisons to see whether Mr. Epstein would be eligible for the prison camp that you desired; and I told you my suspicions about the source of the press "leak" and suggested ways to avoid the press. Importantly, I continued to work with you in a professional manner even after I learned that you had been proceeding in bad faith for several weeks – thinking that I had incorrectly concluded that solicitation of minors to engage in prostitution was a registrable offense and that you would "fool" our Office into letting Mr. Epstein plead to a non-registrable offense. Even now, when it is clear that neither you nor your client ever intended to abide by the terms of the agreement that he signed, I have never alleged misconduct on your part.

The first allegation that you raise is that I "assiduously" hid from you the fact that Bert Ocariz is a friend of my boyfriend and that I have a "longstanding relationship" with Mr. Ocariz.



I informed you that I selected Mr. Ocariz because he was a friend and classmate of two people whom I respected, and that I had never met or spoken with Mr. Ocariz prior to contacting him about this case. All of those facts are true. I still have never met Mr. Ocariz, and, at the time that he and I spoke about this case, he did not know about my relationship with his friend. You suggest that I should have explicitly informed you that one of the referrals came from my "boyfriend" rather than simply a "friend," which is the term I used, but it is not my nature to discuss my personal relationships with opposing counsel. Your attacks on me and on the victims establish why I wanted to find someone whom I could trust with safeguarding the victims' best interests in the face of intense pressure from an unlimited number of highly skilled and well paid attorneys. Mr. Ocariz was that person.

One of your letters suggests a business relationship between Mr. Ocariz and my boyfriend. This is patently untrue and neither my boyfriend nor I would have received any financial benefit from Mr. Ocariz's appointment. Furthermore, after Mr. Ocariz learned more about Mr. Epstein's actions (as described below), he expressed a willingness to handle the case *pro bono*, with no financial benefit even to himself. Furthermore, you were given several other options to choose from, including the Podhurst firm, which was later selected by Judge Davis. You rejected those other options.

You also allege that I improperly disclosed information about the case to Mr. Ocariz. I provided Mr. Ocariz with a bare bones summary of the agreement's terms related to his appointment to help him decide whether the case was something he and his firm would be willing to undertake. I did not provide Mr. Ocariz with facts related to the investigation because they were confidential and instead recommended that he "Google" Mr. Epstein's name for background information. When Mr. Ocariz asked for additional information to assist his firm in addressing conflicts issues, I forwarded those questions to you, and you raised objections for the first time. I did not share any further information about Mr. Epstein or the case. Since Mr. Ocariz had been told that you concurred in his selection, out of professional courtesy, I informed Mr. Ocariz of the Office's decision to use a Special Master to make the selection and told him that the Office had made contact with Judge Davis. We have had no further contact since then and I have never had contact with Judge Davis. I understand from you that Mr. Ocariz contacted Judge Davis. You criticize his decision to do so, yet you feel that you and your co-counsel were entitled to contact Judge Davis to try to "lobby" him to select someone to your liking, despite the fact that the Non-Prosecution Agreement vested the Office with the exclusive right to select the attorney representative.

Another reason for my surprise about your allegations regarding misconduct related to the Section 2255 litigation is your earlier desire to have me perform the role of "facilitator" to convince the victims that the lawyer representative was selected by the Office to represent their interests alone and that the out-of-court settlement of their claims was in their best interests. You now state that doing the same things that you had asked me to do earlier is improper meddling in civil litigation.

Much of your letter reiterates the challenges to Detective Recarey's investigation that have

already been submitted to the Office on several occasions and you suggest that I have kept that information from those who reviewed the proposed indictment package. Contrary to your suggestion, those submissions were attached to and incorporated in the proposed indictment package, so your suggestion that I tried to hide something from the reviewers is false. I also take issue with the duplicity of stating that we must accept as true those parts of the Recarey reports and witness statements that you like and we must accept as false those parts that you do not like. You and your co-counsel also impressed upon me from the beginning the need to undertake an independent investigation. It seems inappropriate now to complain because our independent investigation uncovered facts that are unfavorable to your client.

You complain that I “forced” your client and the State Attorney’s Office to proceed on charges that they do not believe in, yet you do not want our Office to inform the State Attorney’s Office of facts that support the additional charge nor do you want any of the victims of that charge to contact Ms. [REDACTED] or the Court. Ms. [REDACTED]’s opinion may change if she knows the full scope of your client’s actions. You and I spent several weeks trying to identify and put together a plea to federal charges that your client was willing to accept. Yet your letter now accuses me of “manufacturing” charges of obstruction of justice, making obscene phone calls, and violating child privacy laws. When Mr. [REDACTED] told you that those charges would “embarrass the Office,” he meant that the Office was unwilling to bend the facts to satisfy Mr. Epstein’s desired prison sentence – a statement with which I agree.

I hope that you understand how your accusations that I imposed “ultimatums” and “forced” you and your client to agree to unconscionable contract terms cannot square with the true facts of this case. As explained in letters from Messrs. Acosta and Sloman, the indictment was postponed for more than five months to allow you and Mr. Epstein’s other attorneys to make presentations to the Office to convince the Office not to prosecute. Those presentations were unsuccessful. As you mention in your letter, I – a simple line AUSA – handled the primary negotiations for the Office, and conducted those negotiations with you, Ms. Sanchez, Mr. Lewis, and a host of other highly skilled and experienced practitioners. As you put it, your group has a “combined 250 years experience” to my fourteen. The agreement itself was signed by Mr. Epstein, Ms. Sanchez, and Mr. Lefcourt, whose experience speaks for itself. You and I spent hours negotiating the terms, including when to use “a” versus “the” and other minutiae. When you and I could not reach agreement, you repeatedly went over my head, involving Messrs. [REDACTED], [REDACTED], Sloman, and Acosta in the negotiations at various times. In any and all plea negotiations the defendant understands that his options are to plead or to continue with the investigation and proceed to trial. Those were the same options that were proposed to Mr. Epstein, and they are not “persecution or intimidation tactics.” Mr. Epstein chose to sign the agreement with the advice of a multitude of extremely noteworthy counsel.

You also make much of the fact that the names of the victims were not released to Mr. Epstein prior to signing the Agreement. You never asked for such a term. During an earlier meeting, where Mr. Black was present, he raised the concern that you now voice. Mr. Black and I did not have a chance to discuss the issue, but I had already conceived of a way to resolve that

issue if it were raised during negotiations. As I stated, it was not, leading me to believe that it was not a matter of concern to the defense. Since the signing of the Non-Prosecution Agreement, the agents and I have vetted the list of victims more than once. In one instance, we decided to remove a name because, although the minor victim was touched inappropriately by Mr. Epstein, we decided that the link to a payment was insufficient to call it "prostitution." I have always remained open to a challenge to the list, so your suggestion that Mr. Epstein was forced to write a blank check is simply unfounded.

Your last set of allegations relates to the investigation of the matter. For instance, you claim that some of the victims were informed of their right to collect damages prior to a thorough investigation of their allegations against Mr. Epstein. This also is false. None of the victims was informed of the right to sue under Section 2255 prior to the investigation of the claims. Three victims were notified shortly after the signing of the Non-Prosecution Agreement of the general terms of that Agreement. You raised objections to any victim notification, and no further notifications were done. Throughout this process you have seen that I have prepared this case as though it would proceed to trial. Notifying the witnesses of the possibility of damages claims prior to concluding the matter by plea or trial would only undermine my case. If my reassurances are insufficient, the fact that not a single victim has threatened to sue Mr. Epstein should assure you of the integrity of the investigation.¹

¹There are numerous other unfounded allegations in your letter about document demands, the money laundering investigation, contacting potential witnesses, speaking with the press, and the like. For the most part, these allegations have been raised and disproven earlier and need not be readdressed. However, with respect to the subpoena served upon the private investigator, contrary to your assertion, and as your co-counsel has already been told, I did consult with the Justice Department prior to issuing the subpoena and I was told that because I was not subpoenaing an attorney's office or an office physically located within an attorney's office, and because the business did private investigation work for individuals (rather than working exclusively for Mr. Black), I could issue a grand jury subpoena in the normal course, which is what I did. I also did not "threaten" the State Attorney's Office with a grand jury subpoena, as the correspondence with their grand jury coordinator makes perfectly clear.

With regard to your allegation of my filing the Palm Beach Police Department's probable cause affidavit "with the court knowing that the public could access it," I do not know to what you are referring. All documents related to the grand jury investigation have been filed under seal, and the Palm Beach Police Department's probable cause affidavit has never been filed with the Court. If, in fact, you are referring to the *Ex Parte* Declaration of Joseph Recarey that was filed in response to the motion to quash the grand jury subpoena, it was filed both under seal and *ex parte*, so no one should have access to it except the Court and myself. Those documents are still in the Court file only because you have violated one of the terms of the Agreement by failing to "withdraw [Epstein's] pending motion to intervene and to quash certain grand jury subpoenas."

With respect to Ms. [REDACTED], I contacted her attorney – who was paid for by Mr. Epstein and was directed by counsel for Mr. Epstein to demand immunity – and asked only whether he still represented Ms. [REDACTED] and if he wanted me to send the victim notification letter to him. He asked what the letter would say and I told him that the letter would be forthcoming in about a week and that I could not provide him with the terms. With respect to Ms. [REDACTED] status as a victim, you again want us to accept as true only facts that are beneficial to your client and to reject as false anything detrimental to him. Ms. [REDACTED] made a number of statements that are contradicted by documentary evidence and a review of her recorded statement shows her lack of credibility with respect to a number of statements. Based upon all of the evidence collected, Ms. [REDACTED] is classified as a victim as defined by statute. Of course, that does not mean that Ms. [REDACTED] considers herself a victim or that she would seek damages from Mr. Epstein. I believe that a number of the identified victims will not seek damages, but that does not negate their legal status as victims.

I hope that you now understand that your accusations against myself and the agents are unfounded. In the future, I recommend that you address your accusations to me so that I can correct any misunderstandings before you make false allegations to others in the Department. I hope that we can move forward with a professional resolution of this matter, whether that be by your client's adherence to the contract that he signed, or by virtue of a trial.

Sincerely,

R. Alexander Acosta
United States Attorney

By: s/ [REDACTED]
[REDACTED]
Assistant United States Attorney

cc: R. Alexander Acosta, U.S. Attorney
Jeffrey Sloman, First Assistant U.S. Attorney

You also accuse me of “broaden[ing] the scope of the investigation without any foundation for doing so by adding charges of money laundering and violations of a money transmitting business to the investigation.” Again, I consulted with the Justice Department’s Money Laundering Section about my analysis before expanding that scope. The duty attorney agreed with my analysis.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA

JANE DOE #1 and JANE DOE #2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

DECLARATION OF FBI SPECIAL AGENT TIMOTHY R. [REDACTED]

TIMOTHY R. [REDACTED] declares as follows:

1. I am a Special Agent, Federal Bureau of Investigation (FBI), currently assigned as a Section Chief at FBI Headquarters, Washington, D.C. I was appointed a Special Agent in May 1999. Upon graduation from the FBI Academy at Quantico, Virginia, in September 1999, I was assigned to the Detroit Field Office. I was subsequently transferred to the FBI Miami Field Office in May 2006.

2. In 2006, I was assigned to work on an investigation of Jeffrey Epstein, who was accused of sexually abusing many young girls under the age of 18. In the course of our investigation, the FBI identified many potential victims of sexual abuse by Epstein. We obtained names by speaking to other victims, who frequently knew of friends who had also been paid money by Epstein to provide sexual services to him.

3. One of the victims identified was [REDACTED]. In January – February 2007, I used various computer indices to try and locate Ms. [REDACTED]. By using these indices and other means, I found two international phone numbers which I believed were being used by Ms.



██████████

4. Sometime during January – February 2007, I called the one of the numbers, in an attempt to speak to Ms. ██████████. Also in my office was FBI Special Agent ██████████ ██████████, the lead agent for the investigation of Jeffrey Epstein. I was not using a speakerphone when I spoke with Ms. ██████████. I asked S/A ██████████ to be present because she, as the lead agent, was thoroughly versed in the details of the entire investigation, and I might need her assistance to respond to a question posed by Ms. ██████████ that I was unable to answer.

5. When I dialed the number, a young woman answered the phone. I told her my name, identified myself as a Special Agent with the FBI, and asked if she was ██████████. She said yes. I used a technique which I employ when speaking to people on the phone, who might question whether I am truly an FBI agent. I provided her with the phone number of the FBI Field Office in Miami, Florida, and told her she could hang up and verify the number. She could then call me back at the number, and her call would be routed to me. Ms. ██████████ said that would not be necessary.

6. I told Ms. ██████████ about our investigation of Jeffrey Epstein, and the allegations that Epstein had sexually abused many underage young girls. I told her we believed she might be a victim of sexual abuse by Epstein.

7. Ms. ██████████ answered basic questions, telling me that she did know Jeffrey Epstein. She quickly became uncomfortable, telling me she moved away to distance herself from this situation, and expressing her desire to “let this be in my past.” She asked that I not bother her with this again.

8. I thanked Ms. ██████████ and told her I appreciated her time. I provided my name and encouraged her to call the FBI Miami Field Office, if she had any questions or needed assistance.

The entire phone conversation only last several minutes.

9. I did not hear from Ms. [REDACTED] again. In mid-March 2007, I reported for my new assignment at FBI Headquarters in Washington, D.C.

10. I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 26, 2015.



[REDACTED]
Section Chief
Federal Bureau of Investigation
Washington, D.C.



IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
 IN AND FOR PALM BEACH COUNTY, FLORIDA
 CASE NO. 2006 CF09454AXX
 STATE OF FLORIDA,
 -vs-
 JEFFREY EPSTEIN,
 Defendant.

DEPOSITION OF [REDACTED]

Wednesday, February 20, 2008
 2:00 p.m. - 4:30 p.m.
 Palm Beach County Courthouse
 205 North Dixie Highway
 West Palm Beach, Florida 33401

Reported By:
 Judith F. Consor, FPR
 Notary Public, State of Florida
 Consor & Associates Reporting and Transcription
 Phone - [REDACTED]

COPY

Ph. [REDACTED] - Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



Page 2

1 APPEARANCES:
 2 On behalf of the State:
 3 LANWA [REDACTED], ESQ.
 ASSISTANT STATE ATTORNEY
 4 401 North Dixie Highway
 West Palm Beach, Florida 33401
 5 [REDACTED]
 6 On behalf of the Defendant:
 7 MICHAEL R. TEIN, ESQ.
 KATHRYN A. MEYERS, ESQ.
 8 LEWIS TEIN, FL
 3059 GRAND AVENUE, SUITE 340
 COCONUT GROVE, FL 33133
 9
 10 On behalf of the Defendant:
 JACK A. GOLDBERGER, ESQ.
 11 ATTERBURY, GOLDBERGER & WEISS
 250 AUSTRALIAN AVENUE SOUTH
 SUITE 1400
 12 WEST PALM BEACH, FLORIDA 33401
 [REDACTED]
 13
 14 ALSO PRESENT:
 ON BEHALF OF THE WITNESS: THEODORE J. LEOPOLD, ESQ.
 15 KEITH J. BRETT, DIRECTOR OF MULTIMEDIA DIVISION,
 LEGAL-EYE
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Ph. [REDACTED] - Fax. [REDACTED] .682.1771
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



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1 INDEX
 2 WITNESS: PAGE:
 3 [REDACTED] 4
 4 DIRECT EXAMINATION
 BY MR. TEIN:
 5
 6
 7 NO EXHIBITS MARKED
 8
 9CERTIFIED QUESTIONS.....
 10 Page Line
 11 53 22
 12 55 1
 13 59 2
 14 111 14
 15 112 2
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Ph. [REDACTED] - Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



Page 4

1 Deposition taken before Judith F. Consor,
 2 Court Reporter and Notary Public in and for the State of
 3 Florida at Large, in the above cause.
 4
 5 Thereupon,
 6 [REDACTED]
 7 having been first duly sworn or affirmed, was examined
 8 and testified as follows:
 9 THE WITNESS: I do.
 10 DIRECT EXAMINATION
 11 BY MR. TEIN:
 12 Q. Good afternoon. Please tell me your full
 13 name.
 14 A. [REDACTED]
 15 Q. And can you please spell it.
 16 A. [REDACTED]
 17 [REDACTED]
 18 Q. Thank you.
 19 May I call you [REDACTED]
 20 A. Uh-huh.
 21 Q. [REDACTED] I'm going to ask you a few
 22 questions, several questions today. If at any time you
 23 want to take a break, you just let me know. Okay?
 24 A. Okay.
 25 Q. If you at any time don't understand one of

Ph. [REDACTED] - Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West





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Page 5

1 my questions, will you just please let me know?
2 A. Yes.
3 Q. And if at any time you're not feeling well
4 or something like that, you'll tell us, right?
5 A. Yes.
6 Q. Do you feel okay today?
7 A. Yes.
8 Q. Not taking any alcohol or drugs or anything
9 like that, right?
10 A. No.
11 Q. So you feel ready to have your deposition
12 taken?
13 A. Yes.
14 Q. [REDACTED] what is your address?
15 A. I'm currently living at my aunt's house and
16 I don't know it off the top of my head.
17 Q. Where is it?
18 A. In Jupiter?
19 Q. Who is your aunt?
20 A. [REDACTED]
21 Q. Who else is living there?
22 A. [REDACTED] my uncle.
23 Q. Anyone else living there?
24 A. No.
25 Q. The contempt motion that your mother filed

Ph. [REDACTED] - Fax. [REDACTED]
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1 against your father regarding your fifty million-dollar
2 lawsuit against Jeffrey Epstein says that you live with
3 your aunt and uncle and have been living there; is that
4 correct?
5 A. Yes.
6 Q. How long have you been living with your
7 aunt and uncle?
8 A. Since my father kicked me out.
9 Q. That was Thanksgiving of this past year?
10 A. Yes, sir.
11 Q. Okay. Didn't your firefighter boyfriend
12 [REDACTED] get an apartment for the two of you?
13 A. No, sir. He has an apartment, but by
14 himself.
15 Q. Did he get an apartment for the two of you
16 to live in?
17 A. No, sir.
18 Q. Are you planning to move in with him?
19 A. Maybe one day in the future.
20 Q. Do you have a plan to move in with him
21 presently?
22 A. No.
23 Q. Have you been to the apartment that you and
24 [REDACTED] have discussed moving in together?
25 A. I have been to the apartment.

Ph. [REDACTED] 682.0905 - Fax. [REDACTED]
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1 Q. Where is that?
2 A. Palm Beach Lakes.
3 Q. Have you spent the night over there?
4 A. No, sir.
5 Q. Do you know the address there?
6 A. I do not.
7 Q. Isn't your sister [REDACTED] planning on living
8 with you and [REDACTED]?
9 A. No.
10 Q. [REDACTED] you know that this court case is a
11 criminal prosecution, correct?
12 A. Correct.
13 Q. And you know that it's a criminal
14 prosecution against a man who has no criminal background.
15 Do you know that?
16 A. I do now.
17 Q. You agree that court is a very serious
18 matter?
19 A. Yes.
20 Q. And you're here with your lawyer
21 Mr. Leopold, right?
22 A. Yes.
23 Q. And you know that Mr. Leopold recently
24 filed a lawsuit in federal court against Jeffrey Epstein,
25 seeking fifty million dollars.

Ph. [REDACTED] - Fax. [REDACTED]
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1 MR. LEOPOLD: Let me just object.
2 [REDACTED] let me instruct you. Anything that
3 you have learned through conversations between you
4 and me are protected. So if you know any of that
5 information outside of those discussions, you may
6 answer. But if the only way you know it is
7 through our discussions, do not answer that
8 question.
9 BY MR. TEIN:
10 Q. [REDACTED] you know that Mr. Leopold recently
11 filed a lawsuit in federal court on your behalf against
12 Jeffrey Epstein seeking fifty million dollars?
13 MR. LEOPOLD: Same objection.
14 If you know the answer to that outside of
15 our discussions, you may answer. If it is the
16 only way that you know the answer is through our
17 discussions, do not answer that question.
18 THE WITNESS: Okay.
19 MR. LEOPOLD: Attorney/client privilege.
20 BY MR. TEIN:
21 Q. You can answer the question unless --
22 MR. LEOPOLD: Same objection.
23 MR. TEIN: Let me finish.
24 MR. LEOPOLD: Excuse me. We're --
25 MR. TEIN: No. Let me finish.

Ph. [REDACTED] - Fax. [REDACTED]
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1 MR. LEOPOLD: Lewis, we're not going to do
2 that.
3 MR. TEIN: My name is not Lewis.
4 I'm going to finish my question. Okay?
5 MR. LEOPOLD: Do not answer until you hear
6 from me.
7 BY MR. TEIN:
8 Q. Other than conversations that you have had
9 with Mr. Leopold -- I'm not asking about that -- are you
10 aware that Mr. Leopold has filed a lawsuit in federal
11 court seeking fifty million dollars from Jeffrey Epstein
12 on your behalf?
13 MR. LEOPOLD: Same objection.
14 Anything that you learn through
15 conversations between you and me, do not answer.
16 Those are protected. If you know through any
17 other realms of knowledge, you may answer.
18 THE WITNESS: No.
19 BY MR. TEIN:
20 Q. You have no idea that Mr. Leopold filed a
21 fifty million-dollar lawsuit on your behalf against
22 Jeffrey Epstein?
23 MR. LEOPOLD: Same objection.
24 Do not answer that question if it's through
25 discussions that you and I had. Outside of that,

Ph. [REDACTED] - Fax. [REDACTED]
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1 you may answer. Do do not answer that question if
2 that is the only basis by which you understand
3 that answer.
4 THE WITNESS: No.
5 BY MR. TEIN:
6 Q. You didn't know that?
7 MR. LEOPOLD: Don't answer that question.
8 Again, it's attorney/client privilege. Any
9 information you've learned through conversations
10 between you and I are protected. If you know it
11 through any other realm, you may answer.
12 MR. TEIN: Are you going to say that for
13 every question in the deposition, Mr. Leopold?
14 MR. LEOPOLD: When you ask improper
15 questions like that without the proper --
16 MR. TEIN: You're going to stop your
17 speaking objections right now. Okay?
18 MR. LEOPOLD: Without the proper --
19 MR. TEIN: You need to stop your speaking
20 objections.
21 Let's continue.
22 MR. LEOPOLD: Counsel, you just asked me a
23 question and I'm going to state it on the
24 record --
25 MR. TEIN: You need to stop your speaking

Ph. [REDACTED] - Fax. [REDACTED]
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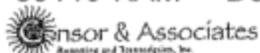
1 objections. Check your rules.
2 MR. LEOPOLD: Excuse me. For the record,
3 Counsel asked me a question. I'll state the
4 answer on the record. He asked me the question am
5 I going to be answering that way throughout the
6 deposition. So long as there's improper
7 foundation and predicate asked by the attorney, I
8 will protect my client and I make the record where
9 appropriate. If counsel wishes to ask an
10 appropriate worded question with the proper
11 foundation and predicate, I will certainly allow
12 the client to answer the question.
13 MR. GOLDBERGER: Why don't you just state
14 attorney/client privilege and just be done with
15 it?
16 MR. LEOPOLD: I want the record to be
17 clear.
18 MR. TEIN: You want to waste time is what
19 you want to do.
20 You were supposed to be here this morning
21 and you totally broke the deal, the agreement that
22 you had with us if your hearing got cancelled.
23 But let's move on and maybe you'll stop
24 obstructing this deposition.
25 MR. LEOPOLD: I think the record is very

Ph. [REDACTED] - Fax. [REDACTED]
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1 clear where we stand thus far.
2 Is there a recording taken of this
3 deposition?
4 THE COURT REPORTER: Yes.
5 MR. LEOPOLD: Just make sure that's
6 preserved.
7 BY MR. TEIN:
8 Q. Go to Exhibit 20-01 -- well, before you do
9 that, [REDACTED] are you aware that a lawyer named Jeffrey
10 Herman filed a lawsuit on your behalf, yes or no?
11 MR. LEOPOLD: Objection.
12 Any conversations that you and I have had
13 regarding that, if that is the only way by which
14 you understand how to answer that question, do not
15 answer. It's attorney/client privilege, as well
16 as any conversations you may have had with the
17 attorney from Miami. That is also attorney/client
18 privilege. And I'm assuming --
19 MR. TEIN: You're actually wrong about the
20 attorney/client privilege.
21 MR. LEOPOLD: I'm assuming Counsel is not
22 asking you to divulge attorney/client --
23 MR. TEIN: Of course not.
24 BY MR. TEIN:
25 Q. [REDACTED] are you aware that Jeffrey Herman,

Ph. 562.0905 - Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



1 an attorney, filed a fifty-million-dollar lawsuit on your
 2 behalf against Jeffrey Epstein, yes or no?
 3 MR. LEOPOLD: Same objection.
 4 MR. TEIN: We've heard the objection 10
 5 times already.
 6 MR. LEOPOLD: Counsel, excuse me.
 7 MR. TEIN: Just say attorney/client
 8 privilege. Stop interrupting my questions.
 9 MR. LEOPOLD: I'm entitled to make an
 10 objection for the record, which I'm doing, and
 11 I'll make the same objection. And if it calls for
 12 attorney/client privilege, any conversations you
 13 and I have had, do not answer the question.
 14 And I think that it might be appropriate,
 15 for the record, to ask questions via [REDACTED]
 16 [REDACTED] as opposed to [REDACTED] I think that
 17 would be more appropriate for this deposition.
 18 BY MR. TEIN:
 19 Q. Go ahead. Please answer yes or no.
 20 A. Yes.
 21 Q. Thank you.
 22 In fact, you know that Mr. Herman held a
 23 press conference after he filed the fifty-million-dollar
 24 lawsuit on your behalf, don't you?
 25 A. After it happened.



1 Q. You know that he had a press conference,
 2 don't you, yes or no?
 3 A. Yes.
 4 Q. In fact, let's go to Exhibit 20-01.
 5 MR. GOLDBERGER: Look behind you. You'll
 6 see it.
 7 BY MR. TEIN:
 8 Q. Have you ever seen that picture before?
 9 A. Yes.
 10 Q. Is that a picture of your father, your
 11 stepmother and Mr. Herman at the press conference
 12 regarding your lawsuit?
 13 A. Yes.
 14 Q. Now you know that this is a very serious
 15 matter, don't you?
 16 MR. LEOPOLD: Asked and answered.
 17 Objection.
 18 MR. GOLDBERGER: All right. You can
 19 object. You're representing a witness here,
 20 Mr. Leopold. You can object on privilege grounds.
 21 You cannot make legal objections. You have no
 22 standing to do so.
 23 MR. LEOPOLD: I'm going to make them and
 24 then --
 25 MR. GOLDBERGER: We're --



1 MR. LEOPOLD: We're going to leave or we're
 2 going to take a break, because his demeanor is not
 3 appropriate. There's no reason to have this kind
 4 of demeanor. If you want to have this kind of
 5 demeanor with me --
 6 MR. TEIN: You are obstructing this
 7 deposition.
 8 MR. GOLDBERGER: Why don't you guys go
 9 outside and just talk about --
 10 MR. LEOPOLD: She -- her job is very
 11 difficult and she's not going to be able to take
 12 us both talking at the same time.
 13 MR. GOLDBERGER: Off the record.
 14 MR. LEOPOLD: We're not going off the
 15 record, Jack. We're not, Jack. Her job is very
 16 difficult. I'm going to make the record.
 17 I don't think it is appropriate, especially
 18 in the small confines of this room, to be very
 19 aggressive with this young lady.
 20 MR. TEIN: That's not happening. Stop,
 21 stop actually --
 22 MR. LEOPOLD: If you're going to interrupt
 23 me, we're going to cancel this deposition --
 24 MR. TEIN: Stop misrepresenting.
 25 THE COURT REPORTER: I need one at a time,



1 no matter who it is.
 2 MR. LEOPOLD: I think we're going to take a
 3 break. Perhaps you might want to talk to your
 4 co-counsel --
 5 MR. TEIN: I don't need to talk to him.
 6 MR. LEOPOLD: But we're going to take a
 7 break.
 8 MR. TEIN: We're not taking a break unless
 9 the witness needs a break.
 10 You're obstructing this deposition, Ted.
 11 MR. LEOPOLD: Come on, [REDACTED]
 12 You all want to continue in this
 13 demeanor --
 14 MR. TEIN: You're obstructing the
 15 deposition. Stop making speeches. We're not
 16 discussing this with you. The questions are to
 17 your client. Go take your five-minute break.
 18 MR. LEOPOLD: Fine. We need to make sure
 19 the record's clear and clean.
 20 And I want to make sure, as I've already
 21 asked you -- I know that you're one of the best in
 22 town -- that this audio -- this needs to be
 23 preserved. Okay?
 24 MR. TEIN: Go take your five-minute break,
 25 Mr. Leopold, now.



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1 You were supposed to be here at nine [REDACTED].

2 it's now after two. Take your break and come

3 back.

4 MR. LEOPOLD: Okay. If the demeanor keeps

5 up, we will not be here beyond those five minutes.

6 MR. TEIN: Take your break and come back.

7 MR. LEOPOLD: Okay. So I suggest that you

8 relax.

9 MR. TEIN: I suggest that you take your

10 break.

11 MR. GOLDBERGER: Let them take that

12 five-minute break.

13 MR. LEOPOLD: But I would suggest that you

14 take deep breaths.

15 MR. TEIN: Suggest whatever you want. Go

16 take a break.

17 (Thereupon, a recess was taken.)

18 BY MR. TEIN:

19 Q. [REDACTED] you agree that giving testimony

20 today at your deposition is something very serious, don't

21 you?

22 A. Yes.

23 Q. And you respect the court, don't you?

24 A. Yes.

25 Q. Let me show you Exhibit 31-091. Can you

Ph. [REDACTED] 682.0905 - Fax. [REDACTED]
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1 read that out loud, please.

2 A. Okay. What do you want?

3 Q. Will you read that out loud, please.

4 A. Oh.

5 Q. Thank you.

6 A. Lol bah my badd...lol yah i got some

7 stupid court shit on the 20th...bullshit...and damn you

8 still have court shit with him? Like after so long wow

9 im sorry... well yah well we will definitely havta make

10 plans for sure...because i miss u tons times a million and

11 no no no i love you... and p.s. i love ur default pic.

12 nigga. Nuhh xo.

13 Q. Did you send that message last week to a

14 friend of yours on MySpace?

15 A. I wouldn't know. There's no dates and I've

16 deleted that MySpace, so --

17 Q. We're going to talk about that in a second.

18 A. Okay.

19 Q. Did you send that message last week --

20 A. Right.

21 Q. Let me finish my question.

22 Did you send that message last week to a

23 friend of yours on MySpace?

24 A. I wouldn't know the date, but obviously,

25 it's to a friend.

Ph. [REDACTED] - Fax. [REDACTED]
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1 Q. Did you send that message to a friend of

2 yours on MySpace?

3 A. Sure, yes.

4 Q. Were you referring to this deposition?

5 A. Yes.

6 Q. Do you find the term n-i-g-g-e-r offensive?

7 A. That's not anywhere in there.

8 Q. What word did you use in there?

9 MR. LEOPOLD: Where are you referring to,

10 Counsel? There's 20 plus words in there.

11 MR. TEIN: Don't make a speaking objection.

12 THE WITNESS: Are you referring to

13 anything --

14 MR. LEOPOLD: No, [REDACTED] Don't -- don't --

15 let him ask you the question.

16 BY MR. TEIN:

17 Q. What question were you asking, [REDACTED]?

18 MR. LEOPOLD: She doesn't ask questions.

19 You ask the questions. What is the question

20 pending?

21 BY MR. TEIN:

22 Q. [REDACTED] what is the last word on there in

23 the text of your message before the closing?

24 A. Niggas.

25 Q. Don't you find that term offensive?

Ph. [REDACTED] - Fax. [REDACTED]
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1 A. No.

2 MR. LEOPOLD: Can you spell it for the

3 record, please.

4 THE WITNESS: N-i-g-g --

5 MR. TEIN: No, no, no. You are not going

6 to be asking questions.

7 MR. LEOPOLD: I'm not asking questions.

8 I'm asking for the record the word to be spelled,

9 because we don't have a video here today.

10 MR. TEIN: These exhibits are part of the

11 record. You --

12 MR. LEOPOLD: Well, it's not marked as an

13 exhibit.

14 MR. TEIN: Stop interrupting me,

15 Mr. Leopold. I have marked and identified as an

16 exhibit and you will get it.

17 MR. LEOPOLD: There has been no

18 identification of this document in the record.

19 MR. TEIN: Mr. Leopold, stop interrupting

20 this deposition.

21 MR. LEOPOLD: What is the exhibit number

22 marked for identification?

23 MR. TEIN: 31-001.

24 MR. LEOPOLD: Do we have copies? Is it on

25 the record anywhere?

Ph. [REDACTED] 0905 - Fax. [REDACTED]
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Page 21

1 BY MR. TEIN:

2 Q. Let me ask you, [REDACTED] did you in fact

3 write your friend this message about this deposition?

4 A. Yes.

5 Q. So you wrote your friend that this

6 deposition is stupid court s-h-i-t, correct?

7 A. Yes.

8 Q. Because you think this deposition is stupid

9 court s-h-i-t, don't you?

10 A. No.

11 Q. You wrote that to your friend, didn't you?

12 A. Yes.

13 Q. You think that court is stupid, don't you?

14 A. In some cases.

15 Q. And you think that court is bull s-h-i-t,

16 don't you?

17 A. No.

18 Q. And you think this deposition is bull

19 s-h-i-t, don't you?

20 A. No.

21 Q. You wrote that to your friend, didn't you?

22 MR. LEOPOLD: Objection. Asked and

23 answered.

24 MR. TEIN: That's not an objection.

25 BY MR. TEIN:

Ph. [REDACTED] - Fax. [REDACTED]
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1 Q. You wrote that to your friend, didn't you?

2 MR. LEOPOLD: Objection. Asked and

3 answered, for the fourth time.

4 MR. TEIN: You are improperly objecting,

5 Mr. Leopold. You have no grounds to object. And

6 that's not an objection.

7 MR. LEOPOLD: It is an objection.

8 MR. TEIN: Then terminate the deposition if

9 you think it's been asked and answered.

10 MR. LEOPOLD: Counsel, I am not precluded

11 from just making an objection to the form of the

12 question. As the courts well know, and if you

13 practice here in West Palm Beach, many of the

14 judges require you to set the objection with

15 specificity. And I will do that. And if you

16 don't want me to, you can make the record. But I

17 will do that.

18 MR. TEIN: Here's what we'll do, Yes. You

19 can -- I will allow you to reserve an objection to

20 form for every single one of my questions.

21 Otherwise, all you're doing is obstructing.

22 MR. LEOPOLD: I won't do that.

23 MR. TEIN: Of course; because you want to

24 obstruct.

25 MR. LEOPOLD: All right.

Ph. [REDACTED] - Fax. [REDACTED]
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Page 23

1 BY MR. TEIN:

2 Q. [REDACTED] you think that giving testimony

3 today, under oath, is bull s-h-i-t, don't you?

4 A. No.

5 Q. And you wrote that to your friend on

6 MySpace last week, didn't you?

7 MR. LEOPOLD: Objection. Asked and

8 answered.

9 THE WITNESS: No, I did not.

10 BY MR. TEIN:

11 Q. You didn't write this exhibit?

12 A. I wrote that, but I didn't write what you

13 said.

14 Q. You wrote in this exhibit, "I got some

15 stupid court s-h-i-t on the 20th. Bull s-h-i-t." Didn't

16 you write that?

17 A. Yes.

18 Q. Referring to this deposition, didn't you?

19 A. Referring to the court. I was later

20 informed that it was a deposition.

21 Q. I'm going to ask you some questions now

22 about what happened when you went to Jeff Epstein's house

23 three years ago. Okay?

24 A. Uh-huh.

25 Q. When the police interviewed you one month

Ph. [REDACTED] - Fax. [REDACTED]
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1 after you went to Epstein's house, you swore on your

2 mother's grave that you and Epstein did not engage in sex

3 of any kind?

4 A. Yes.

5 Q. Didn't you tell that to the police?

6 A. Yes. And I will continue. I have never

7 had sex with him.

8 Q. Did what happened upstairs at Jeff

9 Epstein's house take you completely by surprise, [REDACTED]?

10 A. Yes.

11 Q. Now the civil complaint that you filed

12 against Mr. Epstein for fifty million dollars alleged

13 that you were totally shocked by what happened when you

14 got there.

15 A. Yes.

16 Q. Were you totally shocked by what happened

17 when you got to Epstein's house?

18 A. Yes.

19 Q. You didn't expect it at all, did you?

20 A. No.

21 Q. You had absolutely no idea why your friend

22 [REDACTED] was taking you to Epstein's house, right?

23 A. I was informed it was a massage.

24 Q. All you thought that it was going to be as

25 a massage, correct?

Ph. [REDACTED] - Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



1 A. Yes.

2 Q. Before you got to Epstein's house [REDACTED]

3 never said anything to you on the telephone about sexual

4 activity with Epstein, did she?

5 A. No.

6 Q. And before you got to Epstein's house

7 [REDACTED] never sent you a message over the Internet about

8 sexual activity with Epstein, did she?

9 A. No.

10 Q. Did [REDACTED] ever try to convince you to

11 engage in any sexual activity with Epstein?

12 A. No.

13 Q. Did [REDACTED] every try to convince

14 you to engage in any sexual activity with Epstein?

15 A. I don't know who [REDACTED] is.

16 Q. Do you have a friend [REDACTED]?

17 A. No.

18 Q. Okay. Before you went to Epstein's house

19 did anyone call or e-mail you to induce you to engage in

20 sexual activity with Epstein?

21 A. No.

22 Q. So you're sure that before you got to

23 Epstein's house no one tried to persuade you to engage in

24 sexual activity with Jeffrey Epstein?

25 A. No.



1 Q. You're sure that -- let me ask the question

2 again.

3 You're sure that before you got to

4 Epstein's house no one tried to persuade you to engage in

5 sexual activity with Epstein for money. Are you?

6 MR. LEOPOLD: Objection. Asked and

7 answered.

8 THE WITNESS: No. And I've already

9 answered that a bazillion times.

10 BY MR. TEIN:

11 Q. He's coaching you now. So I'm going to ask

12 the question --

13 MR. LEOPOLD: Counsel, I've made an

14 objection for the record.

15 MR. TEIN: Stop speaking.

16 MR. LEOPOLD: I'm not going to stop

17 speaking. You can't interrupt me when I'm making

18 the record.

19 MR. TEIN: You're coaching the witness.

20 MR. LEOPOLD: Counsel --

21 MR. TEIN: Stop coaching the witness.

22 BY MR. TEIN:

23 Q. [REDACTED] let me ask you --

24 MR. LEOPOLD: If you continue to --

25 MR. TEIN: Stop interrupting my questions.



1 MR. LEOPOLD: If you do it one more time,

2 we're leaving.

3 BY MR. TEIN:

4 Q. [REDACTED]

5 MR. LEOPOLD: I'm going to make the record.

6 You cannot interrupt me when I'm making the

7 record. Out of professional conduct, you cannot

8 do that. I'm entitled to make the record. I made

9 an objection, asked and answered. Your demeanor

10 is inappropriate. You're willing and you are able

11 and you're responsible to ask a question in a

12 professional manner, and ask the question and once

13 you get the answer, to either follow up on it or

14 move on, but not continuously browbeat and ask the

15 same question over and over because you don't like

16 the answer.

17 MR. TEIN: Calm down, sir.

18 MR. LEOPOLD: Trust me, I'm very calm here.

19 When I'm not calm, you'll know it. I'm very calm.

20 So please continue on. But I will not

21 allow you to continue to harass her in the

22 demeanor that you're doing. Ask her a question

23 and move on.

24 MR. TEIN: Are you done?

25 MR. LEOPOLD: Thank you. I am.



1 MR. TEIN: Stop misrepresenting the record

2 and calm down. I'm going to ask my question.

3 Stop it.

4 BY MR. TEIN:

5 Q. [REDACTED] --

6 MR. LEOPOLD: I think the record is very

7 clear.

8 MR. GOLDBERGER: Let me just clarify

9 something. When you object to the form of a

10 question, you're not instructing the witness not

11 to answer the question, are you?

12 MR. LEOPOLD: No. And I'm not making that

13 objection; only on attorney/client privilege.

14 MR. TEIN: Will you stop speaking now so I

15 can ask my question? Are you done?

16 Okay. I'm going to ask my question.

17 BY MR. TEIN:

18 Q. Listen, [REDACTED] --

19 MR. LEOPOLD: Hold on. Stop.

20 I've been doing this for 20 plus years and

21 have met a lot of attorneys, but I've never had an

22 experience like this where I've --

23 MR. TEIN: Stop your speeches.

24 MR. LEOPOLD: If you continue to do this,

25 whether it's with me or with my client, I will not



1 put up with it and I don't need to put up with it
2 and it's not appropriate. And I'm sure
3 Mr. Goldberger knows all this, because I know that
4 he wouldn't do this. So I will not put up with
5 it. And I think it's highly inappropriate to do
6 this with this child sitting here, the way you're
7 acting, primarily towards me, and I will not put
8 up with it.

9 MR. TEIN: Will you please stop your speech
10 so I can ask questions?

11 MR. LEOPOLD: So long as you act
12 professionally, I will do so. But if you continue
13 to do it this way, I will leave.

14 MR. TEIN: Suit yourself.

15 BY MR. TEIN:

16 Q. [redacted] are you sure that before you got to
17 Epstein's house no one tried to persuade you to engage in
18 sexual activity with Epstein for money?

19 MR. LEOPOLD: Asked and answered.
20 Objection.

21 MR. TEIN: Did you get her answer?

22 THE COURT REPORTER: No, I did not.

23 THE WITNESS: I'm sure.

24 BY MR. TEIN:

25 Q. Let me ask you a few questions about your



1 contact with Jeffrey Epstein. Okay?

2 A. (Witness nods head up and down.)

3 Q. Jeff never e-mailed you, did he?

4 A. No.

5 Q. Jeff never text messaged you, did he?

6 A. No.

7 Q. Jeff never chatted in a chat room with you,
8 did he?

9 A. No.

10 Q. Before you got to Epstein's house you had
11 never spoken to Jeff, had you?

12 A. No.

13 Q. And before you got to Epstein's house you
14 had never met Jeff?

15 A. Correct.

16 Q. Before you got to Epstein's house you had
17 never told Jeff that you were under 18, right?

18 A. No.

19 Q. Before you got to Epstein's house had you
20 ever told Jeffrey that you were under 18?

21 A. No. I never spoke to the man before that.

22 Q. And you only went to Jeff Epstein's house
23 that one time three years ago, correct?

24 A. Yes.

25 Q. You never went there again, correct?



1 A. No.

2 Q. All right. Let me ask you two final areas
3 of questioning about this and we'll move onto something
4 else. Okay?

5 A. Uh-huh. Yes. I'm sorry.

6 Q. Before you got to Epstein's did anyone
7 associated with Epstein ever call you on the phone and
8 try to persuade, induce, entice or coerce you to engage
9 in any sexual activity?

10 A. No.

11 Q. Before you got to Epstein's did anybody
12 associated with Epstein ever contact you on the Internet
13 and try to persuade, induce, entice or coerce you to
14 engage in any sexual activity?

15 A. No.

16 Q. [redacted] who told you that when you got to
17 Jeff Epstein's house you should lie to Jeff about your
18 age?

19 A. [redacted]
20 Q. Was it [redacted] or was it the other girl in
21 the car who you rode over with to Epstein's house?

22 A. [redacted]

23 Q. Who was the other girl in the car with you
24 that day?

25 A. I honestly don't know.



1 Q. Had you ever seen her before?

2 A. No, sir.

3 Q. You told the police that when you rode over
4 to Epstein's you had no idea who she was, right?

5 A. Correct.

6 Q. You told the police that you didn't know
7 her name, but she was like really dark, kind of like a
8 Spanish girl?

9 A. Yes.

10 Q. Those were your words, right?

11 A. Yes.

12 Q. Do you now know who she is?

13 A. No, sir.

14 Q. So it was [redacted] who told you to lie about
15 your age to Jeff Epstein?

16 A. Yes, sir.

17 Q. And [redacted] told you that if you weren't 18,
18 Epstein wouldn't let you into his house, right?

19 A. That's -- yes, yes.

20 Q. All right. Let's talk for a minute about
21 when you first met Jeff. Okay?

22 A. Sure.

23 Q. When you first met Jeff he tried to find
24 out how old you were, right?

25 A. Excuse me?



1 Q. When you first met Jeff he tried to find
 2 out how old you were, right?
 3 A. Not when we first introduced each other;
 4 when we get upstairs, then, yes.
 5 Q. During the massage Jeff asked you how old
 6 you were, correct?
 7 A. Yes, yes.
 8 Q. Now hadn't you already told Jeff's
 9 assistant, the one who walked you upstairs, that you went
 10 to college and had just moved down here from Ohio?
 11 A. I never spoke to the lady.
 12 Q. Do you want to rethink that answer?
 13 MR. LEOPOLD: Is that a question?
 14 BY MR. TEIN:
 15 Q. Do you want to rethink that answer?
 16 A. No. I didn't really speak with her that
 17 much.
 18 Q. Do you want to try to refresh your memory
 19 on that?
 20 MR. LEOPOLD: Do you have something to
 21 refresh her memory with?
 22 MR. TEIN: Do you want to stop making
 23 speaking objections?
 24 MR. LEOPOLD: No. But to refresh someone's
 25 memory, you show them a document.



1 MR. TEIN: I know how to do this.
 2 MR. LEOPOLD: Then show her a document.
 3 MR. TEIN: Stop speaking.
 4 MR. LEOPOLD: I'm not going to stop
 5 speaking. I'm going to continue to make the
 6 record.
 7 MR. TEIN: You're obstructing. Please
 8 stop.
 9 MR. LEOPOLD: I'm not obstructing. But if
 10 you want to refresh her recollection, you need to
 11 show her something.
 12 That's not a proper question. I object to
 13 the foundation and the predicate of that question.
 14 MR. TEIN: Are you done?
 15 MR. LEOPOLD: I am now. Thank you.
 16 BY MR. TEIN:
 17 Q. Do you want to try to refresh your memory
 18 as to whether you had any conversation with the woman who
 19 walked you upstairs in Epstein's house in which you told
 20 her that you went to college and had just moved down from
 21 Ohio?
 22 MR. LEOPOLD: Objection. Object to the
 23 form of the question. Lack of foundation and
 24 predicate.
 25 BY MR. TEIN:



1 Q. You can answer the question.
 2 A. Sure.
 3 Q. Is there anything that would refresh your
 4 memory that in fact you told Mr. Epstein's assistant, the
 5 one who walked you upstairs, that you went to college and
 6 you had just moved down here from Ohio?
 7 A. I don't remember saying that, but if you --
 8 I don't remember saying that myself, so --
 9 Q. That would be a lie, right?
 10 A. No. I really don't remember.
 11 Q. So you told Jeff that you were 18 years
 12 old, correct?
 13 A. Yes.
 14 Q. Do you remember Detective Michelle Pagan of
 15 the Police Department, Palm Beach Police Department?
 16 A. Yes.
 17 Q. Do you remember you spoke to her?
 18 A. Yes.
 19 Q. Do you remember that you told Detective
 20 Pagan that when you lied about your age to Jeff you said
 21 it really fast because you didn't want to make it sound
 22 like you were lying?
 23 A. I don't remember the words exactly, but I
 24 do remember telling her I told him I was 18.
 25 Q. And do you remember telling Detective Pagan



1 that when you lied to Epstein about your age that you
 2 said it really fast so Epstein wouldn't realize you were
 3 lying?
 4 A. No, I don't remember saying those words
 5 exactly to her. I remember telling her that I told
 6 Epstein I was 18.
 7 Q. Does it sound right to you that you told
 8 Detective Pagan that you said your age really fast to
 9 Epstein --
 10 MS. [REDACTED] Objection. Asked and
 11 answered.
 12 BY MR. TEIN:
 13 Q. -- so he wouldn't think that you were
 14 lying?
 15 MR. LEOPOLD: Objection. Asked and
 16 answered, lack of foundation, mischaracterization
 17 of her earlier testimony. She's already answered
 18 that question.
 19 BY MR. TEIN:
 20 Q. You can answer it.
 21 MR. LEOPOLD: Same objection. It's been
 22 asked and answered.
 23 You can answer. I've made the objection.
 24 THE WITNESS: I forget the question, now.
 25



1 BY MR. TEIN:
 2 Q. Let me put it again.
 3 Does it sound right to you that you told
 4 Detective Pagan that when you lied about your age to
 5 Jeffrey Epstein, you said it really fast because you
 6 didn't want to make it sound like you were lying?
 7 MR. LEOPOLD: Objection. Lack of
 8 foundation, asked and answered.
 9 THE WITNESS: I could have possibly said
 10 that, yes.
 11 BY MR. TEIN:
 12 Q. You didn't want Mr. Epstein to know that
 13 you were lying about your age, right?
 14 A. Correct.
 15 Q. You didn't want Mr. Epstein to know that
 16 you were not 18 yet, right?
 17 A. Correct.
 18 Q. You wanted Mr. Epstein to believe that you
 19 really were 18, right?
 20 A. Correct.
 21 Q. Do you remember when Mr. Epstein asked
 22 where you went to school?
 23 A. Yes.
 24 Q. And you told Mr. Epstein you went to
 25 Wellington, right?



1 A. Yes.
 2 Q. Was that the truth?
 3 A. No.
 4 Q. In fact, you went to Royal Palm, right?
 5 A. Yes.
 6 Q. So you lied to Mr. Epstein again, correct?
 7 A. Yes.
 8 Q. Is Wellington the college that you told
 9 Jeff's assistant that you were attending?
 10 A. I don't remember having that conversation
 11 with her, so I wouldn't know if that's what I said.
 12 Q. That was a lie, though, wasn't it?
 13 MR. LEOPOLD: Objection to the form of the
 14 question, lack of foundation. You're making an
 15 assumption. She just answered you she can't tell
 16 you that.
 17 MR. TEIN: Speaking objection. And you
 18 well know that, Mr. Leopold.
 19 MR. LEOPOLD: She can't answer that
 20 question. The way you phrased that question,
 21 you're purposely making her not be honest in her
 22 testimony. She can't answer a question like that.
 23 She doesn't remember. So then you say, "So you
 24 were lying." That's improper and you know that.
 25 That's not a proper question. And any attorney



1 that would do that to a witness or to a person
 2 that's sitting in this chair is not acting
 3 professionally. You can't ask a question like
 4 that. You can do it, but it's not proper. And
 5 I'm sure you weren't trained that way, certainly
 6 not ethically.
 7 MR. TEIN: Will you stop?
 8 MR. LEOPOLD: I'm not going to stop,
 9 because the way you're asking that question is
 10 improper and you know it.
 11 MR. TEIN: You're losing your cool.
 12 BY MR. TEIN:
 13 Q. Ms. [REDACTED] --
 14 MR. LEOPOLD: Trust me. I'm very calm.
 15 When I lose my cool, you'll know it.
 16 MR. TEIN: I do know it.
 17 BY MR. TEIN:
 18 Q. Ms. [REDACTED] Mr. Epstein never asked you
 19 to do anything other than massage him, correct?
 20 A. Incorrect, because he asked me to take off
 21 my bra, so that would be two things he's asked me to do.
 22 Q. Other than asking you to take your bra off,
 23 Mr. Epstein never asked you to do anything with him other
 24 than massage, correct?
 25 MR. LEOPOLD: Objection. Foundation.



1 predicate.
 2 THE WITNESS: Correct.
 3 BY MR. TEIN:
 4 Q. You told the police, in your words, that
 5 you did not whack him off, right?
 6 A. Correct.
 7 Q. What does that mean?
 8 A. Whack, like whacking off?
 9 Q. Your term, what does that mean?
 10 A. Masturbating.
 11 Q. Mr. Epstein never tried at any time to grab
 12 your hand, did he?
 13 A. No.
 14 Q. Mr. Epstein never tried to put your hand
 15 anywhere, did he?
 16 A. No.
 17 Q. At no time did you touch Mr. Epstein's
 18 penis, did you?
 19 A. No.
 20 Q. And he did not touch you, correct?
 21 A. Incorrect.
 22 Q. Well, you told the police, "At no time did
 23 he touch me." Were you lying to the police then?
 24 A. No. Well, I wasn't being fully truthful,
 25 but I wasn't lying.



1 Q. You told the police twice when you spoke to
2 Michelle Pagan that "at no time did he touch me." Didn't
3 you say that to the police?

4 A. Yeah.

5 Q. And you're saying that that was not fully
6 truthful. Is that what you're saying now?

7 A. Correct.

8 Q. And you're saying if you're not fully
9 truthful, that's not a lie. Correct?

10 A. You took that out of context like really
11 bad. I didn't mean like that. Touching my legs and --
12 he never kept his hands to himself the entire time.
13 That's what I'm trying to say.

14 Q. You told the police, "At no times did he
15 touch me." You agree with that, correct?

16 A. No, I don't agree with that, because he did
17 touch me.

18 Q. Did you tell the police that he did not
19 touch you, yes or no?

20 A. It's a possibility, but I do not remember.

21 Q. Okay. And you did not have any type of sex
22 with Jeff, correct?

23 A. No.

24 Q. And you did not have any type of oral sex
25 with Jeff, correct?



1 A. No.

2 Q. No type of intercourse with Jeff, correct?

3 A. Correct.

4 Q. All right. Let's talk about what happened
5 after the massage was over.

6 A. Okay.

7 Q. After the massage, you told Epstein that
8 you wanted to bring your twin sister back so she could
9 make some money, correct?

10 A. Incorrect.

11 Q. Your twin sister is [redacted] right?

12 A. Correct.

13 Q. And you love [redacted] very much, don't you?

14 A. Yes.

15 Q. And when you left the house you were joking
16 with the other girls, weren't you?

17 A. Incorrect.

18 Q. Well, when [redacted] and the other girl in the
19 car that day made their statements to the police they
20 told the police that you were joking afterwards. Are you
21 saying that they were lying to the police about that?

22 A. No. But a question or -- questions from

23 [redacted] -- like she asked me questions, but it wasn't
24 joking. She was kind of like in a happy way, like, "Oh,
25 what did you do? What did you do?" Like those kind of



1 things, but it wasn't joking about it at all.

2 Q. You joked about it, didn't you?

3 A. No.

4 Q. You said to [redacted] that if you did this
5 every weekend you'd be rich, didn't you?

6 A. No. That's what [redacted] told me.

7 Q. You didn't tell that to [redacted]

8 MR. LEOPOLD: Objection. Asked and
9 answered.

10 THE WITNESS: No.

11 BY MR. TEIN:

12 Q. After you left Epstein's house you took the
13 money and you went shopping with [redacted] and the other
14 girl in the car, correct?

15 A. Incorrect. I didn't spend any of the
16 money.

17 Q. You went to Marshall's, didn't you?

18 A. I went along, yes, but I didn't --

19 Q. You went shopping with them at Marshall's,
20 didn't you?

21 MR. LEOPOLD: Objection.

22 THE WITNESS: I guess you could say that.

23 MR. LEOPOLD: Objection. Lack of predicate
24 and foundation. Mischaracterization of earlier
25 testimony.



1 BY MR. TEIN:

2 Q. And [redacted] bought a purse, right?

3 A. Yes.

4 Q. And you were with her the whole time at
5 Marshall's, correct?

6 A. Yes.

7 Q. How tell me about when the federal
8 prosecutors told you about getting reimbursed.

9 A. I have no idea what you're talking about.

10 Q. Tell me about when the federal prosecutors
11 spoke to you about getting money you feel you're entitled
12 to from Mr. Epstein.

13 A. I don't know what you're talking about.

14 Q. Do you know who [redacted] is?

15 A. No, sir.

16 Q. Did you ever meet with any federal
17 prosecutors?

18 A. I think -- yeah. I think they were -- I
19 think they were like FBI.

20 Q. Oh-huh. Did you meet with federal
21 prosecutors?

22 A. They came to my house one time, yes.

23 Q. When did they come to your house?

24 A. Very long ago.

25 Q. Was it this year, 2008?



1 A. It was not this year, no.
 2 Q. Was it 2007?
 3 A. I'd have to say at least two years ago or a
 4 year ago, yeah. So it would be 2007, 2006; but it was a
 5 while ago.
 6 Q. How many federal prosecutors or FBI agents
 7 came to your house?
 8 A. I'm trying to remember. I want to say four
 9 people came.
 10 Q. Did they give you their business cards?
 11 A. If they did, I don't remember, and they
 12 weren't toward me. Maybe my parents have them. I don't
 13 know.
 14 Q. Did they give you their cell phone numbers?
 15 A. No.
 16 Q. Did you ever speak to them on their cell
 17 phones?
 18 A. No, sir.
 19 Q. Did they speak to your parents?
 20 A. That's something you'd have to ask my
 21 parents.
 22 Q. Do you know whether they spoke to your
 23 parent's?
 24 A. No, sir.
 25 Q. You have no idea?



1 A. No, sir.
 2 MR. LEOPOLD: Objection. Asked and
 3 answered.
 4 BY MR. TEIN:
 5 Q. So if I say the name to you [redacted]
 6 Villafona, you don't know who that is?
 7 A. No, sir.
 8 Q. How many women and how many men came to
 9 your house?
 10 A. I want to say two ladies and two guys.
 11 Q. Did someone named Jeffrey Sloan come to
 12 your house?
 13 A. I don't know names, sir.
 14 Q. Do you know who Jeffrey Sloan is?
 15 A. No, sir.
 16 Q. Do you know who Jeffrey Herman is?
 17 A. Yes.
 18 Q. That's the lawyer who first sued Epstein on
 19 your behalf, right?
 20 A. Yes.
 21 Q. Has Mr. Herman advanced your family any
 22 money?
 23 MR. LEOPOLD: Any conversations that you've
 24 had with Mr. Herman regarding that issue, you are
 25 not to disclose. If you've learned in some other



1 fashion, you may answer.
 2 THE WITNESS: Okay.
 3 I wouldn't know.
 4 BY MR. TEIN:
 5 Q. You don't know?
 6 A. No.
 7 MR. LEOPOLD: Objection. Foundation.
 8 Attorney/client privilege.
 9 BY MR. TEIN:
 10 Q. And you say you don't know who Jeff Sloan
 11 is?
 12 A. No, sir.
 13 Q. Does it refresh your recollection that he's
 14 the number two prosecutor at the U.S. Attorney's Office?
 15 A. No.
 16 Q. That he's [redacted] Villafona's boss?
 17 A. No.
 18 Q. Does it refresh your memory that he's the
 19 ex-partner of Jeff Herman, the first lawyer who sued
 20 you -- sued Mr. Epstein on your behalf for fifty million
 21 dollars?
 22 A. No, sir. I don't know who he is.
 23 Q. Without telling me any conversations that
 24 you've had with your lawyers, how is it that you selected
 25 Mr. Herman as your lawyer from the 61,000 members of the



1 Florida Bar?
 2 A. I did not select him.
 3 Q. Who did?
 4 A. My father.
 5 Q. Did you ever meet Mr. Herman?
 6 A. Once.
 7 Q. Don't -- don't tell me what you discussed
 8 with him. Where did you meet him?
 9 A. I was shopping in my -- he showed up at my
 10 friend's house.
 11 Q. Whose house?
 12 A. My friend [redacted]
 13 Q. Is that [redacted] from the Quarterdeck
 14 Tavern?
 15 A. Yes.
 16 Q. And did you have a meeting with him at
 17 [redacted] house?
 18 A. Yes. I guess you could say that.
 19 Q. And who else was there?
 20 A. My Aunt [redacted]
 21 Q. And what was that meeting about?
 22 MR. LEOPOLD: Objection. That calls for
 23 attorney/client privilege.
 24 BY MR. TEIN:
 25 Q. What discussions did you have with



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1 Mr. Herman in the presence of [REDACTED]
 2 A. None.
 3 Q. What discussions did you have in the
 4 presence of her aunt?
 5 A. Of my aunt?
 6 MR. GOLDBERGER: It's the witness's aunt.
 7 BY MR. TEIN:
 8 Q. Oh, of your aunt.
 9 A. The only one that we've ever discussed or
 10 ever had.
 11 Q. And so you were in a conversation with
 12 Mr. Herman and your aunt?
 13 A. Yes, sir.
 14 Q. And you discussed privileged matters during
 15 that conversation?
 16 MR. LEOPOLD: Object to the form. I think
 17 you might have to educate her on that question.
 18 BY MR. TEIN:
 19 Q. You discussed the lawsuit?
 20 A. Yes.
 21 Q. Did [REDACTED] tell you about any
 22 conversations that she had with Mr. Herman?
 23 A. As far as I'm concerned, she's never spoken
 24 or she's never had a conversation. She only opened the
 25 door and then left. She's the one who answered the door.



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1 Q. Why did the meeting take place at [REDACTED]
 2 [REDACTED] house?
 3 A. I spent the night that night at her house.
 4 Q. And when was this?
 5 A. A while ago.
 6 Q. How long ago?
 7 A. A month and a half ago. I'm guessing.
 8 Q. A month and a half ago?
 9 A. Uh-huh.
 10 Q. So was it before or after Mr. Herman filed
 11 the fifty-million-dollar lawsuit against Epstein?
 12 A. After.
 13 Q. Did you meet with an FBI agent named
 14 [REDACTED] Kurkendall, a woman?
 15 A. I don't know.
 16 Q. Did Ms. Kurkendall speak to you about
 17 getting reimbursed from Mr. Epstein?
 18 A. I've never had a discussion with anyone
 19 about getting reimbursed from Mr. Epstein.
 20 Q. Have you met with an agent named [REDACTED]
 21 [REDACTED]?
 22 A. Not to my knowledge.
 23 Q. How about an agent named Tim [REDACTED]?
 24 A. No, sir.
 25 Q. How about an agent named Junior Ortiz?



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1 A. No.
 2 Q. And we've learned that many of the girls,
 3 some of whom are as old as 23, were told by the
 4 government that they would get money at the end of the
 5 criminal prosecution. Does that sound familiar to you?
 6 A. No, sir.
 7 Q. Other than Mr. Leopold here -- I'm not
 8 asking about Mr. Herman either --
 9 A. Uh-huh.
 10 Q. -- did anyone ever discuss with you that
 11 you could get reimbursement for your damages?
 12 A. No, sir.
 13 Q. Did you or any member --
 14 MR. LEOPOLD: Are you referring to a
 15 criminal matter or a civil matter?
 16 BY MR. TEIN:
 17 Q. Did you or any member --
 18 MR. LEOPOLD: Excuse me. Let me object to
 19 the form of the question.
 20 BY MR. TEIN:
 21 Q. Did you or any member of your family ever
 22 get a victim notification letter from anyone?
 23 A. I no longer live at that residence and I
 24 wouldn't know.
 25 Q. So your testimony is that you have never



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1 [REDACTED] a victim notification letter, correct?
 2 [REDACTED] rect.
 3 Q. And your testimony is that you don't know
 4 if your parents have ever received a victim notification
 5 letter, correct?
 6 A. Correct.
 7 Q. Have you given any evidence to prosecutors
 8 or law enforcement in this case?
 9 A. What do you mean by evidence?
 10 Q. Well. Anything that you can touch or feel.
 11 A. No.
 12 MR. LEOPOLD: Objection to the form of the
 13 question.
 14 BY MR. TEIN:
 15 Q. So you haven't given anything physical --
 16 A. No.
 17 Q. -- any item to any prosecutor, police
 18 officer or law enforcement agent, correct?
 19 A. My cell phone four years ago or three years
 20 ago, but that's it.
 21 Q. You gave your cell phone to whom?
 22 A. Michelle Pagan.
 23 Q. Did she keep it?
 24 A. Ask her.
 25 Q. You gave it to her and then you didn't get



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1 it back at the end of the meeting?

2 A. No. They -- yeah. No. They have it. I'm

3 guessing. I don't have it.

4 Q. How much money are you hoping to get out of

5 Mr. Epstein?

6 MR. LEOPOLD: Objection to the form of the

7 question. Attorney/client privilege.

8 BY MR. TEIN:

9 Q. How much money are you hoping to get, you,

10 yourself, hoping to get out of Epstein?

11 MR. LEOPOLD: Same. Same objection,

12 attorney/client privilege.

13 Don't answer the question.

14 BY MR. TEIN:

15 Q. I'm not asking about what your lawyer told

16 you.

17 MR. LEOPOLD: I'm instructing her not to

18 answer the question, because any of those

19 conversations involve her counsel.

20 MR. TEIN: Certify that.

21 MR. LEOPOLD: Please.

22CERTIFIED QUESTION.....

23 BY MR. TEIN:

24 Q. Now, [redacted] you lied to get out of this

25 deposition, didn't you?



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1 A. No, sir.

2 Q. You didn't want to come to court today and

3 tell the story that you had told to the police under

4 oath, did you?

5 MR. LEOPOLD: Object to the form of the

6 question. Lack of foundation, predicate.

7 THE WITNESS: No. I have no problem coming

8 here and talking to you.

9 BY MR. TEIN:

10 Q. And to avoid getting served with a lawful

11 subpoena, you lied about your name, didn't you?

12 A. No.

13 Q. And in fact, just lying yourself wasn't

14 enough, was it?

15 MR. LEOPOLD: Objection to the form of the

16 question.

17 Don't answer it. It's not a question.

18 Object to the form of the question. Lack

19 of foundation.

20 MR. TEIN: Are you instructing her not to

21 answer?

22 MR. LEOPOLD: I am.

23 MR. TEIN: Certify it.

24 MR. LEOPOLD: Please.

25



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1CERTIFIED QUESTION.....

2 BY MR. TEIN:

3 Q. You asked your co-workers --

4 MR. LEOPOLD: It's vague and ambiguous.

5 BY MR. TEIN:

6 Q. You asked your co-workers at the

7 Quarterdeck Tavern to lie for you, didn't you?

8 A. No. I informed my boss about what was

9 going on and he told me that he would help in any way

10 that he can.

11 Q. Okay. You got your friend [redacted] to lie

12 by switching name tags with you, correct?

13 A. Incorrect. It was a coincidence that same

14 night she was not wearing her name tag; she was wearing

15 mine. But I was also not wearing -- I was wearing my

16 name tag. Everyone switches name tags. It just so

17 happens it was a coincidence that same night the people

18 came with the papers.

19 MR. TEIN: Will you put up Exhibit 18-001?

20 MR. GOLDBERGER: And mark 18-001 for

21 identification purposes to this deposition.

22 MR. LEOPOLD: None of them have been marked

23 yet. Can we mark them and put them as attachment

24 to the depositions? Because I think you've shown

25 three photos now. And this is the only one that



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1 has been marked for identification yet.

2 BY MR. TEIN:

3 Q. [redacted] --

4 MR. LEOPOLD: Hold on just a second. Just

5 so the record is clear --

6 MR. TEIN: I'm not speaking to you.

7 MR. LEOPOLD: Okay. Then don't speak to me

8 then. But I'll speak to Mr. Goldberger, perhaps.

9 But at least for the record, can we put on

10 the record what the previous two photographs were

11 marked for identification?

12 MR. GOLDBERGER: We will make sure that the

13 record is clear at the end of the deposition so

14 that there's no ambiguity.

15 MR. LEOPOLD: Thank you.

16 BY MR. TEIN:

17 Q. [redacted] I've put a photograph marked 18-001

18 up on the screen. Do you see that?

19 A. Yup.

20 Q. Who is that in the photo?

21 A. [redacted] on the left and me on the right.

22 Q. [redacted] right?

23 A. Yes.

24 Q. [redacted] your friend at the

25 Quarterdeck Tavern, right?



1 A. Yes.

2 Q. [REDACTED] your friend, who you say the day

3 that the process servers went to serve you with a

4 subpoena for this deposition, just happened -- just by

5 coincidence, was wearing your name tag?

6 A. Yes, sir.

7 Q. And just by coincidence, you were wearing

8 her name tag, correct?

9 A. Yes.

10 Q. Your testimony under oath is that's just a

11 coincidence, right?

12 A. Total honesty.

13 Q. It just happens to be the day that you were

14 going to be served with a subpoena, correct?

15 A. That wasn't the first day that --

16 MR. LEOPOLD: [REDACTED] just answer the

17 question. It calls for a yes or no.

18 THE WITNESS: Yes.

19 BY MR. TEIN:

20 Q. You said that wasn't the first day you were

21 going to be -- you thought you were being served with a

22 subpoena, correct?

23 A. Correct.

24 Q. You knew before the day that you switched

25 name tags with [REDACTED] that the process servers were



1 looking for you, didn't you?

2 A. No. I knew --

3 MR. LEOPOLD: Just answer it. It calls for

4 a yes or no.

5 THE WITNESS: Okay. No.

6 BY MR. TEIN:

7 Q. Now you can explain the answer that your

8 counsel stopped you from explaining.

9 A. Okay. I work at Quarterdeck and people

10 were telling me that people were looking for me. So yes,

11 I was aware that people were searching for me. But I had

12 no idea who they were or what their intentions were. But

13 I thought they were just people I didn't want to talk to.

14 So I just didn't want to talk to them. And every time

15 they'd come to work I wasn't there. And so happens the

16 night that they came in me and my friend switched name

17 tags. No big deal.

18 Q. That's a lie, isn't it?

19 MR. LEOPOLD: Objection. Don't answer that

20 question. That's harassment and I will not allow

21 it. He could ask the questions and we'll allow a

22 jury to make that determination, but not counsel.

23 I will not allow her to answer that

24 question.

25 MR. TEIN: Certify it.



1 MR. LEOPOLD: I'll certify it.

2CERTIFIED QUESTION.....

3 She's answered that question. She's explained it five

4 times already. The fact that Counsel doesn't like the

5 answer, that's a different query.

6 MR. TEIN: Stop asking speaking objections.

7 MR. LEOPOLD: I'm not. I'm not going to

8 put up with it, because it's in appropriate, Jack,

9 and you know it. I will not allow Counsel to

10 berate a witness, whether it's in a criminal case

11 or a civil case, whether my client or --

12 MR. TEIN: Calm down.

13 MR. LEOPOLD: Excuse me.

14 No, I'm not going to allow it. That is not

15 proper.

16 MR. GOLDBERGER: Okay.

17 MR. LEOPOLD: If he wants to say that she's

18 lying after asking it five times and her

19 explaining in great detail, he can do that. But

20 I'm not going to allow her to answer, nor be

21 harassed by him. It's improper.

22 MR. GOLDBERGER: Okay. But your response

23 that Counsel doesn't like the question -- or

24 doesn't like the answer -- just let me finish.

25 MR. LEOPOLD: Absolutely. I wasn't going



1 to interrupt you.

2 MR. GOLDBERGER: Just requires us to say we

3 like the answer to that question. And it's not

4 you and I or you and Mr. Tein who are testifying

5 here. It's the witness.

6 MR. LEOPOLD: Fine. But after the sixth

7 time of asking the same question and then coming

8 back and pointing a finger at her and saying,

9 "You're a liar" --

10 MR. TEIN: That didn't happen.

11 MR. LEOPOLD: That's fine. But I'm not

12 going to allow her to answer that question,

13 because she's answered that same question and has

14 explained it.

15 Now Counsel might be sitting there rubbing

16 his head with a migraine. That's his problem.

17 But if he can't ask a question appropriately in a

18 professional manner, we will leave. I will not

19 allow her to be berated like that.

20 MR. GOLDBERGER: Actually, we're very happy

21 with the answer.

22 MR. LEOPOLD: That's great.

23 MR. GOLDBERGER: Do you want us to get into

24 that?

25 MR. TEIN: Ted --



1 MR. LEOPOLD: This is really big stuff that
 2 you're going through. But that's finer; just ask
 3 your question and move on. But do it one time.
 4 If you don't understand it, I'll let you follow
 5 up, but I'm not going to allow you to ask the same
 6 question time and again and then call her a liar.
 7 Just ask the question, get the answer and move to
 8 the next subject matter.

9 MR. TEIN: Ted, I'm sitting right across
 10 the table from you.

11 MR. LEOPOLD: Yes, sir.

12 MR. TEIN: Please be quiet. Don't yell.

13 MR. LEOPOLD: I will not be quiet.

14 MR. TEIN: Stop yelling.

15 MR. LEOPOLD: Lewis, when I'm yelling
 16 you'll know it. I will not --

17 MR. TEIN: My name is not Lewis.

18 MR. LEOPOLD: I thought your first name was
 19 Lewis, Mr. Tein.

20 MR. TEIN: You watched me for three days at
 21 the evidentiary hearing where you sat in the back
 22 of the courtroom. You should know who I am.

23 MR. LEOPOLD: Well, that's the impression
 24 you must have made in the courtroom.
 25 I will not be quiet.



1 MR. TEIN: That's obnoxious. Stop being
 2 obnoxious. It's stupid. Let's go ahead with the
 3 questions.

4 MR. LEOPOLD: I will make the record.

5 MR. TEIN: Let's get on with the questions.

6 MR. LEOPOLD: Do you need a break?
 7 (Thereupon, a recess was taken.)

8 BY MR. TEIN:

9 Q. Okay. [redacted] after you told your manager
 10 at the Quarterdeck Tavern everything that was going on
 11 and he told you he would help you any way he could, he
 12 hid you in the kitchen from the process servers, correct?

13 A. Incorrect.

14 Q. Isn't it true that lying to avoid service
 15 is a meaningless lie to you, [redacted]?

16 A. Incorrect.

17 Q. What is your manager's name?

18 A. I have three. Would you like to know
 19 all --

20 Q. Who's the one who lied for you?

21 A. [redacted]

22 Q. And what did [redacted] do to lie for you?

23 A. Said I wasn't there.

24 Q. And who did he tell wasn't there?

25 A. Ask him.



1 Q. Where were you when [redacted] told this
 2 someone that you were not at the Quarterdeck Tavern?
 3 A. Eating nachos.

4 Q. At the Quarterdeck Tavern?
 5 A. Yes.

6 Q. What did you do so that [redacted] would lie to
 7 the process servers for you?
 8 A. Nothing.

9 Q. You just got him to lie for you, didn't
 10 you?
 11 A. No. I had no influence on him saying I
 12 wasn't there.

13 Q. He took that upon himself?
 14 Isn't it true that Mr. Epstein's process
 15 servers had to ask the police to get you out of the
 16 restaurant so that they could serve you?
 17 MR. LEOPOLD: Objection. Lack of
 18 foundation, predicate.

19 BY MR. TEIN:

20 Q. You can answer the question.
 21 MR. LEOPOLD: If you know. Don't guess.
 22 THE WITNESS: No. Can you repeat the
 23 question?
 24 MR. TEIN: Don't coach.
 25 MR. LEOPOLD: Don't guess.



1 MR. TEIN: That's a coaching.

2 MR. LEOPOLD: No. That's an instruction to
 3 the client.

4 MR. TEIN: No. You don't do that.

5 THE WITNESS: Can you repeat the question?
 6 MR. LEOPOLD: Let me just state for the
 7 record --

8 BY MR. TEIN:

9 Q. Once the police -- isn't it true that
 10 Mr. Epstein's process servers had to ask the police to
 11 get you out of the restaurant so that they could serve
 12 you?
 13 A. Incorrect. My boss called the police.

14 Q. And once the police showed up, to stop you
 15 from lying to avoid service, you made up another lie that
 16 the process servers had harassed you. Isn't that
 17 correct?
 18 A. Incorrect.

19 Q. You lie all the time, don't you?
 20 MR. LEOPOLD: Objection.
 21 THE WITNESS: Incorrect.

22 BY MR. TEIN:

23 Q. You have a Myspace page, don't you?
 24 A. No longer do I have a Myspace page. I
 25 deleted it.



1 Q. When did you delete your MySpace page?
 2 A. A couple days ago.
 3 Q. Who told you to take your MySpace page down
 4 a couple of days ago?
 5 A. Nobody. I'm sick and tired of MySpace.
 6 Q. You all of a sudden got sick and tired of
 7 MySpace and just a few days before this deposition you
 8 decided to delete your MySpace page, correct?
 9 A. Correct.
 10 Q. Is that your testimony under oath?
 11 A. Yes.
 12 Q. Did you take your MySpace page down because
 13 you thought the government might subpoena it?
 14 A. Incorrect.
 15 Q. Hadn't your MySpace page been up for over
 16 three months before you took it down?
 17 A. Correct. But I also had made tons of
 18 Myspases over the last years. I just get tired of them
 19 and delete them because -- drama -- and make new ones.
 20 Q. We're going to talk about that.
 21 So you deleted your MySpace page after you
 22 were already under subpoena for this deposition, correct?
 23 A. Correct.
 24 Q. What about the MySpace page didn't you want
 25 us to see, [REDACTED]



1 A. Nothing.
 2 Q. Well, we're going to come back to MySpace
 3 in a second.
 4 A. You do that.
 5 Q. [REDACTED] I'm going to ask you some questions
 6 about why you lie about your age so often, okay?
 7 MR. LEOPOLD: Objection to the form.
 8 Argumentative.
 9 BY MR. TEIN:
 10 Q. You lie about your age all the time, don't
 11 you?
 12 MR. LEOPOLD: Objection, argumentative.
 13 THE WITNESS: Incorrect.
 14 BY MR. TEIN:
 15 Q. You lie about your age to get body
 16 piercings, don't you?
 17 A. Incorrect.
 18 Q. You have body piercings, don't you?
 19 A. Yes.
 20 Q. You have four body piercings; isn't that
 21 right?
 22 A. Five.
 23 Q. Other than the piercings on your ears --
 24 I'm not talking about that --
 25 A. Oh, then no; just one.



1 Q. And where is the one body piercing?
 2 A. Belly.
 3 Q. When did you get that?
 4 A. For my birthday, with my stepmother and my
 5 father.
 6 Q. And when was that?
 7 A. When I was 14.
 8 Q. Okay. So you had that body piercing when
 9 you met Epstein, correct?
 10 A. It might have been, or maybe that -- yeah,
 11 either my 14th birthday or my 15th. I honestly don't
 12 remember.
 13 Q. Now you've lied about your age to get into
 14 bars by using driver's licenses that aren't yours,
 15 correct?
 16 A. Incorrect.
 17 Q. Are you swearing under oath that you've
 18 never done that?
 19 A. Yes, I swear under oath.
 20 Q. And you've lied about your age to buy beer,
 21 correct?
 22 A. Incorrect.
 23 Q. You're swearing under oath that you've
 24 never lied to stores about your age?
 25 A. I've never lied to a store about my age or



1 anything.
 2 Q. You try to look much older than you are,
 3 don't you?
 4 A. Incorrect.
 5 Q. And you've lied about your age on your
 6 MySpace pages, don't you?
 7 A. Incorrect.
 8 Q. All right. Let's look at Exhibit 26-01.
 9 one.
 10 MS. BELONLAVER: 26-001?
 11 MR. TEIN: Yes.
 12 BY MR. TEIN:
 13 Q. On this page you lied to everyone that you
 14 were 18, didn't you?
 15 A. Correct.
 16 Q. Let's go to Exhibit 33.
 17 MS. BELONLAVER: That's 33-001?
 18 TEIN: Correct.
 19 BY MR. TEIN:
 20 Q. On this page you lied to everyone that you
 21 were 19, didn't you?
 22 A. Incorrect.
 23 MR. LEOPOLD: Just answer the question.
 24 THE WITNESS: Oh, incorrect.
 25 BY MR. TEIN:



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1 Q. Now you can explain your answer.
 2 A. I know that I have seen all of these and I
 3 know that this one is mine.
 4 Can you go down?
 5 MR. LEOPOLD: Just for the record, you're
 6 pointing to the photo.
 7 THE WITNESS: I'm pointing to --
 8 BY MR. TEIN:
 9 Q. You're pointing to the one where it says
 10 your age is 18?
 11 A. Correct.
 12 Q. That's yours, right?
 13 A. Correct. That's mine from a couple years
 14 ago that I have not been on, because I don't use that.
 15 Please keep going down, please. And I think that's it,
 16 because there's no one -- just that one is mine.
 17 Q. So the one you pointed to where it says
 18 your age is 18, that's yours, correct?
 19 A. Correct.
 20 Q. And when you wrote 18 as your age on your
 21 MySpace page, that was a lie, wasn't it?
 22 A. Correct.
 23 Q. Did you lie about your MySpace page back
 24 then because you couldn't post on MySpace unless you were
 25 18?

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1 A. Correct. There was a rule many years ago
 2 that you had to be 18 to have a MySpace.
 3 Q. So you lied about your age so you could
 4 post on MySpace, right?
 5 A. Yes.
 6 Q. Let's go back to the top one on this page,
 7 11-01.
 8 Are you testifying now under oath that this
 9 MySpace page where the headline says, "Twins do have more
 10 fun," and the location is given as Lox, abbreviation for
 11 Loxahatchee, and the age is 19, and it says [REDACTED]
 12 [REDACTED] is it your testimony that you did not post
 13 that?
 14 A. Correct.
 15 Q. Now let's go back to the one that you were
 16 pointing to before on this page, where it says your age
 17 is 18 and you lied about your age to post MySpace, okay?
 18 A. Uh-huh, yes.
 19 Q. All right. Why did you finally put your
 20 true age on your MySpace profile four days before you
 21 were scheduled to testify before the Grand Jury?
 22 A. I don't know what you're talking about.
 23 MR. LEOPOLD: If you don't understand, ask
 24 him to ask the question again.
 25 MR. TEIN: Don't coach.

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1 THE WITNESS: I don't know which MySpace
 2 you're talking about.
 3 BY MR. TEIN:
 4 Q. The MySpace page that you're just pointing
 5 to, where it says you were 18.
 6 A. Yes.
 7 Q. And you were lying about your age, right?
 8 A. Uh-huh.
 9 Q. Why did you finally post your true age on
 10 your MySpace profile --
 11 A. Uh --
 12 Q. -- four days before you were scheduled to
 13 testify before the Grand Jury?
 14 A. I honestly don't know which MySpace,
 15 because I've had like a bazillion Myspaces, and in that
 16 year, I had two, that one and another one, and that one's
 17 been deleted. So I don't know which one you're referring
 18 to.
 19 Q. You remember that you changed your age on
 20 your MySpace page from 18 to your true age just four days
 21 before you went and testified in the Grand Jury?
 22 A. No.
 23 Q. You don't remember that.
 24 A. No.
 25 Q. Do you remember Detective Becarey? Did you

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1 ever meet a Detective Becarey?
 2 A. I don't know the names.
 3 Q. How many different detectives have you met
 4 with on this case from Palm Beach?
 5 A. Probably a good six or seven, maybe.
 6 Q. Did one of the detectives tell you before
 7 you testified in the Grand Jury that you should take your
 8 MySpace age and put your true age?
 9 A. No.
 10 Q. Didn't Detective Becarey have to come to
 11 your house to pick you up to get you to testify in front
 12 of the Grand Jury?
 13 A. Possibly; maybe because I didn't have a
 14 ride; I was only 14 or 15 at the time.
 15 Q. Your mom didn't drive you?
 16 A. No.
 17 Q. Stepaan didn't drive you?
 18 A. I think my dad. Oh, my dad; my dad drove
 19 me.
 20 Q. Your dad drove you?
 21 A. Yes, sir.
 22 Q. So your testimony is Detective Becarey did
 23 not drive you, correct?
 24 MR. LEOPOLD: Objection. /asked and
 25 answered.

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1 THE WITNESS: No. I'm pretty sure my dad
 2 drove me, because he was there with me.
 3 BY MR. TEIN:
 4 Q. Did any detective tell you to change your
 5 age on your MySpace page, to put your true age?
 6 A. No, sir.
 7 Q. Now you also lied on your MySpace page
 8 about your income, didn't you?
 9 A. Yes.
 10 Q. And you lied, saying that you made a
 11 quarter million dollars a year and higher, correct?
 12 A. As a joke, yes.
 13 Q. That was a lie, wasn't it?
 14 A. Yes.
 15 Q. And you also lied on your MySpace page,
 16 saying that you were married, didn't you?
 17 A. Possibly. And that might have been an
 18 error on my part.
 19 Q. Now you also lie to the police, don't you?
 20 A. No.
 21 Q. Well, you lied to the police in your
 22 tape-recorded statement that you gave to Detective
 23 Michelle Pagan three years ago, didn't you?
 24 A. To my knowledge, no, I did not.
 25 Q. Well, you lied to the police when you



1 accused Mr. Epstein of attempting to murder your father,
 2 didn't you?
 3 A. No. I never heard a statement saying that
 4 Mr. Epstein tried to murder my father.
 5 Q. You made that statement, didn't you?
 6 MR. LEOPOLD: Do you have a statement to
 7 show her? That's been asked and answered.
 8 MR. TEIN: I'm sorry. I didn't hear the
 9 witness' answer, Mr. Leopold.
 10 BY MR. TEIN:
 11 Q. [REDACTED] you told the police, didn't you,
 12 that Mr. Epstein almost killed your father, didn't you?
 13 A. No.
 14 Q. Three years ago, before Mr. Epstein even
 15 knew about this investigation, you told the police that
 16 Epstein had "already come to my dad's house and did
 17 something to my dad's tires and my dad almost died. I
 18 didn't want my dad to get hurt, because Jeff already
 19 almost killed him."
 20 Didn't you say that?
 21 A. Not to my knowledge or recollection. I
 22 have never said anything like that.
 23 Q. That would have been a complete lie,
 24 wouldn't it have been?
 25 A. Yeah.



1 Q. Because Mr. Epstein never came to your
 2 dad's house, correct?
 3 A. Correct.
 4 Q. And no one who worked for Mr. Epstein ever
 5 did something to your dad's tires, did they?
 6 MR. LEOPOLD: Objection. Lack of
 7 foundation, predicate.
 8 Don't guess.
 9 BY MR. TEIN:
 10 Q. It's not true that Mr. Epstein almost
 11 killed your father, is it?
 12 MR. LEOPOLD: Objection. Asked and
 13 answered, lack of foundation, predicate.
 14 BY MR. TEIN:
 15 Q. You can answer.
 16 A. No.
 17 Q. Now you told the police that you didn't
 18 know who was in the car with you and [REDACTED] on the day
 19 you went to Epstein's house, didn't you?
 20 A. Yes.
 21 Q. And that was a lie, wasn't it?
 22 A. It's the truth.
 23 Q. You told the police that there was someone
 24 in the car next to you and you specifically said you
 25 didn't know her name, right?



1 A. Correct. I do not know her name.
 2 Q. You said, "I don't know her name, but she
 3 was dark like a Spanish girl." Those were your words,
 4 right?
 5 A. Yes.
 6 MR. LEOPOLD: Objection. Asked and
 7 answered.
 8 BY MR. TEIN:
 9 Q. Who was in the car that day with you and
 10 [REDACTED]
 11 A. Again, I do not know.
 12 Q. It was your good friend [REDACTED]
 13 wasn't it?
 14 A. No. I don't know a [REDACTED]
 15 Q. You lied to the police about who was in the
 16 car with you and [REDACTED], didn't you?
 17 A. Incorrect.
 18 Q. Let me ask you some questions about who you
 19 may have spoken to about this case. All right?
 20 A. Go ahead.
 21 Q. Did you speak to your twin sister [REDACTED]?
 22 A. Not in detail, but of course she knows
 23 she's family. And yes.
 24 Q. What's her e-mail?
 25 A. I don't think she has an e-mail.



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1 Q. What is her phone number?

2 A. Oh, gosh. I don't know off the top of my

3 head.

4 Q. And what is her home address?

5 A. She lives with my mom.

6 Q. In Georgia?

7 A. Yes, sir.

8 Q. What about [redacted] boyfriend [redacted]? Did you

9 speak to him about Epstein's case?

10 A. That's my mom's boyfriend. My sister

11 doesn't have a boyfriend. My mom's husband's name is

12 [redacted] so maybe you get them confused.

13 Q. Do you know his phone number?

14 A. No.

15 Q. Where does he live?

16 A. With my mom.

17 Q. In the same house with her?

18 A. Yes. They're married.

19 Q. So not boyfriend; husband?

20 A. Yeah, husband.

21 Q. Have you spoken to [redacted] about

22 what happened in Mr. Epstein's house?

23 A. Not in detail, but he knows the basics,

24 yes.

25 Q. What is his e-mail?

Ph. [redacted] - Fax: [redacted]
 1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



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1 A. I don't know.

2 Q. What is his phone number?

3 A. How is that relevant?

4 Q. What is his phone number?

5 A. [redacted]

6 Q. What is his home address?

7 A. I don't know.

8 Q. Where does he live?

9 A. In Palm Beach Lakes somewhere.

10 Q. Ever been to his house?

11 A. Yes.

12 Q. You don't know what his address is?

13 MR. LEOPOLD: Objection. Asked and

14 answered. She just said she doesn't know.

15 MR. TEIN: Don't coach.

16 MR. LEOPOLD: Objection. Asked and

17 answered.

18 BY MR. TEIN:

19 Q. You can answer the question.

20 A. I don't know the exact address.

21 Q. What street is it on?

22 A. It's an apartment complex; its not a

23 street.

24 Q. What's the name of the apartment complex?

25 A. Something Cove.

Ph. [redacted] 682.0905 - Fax: [redacted]
 1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



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1 Q. What apartment number is it?

2 A. I couldn't tell you.

3 Q. When was the last time you went there?

4 A. Just visited this past weekend. That's the

5 first and last time I went there.

6 Q. How about [redacted]? Have you spoken

7 to him about your case?

8 A. No. We no longer speak.

9 Q. What's his phone number? Actually, we

10 already have his phone number and e-mail.

11 How about [redacted]? Have you ever

12 spoken to her about your case?

13 A. I don't know an [redacted]

14 Q. Have you ever met [redacted]

15 A. No. But just to let you know, I don't

16 really know names. If you have pictures of their faces I

17 could tell you.

18 Q. All right. Let me see if I can refresh

19 your memory.

20 A. Okay.

21 Q. Does it refresh your memory that [redacted]

22 is the other girl who made allegations about Epstein, but

23 refused to show to the Grand Jury when she had to testify

24 about them under oath?

25 A. No, sir. I have no knowledge of any other

Ph. [redacted] - Fax: [redacted]
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1 girls in this whole situation. We're not allowed to know

2 each other.

3 Q. I didn't get the last four words.

4 A. We're not allowed to know each other.

5 Q. And what about [redacted] Have you

6 of met her?

7 A. No, sir.

8 Q. Let's see if I can refresh your memory on

9 her. She's the other person represented by your lawyer

10 Mr. Herman, who is suing Epstein for fifty million

11 dollars.

12 A. I have no knowledge of her.

13 Q. Never met her?

14 A. Never met her.

15 Q. [redacted]

16 A. I don't know who that is either.

17 Q. A person named [redacted] who knows [redacted]

18 is that [redacted]

19 A. I don't know, sir.

20 Q. Do you remember making a statement to

21 Detective Pagan that's in the police reports?

22 A. No, sir.

23 Q. Have you read the police reports in this

24 case?

25 A. Yes.

Ph. [redacted] 682.0905 - Fax: [redacted]
 1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



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1 Q. They're on the Internet, right?

2 A. Yes, I think.

3 Q. Were you surprised when the police reports

4 were released on the Internet containing your statements

5 that you had made to the police?

6 A. Yes.

7 Q. You didn't want to see that happen, right?

8 A. No.

9 Q. So you're saying you don't know a [REDACTED]

10 [REDACTED]

11 MR. LEOPOLD: Objection. Asked and

12 answered.

13 BY MR. TEIN:

14 Q. Does it refresh your memory that he was

15 somebody who had gone to jail for drugs and car theft?

16 A. No, sir.

17 Q. Someone who knows [REDACTED]?

18 A. No.

19 Q. You don't know if he met with Detective

20 Recarey?

21 A. No, sir.

22 Q. How about [REDACTED]?

23 A. Yes, I remember. I know who that is.

24 Q. Did you ever speak to [REDACTED] about what

25 happened at Mr. Epstein's house?

Ph. [REDACTED] Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401

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1 A. He knows what happened four years ago. He

2 doesn't know this is still going on today.

3 Q. What's his address? I'm sorry. I have his

4 address.

5 A. I don't know.

6 Q. How about [REDACTED]?

7 A. [REDACTED]?

8 Q. You know who that is?

9 A. I know who that is, yes.

10 Q. He's the one you stayed out drinking all

11 night one night last year when your dad reported you

12 missing?

13 A. No, sir.

14 Q. Remember the baseball game you were

15 supposed to go to?

16 A. No, sir.

17 Q. Did you speak to [REDACTED] about this

18 case?

19 A. No, sir.

20 Q. How about [REDACTED]?

21 A. That's my sister's ex-boyfriend.

22 Q. He's the one with the sawed-off shotgun

23 with the obliterated serial number?

24 A. Ask him. I would not know that

25 information.

Ph. [REDACTED] Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



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1 Q. Did you speak to [REDACTED] about this

2 case?

3 A. No, sir.

4 Q. Have you spoken to [REDACTED] about this

5 case?

6 A. No. I don't know who [REDACTED] is.

7 Q. Did your parents speak to [REDACTED]?

8 A. Ask my parents.

9 Q. Let's see if I can refresh your memory as

10 to who he is. Okay?

11 A. Uh-huh.

12 Q. He's the Vanity Fair reporter who made a

13 financial arrangement with your father.

14 A. I am aware of that. And again, I was not

15 aware like that my dad did it until after it was done.

16 And I don't know the details about that. I just know

17 what you know about that, like that they talked.

18 Q. Tell me what you know about the financial

19 arrangement that [REDACTED] the Vanity Fair reporter,

20 made with your father.

21 A. I don't know about the details at all.

22 Q. How much money did [REDACTED] give to

23 your father?

24 A. I don't even know he gave money to my dad.

25 Q. I'm sorry?

Ph. [REDACTED] - Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401

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1 A. I didn't even know he gave money to my dad.

2 Q. What do you know about the deal that [REDACTED]

3 [REDACTED] has with your father?

4 A. I only know they spoke on the telephone

5 once. I don't know anything else.

6 Q. When was that?

7 A. This was a while ago, a year or two -- or a

8 year ago. I honestly don't know.

9 Q. Did [REDACTED] the Vanity Fair

10 reporter, offer any money to your father?

11 A. I don't know.

12 Q. Did [REDACTED] the Vanity Fair

13 reporter, give you any money?

14 A. No, sir.

15 Q. Did he offer you any money?

16 A. No, sir. Never spoke to him.

17 Q. What reporters have you spoken to?

18 A. Zero.

19 Q. What about your family members? What

20 reporters have they spoken to?

21 A. The whole Palm Beach County, obviously, as

22 you can see in that newspaper.

23 Q. Tell me -- let's go through each one that

24 you remember. Other than the Vanity Fair reporter, [REDACTED]

25 [REDACTED] what other reporters have any member of your

Ph. [REDACTED] - Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



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1 family spoken to?

2 A. I don't know. And I know my mom has spoken

3 to zero. My sister spoke to zero. My father and

4 stepmother, I wouldn't know. You'd have to ask them. I

5 don't contact them.

6 Q. Well, I just want to know -- I don't want

7 you to -- I want to know what's in your mind. All right?

8 MR. LEOPOLD: She just told you. She just

9 answered --

10 MR. TEIN: Be quiet.

11 BY MR. TEIN:

12 Q. What I want to know is what you know from

13 your personal knowledge. My question to you is: What

14 knowledge do you have about family members of yours

15 speaking to reporters?

16 MR. LEOPOLD: Objection. Asked and

17 answered.

18 And if you can't talk professionally, we're

19 going to leave.

20 MR. TEIN: Do what you want to do.

21 MR. LEOPOLD: Are you going to continue to

22 talk this way?

23 MR. TEIN: I'm not going to answer any

24 question that you ask me, Mr. Leopold.

25 MR. LEOPOLD: Okay.



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1 MR. TEIN: But you are misrepresenting the

2 record and you are grandstanding for your client

3 and it's wrong. So be quiet. And you know how to

4 make an objection. Make it. Otherwise stop

5 talking.

6 BY MR. TEIN:

7 Q. [REDACTED]

8 MR. LEOPOLD: Excuse me.

9 MR. TEIN: If you want to leave the

10 deposition, leave. But you'll be back here.

11 MR. LEOPOLD: Excuse me. If I could just

12 make the record, instead of interrupting me,

13 please. That's what we do professionally.

14 There's a recorder here. I'm certainly not being

15 obstructionist. I'm going to make the record.

16 But we're going to act with some semblance of

17 professionalism, hopefully, by all parties in the

18 room. That goes to me, that goes to your

19 co-counsel sitting behind you and next to you, the

20 court reporter and everyone else in the room.

21 Everyone is entitled to that.

22 You've asked a question. She answered the

23 question fully and she's not going to be harassed

24 because you don't like the answer. If you want to

25 follow up --



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1 MR. TEIN: Stop engaging me. Make your

2 speech and then we'll ask the questions.

3 MR. LEOPOLD: Well, you won't let me finish

4 making the objection, so it's difficult to do

5 that. But if you want to follow with an

6 appropriate question, feel free to do that. But

7 we're not going to harass the witness.

8 MR. TEIN: I disagree with everything

9 you've said. Let's ask the questions. Okay?

10 MR. LEOPOLD: Ask an appropriate question.

11 MR. TEIN: Are you going to stop talking?

12 MR. LEOPOLD: I'm going to make -- protect

13 my client and make appropriate objections. But

14 there's not a question pending right now.

15 BY MR. TEIN:

16 Q. [REDACTED] has [REDACTED] spoken to any reporters?

17 A. No.

18 MR. LEOPOLD: Objection. Asked and

19 answered.

20 BY MR. TEIN:

21 Q. Has [REDACTED] been given money by any

22 reporters?

23 A. No.

24 Q. Has your son spoken to any reporters?

25 MR. LEOPOLD: Objection. Asked and



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1 answered.

2 THE WITNESS: No.

3 BY MR. TEIN:

4 Q. Has your mom's husband [REDACTED] spoken to any

5 reporters?

6 A. No.

7 Q. Has your mom's husband [REDACTED] received any

8 money from reporters?

9 A. No.

10 Q. Are you sure you don't know [REDACTED]?

11 MR. LEOPOLD: Objection. Asked and

12 answered.

13 THE WITNESS: I'm positive.

14 BY MR. TEIN:

15 Q. I'll try again to refresh your memory.

16 A. Okay.

17 Q. Does it refresh your memory that she had

18 been arrested for drugs and was cooperating with

19 Detective Recarey against Epstein to get herself a better

20 deal?

21 A. No. I don't know who she is.

22 Q. Have you spoken to anyone else who's been

23 at Epstein's house?

24 A. No.

25 Q. Without telling me what was said -- I don't



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1 want to know about any conversations with any lawyers,
 2 okay --
 3 A. Uh-huh.
 4 Q. -- did you or your parents speak to any
 5 other law firms besides Mr. Herman and Mr. Leopold's law
 6 firms?
 7 A. No.
 8 Q. Now without telling me about anything that
 9 was said, what -- did one just come to mind?
 10 A. No. I was thinking about something else.
 11 Q. What were you thinking about?
 12 A. Does family court matter?
 13 Q. Okay. Without telling me what was said,
 14 who prepared you for today's deposition?
 15 A. What do you mean prepared?
 16 Q. Did you talk about this deposition, about
 17 what would happen, with anybody?
 18 A. Yes.
 19 Q. Don't tell me what was said.
 20 A. Okay.
 21 Q. I'm not asking that. I don't want to know
 22 that.
 23 A. Okay.
 24 Q. Who prepared you for today's deposition?
 25 A. Mr. Leopold.

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1 Q. Anybody else?
 2 A. No.
 3 Q. When did you meet with Mr. Leopold to
 4 prepare for today's deposition?
 5 A. This morning.
 6 Q. And how long did that meeting last?
 7 A. Until it started.
 8 Q. Now you told me that you previously had
 9 read the police reports in this case?
 10 A. Yes.
 11 Q. Have you read your statement that you gave
 12 to the police?
 13 A. Yes, sir.
 14 Q. And in what form was that statement?
 15 A. What do you mean?
 16 Q. Was it in the form of a police report or a
 17 transcript?
 18 A. What's the difference?
 19 Q. A transcript has questions and answers on
 20 it. A police report is just typed out narrative.
 21 A. Oh, it's a police report.
 22 Q. And when did you read the police report?
 23 A. A few days ago. I overread it a few days
 24 ago.
 25 Q. Had you read it before that?



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1 A. No.
 2 Q. Now you told me -- again, I don't want to
 3 know what was said.
 4 A. Uh-huh.
 5 Q. You told me that you met with Mr. Leopold
 6 this morning to prepare for your deposition, right?
 7 A. Yes.
 8 Q. When did you set up that meeting with
 9 Mr. Leopold to take place this morning?
 10 A. Gee, like, like five days ago, four days
 11 ago.
 12 Q. So you're aware that Mr. Leopold told us
 13 that he could not start the deposition this morning
 14 because he had a court appearance, correct?
 15 MR. LEOPOLD: Don't answer that question.
 16 Calls for attorney/client communications.
 17 BY MR. TEIN:
 18 Q. Have you seen the letter that Mr. Leopold
 19 wrote to us stating that he -- an e-mail that Mr. Leopold
 20 wrote to Mr. Goldberger stating that he could not be here
 21 this morning because he had a court appearance? Did you
 22 see that e-mail?
 23 MR. LEOPOLD: You can answer that question.
 24 THE WITNESS: No.
 25

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1 BY MR. TEIN:
 2 Q. Have you listened to your tape-recorded
 3 statement to the police?
 4 A. Yes.
 5 Q. Where did you listen to that?
 6 A. In, I think, this building. I don't know.
 7 It was here.
 8 Q. When did you listen to that statement?
 9 A. This morning.
 10 Q. And who was present when you listened to
 11 that statement?
 12 A. Mr. Leopold -- and I forget your name.
 13 MR. GOLDBERGER: Ms. [redacted].
 14 THE WITNESS: Ms. [redacted].
 15 BY MR. TEIN:
 16 Q. And you hadn't listened to your statement
 17 before that, correct?
 18 A. No, sir.
 19 Q. Have you met with lawyers representing
 20 anyone else suing Epstein?
 21 A. No, sir.
 22 Q. How many times have you spoken to officers
 23 with the Palm Beach Police Department?
 24 A. More than I like can count. It's been
 25 ongoing for four years, so quite a few times.



1 Q. When was the last time you spoke with
 2 officers of the Palm Beach Police Department?
 3 A. A while ago. I'd say a year ago.
 4 Q. A year ago?
 5 A. Yeah. Maybe a year and a half.
 6 Q. Do you remember Detective Becarey?
 7 A. No.
 8 Q. Do you remember Michelle Pagan, Detective
 9 Pagan?
 10 A. Yes.
 11 Q. How many times have you spoken to Detective
 12 Pagan?
 13 A. She was the only one I spoke to about this
 14 until for some reason she wasn't on the case anymore.
 15 Q. When was that?
 16 A. The first meeting I ever had was with her
 17 and then I think like I met with her like 10 times or 12
 18 times or something like that, and then I didn't get --
 19 another investigator questioned me after that.
 20 Q. And who was that?
 21 A. I don't remember.
 22 Q. And what type of questions did they ask
 23 you?
 24 A. The same.
 25 Q. The same questions all over again?



1 A. Basically.
 2 Q. How many taped statements have you given to
 3 the police?
 4 A. One that I know of.
 5 Q. Just the one with Detective Pagan?
 6 A. Yes, sir.
 7 Q. How about to the FBI? Did you give any
 8 statements to them?
 9 A. No. Well, actually, I don't really
 10 remember if that was taped or not, to be honest with you.
 11 I had one meeting with them at my house and don't know if
 12 it was taped.
 13 Q. You were interviewed at [REDACTED]
 14 house?
 15 A. No. That was by the lawyer.
 16 Q. Oh, by the lawyer?
 17 A. Uh-huh.
 18 Q. Where did the conversation that you had
 19 with the FBI take place?
 20 A. At my father's residence.
 21 Q. Which is where?
 22 A. On [REDACTED] in Loxahatchee.
 23 Q. On where?
 24 A. [REDACTED] in Loxahatchee.
 25 Q. And when did that take place?



1 A. I'd have to say like a year and a half ago,
 2 a year ago. It was a long time ago.
 3 (Discussion held off the record.)
 4 MR. TEIN: Tell me the last answer, please.
 5 (Thereupon, a portion of the record was read
 6 by the reporter.)
 7 BY MR. TEIN:
 8 Q. And who was present when the FBI spoke to
 9 you at your father's house?
 10 A. My stepmother was there, but she wasn't
 11 around. She made herself like do other things.
 12 Q. And how many FBI agents were there?
 13 A. I think four.
 14 Q. And you don't remember any of their names?
 15 A. No, sir.
 16 Q. And were there any lawyers there?
 17 A. Not that I know of.
 18 Q. And none of them gave you their cell phone
 19 numbers?
 20 A. No.
 21 Q. And the last time you spoke to the FBI was
 22 a year and a half ago?
 23 A. It was a while ago.
 24 MR. LEOPOLD: Objection. Asked and
 25 answered.



1 BY MR. TEIN:
 2 Q. And the last time you spoke to the federal
 3 prosecutor's office was when?
 4 A. I don't know.
 5 Q. Did any of the FBI agents tell you that
 6 [REDACTED] Villaфона had spoken with Mr. Leopold?
 7 A. No.
 8 Q. Did any of the FBI agents tell you that
 9 [REDACTED] Villaфона had spoken with Mr. Herman?
 10 A. No.
 11 Q. Did any FBI agents tell you that Jeff
 12 Sloman spoke with Mr. Herman?
 13 A. No.
 14 Q. Did any FBI agents tell you that Jeff
 15 Sloman spoke with Mr. Leopold?
 16 A. No.
 17 Q. Do you know whether any of the federal
 18 prosecutors allowed Mr. Herman to review a draft
 19 indictment?
 20 A. I wouldn't know.
 21 Q. Do you know if any of the federal
 22 prosecutors discussed a draft indictment with Mr. Herman?
 23 A. I wouldn't know.
 24 Q. Have you ever e-mailed with any FBI agent
 25 or any federal prosecutor?



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1 A. No.

2 Q. Have you ever text messaged with any FBI
3 agent or any federal prosecutor?

4 A. No.

5 Q. Has the FBI told you about other testimony?

6 A. No.

7 Q. Has the FBI told you about what other girls
8 have said?

9 A. No.

10 Q. Have federal prosecutors told you what
11 other girls have said?

12 A. No.

13 Q. Do you have any way of getting in touch
14 with the FBI if you wanted to get in touch with them?

15 A. No.

16 Q. How about your parents? Do they know how
17 to get in touch with the FBI?

18 A. I don't know.

19 Q. And by your parents, I'm referring to both
20 sets, okay?

21 A. Oh. Well, I'm referring to only my dad,
22 because my mom really doesn't care to know any of this
23 stuff.

24 Q. So the answer would be the same for your
25 mom and [REDACTED]

Ph. [REDACTED] 0905 - Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



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1 A. Yeah.

2 Q. Have you spoken to a lawyer named Burt
3 Ocariz about this case?

4 A. No.

5 Q. Do you know who Burt Ocariz is?

6 Let's see if I can refresh your memory.
7 Does it refresh your memory that he's a good friend of
8 [REDACTED] Villafona's boyfriend?

9 A. I don't know who [REDACTED] Villafona is.

10 Q. [REDACTED] Villafona is the lead federal
11 prosecutor that's on the federal part of this case.
12 Okay?

13 A. No.

14 Q. So does it refresh your memory that Ocariz
15 is the good friend of [REDACTED] Villafona's boyfriend?

16 A. Not at all.

17 Q. Does it refresh your memory that Villafona
18 tried to get Epstein to pay for Ocariz to represent you
19 in the federal case?

20 A. No.

21 Q. Do you know if Detective Recarey has spoken
22 with your father?

23 A. No.

24 Q. Do you know if Detective Recarey has spoken
25 to your stepmother?

Ph. [REDACTED] - Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



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1 A. No.

2 Q. How about with [REDACTED]

3 A. Yes, I would know; and no, she did not.

4 Q. Let's put up -- let me ask you some
5 questions about the photo that you had posted on your
6 MySpace page before you erased it last week. Okay?

7 A. Okay.

8 MR. TEIN: Do you mind if we close the door
9 a second, please.

10 MR. LEOPOLD: Exhibit number, please.

11 MR. TEIN: Put up 25-005.

12 Hold on a second.

13 MR. LEOPOLD: Don't say anything. She was
14 talking to her counsel.

15 MR. TEIN: Put up 25-006.

16 MR. LEOPOLD: Is that 005 right there?

17 MR. TEIN: Yes.

18 BY MR. TEIN:

19 Q. Who took this photo of you in a warehouse,
20 simulating being gang-raped by a bunch of --

21 MR. LEOPOLD: Objection. Mischaracterizes
22 the photograph, and lack of foundation and
23 predicate.

24 Fully explain if you need to.

25 THE WITNESS: I will.

Ph. [REDACTED] - Fax. [REDACTED] 1771
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



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1 First off, this is not a warehouse. This
2 is in [REDACTED] garage.

3 Second of all, I'm not being gang-raped.
4 Everyone has their clothing on.

5 Thirdly, if you'd look at all the other
6 pictures in that album, I'm drinking -- what's
7 when you're sick you drink it?

8 BY MR. TEIN:

9 Q. You can't ask questions of your counsel.

10 A. All right. I'm drinking like Sprite. I'm
11 not drinking any kind of alcohol, if you would look at my
12 other pictures in that album.

13 You guys picked the possibly worst pictures
14 out of there to present. And it was just a goofy
15 picture. All of these kids like to be goofy. And that's
16 what we were doing.

17 Q. Who's the man on the left of the picture
18 holding his -- holding a beer bottle as if it were a
19 penis towards your mouth?

20 A. [REDACTED]

21 Q. Who's the man behind you, right up towards
22 your backside, with you bent over?

23 A. That one?

24 Q. The right side, kissing with his mouth.

25 A. That's [REDACTED]

Ph. [REDACTED] - Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



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1 Q. So's the one grabbing towards the groin
2 area of [REDACTED]
3 A. Yes.
4 Q. And there's three other men in the photo.
5 What are their names? The one on the left with the hat?
6 A. That's [REDACTED] (phonetic).
7 Q. Smiling?
8 A. Yes.
9 Q. Who's the one kissing --
10 MR. LEOPOLD: Don't interrupt. Let her
11 finish the record. She's testifying.
12 MR. TEIN: I know you don't like this
13 picture, my friend.
14 MR. LEOPOLD: The picture is fine.
15 BY MR. TEIN:
16 Q. Who's the one with the hat?
17 MR. LEOPOLD: No. Hold on. Stop, [REDACTED]
18 You have to let the witness finish her
19 answer. She was in the process of explaining and
20 you cut her off.
21 Please finish what you were saying and then
22 Counsel can ask you whatever he wishes after that.
23 THE WITNESS: Okay. This guy --
24 MR. LEOPOLD: Just make it so the record is
25 clear who you're referring to.

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1 THE WITNESS: -- on the far left is [REDACTED]
2 [REDACTED]
3 BY MR. TEIN:
4 Q. He's the one whose head is near the groin
5 of [REDACTED] right?
6 A. Yes.
7 Q. And in the middle there's a man smiling.
8 Who's that?
9 A. That's [REDACTED]
10 Q. And who's the one in the red hat, kissing?
11 A. That's [REDACTED] (phonetic).
12 Q. Let me stop you for a second. Are you
13 done?
14 A. Yes, I'm done.
15 Q. Who is [REDACTED]
16 A. My sister's friend. Well, she's a mutual
17 friend, but more my sister's.
18 Q. What is her last name?
19 A. [REDACTED]
20 Q. Spell that.
21 A. I don't know how to --
22 Q. Have you spoken to her about this case?
23 A. No.
24 Q. Who's [REDACTED]
25 A. My sister's friend. I don't really speak



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1 to him at all.
2 Q. What's his last name?
3 A. [REDACTED]
4 Q. [REDACTED]
5 A. [REDACTED]
6 Q. And have you spoken to [REDACTED] about this
7 case?
8 A. No, sir.
9 Q. Have you spoken to [REDACTED] about this case?
10 A. Not in detail, but yes.
11 MS. [REDACTED]: Are we referring to
12 [REDACTED]?
13 THE WITNESS: Yes.
14 MR. TEIN: Yes.
15 MS. [REDACTED]: Okay.
16 BY MR. TEIN:
17 Q. Have you spoken to [REDACTED] about this case?
18 A. [REDACTED]?
19 Q. Do you have a friend named [REDACTED]
20 A. I do not have a friend named [REDACTED]
21 Q. From freshman year?
22 A. No.
23 Q. How about [REDACTED]
24 A. No.
25 Q. Have you spoken to [REDACTED] about this case?

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1 A. No.
2 Q. What's her last name?
3 A. [REDACTED] I don't know how to spell it.
4 Q. Is she the person whose house you went to
5 on New Year's this year?
6 A. No. I wasn't at her house on New Year's.
7 Q. Where were you when you took the picture of
8 "Can you say blaise," that's on your website?
9 A. I wouldn't know or -- wait. We were at a
10 birthday party for some girl's 16th birthday.
11 Q. Were you drinking at that party?
12 A. No. There was no alcohol or anything
13 there.
14 Q. What does "blaise" mean to you?
15 A. It's like -- it just means like messed up.
16 But we weren't, if you look at the picture.
17 Q. Messed up like drunk, right?
18 A. Sure.
19 Q. Who's [REDACTED]
20 A. A girl I know, like from like two years
21 ago.
22 Q. She's the one you were supposed to be
23 staying with when you went drinking with [REDACTED]
24 A. No.
25 Q. What's [REDACTED] last name?



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1 A. [REDACTED]

2 Q. Where does she live?

3 A. I don't know. In Royal Palm.

4 Q. [REDACTED]

5 A. Uh-huh. I'm guessing.

6 Q. Do you know her phone number?

7 A. No, I do not.

8 Q. Let's look at 25-010.

9 A. See, I'm drinking --

10 Q. I'm not asking you about what you're

11 drinking.

12 Who are the men in this photo who are

13 pretending to gang up on you and stab you with knives?

14 Who are they?

15 A. [REDACTED] and [REDACTED]

16 Q. Are these firemen?

17 A. Are those? [REDACTED] -- he said the

18 two stabbing with knives. That's why I said that. I

19 don't know. That's [REDACTED] and [REDACTED]

20 Q. Are these firemen?

21 A. No. They're all on -- except [REDACTED]

22 they're all on full rights for football.

23 Q. Go to 025-015.

24 MR. LEOPOLD: 025 dash?

25 MR. TEIN: 015.

Ph. [REDACTED] - Fax. [REDACTED]

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1 THE WITNESS: Gosh, that's so long ago.

2 BY MR. TEIN:

3 Q. Who took the photo of you licking the

4 penis?

5 A. My stepmother.

6 Q. Whose idea -- that was your stepmother's

7 idea?

8 A. It was in Boca di Beppo, where she works

9 currently, and that was before she worked there. And we

10 just thought it would be funny.

11 MR. TEIN: 19-007. Can you enlarge that?

12 BY MR. TEIN:

13 Q. Who took this photo of you simulating you

14 having sex with a man?

15 A. We're not simulating having sex, and

16 it's -- oh, and the person who took it was, I'm pretty

17 sure, [REDACTED] but I know him as [REDACTED] I don't know his

18 last name.

19 Q. Go to 19-006, please.

20 Who took this photo of you simulating sex

21 with a man?

22 A. The same person. And we're not simulating

23 having sex, Mr. --

24 Q. Tein.

25 Did you post that on the Internet?

Ph. [REDACTED] - Fax. [REDACTED]

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1 A. Actually, this is an old MySpace I never

2 finished and I never like did anything. I just kind of

3 made it and left it.

4 Q. So the answer is yes, you posted this on

5 MySpace?

6 A. Yup.

7 Q. Go to 25-014. Who took this photo of you

8 simulating sex with a woman?

9 MR. LEOPOLD: Object to the form of the

10 question. Argumentative.

11 THE WITNESS: First off, she's piercing my

12 belly button or repiercing it, and I'm pretty sure

13 it was just like we put up a camera somewhere and

14 put a timer on it. We didn't have anybody take

15 it.

16 BY MR. TEIN:

17 Q. You posted that on your MySpace page?

18 A. Yeah.

19 Q. Go to 25-013. Is that a photo of you?

20 A. Yep.

21 Q. Who's in the photo with you?

22 A. [REDACTED]

23 Q. [REDACTED]

24 A. Yep.

25 Q. Is this you coming out of the shower?

Ph. [REDACTED] - Fax. [REDACTED]

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1 A. Yes.

2 Q. Are you clothed in this picture?

3 A. Yeah. I have a halter dress on.

4 Q. Where is that picture taken?

5 A. In [REDACTED] house.

6 Q. Did you post that on the Internet?

7 A. Yes.

8 Q. All right.

9 MR. TEIN: You can take that down.

10 BY MR. TEIN:

11 Q. Now your boyfriend is [REDACTED]

12 correct?

13 A. Yeah.

14 Q. You lie about your age in order to conceal

15 something about your relationship with [REDACTED]

16 isn't that correct?

17 A. No.

18 Q. [REDACTED] 22 years old, isn't he?

19 A. Yes.

20 Q. And [REDACTED] is a firefighter with the Palm

21 Beach Fire Department, right?

22 A. Yup.

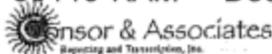
23 Q. Does the Palm Beach Fire Department know

24 that your boyfriend is dating an underage girl?

25 A. Actually, mister, it's legal.

Ph. [REDACTED] - Fax. [REDACTED]

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1 Q. Well --

2 MR. LEOPOLD: Just answer the question,

3 [REDACTED]

4 THE WITNESS: Yes.

5 BY MR. TEIN:

6 Q. Did they know two weeks ago that you were

7 dating an underage girl (sic)?

8 A. Yes. I met everybody in there.

9 Q. Did they know your age?

10 A. Yes.

11 Q. Did you lie about your age so that the fire

12 department wouldn't think that [REDACTED] is committing a

13 crime by having a sexual relationship with an underage

14 girl?

15 MS. [REDACTED] Objection. Assumes facts

16 not in evidence.

17 BY MR. TEIN:

18 Q. You can answer the question.

19 A. No.

20 Q. Does the Palm Beach Police Department know

21 that [REDACTED] is having a sexual relationship with an

22 underage girl?

23 MR. LEOPOLD: Don't guess. Answer if you

24 know.

25 THE WITNESS: Can you repeat the question?

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1 BY MR. TEIN:

2 Q. Does the Palm Beach Police Department know

3 that [REDACTED] a member of the Palm Beach Fire Department,

4 is having a sexual relationship with an underage girl?

5 A. I'm guessing no.

6 Q. You lie about your twin sister [REDACTED] don't

7 you?

8 MR. LEOPOLD: Objection. Argumentative.

9 BY MR. TEIN:

10 Q. Don't you?

11 A. No. I have never lied for or to [REDACTED]

12 Q. You lie about the fact that she has a drug

13 habit, right?

14 A. No. I would never accuse my sister of

15 having a drug habit.

16 Q. Do you try to conceal the fact that she has

17 a drug habit?

18 MR. LEOPOLD: Objection. Argumentative.

19 BY MR. TEIN:

20 Q. You can answer the question.

21 A. No. My sister does not have a drug habit.

22 Q. You lied when you went to the crack house

23 in Georgia, didn't you?

24 MR. LEOPOLD: Objection. Argumentative.

25 Lack of foundation, lack of predicate.



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1 THE WITNESS: Never -- what did you say?

2 BY MR. TEIN:

3 Q. You lied when you went to the crack house

4 in Georgia, didn't you?

5 MR. LEOPOLD: Objection. Argumentative.

6 Lack of foundation, lack of predicate.

7 BY MR. TEIN:

8 Q. You can answer the question.

9 A. I have never been to a crack house.

10 Q. Who don't you lie to?

11 MR. LEOPOLD: Objection. Argumentative.

12 Don't answer the question.

13 MR. TEIN: Certify it.

14CERTIFIED QUESTION.....

15 BY MR. TEIN:

16 Q. You don't lie to [REDACTED] do you?

17 MR. LEOPOLD: Objection. Asked and

18 answered.

19 Don't answer the question.

20 BY MR. TEIN:

21 Q. No. You can answer that question.

22 MR. LEOPOLD: No. I just told her not to.

23 You've asked that question about five --

24 MR. TEIN: No, I haven't.

25 MR. LEOPOLD: Don't answer the question.

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1 MR. TEIN: I'll certify it.

2CERTIFIED QUESTION.....

3 MR. LEOPOLD: For the record, you have to

4 stop interrupting me because she can't take down

5 both of us talking at the same time.

6 BY MR. TEIN:

7 Q. You tell [REDACTED] the truth, don't you?

8 A. Excuse me?

9 Q. You tell [REDACTED] the truth, don't you?

10 A. When it's -- yes, I tell [REDACTED] the truth.

11 Q. Who's [REDACTED] drug dealer?

12 A. My sister does not have a drug dealer. She

13 lives in Georgia with my mother.

14 Q. Okay. Who is the drug dealer who dropped

15 you and [REDACTED] off at 5:45 [REDACTED], in 2006, after being out

16 all night, the two of you, using drugs at Palm Beach

17 Country Estates where your father called the police?

18 A. [REDACTED]

19 Q. He's the drug dealer?

20 A. He is a drug dealer.

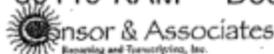
21 Q. Do you remember [REDACTED] was arrested by the

22 Palm Beach Police Department and taken to the Juvenile

23 Assessment Center that morning?

24 A. I do remember that.

25 Q. Now before you massaged Epstein, you were



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1 involuntarily admitted into a juvenile educational
2 facility; isn't that right?
3 A. Did you say involuntarily?
4 Q. Yes.
5 A. No. I was willing to go. I -- duly said
6 sure.
7 Q. And you went there because you were lying
8 so much, no one could control you; isn't that correct?
9 A. That's very incorrect.
10 Q. Now you lie to your parents all the time,
11 don't you?
12 A. Incorrect.
13 MR. LEOPOLD: Objection. Argumentative.
14 BY MR. TSIN:
15 Q. Sorry?
16 A. Incorrect.
17 Q. The day you went to Epstein's house you
18 lied to your father about where you were going; isn't
19 that correct?
20 A. Correct.
21 Q. You admitted to the police that you told
22 your father that you were going shopping, didn't you?
23 A. Yes.
24 Q. And that was a lie, wasn't it?
25 A. Yes.

Ph. [REDACTED] - Fax. [REDACTED]
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1 Q. And isn't it true that your father has
2 accused you of lying?
3 A. All the time.
4 Q. Didn't your father throw you out of the
5 house Thanksgiving of this past year because you were
6 lying so much to him?
7 A. Yes, he did kick me out. No, that's not
8 the reasons why.
9 Q. Didn't your father throw your sister [REDACTED]
10 out of the house, too?
11 A. Yes.
12 Q. And he threw her out of the house the week
13 after Thankgivings, right?
14 A. I don't know the date, but sure.
15 Q. Sounds about right?
16 A. Sure.
17 Q. And the reason he threw her out of the
18 house was because she was lying, too?
19 MR. LEOPOLD: Objection. Lack of
20 foundation. Calls for speculation.
21 BY MR. TSIN:
22 Q. When your counsel coaches you, you say it's
23 correct, right?
24 A. I've never been coached.
25 MR. LEOPOLD: Objection.

Ph. [REDACTED] - Fax. [REDACTED]
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1 BY MR. TSIN:
2 Q. Okay. When your counsel that it was there
3 was lack of foundation, you agree with your counsel,
4 right?
5 A. I was like saying, "Yeah, let's move on,"
6 because there was no point to asking that question.
7 Q. Your father threw [REDACTED] out of the house
8 because she was lying, correct?
9 MR. LEOPOLD: Objection. Lack of
10 foundation.
11 Hold on, [REDACTED] Let me just make the
12 objection.
13 Lack of foundation, predicate, calls for
14 speculation.
15 BY MR. TSIN:
16 Q. Answer.
17 A. I'm not my sister. I don't know.
18 Q. I want to know what you know only.
19 A. I don't know.
20 Q. You don't know. That's your answer?
21 A. Yes.
22 Q. Now your parents filed the police report
23 regarding Mr. Epstein, right?
24 A. Yes.
25 Q. Now your parents are also lying, aren't

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1 they?
2 A. Yes.
3 MR. LEOPOLD: Just so the record is clear,
4 the father -- because the mother was up north.
5 MR. TSIN: Don't testify, Counsel.
6 MR. LEOPOLD: So the record is clear, just
7 the father. The mother was --
8 MR. TSIN: Counsel, don't coach and
9 testify, please. That's absolutely improper.
10 MR. LEOPOLD: You just asked the wrong
11 question.
12 MR. TSIN: You can't coach her that way and
13 you well know it.
14 MR. LEOPOLD: For the record, it's the
15 father. He's remarried, I think on his third
16 marriage.
17 MR. TSIN: You cannot -- it's absolutely,
18 totally against the rules and you know it.
19 MR. LEOPOLD: The natural mother lives in
20 Georgia.
21 MR. TSIN: You need to behave yourself,
22 lawyer.
23 MR. LEOPOLD: The natural mother lives in
24 Georgia. The father is here locally.
25 MR. TSIN: Stop coaching. Stop talking.

Ph. [REDACTED] - Fax. [REDACTED]
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1 You object. You know the rules. You just
 2 lectured me about the rules, Counsel. So why
 3 don't you play by the rules? Or only when they
 4 fit you? Why don't you grandstand a little more
 5 now. Give us a five-minute speech, Mr. Leopold.
 6 MR. LEOPOLD: Are you finished, for the
 7 record?
 8 MR. TEIN: I'm not talking to you. Do what
 9 you want.
 10 MR. LEOPOLD: Don't say anything yet.
 11 BY MR. TEIN:
 12 Q. [REDACTED] your parents --
 13 MR. LEOPOLD: Hold it. Don't say anything
 14 yet. Let me --
 15 BY MR. TEIN:
 16 Q. Your parents, who filed the police report
 17 are also liars.
 18 MR. LEOPOLD: Don't answer the question.
 19 We're not going to answer until I make the record.
 20 I want to put on the record, now that Counsel
 21 appears to be finished with his comments for the
 22 record, that the previous question was
 23 inappropriate, was intentionally misleading.
 24 Now you can ask the question.
 25 BY MR. TEIN:

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1 Q. Your parents, who filed the police report
 2 in this case, are also proven liars, aren't they?
 3 MR. LEOPOLD: Same objection.
 4 BY MR. TEIN:
 5 Q. Aren't your parents liars?
 6 MR. LEOPOLD: Calls for speculation. Lack
 7 of predicate.
 8 MR. TEIN: Stop coaching. You know what
 9 that is, Leopold.
 10 MR. LEOPOLD: Calls for speculation. Lack
 11 of foundation.
 12 THE WITNESS: When you say parents, my mom
 13 is not, but sure, yeah, my dad has been to jail
 14 for lying.
 15 BY MR. TEIN:
 16 Q. Your dad went to federal prison for two
 17 years for lying, right?
 18 A. Correct.
 19 Q. Did he tell you it was for a financial
 20 fraud?
 21 A. Yes.
 22 Q. For stealing money from some financial
 23 institution?
 24 A. Correct.
 25 Q. And do you think your father is trying to



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1 steal your lawsuit money away from you?
 2 Don't look to your lawyer for the answer.
 3 MR. LEOPOLD: You can answer if you know
 4 the answer to it. I have no idea.
 5 THE WITNESS: Yeah.
 6 BY MR. TEIN:
 7 Q. And your father filed a lawsuit, the first
 8 lawsuit for fifty million dollars against Mr. Epstein
 9 without consulting you, correct?
 10 A. Correct.
 11 Q. And your father had a lawyer file the first
 12 lawsuit on your behalf for fifty million dollars against
 13 Mr. Epstein without your knowledge, correct?
 14 A. Correct.
 15 Q. And you don't trust your father, do you?
 16 A. Correct.
 17 Q. And you believe he's trying to manipulate
 18 you for his own gain, don't you?
 19 A. Sort of.
 20 Q. Well, you know that your mother filed a
 21 statement, an affidavit, saying that you don't trust your
 22 father and that you believe he's trying to manipulate you
 23 for his own gain; isn't that correct?
 24 A. Correct.
 25 Q. You agree with that statement, don't you?

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1 A. Uh-huh. Yes.
 2 Q. Do you trust your stepmother?
 3 A. My stepmother, no.
 4 Q. You think she's also trying to steal your
 5 Epstein lawsuit money away from you, don't you?
 6 A. I would like to clarify something. You
 7 keep saying my Epstein lawsuit money. I don't have any
 8 money, and it's just a lawsuit at the moment. So I just
 9 don't trust her.
 10 Q. Okay. You think that your stepmother is
 11 trying to take advantage of this lawsuit to try to get
 12 money from Mr. Epstein that belongs to you, right?
 13 A. Yes.
 14 Q. Did your stepmother tell you why she was
 15 arrested?
 16 A. No.
 17 Q. Did your stepmother tell you that she's
 18 ever been arrested?
 19 A. No.
 20 Q. Did she tell you she was arrested for
 21 fraud?
 22 A. Never.
 23 Q. Did she tell you that she was fired from
 24 Hawthorne Aviation?
 25 A. No.



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1 Q. Did she tell you that she was fired from
2 Hawthorne Aviation for stealing?
3 A. No.
4 MR. TEIN: Let's take a break.
5 (Thereupon, a recess was taken.)
6 BY MR. TEIN:
7 Q. [REDACTED] before you met Jeffrey Epstein, had
8 you ever had sexual intercourse?
9 A. Yes, yeah.
10 Q. How many times?
11 A. Just a few. Twice.
12 Q. With how many different men?
13 A. Two.
14 Q. How old were they?
15 A. [REDACTED] being one year older than me,
16 and then the other person was two years older than me.
17 Q. What was his name?
18 A. [REDACTED]
19 Q. How old were you when you first had sexual
20 intercourse?
21 A. 14.
22 Q. How many -- before you met Epstein, how
23 many different men had you had any type of sexual
24 activity with?
25 A. Just those two.

Ph. [REDACTED] - Fax. [REDACTED] 682.1771
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1 Q. Are you saying you never kissed a man other
2 than those two?
3 MR. LEOPOLD: Objection to the form of the
4 question.
5 THE WITNESS: Yes, I had kissed people
6 before.
7 BY MR. TEIN:
8 Q. Before you met Epstein, had you ever had
9 oral sex?
10 A. No.
11 Q. Ever in your life, have you exchanged sex
12 for something of value?
13 A. No.
14 MR. TEIN: We're done.
15 THE WITNESS: Oh, okay.
16 MR. LEOPOLD: We'll read.
17 MS. [REDACTED] I don't have any
18 questions. Thank you.
19 MR. LEOPOLD: Before we go off the record,
20 it's my understanding -- Mr. Goldberger can
21 correct the record -- but we have stipulated that
22 color copies of the documents that were identified
23 for identification certainly will be attached to
24 the deposition and counsel will be taking the
25 photographs across street so that they can be

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1 laser color copied so that we have a copy, and I'm
2 assuming he'll get a copy to the court reporter,
3 too, to attach, actually a certified copy to the
4 deposition.
5 MR. GOLDBERGER: Done.
6 MR. LEOPOLD: That's if you agree to that.
7 If not, then I want to pull each one out and put
8 exhibit labels on them, which we should do before
9 we leave.
10 MR. GOLDBERGER: We're not going to do
11 either. I'll have copies sent to the court
12 reporter and she can attach them to the
13 deposition.
14 MR. LEOPOLD: So you're not going to agree
15 to what we talked about during the break then.
16 MR. GOLDBERGER: I'm not quite sure what
17 your asking me to do. Let me finish.
18 MR. LEOPOLD: Okay. Sure. That's fine.
19 MR. GOLDBERGER: Okay. If you want me to
20 go over to Ms. [REDACTED] office and make copies
21 and then I'll give those to the court reporter,
22 fine. All I'm saying is that I would avoid that
23 process. I would send copies to the court
24 reporter. But if it will make you happier --
25 MR. LEOPOLD: I'm not?

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1 MR. GOLDBERGER: Let me finish.
2 MR. LEOPOLD: I'm not interrupting now.
3 MR. GOLDBERGER: But if it will make you
4 happier if I go over to Ms. [REDACTED] office
5 and make a copy of those photos that were part of
6 this deposition and then I'll give them to the
7 court reporter, I'll be happy to do it.
8 MR. LEOPOLD: I trust you implicitly,
9 however you wish to do it. However, the
10 documents, before they leave this room, need to
11 have an exhibit sticky on them with the
12 appropriate --
13 MR. GOLDBERGER: Want to go get some? We
14 don't have any.
15 MR. LEOPOLD: I will do that. Excuse me.
16 Let me finish the record, please. You can't do
17 that to the court reporter. She's going to stroke
18 out. You can't do that. You have to let me --
19 MR. TEIN: Finish your sentence, Ted. You
20 are the most long-winded lawyer I've ever seen in
21 my life. Finish your sentence.
22 MR. LEOPOLD: Jack, tell him not to raise
23 his voice, please.
24 MR. TEIN: Finish your sentence. Is there
25 going to be a period at the end of the sentence or

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1 is it just going to be comma after comma after
2 comma?

3 Go ahead, lawyer.

4 MR. LEOPOLD: All right. The exhibits, I
5 can't prevent you from taking them, but I will
6 object and I will be bringing it to the court for
7 sanctions. You cannot take the exhibits out of
8 the room without them being marked. I want them
9 marked, because you cannot identify in the record
10 what was used. And with all due respect to
11 Mr. Goldberger, I do not -- the way this
12 deposition is going, I do not want to rely on
13 Counsel from Miami to mark the appropriate
14 exhibits. I will not do that. I cannot prevent
15 you from taking them. But if you do, I will be
16 bringing the matter to the court with appropriate
17 sanctions, because that is improper. That is
18 improper. When you use something in a deposition,
19 they are to be marked. And you have refused to do
20 that throughout for what ever reason.

21 MR. TEIN: You're wrong. Finish your
22 sentence because you're talking about something
23 you have no idea.

24 Every single one is marked, Ted. Every
25 single one is already marked. But you want to

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1 argue about everything. Ever single one is
2 already marked. Isn't that silly, Ted?

3 MR. GOLDBERGER: Thirty years of doing this
4 and I have never had an argument over this.

5 MR. TEIN: You've made -- Ted, you are
6 obstructionist, you are a liar. You have lied and
7 misrepresented things, for the record. You are
8 grandstanding.

9 MR. LEOPOLD: You need to back up.

10 MR. TEIN: No, no. I'm going to finish.

11 MR. LEOPOLD: You can finish, but don't
12 hover over me.

13 MR. TEIN: No one is hovering over you.
14 Stop trying to make a lying record.

15 Let me say something else.

16 Don't you dare threaten me with sanctions,
17 after you lied in a letter to my co-counsel about
18 the fact -- be quiet. Be quiet and let me finish.
19 You lied in a letter to my co-counsel,
20 Mr. Leopold, in which you said -- it was a
21 complete and utter lie -- that you were
22 unavailable this morning because you had a
23 hearing. That was a lie. I have never seen a
24 lawyer daign to do something like that.

25 So you will get the ex -- be quiet. Let me

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1 finish. You behave.

2 MR. LEOPOLD: Don't point your finger at
3 me.

4 MR. TEIN: Listen. Be quiet and I won't
5 have a need to point it at you.

6 MR. LEOPOLD: Don't point your finger at --

7 MR. TEIN: Mr. Leopold --

8 MR. LEOPOLD: Don't point your finger at
9 me.

10 MR. TEIN: Mr. Leopold, let me finish.

11 MR. LEOPOLD: Don't raise your voice
12 either.

13 MR. TEIN: Mr. Leopold --

14 MR. LEOPOLD: Jack, do you want to take
15 care of this?

16 MR. TEIN: Let me finish my sentence. The
17 exhibits are marked. We are walking out of here.

18 You are someone who misrepresents the
19 record. It is absolutely atrocious what you do.
20 That is not how a lawyer should behave. This
21 deposition is over. You will get your exhibits,
22 Mr. Leopold.

23 MR. GOLDBERGER: I understand what you're
24 saying, Michael, and I understand Ted's position.

25 Just so there's -- we're going to have lots

Ph. [REDACTED] - Fax. [REDACTED]
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1 of issuer in this case. We're going to have lots
2 of reasons to disagree.

3 I'm going to take it over sow and I'm going
4 to make copies and I'm going to give them to
5 Ms. Consor. If you want to go find some exhibit
6 labels and put some exhibit labels on it, be my
7 guest. But that's what I'm offering to do.

8 THE WITNESS: Let me say two things,
9 because I am happy to always disagree, and with
10 you, I have no problem; we could always do it
11 professionally. I have not problem.

12 I want to say two things so the record is
13 very clear.

14 Since for whatever reason I have not been
15 able to look at exhibits, because they have been
16 refused to have been shown to me --

17 MR. TEIN: That's a lie.

18 MR. LEOPOLD: -- Jack, if you represent
19 that the documents have the appropriate exhibit
20 numbers or some identifying markings, 25, 30,000,
21 whatever they may be, then you can take them, make
22 copies, send me a copy, make sure the court
23 reporter gets a copy and then send me a bill for
24 my copies, that's fine. I didn't know that they
25 are marked that way because I haven't been able to

Ph. [REDACTED] 0905 - Fax. [REDACTED]
1655 Palm Beach Lakes Blvd., Suite 500 - West Palm Beach, FL 33401



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1 look at them.

2 MR. GOLDBERGER: They are barcoded, and the

3 number that we've made reference to in the

4 deposition coincides with the barcoding.

5 MR. LEOPOLD: That's fine. Eight by eleven

6 color laser copies are fine.

7 MS. BELCHLAVER: The State Attorneys Office

8 is not going to charge anybody for color copies I

9 print out.

10 MR. LEOPOLD: That's fine. He's going to

11 take them back to his office.

12 Secondly -- and I will be more than happy

13 to do it, because it sounds like you all know more

14 about it than I -- but I'm happy to get affidavits

15 from Mr. Pincus, Judge Stern, everybody else about

16 what happened with this hearing today, because I

17 know very little about it. But my representations

18 are what they are.

19 MR. GOLDBERGER: They stay --

20 MR. LEOPOLD: Let me just finish for the

21 record.

22 My representations or comments about what

23 happened, representation about this hearing this

24 morning, I know very little about it. I --

25 MR. GOLDBERGER: I'll take your word on

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1 that.

2 MR. LEOPOLD: No, no, no. I just put it on

3 the record. I will get an affidavit -- I'm

4 assuming it sounds like you need it -- from Mr.

5 Pincus. I have no clue about what happened and

6 why it was canceled. All I was told when I was

7 out of town yesterday was that the hearing this

8 morning was cancelled.

9 MR. GOLDBERGER: I'll take your word for

10 it.

11 MR. LEOPOLD: If you want an affidavit,

12 I'll get it for you.

13 MR. GOLDBERGER: It's a personal issue for

14 me because I had to disrupt a vacation and if it

15 was done just because it wasn't convenient for

16 you, then I'm offended by that. But if you're

17 telling me that it was planned and it didn't

18 happen, I'll take your word for it.

19 MR. LEOPOLD: I am more than happy to get

20 you an affidavit, because I don't know the reason

21 why it was canceled other than the fact that I'm

22 assuming since my deposition was taken for four

23 hours on Monday for preparation for the hearing

24 today, for whatever reason it was canceled, I am

25 told it is being re-noticed. Why it was canceled,



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1 I have no idea, but if your co-counsel wishes an

2 affidavit to that effect from Mr. Pincus, I'm more

3 than happy to get it. But I don't know the reason

4 why it was canceled.

5 MR. TEIN: I don't need it. But what I do

6 take issue with is regardless of why it was

7 canceled, you owed us the courtesy of saying, You

8 know what? We can start earlier this morning.

9 MR. LEOPOLD: I owe you nothing.

10 MR. TEIN: I don't care. Don't interrupt

11 me.

12 Because Jack canceled his vacation plans

13 because of you.

14 MR. GOLDBERGER: That's all right, that's

15 all right.

16 MR. TEIN: And you're selfish. And this

17 deposition is over. Good-by Mr. Leopold.

18 MR. GOLDBERGER: You can go off the record.

19

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1 CERTIFICATE

2

3

4 The State of Florida,)

5 County of Palm Beach.)

6

7 I hereby certify that I have read the

8 foregoing deposition by me given, and that the statements

9 contained herein are true and correct to the best of my

10 knowledge and belief, with the exception of any

11 corrections or notations made on the errata sheet, if one

12 was executed.

13

14

15 Dated this ____ day of _____, 2008.

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REPORTED BY:

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1 THE COURT: We are here in the various Doe vs. Epstein
2 cases.

3 May I have counsel state their appearances?

4 MR. HOROWITZ: Adam Horowitz, counsel for plaintiffs
5 Jane 2 through Jane Doe 7.

6 THE COURT: Good morning.

7 MR. EDWARDS: Brad Edwards, counsel for plaintiff Jane
8 Doe.

9 THE COURT: Good morning.

10 MR. [REDACTED]: Good morning, Your Honor. Sid [REDACTED] for
11 Jane Doe II.

12 THE COURT: Good morning.

13 MR. WILLITS: Good morning, Your Honor. Richard
14 Willits, here on behalf of the plaintiff C.M.A..

15 THE COURT: Good morning.

16 MS. EZELL: Good morning, Your Honor. I'm Katherine
17 Ezell from Podhurst Orseck, here with Amy Adderly and Susan
18 Bennett, and I believe my partner, Bob Josefsberg, is going to
19 appear by telephone.

20 THE COURT: Mr. Josefsberg, are you there?

21 MR. JOSEFSBERG: I am, Your Honor.

22 THE COURT: Good morning.

23 MR. JOSEFSBERG: Good morning.

24 THE COURT: All right. Do we have all the plaintiffs
25 stated their appearances? Okay.

1 Defense?

2 MR. CRITTON: Your Honor, Robert Critton on behalf of
3 Mr. Epstein, and my partner, Michael Burman.

4 THE COURT: Good morning.

5 MR. GOLDBERGER: Good morning, Your Honor. Jack
6 Goldberger on behalf of Mr. Epstein.

7 THE COURT: I see we have some representatives from
8 the United States Attorney's Office here.

9 MS. [REDACTED]: Good morning, Your Honor. Ann [REDACTED]
10 [REDACTED] for the U.S. Attorney's office.

11 THE COURT: Good morning.

12 Who else do we have on the phone?

13 MR. CRITTON: Your Honor, we have two members of the
14 defense team are on the phone, also.

15 THE COURT: Who do we have on the phone?

16 MR. WEINBERG: Martin Weinberg. Good morning, Your
17 Honor.

18 MR. LEFKOWITZ: Jay Lefkowitz. Good morning, Your
19 Honor.

20 THE COURT: Good morning.

21 I scheduled this hearing for very limited issues
22 which, as you all know, there's been a motion by Mr. Epstein to
23 stay the civil proceedings against him. The one issue I have
24 concern about is Mr. Epstein's contention or assertion that by
25 defending against the allegations in the civil proceedings, he

1 may expose himself to an allegation by the United States in the
2 non-prosecution agreement that he's violated that agreement and
3 therefore would subject himself to potential federal charges.

4 I had asked for some briefing on this. I asked the
5 United States to present its position to me. And I received
6 the Government's written response, which I frankly didn't find
7 very helpful. And I still am not sure I understand what the
8 Government's position is on it.

9 So first let me hear from Mr. Epstein's attorneys as
10 to what do you believe the concern is. I don't believe the
11 non-prosecution agreement has ever been filed in this Court; am
12 I correct?

13 MR. CRITTON: To my knowledge, Your Honor, it has not.

14 THE COURT: So I don't believe I've ever seen the
15 entire agreement. I've seen portions of it.

16 MR. EDWARDS: Your Honor, I believe that it was filed
17 under Jane Doe 1 and 2 vs. United States of America, case under
18 seal in your court.

19 THE COURT: Okay.

20 MR. EDWARDS: In a separate case.

21 THE COURT: In that case, okay. Was it actually filed
22 in that case?

23 MR. EDWARDS: I filed it under seal.

24 THE COURT: In any event, what's Mr. Epstein's concern
25 about if you defend the civil actions, you're going to expose

1 yourself to a claim for a breach by the United States of the
2 non-prosecution agreement?

3 MR. CRITTON: Robert Critton.

4 Your Honor, our position on this case is, I'd say is
5 somewhat different. When this issue originally came before the
6 Court, as you are aware prior to my firm's involvement in the
7 case, there was a motion filed on behalf of Mr. Epstein seeking
8 a stay. And I think it was in Jane Doe 102 and then
9 subsequently Jane Doe 2 through 5 because all of those cases
10 were filed on or about the same time.

11 And at that time the Court looked at the issue and it
12 was based upon a statutory provision at that time. And the
13 Court said I don't find that it's applicable, or for whatever
14 reason I think the Court said I don't consider that to be a
15 pending proceeding or a proceeding at that particular time.

16 In that same order, which was in Jane Doe 2, I
17 believe it's -- not I believe, I know it's docket entry 33, the
18 Court also went on to talk about at that particular point in
19 time dealt with the issue of the discretionary stay.

20 And the Court said at that time, I'm paraphrasing, but
21 the Court also does not believe a discretionary stay is
22 warranted. And what the Court went on to say is that if
23 defendant does not breach the agreement, then he should have no
24 concerns regarding his Fifth Amendment right against
25 self-incrimination.

1 The fact that the U.S. Attorney or other law
2 enforcement officials may object to some discovery in these
3 civil cases is not in and of itself a reason to stay the civil
4 litigation, so that any such issue shall be resolved as they
5 arise in the course of the litigation.

6 And I would respectfully submit to the Court that the
7 position that the Government has taken in its most recent
8 filings changes the playing field dramatically. Because what
9 the Government in essence has said as distinct from the U.S.
10 saying is, well, we object to some discovery, or we may object
11 to some discovery in the civil cases.

12 What they have, in essence, said is if you take some
13 action, Mr. Epstein, that we believe unilaterally, and this is
14 on pages 13 and 14 of their pleading or of their response memo
15 to the Court's inquiry, they say if Mr. Epstein breaches the
16 agreement. They said it's basically like a contract, and if
17 one side breaches, the other side can sue.

18 In this instance what the Government will do is if we
19 believe that Mr. Epstein has breached the agreement, we'll
20 indict him. We will indict him. And his remedy under that
21 circumstance, which is an incredible and catastrophic catch 22
22 is, we'll indict him and then he can move to dismiss. That's a
23 great option.

24 In this particular instance my mandate in defending --
25 and that's a dramatic change in the Government's position,

1 because the Government is not saying, and the Court was pretty
2 specific in what you asked the Government for in its response
3 is, in essence, and it's the same question in a more limited
4 fashion you're posing today is whether Mr. Epstein's defense of
5 the civil action violates the NPA agreement, the
6 non-prosecution agreement, between the U.S. and Mr. Epstein.

7 And the Government refuses to answer that question.
8 They won't come out and say, yes, it will, or no, it won't.
9 What they're doing is they want to sit on the sideline, and as
10 their papers suggest is, they want us to lay in wait and that
11 if, in fact, they believe he violates a provision of the NPA as
12 it relates to the defense of this case or these multitude of
13 cases, then they can come in and indict him -- no notice, no
14 opportunity to cure.

15 We don't think that's what the NPA says, but that's
16 certainly what their papers say. We'll indict him, no notice,
17 no opportunity to cure. We will indict him, and his remedy
18 under that circumstance is that he can move to dismiss the
19 indictment.

20 Well, that's great except Mr. Epstein, his mandate to
21 me and I know his mandate to his criminal lawyers, is: Make
22 certain I don't do anything, in particular in these civil cases
23 that would in any way suggest that I am in willful violation of
24 the NPA.

25 Now, in the Court's prior ruling in the docket entry

1 33, certainly some aspects of the NPA are within Mr. Epstein's
2 control. There's no question about that. But aspects that
3 relate to the defense of these cases, either in terms of the
4 civil lawyers who are defending these, I think there's 12 or 13
5 pending cases in front of you, there's another four cases in
6 the state court, is the risk is substantial, it's real, and it
7 presents a chilling effect for the civil lawyers in moving
8 forward to determine whether or not we're taking some action
9 that in some way may be a violation of the NPA.

10 And the Government's, again, refusal or non-position
11 with regard to past acts that have been taken in the civil case
12 with regard to the defense or future acts that we may take with
13 regard to these contested litigation casts an extraordinary
14 cloud of doubt and uncertainty and fear that the defense of
15 these cases could jeopardize Mr. Epstein and put him in the
16 irreparable position of violating the NPA and then subsequently
17 being indicted.

18 In this particular instance, again, Mr. Epstein has no
19 intention of willfully violating the NPA, but it's of great
20 concern to him. And I'd say with the position that the
21 Government has taken, no notice, no cure period, no opportunity
22 to discuss. Again, we think that's not what the NPA provides,
23 it's not what the deal was between the two contracting parties,
24 the United States and Mr. Epstein. But that's clearly what
25 their papers say under the circumstances, and it would create

1 this irreparable harm to Mr. Epstein under the circumstances.

2 In essence, we're left with a catch 22 in defending
3 the civil cases. We have a mandate to take no action, to take
4 any action which may be deemed to be a violation of the NPA,
5 either in the past or in the future, which would in any way
6 risk Mr. Epstein being indicted by the United States.

7 He has the clear risk of an indictment based upon the
8 papers that the Government filed. It's real, it's not remote,
9 and it's not speculative. It chills the action of the defense
10 in this instance of both Mr. Epstein and his attorneys in
11 trying to defend these cases and decide under the circumstances
12 can we do this, can we take this position with regard to
13 depositions, can we take this legal position with regard to
14 motions to dismiss, with regard to responses, with regard to
15 replies?

16 And we send out paper discovery. Is this in some way
17 if we contact someone who may be an associate of these
18 individuals as part of our investigation, is that potentially
19 in any way a violation of the NPA? Again, we don't think so.

20 And, obviously, again, my direction has been from my
21 client: Don't take any action that would result in me being
22 indicted under the NPA. Well, that's great. But, generally,
23 civil lawyers or civil lawyers in defending a personal injury
24 case or a tort case, which is exactly what these are, and from
25 a practical standpoint, we use various tools to do discovery.

1 They're standard. They're specific. They're very temporary.
2 Very typical.

3 But in this instance, as the Court knows, things are
4 not typical with regard to this case in any way, shape or form.
5 We can't even serve subpoenas, there's objections and there's
6 -- we can't even serve objections to third parties so we can
7 obtain documents unless we have to filter it through the
8 plaintiffs' attorneys. They won't allow us to use their
9 clients' names, even in a subpoena that would never be filed in
10 the court.

11 How do we do a deposition of a third party? We wanted
12 to take the deposition of Jane Doe 4. Well, who is she? Well,
13 we can't tell you that. Well, who's the defendant? Well, we
14 can't tell you that because nobody wants anybody to know
15 anything about the case. They want to present it strictly
16 through rose-colored glasses.

17 And in this particular instance, we simply can't
18 defend this case or take certain action with the spector
19 hanging over us that, in fact, the Government may deem it to be
20 a violation of the NPA, because very clearly in their response
21 papers, they don't say. They say we don't take the position,
22 and then they take a substantial position is we think there's
23 not all that substantial factors that would entitle him to a
24 stay.

25 Except for the one major issue which the Court posed

1 in the question is, is can he defend these cases? That's what
2 I really want to know. Can he defend these cases and, in
3 essence, what he has done in the past or what his defense team
4 has done in the past and what they're going to do in the
5 future, can you give him, Epstein, assurances that the
6 Government under this situation, whatever he does, based on
7 advice of counsel, that that cannot be a willful violation of
8 the NPA, which they can -- they, the U.S. -- can then turn
9 around and say that's a violation of the agreement and,
10 therefore, we're going to go proceed to indict you under the
11 circumstances.

12 Our position is, Your Honor, is that the U.S. has now
13 cavalierly suggested that, as they did in picking up on the
14 court's docket entry or prior order, is, look, compliance with
15 the NPA is solely up to Mr. Epstein. In this type of balance
16 of equities, it doesn't speak in favor of a stay.

17 Well, that's great. And maybe that was the position
18 back in '08, on August 5th of '08, when the issue came up in
19 front of the Court with regard to the initial stay.

20 But the Government's papers under these circumstances
21 suggested a very different set of circumstances. Their own
22 unilateral, which is the issue that we argued in the motion for
23 stay, is that the Government's position is that we can
24 unilaterally indict this man if we think he's breached the NPA.

25 We don't think that's right, but we have no buffer

1 between us and the Government. They'll say, and as the Court
2 knows, the Government has substantial power. The Government
3 does what it wants. Most of the time hopefully they're right.
4 Sometimes they make mistakes.

5 But in this particular instance, my client has rights.
6 We think that there's notice provisions, we think there's cure
7 provisions under the NPA. That's not what their paper says
8 under the circumstances.

9 And what we'd like to know from the Government, and
10 maybe the answer is basically what the Court asks is, let the
11 Government come forward today and say, based on the knowledge
12 that we have, or as of today's date, June 12th, 2009, we, the
13 Government, agree that there is no set of circumstances, not
14 that we're not aware of, but as of today's date, there is
15 nothing that exists that would be a violation of the NPA.

16 THE COURT: Well, that's way beyond what I'm
17 interested in. I don't know what Mr. Epstein may have done
18 outside the context of defending this case that may constitute
19 a violation. And if he has done something outside the context
20 of defending this case that's a violation, I don't care.
21 That's between the United States and Mr. Epstein.

22 I'm only concerned about whether anything he does in
23 defending these civil actions is going to be a violation of the
24 non-prosecution agreement. If he has done something else, it's
25 none of my business, and I don't care, and I'm not going to

1 even ask the Government to give you an assurance that he hasn't
2 done anything that might have violated the agreement up till
3 today. I'm only interested in defending these civil actions.

4 MR. CRITTON: Then I would respectfully submit to the
5 Court that the Government be asked in that limited context, are
6 they as of today, whether there were or not, but as of today is
7 there anything that has been done or will you take the
8 position, the United States, that any position that Mr. Epstein
9 has taken with regard to defending these civil cases is in any
10 way a violation of the NPA?

11 THE COURT: Well, I'm not sure what they're going to
12 say, but that might -- that cures the problem up to this point.
13 But then we have to deal with what's going to happen from here
14 on in. And that's another issue that we have to deal with.

15 So I understand your position.

16 But has anyone suggested to you on behalf of the
17 United States that there is something that you've done in
18 defending this case that they believe may or could be construed
19 as a violation of the non-prosecution agreement? Has anyone
20 pointed to anything that you've done? For example, the fact
21 that you've wanted to take their -- I don't know if you've
22 noticed depositions or not in this case, but if you've sent
23 notice of taking deposition, if you sent requests for
24 production of documents, if you sent interrogatories, if you
25 issued third party subpoenas? Is anything you've done thus far

1 in the context of this case been brought to your attention as a
2 potential violation?

3 MR. CRITTON: I have received no notification nor am I
4 aware that we've received any notification of any action that
5 we have taken today. As I suggested to the Court, I don't know
6 when they've done or not. And in their papers they suggested,
7 well, we don't know everything that's gone on in the civil
8 litigation.

9 But from a practical standpoint, it was a number of
10 comments that were made in their papers is, we can indict, we
11 can see if there's a breach.

12 Judge, I may have some --

13 THE COURT: Before you go on.

14 MR. CRITTON: I'm sorry.

15 THE COURT: You've focused a great deal on the
16 Government's response to my inquiry as supporting your position
17 that you're in jeopardy. But you've made the suggestion, even
18 before this brief was filed, that defending the case was going
19 to potentially result in an assertion or allegation that you
20 breached the non-prosecution agreement.

21 So what was it that caused you to make that initial
22 assertion? Because that's what caught my attention, was not --
23 this brief that the Government has filed was in response to
24 something that you filed initially in your most recent motion
25 for a stay which raised the issue.

1 So what was it that gave you some concern to even
2 raise the issue that defending this case is going to constitute
3 a breach?

4 MR. CRITTON: Because there are other instances where
5 counsel other than myself, not in the civil aspects, where
6 allegations have been made and letters have been sent by the
7 United States suggesting that there's been a violation of the
8 NPA. And under those circumstances, some notification was
9 provided.

10 THE COURT: Did it have anything to do with defending
11 the civil actions?

12 MR. CRITTON: It did not.

13 THE COURT: So then why was that issue raised by you
14 in the first instance?

15 MR. CRITTON: Because of the prospect that the
16 defendant could take, that the U.S. would take the position
17 under the circumstances that a position that we took with
18 regard to the contested litigation may well impact, that the
19 Government may have a very different view of what the
20 interpretation of the agreement is.

21 And as an example is a number of the parties, and I
22 know the Court doesn't want to get into a discussion, the issue
23 is, is under 2255 is that from the defendant's perspective the
24 deal that was cut on that, it was a very specific deal. It
25 dealt with both consensual and contested litigation. It dealt

1 with a secret list of individuals who we had no idea who was on
2 the list, and a commitment that he would under certain
3 circumstances be required to pay a minimum amount of damages,
4 which our position is under 2255 based upon the statute that
5 was in effect at the time, a \$50,000 as to anyone who wanted --
6 who came forward who was on the list and met certain criteria.

7 The position that now has been asserted by a number of
8 the plaintiffs under the circumstances, and it's been pled, and
9 actually a number of the complainants is, is Epstein agreed,
10 and they cite to a letter that was sent by Ms. [REDACTED] from
11 the Government, that says he has to plead guilty or he can't
12 contest liability. That may be true under very, very limited
13 or specific circumstances.

14 But what the plaintiffs have done in a number of the
15 cases, and these are pending motions, is they've said is, well,
16 we think C.M.A. cases is a good example, they've pled 30
17 separate counts of 2255 alleged violations. And they're saying
18 under the circumstances is, therefore, we have 2255 violations,
19 there's 30 of them, so 30 times 150, or should be, or whether
20 it's 150, that's the amount of money that we want, so maybe \$15
21 million, or whatever the number is.

22 Some of the other plaintiffs' lawyers have been even
23 more creative. They've said is, well, we'll agree that it's
24 only one cause of action but that each number of violations;
25 that is, if 20 alleged incidents occurred, that we would

1 consider to be, or that we will argue are violations, then we
2 can take 20 times the 50, or the 150, depending on which
3 statute is applicable.

4 So the Government under that set of circumstance could
5 say, and, again, this is one of the reasons that we raised it,
6 they could say, look, our deal with you was that you couldn't
7 contest liability, that you were waiving liability, or your
8 ability to contest an enumerated offense under 2255.

9 Again, part of the deal was as to an enumerated
10 offense. Okay. Well, what's that mean? What did he plead to?
11 Well, he really didn't plead to anything, which is another
12 issue associated with the 2255. But if the Government comes in
13 and says, no, wait a minute, our position was, is that you're
14 stuck with 2255 and the language within the NPA. And,
15 therefore, whether it's an offense or whether it's multiple
16 offenses or violations or each one represents an individual
17 cause of action, if the Government takes the position that's
18 adverse to what we think the clear reading of the agreement was
19 under those circumstances, they could claim a violation.

20 And as a result -- and that's one of the reasons we
21 put -- that was the most glaring one to us, so we raised that
22 issue. And then when the Government's response came with
23 regard to, is we can just proceed to indict if we think that
24 there's been a breach of the agreement.

25 That puts us at substantial risk and chills our

1 ability to move forward. Thank you, Your Honor.

2 THE COURT: Thank you. Who wants to be heard from the
3 plaintiffs first?

4 Is there any plaintiff's attorney who is contending
5 that the defense of these civil actions by Mr. Epstein is going
6 to constitute a breach of the non-prosecution agreement?

7 MR. JOSEFSBERG: Your Honor, this is Bob Josefsberg.
8 May I speak?

9 THE COURT: Yes, sir.

10 MR. JOSEFSBERG: We're not quite confident that any
11 breaches of any agreement, which were third-party
12 beneficiaries, should be resolved by you. We're not saying it
13 shouldn't. But we have not raised any breach of agreement. We
14 think that is between the United States and Mr. Epstein.

15 What I find incredulous and disingenuous is that
16 Mr. Epstein is saying that he wants a stay because he may be
17 forced into taking actions in the defense of this case that
18 would violate the agreement.

19 And let me make our position clear on that. If he
20 wants to move to take depositions, interrogatories, production,
21 and they are according to your rulings appropriate, not
22 invasive of the privacy of someone, and they are relevant, then
23 I don't know how those could in any way be violations of the
24 agreement.

25 What I find hypocritical is that there are two parts

1 to the agreement that I am a beneficiary of. One of them is
2 that he has agreed that on any action brought in the 2255, he
3 will admit to liability.

4 And I received on May 26 a motion to dismiss, which
5 we're prepared to respond to and disagree with, but totally
6 contesting liability, saying that the statute doesn't apply
7 because the girls are no longer minors and saying, and this is
8 the great one, saying that the predicate of the conviction
9 under 2255 has not been satisfied.

10 Now, the understanding that I have is the agreement
11 between the Government and Mr. Epstein was that the Government
12 desired to see these victims made whole, and wanted them to be
13 in the same position as if Mr. Epstein had been prosecuted and
14 pled or convicted. And they would be able to have the
15 predicate of that criminal conviction, which just as a matter
16 of liability would just be introduced as proof that he's done
17 this.

18 They, under the agreement, are supposed to admit to
19 liability on limited something that's under 2255. He has
20 filed, but since there is no conviction, there can be no civil
21 suit under 2255, with which we disagree. But it is totally in
22 opposite of the NPA.

23 The second part is there are many young ladies, and
24 this perhaps he can use this to his great advantage, who are
25 humiliated about this entire situation. Some of them won't

1 come forward.

2 We were appointed by Judge Davis as a Special Master
3 to represent these young ladies. And some of them don't even
4 want to file suit. They don't even want to be known as Jane
5 Doe 103. They don't want any of the risks for these motions
6 that are pending.

7 And part of the agreement was that if we represented
8 them and they settle, Mr. Epstein would pay our fees. And he
9 has written us as of yesterday that he is under no obligation
10 to pay our fees on settling cases.

11 Now, those two matters, I believe, may be breaches.
12 But I am not asking this Court at this time to do anything
13 about them. Nor am I telling the Government, I'm not running
14 to the Government and saying indict him because I want you to
15 pressure him to do what he agreed to.

16 I'm a third-party beneficiary for that agreement, and
17 I may move to enforce certain parts of it. But as far as the
18 issue of staying the litigation, that is the exact opposite of
19 the intent and the letter of the NPA. The purpose of the NPA
20 was so that these 34 young ladies, these victims who have been
21 severely traumatized, may move on with their lives.

22 And to stay this action would be the exact opposite of
23 the purpose of that agreement and would be horrible
24 psychologically for all of my clients.

25 THE COURT: Mr. Josefsberg, I understand your

1 position. And I don't want to argue the merits of whether a
2 stay should or should not be granted.

3 I'm just trying to understand what the ground rules
4 are going to be if I grant a stay or if I deny a stay. And
5 I've already denied a stay once. I have to decide this current
6 motion, and I just want to know what is going to happen if I
7 deny the stay in terms of Mr. Epstein's exposure under the
8 non-prosecution agreement. That's my concern.

9 So if you're telling me that you're not going to urge
10 the United States, on behalf of any of your clients, to take
11 the position that he's breached the agreement because he's
12 taking depositions, because he's pursuing discovery, because
13 he's conducting investigations that anyone in any other type of
14 civil litigation might conduct with respect to plaintiffs that
15 are pursuing claims against a defendant, that those typical
16 types of actions, in your judgment, are not breaches of the
17 agreement and that he can go forward and defend the case as any
18 other defendant could defend, and you're not going to run to
19 the United States and say, hey, he's breaching the agreement by
20 taking depositions and he's breaching the agreement by issuing
21 subpoenas to third parties in order to gather information
22 necessary to defend, then I don't have a problem. But if he's
23 going to be accused of breaching the agreement because he sends
24 out a notice of deposition of one of your clients, how is he
25 supposed to defend the case?

1 MR. JOSEFSBERG: Your Honor, you're totally correct.
2 He can depose my client. That's not a problem. But the
3 problem is that these are not typical clients and this is not a
4 typical case. He has written in his pleadings that he wants to
5 publish the names of these girls in the newspapers so that
6 other people may come forward to discuss their sexual
7 activities with these different plaintiffs. That's not your
8 typical case. But are rulings that you'll make in this case,
9 and they're not part of the NPA.

10 As far as my going to the Government is concerned, I
11 find it very uncomfortable for me to use the Government to try
12 to pursue my financial interest in litigation. And I know that
13 Mr. Epstein and his counsel will make much ado about it. So I
14 am not going to be running there.

15 However, if they start taking depositions regarding
16 liability, I will consider that to be a breach because they're
17 supposed to have admitted liability.

18 THE COURT: But, again, I don't have the agreement and
19 I don't remember reading the agreement. But what I'm being
20 told is the part of the agreement that admits liability is only
21 as to a 2255 claim, and there are numerous other personal
22 injury tort claims other than 2255 claims.

23 And there's a limit of damages on the 2255 claim, as I
24 understand it, but I presume that all the plaintiffs are going
25 to seek more than the limited or capped amount of damages in

1 the non-prosecution agreement as to the other claims.

2 And so why aren't they entitled to defend and limit
3 the amount of damages that your client is seeking on the
4 non-2255 tort claims?

5 MR. JOSEFSBERG: Your Honor, you are correct. On
6 non-2255 tort claims, they are permitted to do the defense,
7 whatever is appropriate.

8 My cases are pure 2255 on which liability under the
9 agreement is supposed to be admitted. Now, as to the amount of
10 damages, there are legal issues that will be before you and
11 under the C.M.A. cases that are getting before you, as to
12 whether it is 50 or 150. That has nothing to do with the NPA.

13 There are legal issues that are before you as to
14 whether it is per statute, per count or per incident or per
15 plaintiff. Those have nothing to do with the NPA. There is no
16 amount in NPA. Those will be resolved.

17 Anyone who has brought a case that is outside of 2255,
18 the defense is permitted to contest liability under the NPA.
19 That's no violation.

20 Under the NPA if someone brought a case under just
21 2255, Mr. Epstein, if he is to keep his word, cannot contest
22 liability. And there would no need to stay this. Because it
23 is a self-fulfilling agreement. He can contest liability. And
24 as far as the amount of damages, anyone that wants to go over
25 the statutory minimums, of course, he can contest that in any

1 way that is proper under the Rules of Evidence and your
2 rulings. The NPA has no limitation on his contesting damages
3 above the minimum statutory amount.

4 The only thing that he has done is in his actions of
5 refusing to pay for settling defendants, and in his saying that
6 he has no liability under 2255, those appear to be contrary to
7 what's in the NPA.

8 But I'm not in any position right now to claim a
9 breach, and I don't know whether I'd be claiming a breach or
10 enforcing it in front of you, suing him for fees, asking you to
11 have him admit liability, or complaining to the Government.
12 And that's why I'm not that helpful in this situation because I
13 think it's the Government's role.

14 But I do not waive the right to be a third-party
15 beneficiary because pursuant to my appointment, which was
16 agreed to by Mr. Epstein, I and my clients have certain rights,
17 and we want to enforce them.

18 But his defending this lawsuit will not in any way be
19 a violation. His getting this lawsuit stayed would be a
20 violation of the spirit of taking care of these girls, and
21 there would be other issues. Like if there is a stay, Your
22 Honor, would he be posting a bond?

23 THE COURT: We don't need to talk about those issues.
24 That's not my concern.

25 MR. JOSEFSBERG: I agree, Your Honor, we don't.

1 THE COURT: That's not my concern. So, again, I just
2 want to make sure that if the cases go forward and if
3 Mr. Epstein defends the case as someone ordinarily would defend
4 a case that's being prosecuted against him or her, that that in
5 and of itself is not going to cause him to be subject to
6 criminal prosecution.

7 MR. JOSEFSBERG: I agree, Your Honor.

8 THE COURT: Any other plaintiff's counsel want to
9 chime in?

10 MR. WILLITS: Richard Willits on behalf of C.M.A.. I
11 would join, to weigh in on what Mr. Josefsberg said.

12 MR. JOSEFSBERG: Your Honor, I could not hear.

13 THE COURT: We'll get him to a microphone.
14 Mr. Willits is speaking.

15 MR. WILLITS: On behalf of my client, C.M.A., we join
16 in what Mr. Josefsberg said, and we also want to point out
17 something to the Court.

18 First, we want to make a representation to the Court,
19 we have no intention of complaining to the U.S. Attorney's
20 Office, never had that intention, don't have that intention in
21 the future, but, of course, subject to what occurs in the
22 future.

23 I want to point out to the Court that Mr. Epstein went
24 into this situation with his eyes wide open, represented by
25 counsel, knowing that civil suits had to be coming. If he

1 didn't know it, his lawyers knew it.

2 He appears to be having second thoughts now about he
3 could have negotiated this way or he could have negotiated that
4 way with the U.S. Attorney's Office. And they want to impose
5 their second thoughts on the innocent plaintiffs. We don't
6 think that's fair. We think it's in the nature of invited
7 error, if there was any error whatsoever.

8 Thank you.

9 THE COURT: You agree he should be able to take the
10 ordinary steps that a defendant in a civil action can take and
11 not be concerned about having to be prosecuted?

12 MR. WILLITS: Of course. And we say the same thing
13 Mr. Josefsberg said. It's all subject to your rulings and the
14 direction of this Court as to what is proper and what is not
15 proper. And we're prepared to abide by the rulings of this
16 Court, and we have no intention of running to the State's
17 Attorney.

18 THE COURT: The U.S. Attorney?

19 MR. WILLITS: I'm sorry. The U.S. Attorney.

20 THE COURT: Mr. [REDACTED].

21 MR. [REDACTED]: Thank you, Your Honor.

22 If I may briefly, I think perhaps defense counsel
23 forgot about this, but on pages 17 and 19 of my memorandum of
24 law in opposition to the motion to dismiss, I did make
25 reference to the non-prosecution agreement, and I did say that

1 the contesting of the jurisdiction of this Court was a
2 potential breach of the non-prosecution agreement.

3 So my client happens to have, and they have filed with
4 the Court a copy of her state court complaint, given the fact
5 that the non-prosecution agreement limits the non-contesting of
6 jurisdiction to claims exclusively brought under the federal
7 statute.

8 I'm going to go ahead and withdraw those contentions
9 on pages 17 and 19 of my memo of law because it doesn't apply
10 to my case. So to the extent that I raised this issue with
11 defense counsel and the Court, I'm going to withdraw that
12 aspect of it.

13 THE COURT: Can you file something in writing on that
14 point with the Court?

15 MR. [REDACTED]: Yes.

16 THE COURT: What do you say about this issue that
17 we're here on today?

18 MR. [REDACTED]: I think that the problem that I have with
19 it is that this non-prosecution agreement is being used by
20 defense counsel for the exact opposite purpose that it was
21 intended. My perception of this thing, and I wasn't around, is
22 that Mr. Epstein essentially bought his way out of a criminal
23 prosecution, which is wonderful for the victims in a way, and
24 wonderful for him, too.

25 Now he's trying to use the non-prosecution agreement

1 as a shield against the plaintiffs that he was supposed to make
2 restitution for.

3 And, certainly, he can take my client's depo. He's
4 done extensive discovery in the state court case -- very
5 intrusive, I might add. And we don't care, because we can win
6 this case with the prosecution agreement or without the
7 prosecution agreement. We are ready to go forward.

8 THE COURT: You're not going to assert to the United
9 States Government that what he's doing in defending the case is
10 a violation for which he should be further prosecuted?

11 MR. [REDACTED]: Absolutely not.

12 THE COURT: Anyone else for the plaintiffs?

13 MR. HOROWITZ: Judge, Adam Horowitz, counsel for
14 plaintiffs Jane Doe 2 through 7.

15 I just wanted to address a point that I think you've
16 articulated it. I just want to make sure it's crystal clear,
17 which is that we can't paint a broad brush for all of the
18 cases.

19 The provision relating to Mr. Epstein being unable to
20 contest liability pertains only to those plaintiffs who have
21 chosen as their sole remedy the federal statute. My clients,
22 Jane Doe 2 through 7, have elected to bring additional causes
23 of action, and it's for that reason we were silent when you
24 said does anyone here find Mr. Epstein to be in breach of the
25 non-prosecution agreement. That provision, as we understand

1 it, it doesn't relate to our clients.

2 THE COURT: Okay. But, again, you're in agreement
3 with everyone else so far that's spoken on behalf of a
4 plaintiff that defending the case in the normal course of
5 conducting discovery and filing motions would not be a breach?

6 MR. HOROWITZ: Subject to your rulings, of course,
7 yes.

8 THE COURT: Thank you.

9 Anyone else have anything to say from the plaintiffs?

10 Ms. [REDACTED], if you would be so kind as to maybe
11 help us out. I appreciate the fact that you're here, and I
12 know you're not a party to these cases and under no obligation
13 to respond to my inquiries. But as I indicated, it would be
14 helpful for me to understand the Government's position.

15 MS. [REDACTED]: Thank you, Your Honor. And we, of
16 course, are always happy to try to help the Court as much as
17 possible. But we are not a party to any of these lawsuits, and
18 in some ways we are at a disadvantage because we don't have
19 access. My access is limited to what's on Pacer. So I don't
20 really know what positions Mr. Epstein may have taken either in
21 correspondence or in discovery responses that aren't filed in
22 the case file.

23 But your first order was really just what do you think
24 about a stay, and then the second order related to this hearing
25 and asked a much more specific question, which is whether we

1 believe that Mr. Epstein's defense was a breach of the
2 agreement.

3 And I've tried to review as many of the pleadings as
4 possible. As you know, they're extremely voluminous. And I
5 haven't been through all of them. But we do believe that there
6 has been a breach in the filing that Mr. Josefsberg referred
7 to, and contrary to Mr. Critton, we do understand that we have
8 an obligation to provide notice, and we are providing notice to
9 Mr. Epstein today.

10 The pleading that we found to be in breach -- the
11 non-prosecution agreement, sought to do one thing, which was to
12 place the victims in the same position they would have been if
13 Mr. Epstein had been convicted of the federal offenses for
14 which he was investigated.

15 And that if he had been federally prosecuted and
16 convicted, the victims would have been entitled to restitution,
17 regardless of how long ago the crimes were committed,
18 regardless of how old they were at the time, and how old they
19 are today, or at the time of the conviction.

20 And it also would have made them eligible for damages
21 under 2255.

22 And so our idea was, our hope was that we could set up
23 a system that would allow these victims to get that restitution
24 without having to go through what civil litigation will expose
25 them to.

1 You have a number of girls who were very hesitant
2 about even speaking to authorities about this because of the
3 trauma that they have suffered and about the embarrassment that
4 they were afraid would be brought upon themselves and upon
5 their families.

6 So we did through the non-prosecution agreement tried
7 to protect their rights while also protecting their privacy.
8 So, pursuant to the non-prosecution agreement -- on the other
9 hand, we weren't trying to hand them a jackpot or a key to a
10 bank. It was solely to sort of put them in that same position.

11 So we developed this language that said if -- that
12 provided for an attorney to represent them. Most of the
13 victims, as you know from the pleadings, come from not wealthy
14 circumstances, may not have known any attorneys who would be in
15 a position to help them.

16 So we went through the Special Master procedure that
17 resulted in the appointment of Mr. Josefsberg, and the goal was
18 that they would be able to try to negotiate with Mr. Epstein
19 for a fair amount of restitution/damages. And if Mr. Epstein
20 took the position, which apparently he has, which is that the
21 \$50,000 or \$150,000 floor under 2255 also would be a cap. That
22 if they were to proceed to file suit in Federal Court to get
23 fair damages under 2255, Mr. Epstein would admit liability, but
24 he, of course, could fight the damages portion, which means
25 that, of course, he would be entitled to depositions; of

1 course, he would be entitled to take discovery, and we don't
2 believe that any of that violates the non-prosecution
3 agreement.

4 The issue with the pleading that he filed, the motion
5 to dismiss the case, I believe it's Jane Doe 101, represented
6 by Mr. Josefsberg, is that that is a case that was filed
7 exclusively under 18 U.S.C., Section 2255. She met that
8 requirement. Mr. Epstein is moving to dismiss it, not on the
9 basis of damages, he is saying that he cannot be held liable
10 under 2255 because he was not convicted of an offense.

11 The reason why he was not convicted of an offense is
12 because he entered into the non-prosecution agreement. So that
13 we do believe is a breach.

14 The issue really that was raised in the motion to stay
15 and that I addressed in our response to the motion to stay is
16 that Mr. Epstein's -- Mr. Epstein wants to stay the litigation
17 in order to leave, in order to sort of attack the cases of the
18 victims whether they are fully within the non-prosecution or
19 not, non-prosecution agreement or not, and leave the Government
20 without a remedy if he does, in fact, breach those terms. And
21 that is why we opposed the stay.

22 THE COURT: I'm not sure what you mean by that last
23 statement.

24 MS. [REDACTED]: Well, because this issue related to
25 the motion to dismiss on Mr. Josefsberg's client came up after

1 we had filed that response. And what we said in the response
2 to the motion to stay is that the reason why he wants to stay
3 the litigation is so that the non-prosecution agreement
4 terminates based on a period of time, as he puts it. And then
5 afterwards he would be able to come in here and make all of
6 these arguments that clearly violate the non-prosecution
7 agreement but we would be without remedy.

8 THE COURT: But you're not taking the position that
9 other than possibly doing something in litigation which is a
10 violation of an express provision of the non-prosecution
11 agreement, any other discovery, motion practice, investigations
12 that someone would ordinarily do in the course of defending a
13 civil case would constitute a violation of the agreement?

14 MS. [REDACTED]: No, Your Honor. I mean, civil
15 litigation is civil litigation, and being able to take
16 discovery is part of what civil litigation is about. And while
17 there may be, for example, if someone were to try to subpoena
18 the Government, we would obviously resist under statutory
19 reasons, all that sort of stuff. But, no, Mr. Epstein is
20 entitled to take the deposition of a plaintiff and to subpoena
21 records, etc.

22 THE COURT: And even if he seeks discovery from a
23 Government agency, you have the right to resist it under the
24 rules of procedure but that would not constitute a violation,
25 again unless there's a provision in the prosecution agreement

1 that says I can't do this?

2 MS. [REDACTED]: Correct.

3 THE COURT: That's your position?

4 MS. [REDACTED]: Yes.

5 THE COURT: Thank you.

6 MS. [REDACTED]: Thank you, Your Honor.

7 THE COURT: Mr. Critton, did you want to add anything?

8 MR. CRITTON: Yes, sir. Just a few responses to some
9 of the issues that have been raised.

10 The most glaring, at least from our perspective, is
11 both Mr. Josefsberg's comments that he believes that there's a
12 violation of the NPA as well as Ms. [REDACTED] with regard to
13 Jane Doe 101.

14 Mr. Josefsberg, while he was the attorney rep who was
15 selected by Judge Davis to represent a number of individuals,
16 alleged victims that may have been on the list, he represents
17 many of them. And the type of response that was filed in 101
18 would probably be very similar to what we will file if he
19 files -- and he filed 102 as well. But if he files 103, 104
20 and 105, or whatever number he files, we may well take that
21 same legal position in our motions and in our response or in
22 reply.

23 And what we've been, in essence, told today is we
24 consider that to be a violation of the NPA under the
25 circumstances.

1 102 is a perfect example that he filed is, we have
2 e-mails going back and forth between the Government and my
3 clients' attorneys at the time that suggested that 102 probably
4 doesn't even fit within the statute of limitations.

5 So under Mr. Josefsberg's argument is as well, we've
6 only brought a 2255 claim. We don't care whether she's within
7 or is outside the statute of limitations. Because she was on
8 the list and under the circumstances, he has to admit
9 liability, which we contest is under that set of circumstances
10 you're stuck with it. You can fight damages if you can, but
11 she's a real person and you can't raise statute of limitations.

12 The other point that kind of strikes out is there's
13 probably a difference. And I'm happy to provide a copy of the
14 NPA or a redacted portion of the NPA which deals with the civil
15 issues, which are paragraphs 7, 8, 9 and 10, and the entire
16 addenda in camera for the Court to look at, if plaintiff's
17 counsel and the Government, I guess, really, because they're
18 not a party, is if they have no objection because they all have
19 access based on a prior court order to the non-prosecution
20 agreement.

21 So I'm happy to provide that to the Court today and
22 show it to counsel so that the Court can review that.

23 But our position with regard to the 2255 claims is
24 that -- there were two types of claims that could be filed, one
25 was consensual litigation, the second was contested litigation.

1 And under the consensual, in essence, which Mr. Epstein did, is
2 he's offered \$50,000 of the statutory minimum for that time
3 period to all of those individuals.

4 THE COURT: Can I interrupt you a second?

5 MR. CRITTON: Yes, sir.

6 THE COURT: I'm not here, and I don't believe it's my
7 role to decide whether or not there is or is not a breach of
8 the agreement. I'm just trying to understand what the
9 Government's position is regarding your defending these cases.

10 Now, I'm just saying this as an example. If, for
11 example, in the non-prosecution agreement there was a provision
12 that said explicitly: Jeffrey Epstein shall not move to
13 dismiss any claim brought under 2255 by any victim no matter
14 how long ago the allegations or the acts took place, period.

15 If that was in the agreement and you filed a motion to
16 dismiss by someone who brought a claim, it might sound like it
17 might be a violation.

18 MR. CRITTON: I agree.

19 THE COURT: So you would know that when you filed your
20 motion because it was right there for you to read.

21 And so to stay the case because I want to do something
22 that the contract expressly prohibits me from doing, so stay
23 the case until the agreement expires so then I can do something
24 that the agreement said I couldn't do so you won't be in fear
25 of prosecuting, I'm not sure that that is what I'm concerned

1 about.

2 I'm concerned about discovery, investigation, motion
3 practice, that's not prohibited by a provision of the
4 agreement. If there's something that's prohibited by the
5 agreement that you, knowing what the agreement says, go ahead
6 and do, anyway, I guess that's a risk you're going to have to
7 take. If there's a legitimate dispute about it, I guess some
8 arbiter is going to decide whether it's a breach or not.

9 But, again, that's something you and Mr. Burman,
10 Mr. Goldberger, and you are all very good lawyers, and he's got
11 a whole list of lawyers representing him, and you've got the
12 agreement and you're going to make legal decisions on how to
13 proceed, and you're going to have to go and make your own
14 decisions.

15 I'm concerned about things that aren't in the
16 agreement, that aren't covered, that you're going to be accused
17 of violating because, again, you take depositions, you send out
18 subpoenas, you file motions that are not prohibited by the
19 agreement. And that's what I'm concerned about.

20 MR. CRITTON: And I understand that, Your Honor.

21 But at the same time, it's as if the lawyers and the
22 clients, based upon our interpretation of the agreement, and,
23 believe me, we would not have filed 101, the motion to dismiss,
24 but for believing that there was a good faith basis to do that
25 under the circumstances.

1 And now, in essence, we're being accused not only by
2 -- not accused, but it's been suggested that there's a breach
3 of the NPA, not only by Mr. Josefsberg on behalf of 101, but as
4 well Ms. [REDACTED] on behalf of the United States.

5 That's the perfect example. They're basically saying
6 we think you violated. We may send you notice under the
7 circumstances. So does that mean that on 101 we have to back
8 off of it because we think in good faith that it's a motion and
9 is that something that this Court ultimately will rule?

10 THE COURT: I don't know that I'm the one who is going
11 to make that decision. Again, that's not the kind of thing
12 that I was concerned about. I was more concerned about the
13 normal, ordinary course of conducting and defending a case that
14 would not otherwise expressly be covered under the agreement,
15 that you're going to then have someone say, ah, he's sent a
16 notice of deposition, he's harassing the plaintiffs. I don't
17 know if there's a no contact provision in the agreement or no
18 harassment type of provision in the agreement. Ah, this is a
19 breach because you sent discovery, or he's issuing subpoenas to
20 third parties trying to find out about these victims'
21 backgrounds, he's breaching the agreement.

22 Those are the kind of things that I was worried about.

23 MR. CRITTON: The concern that we have is as part of
24 doing this general civil litigation, it's not just the
25 discovery process. And I understand the issues that the Court

1 has raised.

2 But part of it is that often cases are disposed of
3 either on a summary basis or certainly legal issues that come
4 before the Court during the course of the case, just like in a
5 criminal case. That's clearly part of the, I'd say the defense
6 of the case under the circumstances; and if, in fact, an
7 individual can't legally bring a cause of action for certain
8 reasons, such as has been suggested in 101, and may be
9 suggested in 102 when that pleading is filed, that certainly is
10 a position that puts my client at risk.

11 As another example that I use with C.M.A., that they
12 filed this 30-count complaint. Now, they have the state court
13 claims as well. But they, in essence, have said they filed
14 another pleading with the Court that says depending on what the
15 Court rules, in essence, on whether we can file multiple claims
16 or one cause of action with multiple violations, we may dump
17 the state court claims and, therefore, we'll just ride along on
18 that. That's a very different --

19 Mr. Epstein would never have entered into, nor would
20 his attorneys have allowed him to enter into that agreement
21 under those circumstances where he had this unlimited
22 liability. That clearly was never envisioned by any of the
23 defendants -- by the defendant or any of his lawyers under the
24 circumstances.

25 And if that's claimed to be a violation, either by the

1 attorneys; i.e., he's not recapitulating on liability under the
2 2255, and that's all we have now. That's our exclusive remedy.

3 And the Government says, yeah, that's right, that's a
4 violation of the NPA. It again chills us from moving forward,
5 filing the necessary motion papers and taking legal positions
6 that may put my client at risk for violating the NPA and then
7 creating the irreparable harm of, after having been in jail,
8 after having pled guilty to the state court counts, after
9 registering on release as a sex offender, he's complied and
10 done everything, taken extraordinary efforts to comply with the
11 NPA, puts him at substantial risk. And that's what our worry
12 is moving forward.

13 MR. JOSEFSBERG: Your Honor, may I be heard. May I
14 make three comments? It will take less than a minute.

15 THE COURT: Yes, sir.

16 MR. JOSEFSBERG: Mr. Critton refers to the alleged
17 victims. I want you to know that our position is that pursuant
18 to the NPA they're not alleged victims. They are actual, real
19 victims, admitted victims.

20 Secondly, he argues about the statute of limitations
21 on 102. I know that you don't want to hear about that, and I'm
22 not going to comment about it. But please don't take our lack
23 of argument about this as being we agree with anything.

24 Last and most important, we totally agree with
25 Mr. Critton in his suggestion that he hand you a copy of the

1 NPA. I think that many of the questions you asked will be
2 answered when you read the NPA, and I think it's very unfair of
3 everyone who is sitting in front of you who have the NPA to be
4 discussing with you whether it's being breached, whether there
5 should be a stay when you're not that familiar with it.

6 If we would give you a copy of it, I think it would be
7 much more helpful in making your ruling.

8 THE COURT: Maybe Judge Colvat will resolve this issue
9 for me.

10 MR. JOSEFSBERG: Even if he doesn't, Your Honor, I
11 believe we are allowed to show it to you.

12 THE COURT: I'll tell you what: I'll wait for Judge
13 Colvat to rule, and then if he rules that it should remain
14 sealed, then I'll consider whether or not I want to have it
15 submitted to me in camera.

16 Anything else, Mr. Josefsberg?

17 MR. JOSEFSBERG: No. I thank you on behalf of myself
18 and the other counsel on the phone for permitting us to appear
19 by phone.

20 THE COURT: All right. Anyone else have anything they
21 want to add?

22 MR. EDWARDS: Brad Edwards on behalf of Jane Doe.

23 I only had one issue here, and when I read your motion
24 that you wanted to hear on the narrow issue of just defense in
25 the civil actions filed against him violates the

1 non-prosecution agreement, I was expecting that we were going
2 to hear something from the Government similar to the affidavit
3 that was filed by Mr. Epstein's attorneys wherein he indicates
4 as of the day of this affidavit attached to the motion to stay,
5 the U.S. Attorney's Office has taken the position that Epstein
6 has breached the non-prosecution agreement and it names
7 specifically investigation by Epstein of this plaintiff and
8 other plaintiffs, Epstein's contesting damages in this action.
9 Epstein, or his legal representatives, making statements to the
10 press. And we didn't hear any of those things.

11 So that's what I was expecting that the U.S.
12 Attorney's Office was going to expound on and say, yes, we've
13 made some communications to Epstein. He's violating.

14 What we're hearing right now, today, just so that I'm
15 clear, and I think the Court is clear now, is that the
16 non-prosecution agreement is what it is. There have been no
17 violations, but for maybe what Mr. Josefsberg brought up.

18 But there are very few restrictions on Mr. Epstein.
19 He went into this eyes wide open. And whether or not I agree
20 with the agreement, how it came to be in the first place, is
21 neither here nor there.

22 But there have been no violations or breaches up to
23 this point. And his affidavit that was filed, I'm just
24 troubled by where it even came from. I mean, it's making
25 specific allegations that the U.S. Attorney's Office is

1 threatening a breach, and this is part of the motion to stay,
2 which we're all battling here.

3 So I just wanted to indicate to the Court or remind
4 the Court that there have been specific allegations made, the
5 United States Attorney's Office is making these allegations of
6 breach, which we haven't heard any of the evidence of.

7 Thank you.

8 THE COURT: All right.

9 Ms. [REDACTED], did you want to respond to that
10 suggestion that there were other allegations of breach besides
11 the one that you've just mentioned today?

12 MS. [REDACTED]: No, Your Honor.

13 THE COURT: Thank you. I appreciate your giving me
14 the information, which I think has been very helpful today, and
15 I'll try and get an order out as soon as possible.

16 [Court adjourned at 11:10 [REDACTED].].

17 C E R T I F I C A T E

18 I hereby certify that the foregoing is an accurate
19 transcription of proceedings in the above-entitled matter.

20

s/Larry Herr

21

DATE

LARRY HERR, RPR-CM-RMR-FCRSC

22

Official United States Court Reporter

400 N. Miami Avenue

23

Miami, FL 33128 - 305/523-5290

(Fax) 305/523-5639

24

email: Lindsay165@aol.com

25

EISENBERG & FOUTS, P.A.

Attorneys At Law

JAMES L. EISENBERG

Florida Bar Board Certified Criminal Trial Lawyer
National Board Of Trial Advocacy Certified Criminal Trial Advocate

KAILI ALOE FOUTS

One Clearlake Centre, Suite 704, 250 Australian Avenue South, West Palm Beach, FL 33401 [REDACTED] Fax [REDACTED]

September 21, 2006

[REDACTED], Asst. U.S. Attorney
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401

Re: [REDACTED] Subpoena for T [REDACTED] M [REDACTED]

Dear [REDACTED],

Please allow me to confirm my latest e-mail to you. I did receive your e-mail of last week with attachments and passed them on to my client. At this time, I can only say that my client does not want to do either of your suggestions. She does not want to give a statement under the immunity letter you provided with its Kastigar exception and she does not want to testify [REDACTED] and will not on 5th Amendment grounds. With this client, I am sorry, but I must have a formal grant of immunity before she will say anything.

Sincerely,

JAMES L. EISENBERG

JLE:gw

cc: Ms. [REDACTED] M [REDACTED]





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]

January 24, 2007

DELIVERY BY HAND

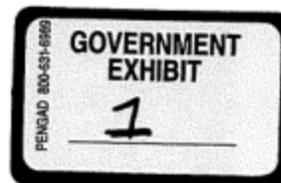
James L. Eisenberg, Esq.
250 S Australian Ave, Ste 704
West Palm Beach, FL 33401-5007

Re: Federal Grand Jury Subpoena

Dear Jim:

A new grand jury has been empaneled and I have enclosed a new subpoena for [REDACTED]. As I mentioned earlier, Ms. [REDACTED] is not a target of this investigation and the United States seeks her testimony solely as a victim/witness. During our last conversation regarding Ms. [REDACTED], you indicated that she was unwilling to speak with us pursuant to a *Kastigar* letter and that she also was unwilling to speak with the grand jury and intends to invoke the Fifth Amendment if questioned. Please confer with her to confirm whether this remains her position. If it is, please advise in writing. Even if Ms. [REDACTED] is inclined to invoke her Fifth Amendment rights, she must still appear pursuant to the subpoena so that I may ask her questions that would not require the invocation of the Fifth Amendment. If she still invokes, I intend to move to compel her answers. If you or your client is unavailable on February 6, 2007, please let me know of another Tuesday when you are available.

I also am concerned about a potential conflict of interest in your representation of Ms. [REDACTED]. In case of future litigation regarding this issue, please provide me with information regarding who is paying (directly or indirectly) for your services on behalf of Ms. [REDACTED], the scope of your representation, and whether you are taking direction on this matter from anyone other than Ms. [REDACTED]. If any formal or informal joint defense agreements exist, whether in writing or otherwise, please provide a copy of such agreements. If the agreement is purely oral, please provide a written summary of its terms.

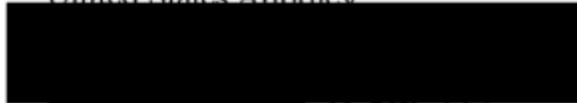


JAMES EISENBERG, ESQ.
JANUARY 24, 2007
PAGE 2

I look forward to your response.

Sincerely,
R. Alexander Acosta
United States Attorney

By:



Assistant United States Attorney

United States District Court
SOUTHERN DISTRICT OF FLORIDA

TO: [REDACTED]

SUBPOENA TO TESTIFY

[REDACTED]

SUBPOENA FOR:

PERSON

DOCUMENTS OR OBJECT[S]

YOU ARE HEREBY COMMANDED to appear and testify before the [REDACTED] 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:

DATE AND TIME:
February 6, 2007
1:00pm*

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

ANY AND ALL NOTES, LETTERS, CARDS, GIFTS, PAYMENTS, AND PHOTOGRAPHS YOU HAVE RECEIVED FROM JEFFREY EPSTEIN, [REDACTED]

ANY AND ALL PHOTOGRAPHS, WHETHER PRINTED OR DIGITAL, OF JEFFREY EPSTEIN, [REDACTED]

ANY AND ALL E-MAILS, INSTANT MESSAGES, CHATS, TEXT MESSAGES, VOICEMAILS, OR TELEPHONE MESSAGES THAT YOU HAVE SENT TO AND/OR RECEIVED FROM JEFFREY EPSTEIN, [REDACTED]

***Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [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:

January 23, 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] x3047
Fax: [REDACTED]

*If not applicable, enter "none."

To be used in lieu of AO110

FORM ORD-227
JAN.86

EFTA00185328

EISENBERG & FOUTS, P.A.
Attorneys At Law

JAMES L. EISENBERG

Florida Bar Board Certified Criminal Trial Lawyer
National Board Of Trial Advocacy Certified Criminal Trial Advocate

KAI LI ALOE FOUTS

One Clearlake Centre, Suite 704, 250 Australian Avenue South, West Palm Beach, FL 33401 [REDACTED] Fax: [REDACTED]

February 1, 2007

[REDACTED], Asst. U.S. Attorney
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401

Re: Grand Jury Subpoena for [REDACTED] [REDACTED]

Dear [REDACTED],

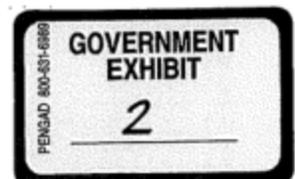
I received your letter dated January 24, 2007 with regard to [REDACTED] [REDACTED]. I must admit I forced myself to wait several days to respond in order to "cool-off" and not say anything I would regret later. Now that time has passed, allow me to respond appropriately.

1. If you want to force Ms. [REDACTED], a single mother, to come to the grand jury room to personally invoke her Fifth Amendment rights, she will be there. That does remain her position. My only request is that you provide a babysitter service for her child. I will be there, but I am not paid to babysit and Ms. [REDACTED] should not have to pay someone. It is this type of attitude, that your office refuses to accept the fact that it is Ms. [REDACTED] decision not to cooperate with the government that upsets her. Your office fails to recognize that merely coming to court is a problem for a single mother like Ms. [REDACTED] and, under these circumstances, appears to be a waste of time at best and, in her mind, personal harassment.

2. Rest assured that there is no conflict of interest in my representation of Ms. [REDACTED]. In this case I have always been asked and always will exercise independent judgment to follow my client's independent will. The remainder of your questions as to this matter are really none of the Government's business.

3. I will share with you that one of the reasons for our firm position that Ms. [REDACTED] will invoke her Fifth Amendment right and choose not to voluntarily cooperate with the Government is our concern that the Government is not exercising independent judgment in this case.

The history of this case has been in the newspapers. The case is being prosecuted in State court. Despite the state court prosecution, the Town of Palm Beach Police Chief went on what can only be



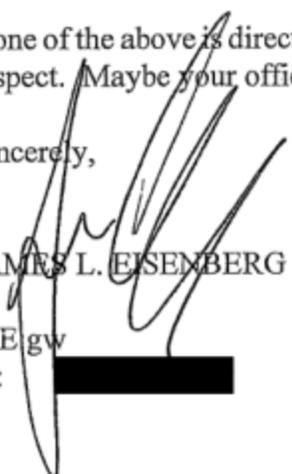
[REDACTED], Asst. U.S. Attorney
February 1, 2007
Page Two

described as a public rampage in the newspaper when the case was not prosecuted to his liking that reminded me of a small child having a public temper tantrum. In my thirty years of experience, I have never seen a law enforcement officer like this publicly make what appeared to be a political case in the newspaper for a prosecution and publicly criticize anyone who got in his way, including the elected State Attorney. This resulted in a federal investigation on a topic no one remembers the Federal Government ever being interested in prosecuting before. Although I am certain that you personally have not had your decision-making process compromised, the appearance that your office is being influenced by the Town of Palm Beach Police Chief's agenda is very real. Under these circumstances, I don't see how any lawyer could advise any client to voluntarily cooperate. Of special concern is that the Town of Palm Beach Police have promoted prosecuting at least one of the girls who allegedly gave massages.

One final thought. My client and my fear that Ms. [REDACTED] could be prosecuted is enhanced by the demand for the personal appearance made in your letter. Your initial Kastiger letter fell far short of granting the functional equivalent of DOJ immunity. Several months ago I was given the distinct impression through our conversations that you were going to obtain DOJ immunity for Ms. [REDACTED]. Now the government is changing course for no apparent reason. This leads to speculation that the only reason for the turnabout is that prosecution in either state or federal court is being considered by someone.

None of the above is directed at you personally. I want to repeat that you have always treated us with respect. Maybe your office should advise the Town Police Chief to act in a similar fashion.

Sincerely,


JAMES L. EISENBERG

JLE gw

cc: [REDACTED]



U.S. Department of Justice

United States Attorney
Southern District of Florida

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

FACSIMILE COVER SHEET

TO: JIM EISENBERG, ESQ. DATE: February 5, 2007

FAX NO. [REDACTED] # OF PAGES: 6

PHONE NO. _____ RE: [REDACTED]

FROM: [REDACTED], ASSISTANT U.S. ATTORNEY

PHONE NO. [REDACTED]

COMMENTS: Hi Jim - These probably say the same thing, but they sound a little different. If you have any suggestions for changes, please let me know.

Thank you for your time today. I appreciate your patience.

Regards,

[REDACTED]





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]

February 5, 2007

DELIVERY BY HAND

Ms. [REDACTED]
c/o James L. Eisenberg, Esq.
250 S Australian Ave, Ste 704
West Palm Beach, FL 33401-5007

Re: Grand Jury Testimony of [REDACTED]

Dear Ms. [REDACTED]:

This letter confirms the understanding between yourself and the United States Attorney's Office for the Southern District of Florida.

You have represented that you will truthfully answer questions of the federal government in its investigation of the procurement of prostitutes, amongst others. You will supply complete and truthful information to the attorneys and law enforcement officers of the federal government and to any Federal Grand Jury which may conduct an investigation, as well as in any other proceeding related to or growing out of this investigation. The obligation of truthful disclosure includes your obligation to provide the attorneys and law enforcement officers of the federal government with any documents, records or other tangible evidence within your custody or control relating to the matters about which you are questioned. You will neither attempt to protect any person or entity through false information or omission, nor falsely implicate any person or entity.

No statements provided by you on this date in this matter pursuant to this agreement will be offered into evidence in any criminal case against you, except during a prosecution for perjury and/or giving a false statement. However, if it is determined that you have materially violated any provision of this agreement, all statements made by you shall be admissible in evidence against you in any proceeding.

The federal government remains free to use information derived from the grand jury testimony directly or indirectly for the purpose of obtaining leads to other evidence, which may be used against you. You expressly waive any right to claim that such evidence should not be introduced because it was obtained as a result of the grand jury testimony. Furthermore, the federal government may use statements made in the grand jury testimony and all evidence derived directly or indirectly therefrom for the purpose of cross-examination, if you testify at any trial or if you

EFTA00185332

Ms. [REDACTED]
FEBRUARY 5, 2007
PAGE 2

suborn testimony that contradicts your prior statements and testimony.

No additional promises, agreements and conditions have been entered into other than those set forth in this letter and none will be entered into unless in writing and signed by all parties.

Sincerely,

R. Alexander Acosta
United States Attorney

By: _____
[REDACTED]
Assistant United States Attorney

I have read this agreement and discussed it with my attorney, and I hereby acknowledge that it fully sets forth my agreement with the office of the United States Attorney for the Southern District of Florida. I state that there have been no additional promises, agreements or representations made to me by any officials of the United States in connection with this matter.

Dated: February ____, 2007
West Palm Beach, Florida

[REDACTED]

Witnessed by:

James L. Eisenberg, Esq.
Attorney for [REDACTED]



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]

February 5, 2007

DELIVERY BY HAND

James L. Eisenberg, Esq.
250 S Australian Ave, Ste 704
West Palm Beach, FL 33401-5007

Re: [REDACTED] [REDACTED]

Dear Mr. Eisenberg:

I am writing to clarify the ground rules for the interview with your client, [REDACTED] ("your client"), to occur February ____, 2007.

As I mentioned earlier, Ms. [REDACTED] is not a target or subject of this investigation, but instead is being interviewed solely as a victim/witness. However, to address your concern about criminal exposure, if your client complies with every provision of this agreement, then the United States Attorney's Office for the Southern District of Florida ("this Office") will treat all statements made by your client during the interview as statements made pursuant to Rule 11(f) of the Federal Rules of Criminal Procedure. This is not a grant of immunity, which can be given only with approval of the Justice Department, but protects your client from having the statements made by her during the interview from being used against her directly. To guard against any misunderstandings concerning the interview of your client, this letter sets forth the terms of this agreement.

Your client agrees to be fully interviewed, that is, to provide information concerning your client's knowledge of, and participation in criminal activity, including but not limited to the procurement of prostitutes. The protection of this letter applies to an interview that will be conducted by this Office, Special Agents of the Federal Bureau of Investigation, and any other federal law enforcement agency this Office may require. Under this agreement, no information disclosed by your client during the interview will be offered in evidence against her in any criminal or civil proceeding, provided that your client complies with this agreement and that the information your client furnishes is truthful, complete, and accurate.

If, however, your client gives materially false, incomplete, or misleading information,

JAMES L. EISENBERG, ESQ.

RE: [REDACTED]
FEBRUARY 2, 2007

PAGE 2

then this Office may use such information in any matter or proceeding and your client is subject to prosecution for perjury, obstruction of justice, and making false statements to government agencies. Any such prosecution may be based upon information provided by your client during the course of the interview, and such information, including your client's statements, will be admissible against your client in any grand jury or other proceeding.

The government also may use statements made by your client in the interview and all evidence derived directly or indirectly therefrom for the purpose of impeachment or cross-examination if she testifies at any trial or hearing, and/or in any rebuttal case against your client in a criminal trial in which she is a defendant or a witness. These provisions are necessary to ensure that your client does not make or offer any false representation or statement in any proceeding or to a government agency or commit perjury during any testimony.

Your client further agrees that attorneys for the United States may be present at the interview, and agrees not to seek disqualification of any such government attorney from any proceeding or trial because of their participation at the interview.

The entire agreement between the United States and your client is set forth in this letter. No additional promises, agreements, or conditions have been entered into and none will be entered into unless in writing and signed by all parties.

If the foregoing accurately reflects the understanding and agreement between this Office and your client, it is requested that you and your client execute this letter as provided below.

Sincerely,
R. Alexander Acosta
United States Attorney

By:

[REDACTED]
Assistant United States Attorney

I have received this letter from my attorney, James L. Eisenberg, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it fully sets forth my understanding and agreement with the Office of the United States Attorney for the Southern

EFTA00185335

JAMES L. EISENBERG, ESQ.

RE: [REDACTED] [REDACTED]

FEBRUARY 2, 2007

PAGE 3

District of Florida. I state that there have been no additional promises or representations made to me by any official of the United States Government or by my attorney in connection with this matter.

Dated: _____

[REDACTED] _____

Witnessed by:

James L. Eisenberg, Esquire

Request for Unusual Expense(s) of Fact Witness
(For United States Attorney's Office Use Only)

Control #

1. Case Name <i>Operation Leap Year</i>		2. Court Docket Number		3. Requesting AUSA [Redacted]	
4. Location of Court Proceeding <i>West Palm Beach</i>		5. Contact Person		6. Contact Person Number [Redacted]	
7. Witness Name & Address, Phone #, SSN [Redacted]			8. Vendor Name & Address, Phone #, TIN/SSN		
9. Payment to be made to: [Redacted]			10. Receipt/Invoice is:		
11. Type of Unusual Expense: <input type="checkbox"/> Medically Necessary Item (Attached Supporting Statement) <input checked="" type="checkbox"/> Dependent Care <input type="checkbox"/> Excess Lodging/Per Diem <input type="checkbox"/> Travel & Transportation <input type="checkbox"/> Pretrial Conference Waiver <input type="checkbox"/> Other			12. Explanation: <i>The witness has a small child and would not had no one who could watch the child while she testified.</i>		
13. Start Date of Service (MO/DA/YR) <i>2/6/07</i>		14. End Date of Service (MO/DA/YR) <i>2/6/07</i>		15. Amount	

16. Justification:

17. I hereby certify that the expenses and services listed on this document are appropriate and are within the Federal laws and regulations. I fully understand that I can be held personally liable or be subject to disciplinary action for improperly using government funds or services that exceed delegated authority or that violate Federal laws or regulations.

Signature of Requesting AUSA

Date

18. Name & Title of Approving Official

19. Date (MO/DA/YR)

20. Signature of Approving Official



UFWE Form

EISENBERG & FOUTS, P.A.

Attorneys At Law

JAMES L. EISENBERG

Florida Bar Board Certified Criminal Trial Lawyer
National Board Of Trial Advocacy Certified Criminal Trial Advocate

KAI LI ALOE FOUTS

One Clearlake Centre, Suite 704, 250 Australian Avenue South, West Palm Beach, FL 33401 [REDACTED] Fax: [REDACTED]

February 12, 2007

[REDACTED] Asst. U.S. Attorney
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401

Re: Grand Jury Subpoena for [REDACTED] [REDACTED]

Dear [REDACTED]

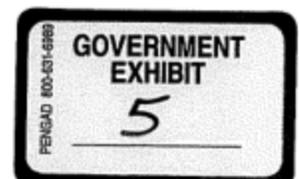
As always, it was a pleasure speaking to you the other day. Pursuant to our telephone conference I am writing this letter to proffer my concerns for [REDACTED] [REDACTED] should she testify without immunity before a federal grand jury. Therefore, allow me to reiterate that Ms. Miller will refuse to voluntarily cooperate with the federal government. She has a good faith basis for her position under the Fifth Amendment to the United States Constitution.

We, of course, do not live or work in a vacuum. We have read many inflammatory remarks the Town of Palm Beach Police Chief has made to the media about the state court's handling of the Jeffrey Epstein investigation. The police chief's remarks frighten both myself and my client. I am aware that the town police have prepared documents to charge at least one of Mr. Epstein's lady friends in state court. If they can push to have one lady charged I remain unconvinced that they do not have the ability or political clout to push to have other ladies such as Ms. [REDACTED] charged.

The proffered facts that raise my concerns are being provided via this proffer letter. Pursuant to our telephone conference agreement, this letter and its contents cannot be used against Mr. [REDACTED].

Ms. [REDACTED] is not at all certain of dates. She does remember meeting Mr. Epstein about three years ago. She is not certain of her age, it could have been when she was sixteen. A girlfriend asked her if she wanted a job giving massages. Ms. [REDACTED] agreed because she had knowledge of massages through her mother, who was a masseuse.

Ms. [REDACTED] went to Mr. Epstein's house via taxi. Ms. [REDACTED] girlfriend instructed Ms. [REDACTED] that, if asked, she had to tell Mr. Epstein that she ([REDACTED]) was eighteen years old. The friend was nineteen years old and [REDACTED] looked old for her age, so passing for eighteen was not a problem. At

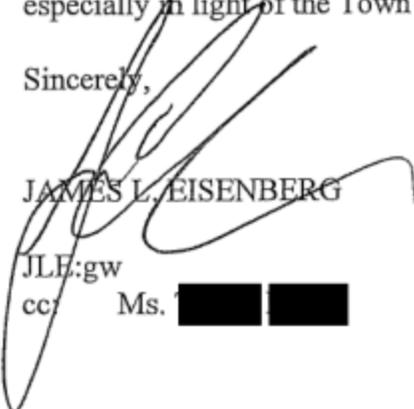


the home Ms. [REDACTED] met Mr. Epstein and later gave him a massage. The friend had told Ms. [REDACTED] to give the message topless. Mr. Epstein told [REDACTED] that if she were at all uncomfortable being topless, not to do it and it was not a requirement of employment as a masseuse. Ms. [REDACTED] never touched Mr. Epstein in a sexual way and Mr. Epstein never touched Ms. [REDACTED] at all. At one point, Mr. Epstein did ask Ms. [REDACTED] her age. Ms. [REDACTED] insisted that she was eighteen years old.

Ms. [REDACTED] continued to see Mr. Epstein over time and massages were given in a similar fashion. She was later asked if her friends wanted to work in a similar way and she asked some girls who did give Mr. Epstein massages. Ms. [REDACTED] was never asked to bring girls of any age to Mr. Epstein's home. When she did have her friends come over, she instructed all of them that if asked, they insist that they were eighteen years old. She is not certain at all of any of these girls' real ages.

In summary, our concern is that if the government believes that Mr. Epstein committed some federal offense, then Ms. [REDACTED] could be considered a co-conspirator. We believe no crime was committed. The Fifth Amendment was not intended to protect the guilty, however. It was enacted to protect citizens who fear prosecution notwithstanding their innocence. Our fear of any prosecution, especially in light of the Town police chief's public remarks, is clearly in good faith.

Sincerely,



JAMES L. EISENBERG

JLE:gw

cc: Ms. [REDACTED] [REDACTED]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
NORTHERN (WEST PALM BEACH) DIVISION

FGJ 07-103(WPB)

FILED BY _____
2007 APR 16 PM 2:15
U.S. DISTRICT COURT
S.D. OF FLA. WPB

IN RE:

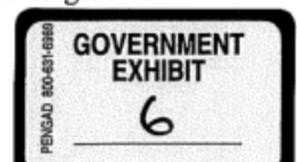
GRAND JURY PROCEEDINGS

SEALED ORDER

On Application of the United States Attorney for the Southern District of Florida, and it appearing to the satisfaction of the Court:

1. That [REDACTED] [REDACTED] has been called to testify and to provide other information before the United States District Court for the Southern District of Florida, including a Grand Jury impanelled therein; and
2. That in the judgment of the said United States Attorney, [REDACTED] [REDACTED] has refused to testify and provide other information on the basis of her privilege against self-incrimination; and
3. That in the judgment of the said United States Attorney, the testimony and other information from [REDACTED] [REDACTED] may be necessary to the public interest; and
4. That the aforesaid Application has been made with the approval of the Assistant Attorney General in charge of the Criminal Division of the Department of Justice or a duly designated Acting Assistant Attorney General, pursuant to the authority vested in him by Title 18, United States Code, Section 6003, and Title 28, Code of Federal Regulations, Sections 0.175 and 0.132(e).

NOW, THEREFORE, it is ordered pursuant to Title 18, United States Code, Section 6002, that [REDACTED] [REDACTED] give testimony and provide other information which she refuses to give or to

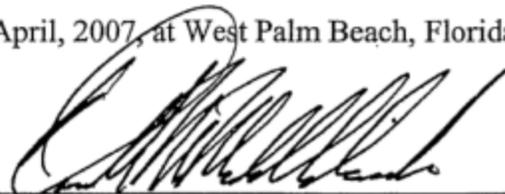


provide on the basis of her privilege against self-incrimination, as to all matters about which she may be interrogated before said United States District Court, including a Grand Jury impaneled therein, as well as any subsequent proceeding or trial.

However, no testimony or other information compelled under this Order (or any information directly or indirectly derived from such testimony or other information) may be used against [REDACTED] in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this Order.

IT IS FURTHER ORDERED the this Order shall be **SEALED** in accordance with Fed. R. Crim. P. 6(e)(6), except that a copy of this Order shall be provided to counsel for the United States, who may disclose the existence of the Order to members of the Grand Jury, to the witness, to counsel for the witness, and to law enforcement officers engaged in the investigation pending before the Grand Jury. Those persons may review the Order, but may not retain a copy of the Order, nor may they disclose the existence of the Order to any others.

DONE and ORDERED this 16 day of April, 2007, at West Palm Beach, Florida.



DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

cc: [REDACTED], AUSA

United States District Court
SOUTHERN DISTRICT OF FLORIDA

TO: [REDACTED]

**SUBPOENA TO TESTIFY
BEFORE GRAND JURY**
FGJ 07-103(WPB)-Tues./No. OLY-13/2

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: February 6, 2007 1:00pm*	

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

ANY AND ALL NOTES, LETTERS, CARDS, GIFTS, PAYMENTS, AND PHOTOGRAPHS YOU HAVE RECEIVED FROM JEFFREY EPSTEIN, [REDACTED]

ANY AND ALL PHOTOGRAPHS, WHETHER PRINTED OR DIGITAL, OF JEFFREY EPSTEIN, [REDACTED] AND/OR [REDACTED]

ANY AND ALL E-MAILS, INSTANT MESSAGES, CHATS, TEXT MESSAGES, VOICEMAILS, OR TELEPHONE MESSAGES THAT YOU HAVE SENT TO AND/OR RECEIVED FROM JEFFREY EPSTEIN, [REDACTED] AND/OR [REDACTED]

***Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [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		DATE: January 23, 2007
(BY) DEPUTY CLERK		

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."

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA

JANE DOE #1 AND JANE DOE #2,

Petitioners,

vs.

UNITED STATES,

Respondent.

DECLARATION OF [REDACTED]

E. [REDACTED] declares as follows:

1. I am a Special Agent in the Federal Bureau of Investigation (FBI) and have been so employed since 1997. I am currently assigned to the West Palm Beach office of the FBI Miami Field Division.

2. In 2006, I was assigned as the case agent in an investigation into allegations that Jeffrey Epstein had engaged in unlawful sexual contact with girls under the age of 18. The case was called Operation Leap Year. FBI Special Agent [REDACTED] and I conducted most of the investigation, and worked with the U.S. Attorney's Office, on Operation Leap Year.

3. Over the course of the investigation, the FBI obtained hundreds of documents through the use of grand jury subpoenas, public records, and law enforcement databases. FBI agents conducted interviews with females believed to have been sexually abused by Mr. Epstein and underage at the time of the assault, as well as other individuals who might have relevant information. The interviews are memorialized and prepared by the interviewing FBI agent. The interview reports of the young women interviewed contain highly personal and intimate details,

which would cause embarrassment to the young women if disclosed to third parties. For those interviewed who did not reveal any intimate details, many will be displeased if their cooperation with the FBI is made public. In my experience, individuals are reluctant to cooperate with law enforcement for fear of being singled out, harassed, embarrassed, or subjected to retaliation if their cooperation is disclosed to third parties.

4. The case file on Operation Leap Year also contains FBI agents' analysis of information obtained during the course of the investigation. These written analyses of the evidence reveal potential theories of criminal liability based on the evidence uncovered in the case. Information contained within FBI investigative files can also reveal sensitive FBI investigative and operational methods, procedures and techniques. While it is publically known that the FBI conducts investigations into the type of criminal wrongdoing committed by Jeffrey Epstein, disclosing the precise details of the sensitive methods, procedures and techniques employed during an investigation might compromise their future effective use. It is critical that the FBI's investigative tools remain confidential to both retain an element of surprise and to prevent countermeasures to such tools from being employed by targets and suspects.

5. During the course of Operation Leap Year, I interviewed and heard the personal account of sexual abuse committed by Mr. Epstein on the young women. They suffered emotionally, and some were referred by the FBI to mental health professionals because of the psychologically harmed caused by Mr. Epstein. In at least one instance, mental health professionals were involved to help prevent one young woman from physically harming herself.

6. The disclosure of personal information, contained in the FBI investigative file, to third parties would not merely cause further embarrassment but could result in additional psychological trauma, disruption of family relationships, disruption of professional careers and

possible public release of personal information.

7. Operation Leap Year remains an open case.

8. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on September 3, 2013.

A large black rectangular redaction box covering the signature of the Special Agent.

Special Agent
Federal Bureau of Investigation
West Palm Beach, Florida



U.S. Department of Justice
Federal Bureau of Investigation
FBI - West Palm Beach
Suite 500
505 South Flagler Drive
West Palm Beach, FL 33401
Phone: [REDACTED]
Fax: [REDACTED]

January 10, 2008

James Eisenberg
One Clearlake Center Ste 704 Australian South
West Palm Beach, FL 33401

Re: [REDACTED]

Dear James Eisenberg:

You have requested to receive notifications for [REDACTED]

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at WWW.Notify.USDOJ.GOV or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number (VIN) '1941741' and Personal Identification Number (PIN) '7760' anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is Eisenberg.



If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,

[Redacted Signature]

[Redacted Name]

Victim Specialist



U.S. Department of Justice
Federal Bureau of Investigation
FBI - West Palm Beach
Suite 500
505 South Flagler Drive
West Palm Beach, FL 33401
Phone: [REDACTED]
Fax: [REDACTED]

GOVERNMENT EXHIBIT	
CASE NO.	08-80736-CV-MARRA
EXHIBIT NO.	5

May 30, 2008

S [REDACTED]
[REDACTED]

Re: [REDACTED]

Dear S [REDACTED]

Your name was referred to the FBI's Victim Assistance Program as being a possible victim of a federal crime. We appreciate your assistance and cooperation while we are investigating this case. We would like to make you aware of the victim services that may be available to you and to answer any questions you may have regarding the criminal justice process throughout the investigation. Our program is part of the FBI's effort to ensure the victims are treated with respect and are provided information about their rights under federal law. These rights include notification of the status of the case. The enclosed brochures provide information about the FBI's Victim Assistance Program, resources and instructions for accessing the Victim Notification System (VNS). VNS is designed to provide you with information regarding the status of your case.

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at WWW.Notify.USDOJ.GOV or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number (VIN) '2074381' and Personal Identification Number (PIN) '1816' anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is R [REDACTED]

[REDACTED]

[REDACTED]

U

If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,



Victim Specialist



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 7, 2007

DELIVERY BY HAND

[REDACTED]

Re: Crime Victims' and Witnesses' Rights

Dear Miss [REDACTED]

Pursuant to the Justice for All Act of 2004, as a victim and/or witness of a federal offense, you have a number of rights. Those rights are:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any public court proceeding, unless the court determines that your testimony may be materially altered if you are present for other portions of a proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, or sentencing.
- (5) The reasonable right to confer with the attorney for the United States in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

Members of the U.S. Department of Justice and other federal investigative agencies, including the Federal Bureau of Investigation, must use their best efforts to make sure that these rights are protected. If you have any concerns in this regard, please feel free to contact me at [REDACTED], or Special Agent [REDACTED] from the Federal Bureau of Investigation at [REDACTED]. You also can contact the Justice Department's Office for Victims of Crime in Washington, D.C. at [REDACTED]. That Office has a website at www.ovc.gov.

You can seek the advice of an attorney with respect to the rights listed above and, if you believe that the rights set forth above are being violated, you have the right to petition the Court for relief.

[REDACTED]
JUNE 7, 2007
PAGE 2

In addition to these rights, you are entitled to counseling and medical services, and protection from intimidation and harassment. If the Court determines that you are a victim, you also may be entitled to restitution from the perpetrator. A list of counseling and medical service providers can be provided to you, if you so desire. If you or your family is subjected to any intimidation or harassment, please contact Special Agent [REDACTED] or myself immediately. It is possible that someone working on behalf of the targets of the investigation may contact you. Such contact does not violate the law. However, if you are contacted, you have the choice of speaking to that person or refusing to do so. If you refuse and feel that you are being threatened or harassed, then please contact Special Agent [REDACTED] or myself.

You also are entitled to notification of upcoming case events. At this time, your case is under investigation. If anyone is charged in connection with the investigation, you will be notified.

Sincerely,

R. Alexander Acosta
United States Attorney

By:

[REDACTED]
Assistant United States Attorney

cc: Special Agent [REDACTED], F.B.I.

EFTA00185351



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]

August 11, 2006

DELIVERY BY HAND

Miss [REDACTED]

Re: Crime Victims' and Witnesses' Rights

Dear [REDACTED]

Pursuant to the Justice for All Act of 2004, as a victim and/or witness of a federal offense, you have a number of rights. Those rights are:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any public court proceeding, unless the court determines that your testimony may be materially altered if you are present for other portions of a proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, or sentencing.
- (5) The reasonable right to confer with the attorney for the United States in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

Members of the U.S. Department of Justice and other federal investigative agencies, including the Federal Bureau of Investigation, must use their best efforts to make sure that these rights are protected. If you have any concerns in this regard, please feel free to contact me at [REDACTED], or Special Agent [REDACTED] from the Federal Bureau of Investigation at [REDACTED]. You also can contact the Justice Department's Office for Victims of Crime in Washington, D.C. at 202-307-5983. That Office has a website at www.ovc.gov.

You can seek the advice of an attorney with respect to the rights listed above and, if you believe that the rights set forth above are being violated, you have the right to petition the Court for relief.

EFTA00185352

MISS T [REDACTED] M [REDACTED]
AUGUST 11, 2006
PAGE 2

In addition to these rights, you are entitled to counseling and medical services, and protection from intimidation and harassment. If the Court determines that you are a victim, you are also entitled to restitution from the perpetrator. A list of counseling and medical service providers will be provided to you, if you so desire. If you or your family is subjected to any intimidation or harassment, please contact Special Agent [REDACTED] or myself immediately. It is possible that someone working on behalf of the targets of the investigation may contact you. Such contact does not violate the law. However, if you are contacted, you have the choice of speaking to them or refusing to do so. If you refuse and feel that you are being threatened or harassed, then please contact Special Agent [REDACTED] or myself.

You also are entitled to notification of upcoming case events. At this time, your case is under investigation. If anyone is charged in connection with the investigation, you will be notified.

Sincerely,

R. Alexander Acosta
United States Attorney

By:

[REDACTED]
Assistant United States Attorney

cc: Special Agent [REDACTED] F.B.I.



U.S. Department of Justice
Federal Bureau of Investigation
FBI - West Palm Beach
Suite 500
505 South Flagler Drive
West Palm Beach, FL 33401
Phone: [REDACTED]
Fax: [REDACTED]

January 10, 2008

[REDACTED]

Re: Case Number: [REDACTED]

Dear [REDACTED]

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

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EFTA00185354

If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,



Victim Specialist



U.S. Department of Justice
Federal Bureau of Investigation
FBI - West Palm Beach
Suite 500
505 South Flagler Drive
West Palm Beach, FL 33401
Phone: [REDACTED]
Fax: (5 [REDACTED])

January 10, 2008

James Eisenberg
One Clearlake Center Ste 704 Australian South
West Palm Beach, FL 33401

Re: [REDACTED]

Dear James Eisenberg:

You have requested to receive notifications for [REDACTED]

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

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If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,



Victim Specialist



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 7, 2007

DELIVERY BY HAND

Mis [REDACTED]

Re: Crime Victims' and Witnesses' Rights

Dear [REDACTED]

Pursuant to the Justice for All Act of 2004, as a victim and/or witness of a federal offense, you have a number of rights. Those rights are:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any public court proceeding, unless the court determines that your testimony may be materially altered if you are present for other portions of a proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, or sentencing.
- (5) The reasonable right to confer with the attorney for the United States in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

Members of the U.S. Department of Justice and other federal investigative agencies, including the Federal Bureau of Investigation, must use their best efforts to make sure that these rights are protected. If you have any concerns in this regard, please feel free to contact me at [REDACTED] or Special Agent [REDACTED] from the Federal Bureau of Investigation at [REDACTED]. You also can contact the Justice Department's Office for Victims of Crime in Washington, D.C. at 202-307-5983. That Office has a website at www.ovc.gov.

You can seek the advice of an attorney with respect to the rights listed above and, if you believe that the rights set forth above are being violated, you have the right to petition the Court for relief.

MISS C [REDACTED] W [REDACTED]
JUNE 7, 2007
PAGE 2

In addition to these rights, you are entitled to counseling and medical services, and protection from intimidation and harassment. If the Court determines that you are a victim, you also may be entitled to restitution from the perpetrator. A list of counseling and medical service providers can be provided to you, if you so desire. If you or your family is subjected to any intimidation or harassment, please contact Special Agent [REDACTED] or myself immediately. It is possible that someone working on behalf of the targets of the investigation may contact you. Such contact does not violate the law. However, if you are contacted, you have the choice of speaking to that person or refusing to do so. If you refuse and feel that you are being threatened or harassed, then please contact Special Agent [REDACTED] or myself.

You also are entitled to notification of upcoming case events. At this time, your case is under investigation. If anyone is charged in connection with the investigation, you will be notified.

Sincerely,

R. Alexander Acosta
United States Attorney

By:

[REDACTED]

Assistant United States Attorney

cc: Special Agent [REDACTED] F.B.I.

11
12



U.S. Department of Justice

United States Attorney
Southern District of Florida

GOVERNMENT EXHIBIT	
CASE NO.	08-80736-CV-MARRA
EXHIBIT NO.	7

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

Facsimile: [REDACTED]

August 11, 2006

DELIVERY BY HAND

Miss [REDACTED]

Re: Crime Victims' and Witnesses' Rights

Dear Miss [REDACTED]

Pursuant to the Justice for All Act of 2004, as a victim and/or witness of a federal offense, you have a number of rights. Those rights are:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
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You can seek the advice of an attorney with respect to the rights listed above and, if you believe that the rights set forth above are being violated, you have the right to petition the Court for relief.

MISS [REDACTED]
AUGUST 11, 2006
PAGE 2

In addition to these rights, you are entitled to counseling and medical services, and protection from intimidation and harassment. If the Court determines that you are a victim, you also are entitled to restitution from the perpetrator. A list of counseling and medical service providers will be provided to you, if you so desire. If you or your family is subjected to any intimidation or harassment, please contact Special Agent [REDACTED] or myself immediately. It is possible that someone working on behalf of the targets of the investigation may contact you. Such contact does not violate the law. However, if you are contacted, you have the choice of speaking to them or refusing to do so. If you refuse and feel that you are being threatened or harassed, then please contact Special Agent [REDACTED] or myself.

You also are entitled to notification of upcoming case events. At this time, your case is under investigation. If anyone is charged in connection with the investigation, you will be notified.

Sincerely,

R. Alexander Acosta
United States Attorney

By: [REDACTED]

[REDACTED]
Assistant United States Attorney

cc: Special Agent [REDACTED] F.B.I.



U.S. Department of Justice
Federal Bureau of Investigation
FBI - West Palm Beach
Suite 500
505 South Flagler Drive
West Palm Beach, FL 33401
Phone: [REDACTED]
Fax: [REDACTED]

January 10, 2008



Re: Case Number: [REDACTED]

Dear [REDACTED]

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at WWW.Notify.USDOJ.GOV or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number (VIN) '1941737' and Personal Identification Number (PIN) '5502' anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is [REDACTED].



If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,



Victim Specialist



U.S. Department of Justice
Federal Bureau of Investigation
FBI - West Palm Beach
Suite 500
505 South Flagler Drive
West Palm Beach, FL 33401
Phone: [REDACTED]
Fax: [REDACTED]

January 10, 2008

James Eisenberg
One Clearlake Center Ste 704 Australian South
West Palm Beach, FL 33401

Re: [REDACTED]

Dear James Eisenberg:

You have requested to receive notifications for [REDACTED]

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

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If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,



Victim Specialist



U.S. Department of Justice
Federal Bureau of Investigation
FBI - West Palm Beach
Suite 500
505 South Flagler Drive
West Palm Beach, FL 33401
Phone: [REDACTED]
Fax: [REDACTED]



May 30, 2008

[REDACTED]

Re: [REDACTED]
Dear [REDACTED]

Your name was referred to the FBI's Victim Assistance Program as being a possible victim of a federal crime. We appreciate your assistance and cooperation while we are investigating this case. We would like to make you aware of the victim services that may be available to you and to answer any questions you may have regarding the criminal justice process throughout the investigation. Our program is part of the FBI's effort to ensure the victims are treated with respect and are provided information about their rights under federal law. These rights include notification of the status of the case. The enclosed brochures provide information about the FBI's Victim Assistance Program, resources and instructions for accessing the Victim Notification System (VNS). VNS is designed to provide you with information regarding the status of your case.

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at WWW.Notify.USDOJ.GOV or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number (VIN) '2074381' and Personal Identification Number (PIN) '1816' anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is [REDACTED]

[REDACTED]

[REDACTED]

If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,



Victim Specialist



U.S. Department of Justice

United States Attorney
Southern District of Florida

AO 89-C
GOVERNMENT EXHIBIT
CASE NO. 08-80736-CV-MARRA
EXHIBIT NO. 6

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

Facsimile: [REDACTED]

July 9, 2008

VIA FACSIMILE

Brad Edwards, Esq.
The Law Offices of Brad Edwards & Associates, LLC
2028 Harrison Street, Suite 202
Hollywood, Florida 33020.

Re: Jeffrey Epstein [REDACTED]: NOTIFICATION OF IDENTIFIED VICTIM

Dear Mr. Edwards:

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida asks that you provide the following notice to your client, [REDACTED].

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control 1, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein

BRAD EDWARDS, ESQ.
NOTIFICATION OF IDENTIFIED VICTIM C [REDACTED] W [REDACTED]
JULY 9, 2008
PAGE 2 OF 2

had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

Through this letter, this Office hereby provides Notice that your client, [REDACTED] is an individual whom the United States was prepared to name as a victim of an enumerated offense.

Should your client decide to file a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that you contact him at Atterbury Goldberger and Weiss, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401, [REDACTED]

Please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation; however, if you do file a claim under 18 U.S.C. § 2255 and Mr. Epstein denies that your client is a victim of an enumerated offense, please provide notice of that denial to the undersigned.

Please thank your client for all of her assistance during the course of this examination and express the heartfelt regards of myself and Special Agents [REDACTED] for the health and well-being of Ms. [REDACTED]

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By:

[REDACTED]
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.



U.S. Department of Justice

United States Attorney
Southern District of Florida

A0888-C	
GOVERNMENT EXHIBIT	
CASE NO.	08-80736-CV-MARRA
EXHIBIT NO.	7

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

Facsimile: [REDACTED]

July 9, 2008

VIA FACSIMILE

Brad Edwards, Esq.
The Law Offices of Brad Edwards & Associates, LLC
2028 Harrison Street, Suite 202
Hollywood, Florida 33020.

Re: Jeffrey Epstein/[REDACTED] NOTIFICATION OF IDENTIFIED VICTIM

Dear Mr. Edwards:

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida asks that you provide the following notice to your client, [REDACTED]

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control 1, with conditions of community confinement imposed by the Court.

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One such condition to which Epstein has agreed is the following:

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BRAD EDWARDS, ESQ.
NOTIFICATION OF IDENTIFIED VICTIM S [REDACTED]
JULY 9, 2008
PAGE 2 OF 2

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Through this letter, this Office hereby provides Notice that your client, [REDACTED] is an individual whom the United States was prepared to name as a victim of an enumerated offense.

Should your client decide to file a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that you contact him at Atterbury Goldberger and Weiss, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401, [REDACTED].

Please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation; however, if you do file a claim under 18 U.S.C. § 2255 and Mr. Epstein denies that your client is a victim of an enumerated offense, please provide notice of that denial to the undersigned.

Please thank your client for all of her assistance during the course of this examination and express the heartfelt regards of myself and Special Agents [REDACTED] for the health and well-being of Ms. [REDACTED]

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: [REDACTED]

ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

GOVERNMENT SUMMARY JUDGMENT EXHIBITS

Jane Doe 1 and 2 v. United States

Exhibit Number

Item

E-mail from Jim Eisenberg to [REDACTED], October 24, 2006

CEO approval of 18 U.S.C. § 6001 Immunity for TM

April 24, 2007 TM Interview Transcript

December 21, 2007 letter from Lefkowitz to Acosta

August 11, 2006 victim letter to TM

August 11, 2006 victim letter to CW

Epstein appeal letters to CEOS

• May 15, 2008 letter from Oosterbaan to Lefkowitz

• June 23, 2008 letter from John Roth to Lefkowitz

January 2008 FBI victim letters

• November 28, 2007 letter, Ken Starr to Alice Fisher

December 11, 2007 letter, Lefkowitz to Acosta

Attorney General Guidelines (2005), Victim and Witness Assistance

November 27, 2007 email, Sloman to Lefkowitz

• December 26, 2007 letter, Lefkowitz to Acosta

Complaint, E.W. v. Epstein (CW)

Complaint, L.M. [REDACTED] Epstein (TM)

S/A Kuyrkendall Declaration

*Personal email
DE 361-15*

10/10/07 Lefkowitz ltr

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA

JANE DOE #1 AND JANE DOE #2,

Petitioners,

vs.

UNITED STATES,

Respondent.

SECOND DECLARATION OF E. [REDACTED]

I, E. [REDACTED], declare as follows:

1. I am a Special Agent in the Federal Bureau of Investigation (FBI) and have been so employed since 1997. I am currently assigned to the West Palm Beach office of the FBI Miami Field Division.

2. In 2006, I was assigned as the case agent on the investigation of Jeffrey Epstein, which was referred to as Operation Leap Year.

3. As part of that investigation, I attempted to interview Jane Doe #2 at her residence. Jane Doe #2 was walking to her vehicle, and she refused to speak with me.

4. I returned to my vehicle to get a grand jury subpoena for Jane Doe #2 and handed it to her. Jane Doe #2 threw the grand jury subpoena onto the ground. I then verbally instructed her that it was a court order and she was expected to appear at the grand jury at the location, date, and time that appeared on the subpoena. Jane Doe #2 got into the vehicle and drove away without speaking to me.

5. Jane Doe #2 later obtained counsel and appeared for a videotaped interview on April 24, 2007. During the videotaped interview, Jane Doe #2 expressed her opinion that Jeffrey Epstein should not be prosecuted. She said, "I hope Jeffrey, nothing happens to Jeffrey because he's an awesome man and it would really be a shame. It's a shame that he has to go through this because he's an awesome guy and he didn't do nothing wrong, nothing."

6. Other than these events, neither I nor any other FBI agent had any contact with Jane Doe #2 during the course of the investigation. Jane Doe #2 never contacted me or my co-case agents asking for information about the investigation or asking to confer with anyone from the government about the resolution of the matter.

7. On August 7, 2007, my co-case agent and I interviewed Jane Doe #1 as part of the investigation of Jeffrey Epstein. At no time during that interview did Jane Doe #1 ask to confer with anyone from the government about any potential criminal charging decisions or about any potential resolution of the matter. An FBI report was prepared. Between the time of the interview and the signing of the Non-Prosecution Agreement in September 2007, Jane Doe #1 never contacted me or my co-case agent asking for information about the investigation or asking to confer with anyone from the government about any potential criminal charging decisions or about the resolution of the matter.

8. In October 2007, my co-case agent and I met with Jane Doe #1 at a Publix grocery store in Palm Beach Gardens. We were meeting with Jane Doe #1 to advise her of the main terms of the Non-Prosecution Agreement. Among other information I provided, I told Jane Doe #1 that an agreement had been reached, Mr. Epstein was going to plead guilty to two state charges, and there would not be a federal prosecution.

9. After my co-case agent and I met with Jane Doe #1 and two other victims, I became concerned about what would happen if Jeffrey Epstein failed to perform his obligations under the Non-Prosecution Agreement. If Mr. Epstein breached or failed to perform those obligations, then the government would need to be ready to proceed with a prosecution. I was concerned that if the victims were informed of the Non-Prosecution Agreement, which included an option for victims to seek monetary damages in a civil matter, then Epstein's counsel would use the notifications to impeach me and the victims if a prosecution were to proceed in the future. Accordingly, after conferring with the U.S. Attorney's Office, a decision was made that no further notifications would be made at that time.

10. After the Non-Prosecution Agreement was signed, in the last quarter of 2007 and continuing through 2008, the investigative team felt that there was a possibility that Epstein would breach or fail to perform the terms of the Agreement. Accordingly, the investigation continued in case the prosecution of Epstein would later proceed. The continuing investigation included additional witness interviews, service of grand jury subpoenas, and testimony before the grand jury.

11. On January 31, 2008, as part of the continuing investigation of Jeffrey Epstein, I participated in an interview of Jane Doe #1 with [REDACTED] [REDACTED] from the U.S. Attorney's Office and [REDACTED] from the Justice Department. Jane Doe #1 was re-interviewed in case Epstein breached or failed to perform under the Non-Prosecution Agreement.

12. Throughout the investigation, we interviewed many victims that fell within the scope of Mr. Epstein's criminal activity. A majority of the victims expressed concern about the possible disclosure of their identities to the public. A number of the victims raised concerns about having to testify and/or their parents finding out about their involvement with Mr. Epstein.

Additionally, for some victims, learning of the Epstein investigation and possible exposure of their identities caused them emotional distress. Overall, many of the victims were troubled about the existence of the investigation. They displayed feelings of embarrassment and humiliation and were reluctant to talk to investigators. Some victims who were identified through the investigation refused even to speak to us. Our concerns about the victims' well-being and getting to the truth were always at the forefront of our handling of the investigation.

13. During interviews conducted from 2006 to 2008, no victims expressed a strong opinion that Epstein be prosecuted. As noted above, Jane Doe #2 expressed her opinion that nothing should happen to Epstein.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on May ____, 2017.

E. [REDACTED]
Special Agent
Federal Bureau of Investigation
West Palm Beach, Florida

**JANE DOE #1 AND JANE DOE #2'S MOTION FOR FINDING OF VIOLATIONS OF THE
CRIME VICTIMS' RIGHTS ACT AND REQUEST FOR A HEARING ON APPROPRIATE
REMEDIES**

***CASE NO:* 08-80736-Civ-Marra/Johnson**

EXHIBIT B

FD-302 (Rev. 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/14/2007

[REDACTED] interviewed in West Palm Beach, Florida, regarding a federal investigation involving the sexual exploitation of minors. After being advised of the identity of the interviewing agents and the nature of the interview, [REDACTED] provided the following information:

In 2003 or 2004 [REDACTED] was introduced to JEFFREY EPSTEIN for the purpose of providing him with personal massages. W [REDACTED] was approached at a party by a female she believed was named CHARLISE. She described the female as having brown hair and taller. The female was later identified as [REDACTED]. [REDACTED] told W [REDACTED] and W [REDACTED]'s friend, [REDACTED], that they could make money by providing massages to EPSTEIN. [REDACTED] told W [REDACTED] that she could provide the massages with her clothes on or off. W [REDACTED], who was fifteen years old, believed that she was close to turning sixteen when she first met EPSTEIN. However, during W [REDACTED]'s first contact with EPSTEIN, she told him that she had just turned eighteen.

[REDACTED] and W [REDACTED] traveled to EPSTEIN's residence in Palm Beach by taxi. [REDACTED] was pregnant at the time. Once at the residence, [REDACTED] took W [REDACTED] upstairs. EPSTEIN entered the room wearing only a robe. Once EPSTEIN had removed the robe, both [REDACTED] and W [REDACTED] provided EPSTEIN with a massage. Both [REDACTED] and W [REDACTED] had removed their clothing and remained only in their underwear. EPSTEIN asked [REDACTED] to leave. Once alone with W [REDACTED] EPSTEIN began to masturbate. W [REDACTED] was uncomfortable. After EPSTEIN climaxed the massage was over. W [REDACTED] believed that [REDACTED] had mentioned EPSTEIN might masturbate during the massage but she was still very surprised when he masturbated. EPSTEIN paid W [REDACTED] \$200.00. EPSTEIN did not touch W [REDACTED] during that massage. W [REDACTED] departed EPSTEIN's residence with two men that worked for EPSTEIN. They drove W [REDACTED] to a Shell Gas Station located near Okeechobee Boulevard and the Florida Turnpike.

Prior to departing the residence, W [REDACTED] provided her telephone number to one of EPSTEIN's assistants, [REDACTED] (PHONETIC). W [REDACTED] described her as a very pretty Hispanic female in her early twenties, with long brown hair, and approximately 5'5" to 5'6" tall. W [REDACTED] stated that [REDACTED], another of EPSTEIN's assistants, or EPSTEIN would usually contact her. [REDACTED] would telephone and ask if she was available or if she had any other

Investigation on 08/07/2007 at West Palm Beach, FloridaFile # 31E-MM-108062Date dictated 08/07/2007by SA E. [REDACTED]
SA [REDACTED]

FD-302a (Rev. 10-6-95)

31E-MM-108062

Continuation of FD-302 of C W , On 08/07/2007, Page 2

girls she could bring. When EPSTEIN telephoned, he usually asked for W to come over. According to W, EPSTEIN's house telephone number began with the digits 655. She would call sometimes and leave a message. W stated that when they telephoned her they would inform her of when they would be coming back to town and if she might have anyone new. W did not believe that EPSTEIN ever really liked her.

W traveled to the EPSTEIN's residence during 2003 and 2004 over twenty five times. W believed that she provided EPSTEIN with approximately 10-15 massages. EPSTEIN initially started out touching W's breasts but gradually the massages became more sexual. EPSTEIN would instruct W on how and what to do during the massages. He would request W to rub his chest and nipples. W stated that on approximately two occasions, EPSTEIN asked that W remove her underwear and provide the massage nude. W complied. W stated that EPSTEIN would make her feel that she had the option to do what she wanted.

During one massage, W stated that she had been giving EPSTEIN a massage for approximately 30-40 minutes when instead of EPSTEIN turning over to masturbate, EPSTEIN brought another female into the massage area. W described the female as a beautiful blonde girl, a "Cameron Diaz" type, 19 years of age, bright blue eyes, and speaking with an accent. EPSTEIN had W straddle the female on the massage table. EPSTEIN wanted W to touch the female's breast. According to W, EPSTEIN "pleasured" the female while W was straddled on top of the female. W stated she could hear what she believed to be a vibrator. W said for EPSTEIN it was all about pleasuring the female. After the female climaxed, EPSTEIN patted W on the shoulder and she removed herself from the table. The female got up from the table and went into the spa/sauna. EPSTEIN commented to W that in a few minutes the female would realize what had just happened to her. W received \$200.00.

W advised the interviewing agents that EPSTEIN had used a back massager on her vagina. EPSTEIN asked her first if he could use the massager on her. W stated that she had held her breath when EPSTEIN used the back massager on her. W stated that at no time during any of the massages had EPSTEIN caused her to climax.

During another massage, W believed by this time she was seventeen, EPSTEIN placed his hand on W's vagina, touching

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FD-302a (Rev. 10-6-95)

31E-MM-108062

Continuation of FD-302 of C [REDACTED] W [REDACTED], On 08/07/2007, Page 3

W [REDACTED] clitoris. W [REDACTED] was uncomfortable and told him to stop. EPSTEIN complied. W [REDACTED] stated that the incident freaked her out. W [REDACTED] stated that EPSTEIN was upset because she was upset. W [REDACTED] never return to the residence. W [REDACTED] stated that she did not deal with EPSTEIN anymore after that incident.

EPSTEIN gave both W [REDACTED] and M [REDACTED] each a book entitled "Massage for Dummies". They received the books on the same visit. EPSTEIN also commented how strong [REDACTED] hands were when it came to her providing his massages.

On another occasion, W [REDACTED] mentioned to EPSTEIN that she was looking at a car, a Toyota Corolla. EPSTEIN provided W [REDACTED] with \$600.00 - \$700.00. W [REDACTED] stated that EPSTEIN gave her the money after the incident with the other female.

According to W [REDACTED] EPSTEIN would ask her to bring him other girls. W [REDACTED] who started dancing at strip clubs when she was 16, brought girls from the club as well as from other sources. [REDACTED] stated she brought girls from fifteen years of age to twenty-five years of age. W [REDACTED] stated that EPSTEIN would get frustrated with her if she did not have new females for him. On one instance, EPSTEIN hung up on her because she could not provide him with anyone new. W [REDACTED] stated that EPSTEIN's preference was short, little, white girls. W [REDACTED] stated that EPSTEIN was upset when one of the other girls brought a black girl. W [REDACTED] stated that EPSTEIN did not want black girls or girls with tatoos.

W [REDACTED] stated that one of the girls she stayed with on occasion, [REDACTED], also started providing EPSTEIN with massages. A telephone number for [REDACTED] was [REDACTED]. W [REDACTED] said that her family resides in [REDACTED], Florida, possibly [REDACTED]. W [REDACTED] also stayed with [REDACTED] during this same time period. However, [REDACTED] never went to EPSTEIN's house or provided him with massages. [REDACTED] has a Yacht Club address.

Another girl that W [REDACTED] had taken to EPSTEIN's residence was I [REDACTED] Last Name Unknown(LNU). According to W [REDACTED] EPSTEIN liked I [REDACTED] LNU a lot. W [REDACTED] said that she was never a favorite of EPSTEIN. EPSTEIN offered W [REDACTED] \$300.00 to bring I [REDACTED] LNU. I [REDACTED] LNU was a couple years younger than W [REDACTED]. W [REDACTED] believed that she was either 16 or 17 when she first went to EPSTEIN's residence. W [REDACTED] said that I [REDACTED] LNU went 2-3 times but that she did not want any part of it after that. W [REDACTED] believes she could identify I [REDACTED] LNU if she saw her photograph. W [REDACTED] also stated that I [REDACTED] LNU at

EFTA00185380

FD-302a (Rev. 10-6-95)

31E-MM-108062

Continuation of FD-302 of C [REDACTED] W [REDACTED], On 08/07/2007, Page 5

**JANE DOE #1 AND JANE DOE #2'S MOTION FOR FINDING OF VIOLATIONS OF THE
CRIME VICTIMS' RIGHTS ACT AND REQUEST FOR A HEARING ON APPROPRIATE
REMEDIES**

CASE NO: 08-80736-Civ-Marra/Johnson

EXHIBIT H

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/08/2008

On Thursday, January 31, 2008, C [REDACTED] W [REDACTED] met with Assistant United States Attorney [REDACTED] [REDACTED], UNITED STATES ATTORNEY'S OFFICE (USAO) and Attorney MYESHA K. BRADEN, UNITED STATES DEPARTMENT OF JUSTICE (DOJ), CRIMINAL DIVISION. Also present at the meeting were Special Agents E. [REDACTED] and [REDACTED], FEDERAL BUREAU OF INVESTIGATION. The meeting was arranged pursuant to a federal investigation regarding the sexual exploitation of minors. During the course of the meeting, W [REDACTED] provided the following additional or clarifying information not previously documented in earlier FD-302s:

JEFFREY EPSTEIN and his assistants, SARAH and [REDACTED] (identified as [REDACTED] and [REDACTED]) would contact W [REDACTED] to set up appointments for EPSTEIN's massages. According to W [REDACTED], [REDACTED] would call and say that EPSTEIN was on a flight and inquire about scheduling work for W [REDACTED]

Life was not going well for W [REDACTED] during the time she was providing EPSTEIN with massages. W [REDACTED] was buying and taking drugs, i.e. Xanax, Lorcets, and Percosets. W [REDACTED] said that she stayed on pills. W [REDACTED] explained that she wanted to feel numb. W [REDACTED] stopped attending school at age fifteen. Her parents were addicted to crack and cocaine. Prior to her parent's drug use, W [REDACTED] was in the band, a cheerleader, and a straight "A" student. W [REDACTED] played the trumpet for the school band. When her parent's drug habits got bad, things went downhill, they lost everything.

W [REDACTED] became a dancer the day before her sixteenth birthday at [REDACTED]. She worked there for six months, up until the employer found out she was underage. Later, W [REDACTED] worked for [REDACTED] which she did for 6 months. W [REDACTED] stopped seeing EPSTEIN during that time.

W [REDACTED] stated that she brought up to twenty, twenty-five, or thirty different girls. W [REDACTED] said all of the girls but maybe ten of them were underage. Some of the females W [REDACTED] brought for EPSTEIN were dancers. W [REDACTED] said that EPSTEIN did not care for all of the girls she brought to him. W [REDACTED] explained that EPSTEIN did not care for some of the dancers, the older females, and the females with tattoos.

Investigation on 01/31/2008 at West Palm Beach, Florida

File # 31E-MM-108062

Date dictated 01/31/2008

by SA E. [REDACTED]
SA [REDACTED]

FD-302a (Rev. 10-6-95)

31E-MM-108062

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W [REDACTED] said that during the massages EPSTEIN would push further and further regarding the sexual activity. According to W [REDACTED] EPSTEIN never asked, "is this okay," he would just see how far one would let him go.

W [REDACTED] recalled seeing sculptures of naked women and lots of pictures of kids in the library.

W [REDACTED] stated that everybody thought Epstein was a neurologist.

W [REDACTED] also stated that [REDACTED] twin boys.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-80736-Civ-Marra/Matthewman

JANE DOES #1 AND #2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

UNITED STATES' NOTICE OF FILING PRIVILEGE LOG

Pursuant to the Court's June 18, 2013 Omnibus Order (DE 190), the Respondent, United States of America, by and through the undersigned Assistant United States Attorney, hereby gives notice of its filing of its Privilege Log, which is attached hereto.

The documents referenced in the Privilege Log are being delivered today to the Chambers of U.S. District Judge Kenneth A. Marra for *ex parte in camera* review, pursuant to the Court's Omnibus Order.

Respectfully submitted,

[REDACTED]
UNITED STATES ATTORNEY

By: s/A. [REDACTED] Villafaña

[REDACTED]
Assistant United States Attorney
Florida Bar No. 0018255
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West Palm Beach, FL 33401
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[REDACTED]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 19, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. According to the Court's website, counsel for all parties are able to receive notice via the CM/ECF system.

S/ [REDACTED]
Assistant United States Attorney

SERVICE LIST

Jane Does 1 and 2 [REDACTED], United States,
Case No. 08-80736-CIV-MARRA/MATTHEWMAN
United States District Court, Southern District of Florida

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Attorneys for Jane Doe # 1 and Jane Doe # 2

PRIVILEGE LOG

Bates Range	Description	Privilege(s) Asserted
Box #1 P-000001 thru P-000039	File folder entitled "CORR RE GJ SUBPOENAS" containing correspondence related to various grand jury subpoenas and attorney ([REDACTED]) handwritten notes	6(e) Work Product
Box #1 P-000040 thru P-000549	Operation Leap Year Grand Jury Log containing subpoenas OLY-01 through OLY-81, correspondence and research related to enforcement of same, documents produced in response to some subpoenas; and attorney ([REDACTED]) handwritten notes	6(e) Work Product Contains documents subject to investigative privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000550 thru P-000621	File folder entitled "Ritz Compact Flash SW" containing copies of a sealed search warrant application, warrant, and supporting documents	6(e) Contains information subject to investigative privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000622 thru P-000693	File folder entitled "PNY Technologies Compact Flash SW" containing copies of a sealed search warrant application, warrant, and supporting documents	6(e) Contains information subject to investigative privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000694 thru P-000781	File folder entitled "JE Corporations" containing attorney research on Epstein-owned corporations and prior litigation	Work Product Contains information subject to investigative privilege
Box #1 P-000782 thru P-000803	File folder entitled "Capital One" containing subpoena and correspondence	6(e)
Box #1 P-000804 thru P-000854	File folder entitled "DTG Operations/Dollar Rent-a-Car" containing subpoena and responsive documents	6(e) Contains documents and information subject to investigative privilege Also contains documents and information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-000855 thru P-000937	File folder entitled "JP Morgan Chase" containing subpoena, correspondence, and responsive documents	6(e) Contains documents and information subject to investigative privilege
Box #1 P-000938 thru P-000947	File folder entitled "Washington Mutual" containing subpoena, correspondence, and responsive documents	6(e) Contains documents and information subject to investigative privilege
Box #1 P-000948 thru P-000982	File folder entitled "Computer Search &" containing legal research on computer search and handwritten notes on indictment preparation	Work Product Attorney-Client Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000983 thru P-001007	File folder entitled "Attorney Notes from Document Review" containing typed and handwritten attorney () notes, target letters, correspondence re grand jury subpoena	Work product 6(e) Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-001008 thru P-001056	File folder entitled "Notes from Fed Ex Records" containing handwritten and typed attorney () notes and screen shots of FedEx subpoena response electronic file	Work Product 6(e) Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-001057 thru P-001959	File folder entitled "Colonial Bank Records" containing records received in response to grand jury subpoena	6(e) Contains information subject to investigative privilege
Box #1 P-001960 Thru P-002089	File folder entitled "OLY Grand Jury Log Vol 2: OLY-51 THROUGH" containing subpoenas numbered OLY-51 through OLY-81 with related correspondence	6(e) Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-002090 Thru P-002169	File folder entitled "Epstein Corporate Records: OLY-51, OLY-52, OLY-53, OLY-54" containing subpoenas, records received in response to subpoenas, and related correspondence	6(e) Contains information and documents subject to investigative privilege
Box #1 P-002170 Thru P-002246	File folder entitled "Colonial Bank" containing subpoenas, correspondence related to subpoenas, records received in response to subpoenas	6(e) Contains information and documents subject to investigative privilege
Box #1 P-002247 Thru P-002265	File folder entitled "JEJE & Hyperion from Goldberger OLY-46 & OLY-47" containing documents received in response to subpoenas	6(e) Contains information and documents subject to investigative privilege
Box #1 P-002266 Thru P-002386	Indictment preparation binder containing: Grand jury subpoena log, evidence/activity summary chart, witness/victim names and contact list, attorney (██████████) handwritten notes, 302s, portions of state investigative file, attorney (██████████) typed notes, of individuals listed as "Additional victims"	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-002387 Thru P-002769	Indictment preparation binder containing: Grand jury subpoena log, evidence/activity summary chart, witness/victim names and contact list, attorney (██████████) handwritten notes, 302s, portions of state investigative file, attorney (██████████) typed notes, relevant pieces of grand jury materials, telephone records/flight records analysis charts, victim/witness photographs, DAVID records, NCICs, and related materials for persons identified as Jane Does #15, 16, 17, 18, 19, Past Employees, Misc. Witnesses	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-002770 Thru P-003211	Indictment preparation binder containing: witness/victim list with identifying information, sexual activity summary, telephone call summary chart, attorney (██████████) handwritten notes, 302s, portions of state investigative file, attorney (██████████) typed notes, relevant pieces of grand jury materials, telephone records/flight records analysis charts, victim/witness photographs, DAVID records, NCICs, and related materials for persons identified as Jane Does #1, 2, 3, 4, 5, 6, 7,	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-003212 Thru P-003545	Indictment preparation binder containing meta-analysis charts of telephone/flight/grand jury information for a number of victim/witnesses, [REDACTED], and [REDACTED]	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003546 Thru P-003552	FBI Reports of March 2008 interviews of additional witness/victim located in New York	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003553 Thru P-003555B	Printout of filenames from Federal Express subpoena response with Attorney notations	Work product 6(e)
Box #1 P-003556 Thru P-003562	Document entitled "Identified Numbers" with accompanying handwritten attorney list compiled from grand jury materials and attorney analysis of records	Work product 6(e) Contains information subject to investigative privilege
Box #1 P-003563 Thru P-003629	Folder entitled "Flight Manifests" containing manifests received pursuant to grand jury subpoena	6(e) Contains information and documents subject to investigative privilege
Box #1 P-003630 Thru P-003633	File folder entitled "Recent Attorney Notes" containing handwritten attorney ([REDACTED]) notes regarding document review and case strategy	Work product 6(e) Investigative privilege Deliberative process
Box #1 P-003634 Thru P-003646	File folder bearing victim name containing FBI interview report from May 2008, telephone activity report with attorney [REDACTED] handwritten notes, related grand jury material	Work product Attorney-client privilege 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-003647 Thru P-003651	File folder entitled "Summary of Sexual Activity" containing chart bearing handwritten title "Sexual Activity – Summary" with meta-analysis of information, sorted by name of each victim/witness, including name and identifying information of each victim/witness	Work product 6(e) Investigative privilege Deliberative process Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003652 Thru P-003663	File folder entitled "Victim Civil Suits"	Not privileged. Produced to counsel for Petitioners
Box #1 P-003664 Thru P-003678	File folder entitled "Research re JE Websites" containing attorney research	Work product
Box #1 P-003679 Thru P-003680	File folder entitled "[REDACTED] (N.Y. AUSA)" containing attorney ([REDACTED]) handwritten notes	Work product
Box #1 P-003681 Thru P-003687	File folder entitled "Dr. Anna Salter" containing attorney ([REDACTED]) memo to expert witness and handwritten attorney notes	Work product Investigative privilege
Box #1 P-003688 Thru P-003693	File folder entitled "[I] G[] Interview" containing attorney handwritten notes of interview, and attorney handwritten notes regarding potential charges	Work product Investigative privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003694 Thru P-003711	File folder entitled "Research re Travel for Prostitution" containing attorney ([REDACTED]) handwritten notes regarding grand jury presentation, chart entitled "Brought to Epstein's House" with handwritten notes, Message Pad meta-analysis chart, summary of evidence related to one victim/witness, and relevant grand jury information	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003712	Empty file folder bearing name of victim/witness	Investigative privilege Also contains information subject to privacy rights of victim who is not a party to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-003713 Thru P-003746	File folder entitled "T[] M[]" containing grand jury subpoenas, motion and order to compel testimony, and correspondence regarding same	6(e) Documents under seal pursuant to court order
Box #1 P-003747 Thru P-003751	File folder entitled "[REDACTED]" containing subpoena and correspondence regarding same	6(e)
Box #1 P-003752 Thru P-004295	File folder entitled "PBPD Investigative File" obtained via subpoena	6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004296 Thru P-004350	File folder bearing name of victim/witness containing meta-analysis chart showing telephone calls, travel, and grand jury materials relevant to possible charges	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004351 Thru P-004381	File folder entitled "[REDACTED] Documents 53909-004" containing attorney research related to bias issue	Work product
Box #1 P-004382 Thru P-004478	File Folder entitled "FEDEX" containing documents obtained via subpoena	6(e) Investigative privilege
Box #1 P-004479 Thru P-004551	File Folder entitled "State of Delaware Records" containing documents obtained in preparation for indictment	6(e) Investigative privilege Work product
Box #1 P-004552 Thru P-004555	File folder entitled "Jet Blue Records" containing documents obtained via subpoena	6(e) Work product Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004556 Thru P-004560	File folder entitled "FL EMPLOYMENT RECORDS" containing FDLE records on targets and witnesses obtained at attorney request	Investigative privilege Work product

Bates Range	Description	Privilege(s) Asserted
Box #1 P-004561 Thru P-004565	Filed folder entitled "JANUSZ BANASIAK" containing attorney ([REDACTED]) handwritten notes of interview	Work product Investigative privilege
Box #1 P-004566 Thru P-004716	File folder entitled "JANUSZ BANASIAK RECORDS 23-0001 THROUGH 23-" containing documents obtained via subpoena	6(e) Work product Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004717 Thru P-004722	File folder entitled "IGOR ZINOVIEV" containing attorney research regarding witness	Work product Investigative privilege
Box #1 P-004723 Thru P-004725	File folder entitled "BEAR STEARNS RESEARCH" containing attorney research regarding potential witness and subpoena recipient	Work Product Investigative privilege
Box #1 P-004726 Thru P-004819	File folder entitled "LAWSUITS INVOLVING EPSTEIN CORP'S" containing attorney research regarding Epstein's past personal and business litigative practices	Work Product Investigative privilege
Box #1 P-004820 Thru P-004959	Filed folder entitled "SEC RECORDS" containing attorney research regarding Epstein financial relationships	Work Product Investigative privilege
Box #1 P-004960 Thru P-005059	File folder entitled "Message Pads" containing selected items from evidence obtained via subpoena	Work Product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005060 Thru P-005081	File folder bearing name of victim/witness containing correspondence with counsel for victim/witness, attorney witness outline with attorney handwritten notes, attorney handwritten notes regarding witness reports and case preparation	Work Product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005082 Thru P-005083	File folder entitled "New York Trip" containing attorney notes re witness interview	Work product Investigative privilege

Bates Range	Description	Privilege(s) Asserted
	P-005084 thru P-005107 are non responsive documents and have been removed	
Box #1 P-005108 Thru P-005193	File folder entitled "ANNA SALTER" containing attorney research on select expert, use of experts at trials in child exploitation cases, and additional research materials on offenders and victims	Work product Investigative privilege
Box #1 P-005194 Thru P-005300	File folder entitled "Extra Copies" containing meta-analysis chart and 302's of victim/witnesses used in preparing indictment package	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005301 Thru P-005331	File folder entitled "JUAN ALESSI STATEMENT" containing transcript obtained via subpoena	6(e) Investigative privilege
Box #1 P-005332 Thru P-005341	File folder entitled "KEN LANNING" containing attorney research on select expert, including attorney handwritten notes	Work product Investigative privilege
Box #1 P-005342 Thru P-005387	File folder entitled "Info re Planes" containing correspondence regarding subpoenas and documents received in response to subpoenas	6(e) Investigative privilege
Box #1 P-005388 Thru P-005442	File folder entitled "Police Reports & PC Affidavit" containing portions of police reports with attorney notes, related phone records, a list entitled "Victims" with identifying information and attorney handwritten notes, photographs and DAVID information, and additional attorney research regarding Epstein sexual activity	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005443 Thru P-005496	File folder entitled "[Victim name] Transcript of Interview & GJ Transcript"	6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005497 Thru P-005556	File folder entitled "Bear Stearns Subpoena Resp." containing material received in response to subpoena	6(e) Investigative privilege

Bates Range	Description	Privilege(s) Asserted
Box #1 P-005557 Thru P-005576	U.S. Attorney's Office Criminal Case File Jacket containing file opening documents, expert witness payment documents	Work product Deliberative process
Box #1 P-005578 Thru P-005583	U.S. Attorney's Office Asset Forfeiture Case File Jacket containing file opening and file closing documents	Work product Deliberative process
Box #1 P-005584 Thru P-005606	File folder entitled "6001 Immunity Request" containing internal memoranda seeking witness immunity and correspondence with counsel for witness regarding same	6(e) Work product and deliberative process (as to internal memoranda) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-005607 Thru P-005914	File folder entitled "MASTER PHONE RECORDS" containing meta-analysis of all phone, travel, and grand jury data for all victim/witnesses for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-005915 Thru P-005977	File folder bearing name of victim/witness containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-005978 Thru P-006050	File folder bearing name of victim/witness containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006051 Thru P-006065	File folder bearing name of victim/witness containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #2 P-006066 Thru P-006220	File folder entitled "JANE DOE #4" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006221 Thru P-006222	File folder entitled ""JANE DOE #12" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006223 Thru P-006522	File folder entitled "CORRECTED PHONE RECORDS 5/31/07" containing meta-analysis of all phone, travel, and grand jury data related to all victims/witnesses for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006523 Thru P-006802	File folder entitled "[Victim Name] Phone Records" containing telephone records received in response to subpoena	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006803 Thru P-006860	File folder entitled "Lists of Identified Phone Numbers" containing charts of information culled from grand jury materials, interviews, and other investigation, with attorney handwritten notes, and information to issue follow-up grand jury subpoena	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006861 Thru P-007785	File folder entitled "EPSTEIN/██████ CELL PHONE RECORDS" containing documents received via subpoena with attorney handwritten notes and highlighting	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #2 P-007786 Thru P-008120	Folder entitled "OLY GRAND JURY LOG: OLY-01 THROUGH OLY-50" containing subpoenas, correspondence regarding same, 6(e) letters, attorney handwritten notes regarding records received in response to subpoenas	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-008121 Thru P-008139	Handwritten flight logs received in response to subpoena	6(e) Investigative privilege
Box #2 P-008140 Thru P-008298	Grand jury presentation folder containing attorney handwritten notes, typed outline with additional handwritten notes, complete indictment package dated 2/19/2008, victim list with identifying information, photographs, and summary of activity	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-008299 Thru P-008363	File folder entitled "FINAL AGREEMENTS" containing subfolder entitled "Agrmts Filed in State Court" (P-008300-P-008327 [not being withheld as privileged – have been produced to opposing counsel]); signed Non-Prosecution Agreement, Addendum, and operative portion of 12/19/2007 Sanchez-Acosta letter (P-008328-P-008343 [not being withheld as privileged – have been produced to opposing counsel]); subfolder entitled "12/19/07 Acosta-Sanchez Ltr" containing unredacted copies of that letter (P-008344-P-008363 [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 th Circuit])	
Box #2 P-008364 Thru P-008382	File folder entitled "[REDACTED] Immunity Request" containing internal memoranda, Justice Department documentation, and subpoena regarding immunity request	6(e) Work Product Deliberative Process Investigative privilege
Box #2 P-008383 Thru P-008516	File folder containing March 18, 2008 grand jury presentation materials, including "Operation Leap Year Revised Indictment Summary Chart (by victim)," grand jury materials, draft indictments, victim reference list, grand jury subpoena log	Work product 6(e) Investigative privilege Deliberative process Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #2 P-008517 Thru P-008535	6/25/2007 Letter from Gerald Lefcourt to Jeffrey Sloman and ██████ [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 th Circuit]	
Box #2 P-008536 Thru P-008542	Handwritten attorney notes to prepare for interview of Jane Doe #2	Work product Investigative Privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008543 Thru P-008549	Handwritten attorney notes regarding May 8, 2007 grand jury presentation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008550 Thru P-008615	File folder entitled "Most Recent Indictment & Good Cases" containing draft indictment and legal research	Work product 6(e) Investigative privilege Deliberative process Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008616 Thru P-008686	File folder entitled "FBI Summary Charts" containing chart prepared at direction of AUSA, containing victim names, identifying information, summary of activity, and other information relevant to indictment	Work product Attorney-Client Privilege 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008687 Thru P-008776	File folder entitled "[Victim name]/Jane Doe #4" containing phone records and meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information and documents subject to privacy rights of victims who are not parties to this suit
Box #2 P-008777 Thru P-008808	File folder entitled "[Victim name]/Jane Doe #5" containing handwritten notes and meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit

Bates Range	Description	Privilege(s) Asserted
Box #2 P-008809 Thru P-008847	File folder entitled "[Victim name]/Jane Doe #6" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008848 Thru P-008862	File folder entitled "[Victim name]/Jane Doe #7" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008863 Thru P-008890	File folder entitled "[Victim name]/Jane Doe #8" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008891 Thru P-009103	File folder entitled "Certified Copy of State Case" containing certified copy of Epstein state criminal cases and change of plea transcript [not being withheld as privileged – copy provided to opposing counsel]	
Box #2 P-009104 Thru P-009111	File folder entitled "Meeting Timeline" containing [REDACTED] typed notes summarizing meetings with opposing counsel prepared at request of R. Alexander Acosta, with handwritten correction and typed guideline estimate	Work product Deliberative process
Box #2 P-009112 Thru P-009113	11/26/2008 Email from Roy Black to A. [REDACTED] and [REDACTED] re Jeffrey Epstein (work release) [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 th Circuit]	
Box #2 P-009114 Thru P-009115	7/3/2008 Email from [REDACTED] to Col. M. Gauger at PBSO re Epstein work release with attachment [not being withheld as privileged – produced to opposing counsel]	
Box #2 P-009116 Thru P-009125	12/6/2007 Letter from Jeffrey Sloman to Jay P. Lefkowitz re Jeffrey Epstein (victim notification) [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 th Circuit]	

Bates Range	Description	Privilege(s) Asserted
Box #2 P-009126 Thru P-009134	File folder entitled "[Victim name]/Jane Doe #9" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009135 Thru P-009141	File folder entitled "[Victim name]/Jane Doe #13" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009141A Thru P-009141C	File folder entitled "[Victim name]/Jane Doe #12" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009142 Thru P-009152	File folder entitled "[REDACTED]" containing meta-analysis of all phone, travel, and grand jury data related to that individual for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009153 Thru P-009156	File folder entitled "[REDACTED]" containing meta-analysis of all phone, travel, and grand jury data related to that individual for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009157 Thru P-009208	File folder entitled "[Victim name]/Jane Doe #1" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009209 Thru P-009213	File folder entitled "[Victim name]/Jane Doe #2" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit

Bates Range	Description	Privilege(s) Asserted
Box #2 P-009214 Thru P-009271	File folder entitled “[Victim name]/Jane Doe #3” containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009272 Thru P-009354	File folder entitled “Purpose of Travel Cases” containing attorney research and handwritten notes	Work product
Box #2 P-009355 Thru P-009403	File folder entitled “Interstate Commerce Cases” containing attorney research and handwritten notes	Work product
Box #2 P-009404 Thru P-009536	File folder entitled “Attorney Conflict Research” containing attorney research and handwritten notes	Work product
Box #2 P-009537 Thru P-009574	File folder entitled “Mann Act/Travel to Have Sex w/Minor” containing attorney research and handwritten notes	Work product
Box #2 P-009575 Thru P-009603	File folder entitled “Travel Act” containing attorney research and handwritten notes	Work Product
Box #2 P-009604 Thru P-009711	File folder entitled “Florida Prostitution/Lewdness Statutes” containing attorney research and handwritten notes	Work Product
Box #2 P-009712 Thru P-009819	Booklet entitled “Attorney General Guidelines for Victim and Witness Assistance” [not being withheld as privileged – produced to opposing counsel]	
Box #2 P-009820 Thru P-009965	File folder entitled “Corporate Liability Rsrch” containing attorney research and handwritten notes	Work Product
Box #2 P-009966 Thru P-010096	File folder entitled “Research re Knowledge of Age Unnecessary” containing attorney research and handwritten notes and copy of grand jury subpoena	Work Product 6(e)

Bates Range	Description	Privilege(s) Asserted
Box #2 P-010097 Thru P-010276	File folder entitled "Money Laundering" containing attorney research and handwritten notes	Work Product
Box #2 P-010277 Thru P-010394	File folder entitled "1960 & Aiding/Abetting" containing attorney research and handwritten notes	Work Product
Box #2 P-010395 Thru P-010488	File folder entitled "18 USC § 2255 Cases" containing attorney research and handwritten notes	Work Product
Box #2 P-010489 Thru P-010509	File folder entitled "Research re Overt Acts & Witness Testimony" containing attorney research and handwritten notes	Work Product
Box #2 P-010510 Thru P-010525	File folder entitled "Extradition" containing attorney research and handwritten notes	Work Product
Box #2 P-010526 Thru P-010641	File folder entitled "Rsrch re Crime Victims Rights" containing attorney research, handwritten notes, draft victim notification letter, and draft correspondence to Jay Lefkowitz (Also contains a November 28, 2007 letter from Kenneth Starr to Alice S. Fisher; and a November 29, 2007 letter from Jay Lefkowitz to R. Alexander Acosta (P-010528 thru P-010530 and P-010556 thru P-010559). Pursuant to the Court's Order, these will be produced to opposing counsel upon lift of stay by 11 th Circuit)	Work Product Deliberative Process
Box #2 P-010642 Thru P-01650	File folder entitled "Immunity" containing attorney research on granting immunity to witnesses	Work Product
Box #2 P-010651 Thru P-010659	File folder entitled "Research re G.J. Transcript" containing attorney research and draft pleadings re compelling production of grand jury transcript with subpoena	Work Product 6(e) Deliberative process
Box #2 P-010660 Thru P-010757	File folder entitled "Research re GJ Transcript" containing grand jury subpoena, 6(e) letters, attorney research and correspondence related to subpoena	Work Product 6(e)

Bates Range	Description	Privilege(s) Asserted
Box #2 P-010758 Thru P-010793	File folder entitled "Original Proposed Ind." containing draft indictment	Work Product 6(e) Deliberative process
Box #2 P-010794 Thru P-010829	File folder entitled "Epstein" containing sample indictments and attorney research re potential charges with attorney notes	Work Product
Box #2 P-010830 Thru P-010853	File folder entitled "1591 & Money Laundering" containing attorney research and handwritten notes	Work Product
Box #2 P-010854 Thru P-010876	File folder entitled "18 USC 2425" containing attorney research and handwritten notes	Work Product
Box #2 P-010877 Thru P-010920	File folder entitled "Knowledge of Age" containing attorney research and handwritten notes	Work Product
Box #2 P-010921 Thru P-011049	File folder entitled "2423(b) Constitutionality and Purpose of Travel" containing attorney research and handwritten notes	Work Product
Box #2 P-011050 Thru P-011212	File folder entitled "Mistake not a Defense" containing attorney research and handwritten notes	Work Product
Box #2 P-011213 Thru P-011237	File folder entitled "Research re 'Pandering'" containing attorney research and handwritten notes	Work Product
Box #2 P-011238 Thru P-011319	File folder entitled "Research re Grand Jury Instructions" containing attorney research and handwritten notes	Work Product 6(e)
Box #2 P-011320 Thru P-011361	File folder entitled "Telephone = Facility of Commerce" containing attorney research and handwritten notes	Work Product
Box #2 P-011362 Thru P-011374	File folder entitled "Def of Prostitution" containing attorney research and handwritten notes	Work Product

Bates Range	Description	Privilege(s) Asserted
Box #2 P-011375 Thru P-011456	File folder entitled "Relevant Florida Statutes" containing attorney research and handwritten notes	Work Product
Box #2 P-011457 Thru P-011626	File folder entitled "Unit of Prosecution Research" containing attorney research and handwritten notes	Work Product
Box #3 P-011627 Thru P-011662	File folder entitled "Attorney Notes" containing attorney handwritten and typed notes	Work Product
Box #3 P-011663 Thru P-011698 and P-012189 thru P-012361 (gap was scanning error)	File folder entitled "Drafts" containing draft indictments with attorney handwritten notes, draft internal memoranda, relevant witness interview reports and grand jury material and attorney handwritten notes	6(e) Work Product Deliberative Process Investigative Privilege Contains information subject to privacy rights of victims who are not parties to this
Box #3 P-011699 Thru P-011777	File folder entitled "6/9/09 Signed Indictment" containing signed indictment package dated 6/9/2009 with corrections	6(e) Work product Deliberative process
Box #3 P-011778 Thru P-011788	File folder entitled "6/12/09 Victim Notif. Log" containing chart with victim contact information and attorney notes regarding dates and type of contacts	Work product
Box #3 P-011789 Thru P-011879	File folder entitled "Breach Memo" containing memorandum analyzing breach of Non-Prosecution Agreement with attachments	Work product Deliberative process
Box #3 P-011880 Thru P-011922	File folder entitled "Overt Act Lists" containing handwritten notes cross-checking all overt acts alleged in draft indictment by victim and typed overt act summary charts for indictment preparation	Work product Attorney-client privilege Deliberative process 6(e)

Bates Range	Description	Privilege(s) Asserted
Box #3 P-011923 Thru P-011966	Folder entitled "Responses to Arguments from JE Counsel" containing: <ul style="list-style-type: none"> ■ 7/13/2007 letter from Lilly Ann Sanchez to [REDACTED] with handwritten attorney ([REDACTED]) notes; ■ 6/25/2007 letter from Gerald Lefcourt to Jeffrey Sloman, [REDACTED] Menchal, [REDACTED], and [REDACTED] with handwritten attorney ([REDACTED]) notes; ■ 6/25/2007 email from [REDACTED] to [REDACTED] and [REDACTED] entitled "Thoughts on Lefcourt's letter" Handwritten and typed attorney ([REDACTED]) notes regarding main themes raised by Epstein counsel	Work product Deliberative process 6(e) Attorney-Client Privilege
Box #3 P-011967 Thru P-012016	Composition book entitled "Operation Leap Year" containing attorney handwritten notes regarding investigation and case strategy	Work product Investigative privilege 6(e) Contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012017 Thru P-012055	Motion of Jeffrey Epstein to Intervene and to Quash Grand Jury Subpoenas and Incorporated Memorandum of Law	6(e)
Box #3 P-012056 Thru P-012088	Affidavit of Roy Black, Esq. in Support of Motion of Jeffrey Epstein to Intervene and to Quash Grand Jury Subpoenas	6(e)
Box #3 P-012089 Thru P-012129	United States' Response to Motion of Jeffrey Epstein to Intervene and to Quash Grand Jury Subpoenas and Cross-Motion to Compel	6(e)
Box #3 P-012130 Thru P-012150	Declaration of Joseph Recarey	6(e)
Box #3 P-012151 Thru P-012167	Ex Parte Declaration Number One in Support of United States' Response to Motion to Quash Subpoenas	6(e) Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #3 P-012168 Thru P-012170	Ex Parte Declaration Number Two in Support of United States' Response to Motion to Quash Subpoenas	6(e) Investigative Privilege
Box #3 P-012171 Thru P-012173	Supplement to Ex Parte Declaration Number One in Support of United States' Response to Motion to Quash Subpoenas	6(e) Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012174 Thru P-012176	Draft of September 2009 letter from ██████ to Roy Black regarding breach of Non Prosecution Agreement with handwritten attorney (██████) notes	Work Product Attorney-Client Privilege Deliberative Process
Box #3 P-012177 Thru P-012178	Undated handwritten attorney (██████) notes regarding negotiations and allegations	Work Product Attorney-Client Privilege Deliberative Process
Box #3 P-012179 Thru P-012188	File Folder entitled "FBI G.J. Log" containing copy of FBI grand jury subpoena log with attorney (██████) handwritten notes	6(e) Work Product Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012362 Thru P-012451	File folder entitled "Key Documents" containing correspondence between AUSA and case agent regarding indictment prep questions, victim identification information, corrections to draft indictment, indictment preparation timeline, key grand jury material	6(e) Work Product Attorney-Client privilege Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012451 Thru P-012452	File folder entitled "Victim List" containing list of victims with dates of birth and age information	Work Product Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #3 P-012453 Thru P-012623	Complete indictment package marked "Originals 12/12/07"	Work-product Deliberative process 6(e) Also contains documents subject to investigative privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012624 Thru P-012653	Folder entitled "(Victims) Additional 302's" containing reports of interviews conducted in June 2007, October 2007, and March 2008.	Investigative Privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012654 Thru P-012864	3-ring binder entitled "Child Molesters: A Behavioral Analysis" with attorney ([REDACTED]) handwritten notes	Work-product
Box #3 P-012865 Thru P-013226	Indictment preparation binder containing: witness/victim list with identifying information, sexual activity summary, telephone call summary chart, attorney ([REDACTED]) handwritten notes, 302s, portions of state investigative file, attorney ([REDACTED]) typed notes, relevant pieces of grand jury materials, telephone records/flight records analysis charts, victim/witness photographs, DAVID records, NCICs, and related materials for persons identified as Jane Does #9, 10, 11, 12, 13, 14	Work Product Deliberative Process 6(e) Also contains documents subject to investigative privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #3 P-013227	April 23, 2008 Memo from Jeffrey Sloman to Office of Professional Responsibility re Self Reporting, Corrected Version of the previously submitted April 21, 2008 Letter to OPR	Privacy Act
Box #3 P-013226 Thru P-013230	April 21, 2008 Letter from Jeffrey Sloman to Office of Professional Responsibility re Self Reporting	Privacy Act
Box #3 P-013231 Thru P-013239	April 22, 2008 Letter from A. [REDACTED] [REDACTED] to Office of Professional Responsibility re Self-Report of Allegation of Conflict of Interest	Privacy Act

Bates Range	Description	Privilege(s) Asserted
Box #3 P-013240 Thru P-013247	April 21, 2008 Letter from Jeffrey Sloman to Office of Professional Responsibility re Self Reporting with attachments	Privacy Act
Box #3 P-013248 Thru P-013251	Emails between ██████ ██████, Assistant General Counsel, Executive Office for United States Attorneys, and ██████, First Assistant U.S. Attorney, Southern District of Florida, regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated August 24 and August 29, 2011	Attorney-Client Privilege
Box #3 P-013252 Thru P-013253	Emails between ██████ ██████, Assistant General Counsel, Executive Office for United States Attorneys, and ██████, First Assistant U.S. Attorney, Southern District of Florida, regarding Recusal matter, dated July 28, August 3, and August 24, 2011	Attorney-Client Privilege
Box #3 P-013254 Thru P-013257	Emails between ██████ ██████, Assistant General Counsel, Executive Office for United States Attorneys, and ██████, First Assistant U.S. Attorney, Southern District of Florida, regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated August 24 and August 29, 2011	Attorney-Client Privilege
Box #3 P-013258 Thru P-013259	Emails between ██████ ██████, Assistant General Counsel, Executive Office for United States Attorneys, and ██████, First Assistant U.S. Attorney, Southern District of Florida, regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated July 28 and August 3, 2011	Attorney-Client Privilege
Box #3 P-013260 Thru P-013262	Email from ██████, Assistant General Counsel, Executive Office for United States Attorneys, to ██████ (U.S. Attorney, SDFL), Robert O'Neill (U.S. Attorney, MDFL), ██████ (FAUSA, SDFL), and ██████ (FAUSA, MDFL) regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated August 24, 2011. CC's ██████ (ODAG), ██████ (USAEO), ██████ (USAEO), ██████ (USAEO), ██████ (USAEO)	Attorney-Client Privilege

Bates Range	Description	Privilege(s) Asserted
Box #3 P-013263 Thru P-013271	Emails between [REDACTED], Assistant General Counsel, Executive Office for United States Attorneys, and [REDACTED], First Assistant U.S. Attorney, Southern District of Florida, regarding recusal of Southern District of Florida, dated July 29, 2011, with attached memorandum from [REDACTED] to [REDACTED] summarizing Jeffrey Epstein Investigation	Attorney-Client Privilege Deliberative Process Work Product
Box #3 P-013272 Thru P-013278	Emails between [REDACTED], Executive Office for United States Attorneys, and [REDACTED], Southern District of Florida, seeking advice regarding office-wide recusal, dated December 16 and 17, 2010, with attached letter from [REDACTED] to [REDACTED], dated December 10, 2010	Attorney-Client Privilege

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-80736-Civ-Marra/Matthewman

JANE DOES #1 AND #2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

UNITED STATES' NOTICE OF FILING SUPPLEMENTAL PRIVILEGE LOG

Pursuant to the Court's June 18, 2013 Omnibus Order (DE 190), the Respondent, United States of America, by and through the undersigned Assistant United States Attorney, hereby gives notice of its filing of its Privilege Log, which is attached hereto.

The documents referenced in the Privilege Log are being delivered today to the Chambers of U.S. District Judge Kenneth A. Marra for *ex parte in camera* review, pursuant to the Court's Omnibus Order.

Respectfully submitted,

[REDACTED]
UNITED STATES ATTORNEY

By:

[REDACTED]
Assistant United States Attorney
Florida Bar No. 0018255
500 South Australian Ave, Suite 400
West Palm Beach, FL 33401
Telephone: [REDACTED]
Facsimile: [REDACTED]
[REDACTED]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 26, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. According to the Court's website, counsel for all parties are able to receive notice via the CM/ECF system.

s/ 
Assistant United States Attorney

SERVICE LIST

Jane Does 1 and 2 . United States,
Case No. 08-80736-CIV-MARRA/MATTHEWMAN
United States District Court, Southern District of Florida

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Attorneys for Jane Doe # 1 and Jane Doe # 2

SUPPLEMENTAL PRIVILEGE LOG

Bates Range	Description	Privilege(s) Asserted
Suppl. Box #3 P-013279 Thru P-013280	8/15/08 Emails between A. Acosta and [REDACTED], [REDACTED], [REDACTED] and [REDACTED] re proposed correspondence to Jay Lefkowitz	Attorney-Client Privilege Work Product
Suppl. Box #3 P-013281	Handwritten note re Epstein investigation	Attorney-Client Privilege Work Product Investigative privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Suppl. Box #3 P-013282 Thru P-013283	7/9/08 Email from [REDACTED] to A. Acosta, [REDACTED], [REDACTED], and FBI re proposed response to Goldberger letter re victim notification	Attorney-Client Privilege Work product Deliberative Process
Suppl. Box #3 P-013284	7/10/08 Emails between [REDACTED] and A. [REDACTED], [REDACTED], [REDACTED], and FBI re proposed response to Goldberger's letter re victim notification	Attorney-Client Privilege Work Product Deliberative Process
Suppl. Box #3 P-013285 Thru P-013289	File folder entitled "8/5/08 AMCV e-mail re correct agrmt" containing 8/5/08 email from A. [REDACTED], [REDACTED] to A. Acosta, [REDACTED], [REDACTED], [REDACTED] re "Jeffrey Epstein Agreement" discussing 6/24/08 email from [REDACTED] to R. Black and J. Goldberger concerning the binding nature of the Agreement	Attorney-Client Privilege Work Product Deliberative Process
Suppl. Box #3 P-013290 Thru P-013292	File folder entitled "8/14/08 E-mail from Lefk to AMCV" containing (undated) emails from A. [REDACTED], [REDACTED] to [REDACTED], [REDACTED], A. Acosta, [REDACTED], [REDACTED] re draft response to 8/14/08 email from J. Lefkowitz regarding "the December 2007 proposal"	Attorney-Client Privilege Work Product

Bates Range	Description	Privilege(s) Asserted
Suppl. Box #3 P-013293 Thru P-013299	File folder entitled "8/15/08 AMCV e-mail re Agrmt" containing 8/15/08 e-mails from A. ██████████ ██████████ to A. Acosta, ██████████, ██████████, ██████████ re follow up on Agreement and from A. Acosta to Ann ██████████ ██████████ on issue of Special Master with attached 8/15/08 emails from ██████████ to A. Acosta, ██████████, ██████████, ██████████ re Agreement; 8/15/08 email from J. Lefkowitz to ██████████ ██████████, R. Black, M. Weinberg re Agreement; 8/14/08 emails from ██████████ ██████████ to J. Lefkowitz, ██████████, R. Black re interpretation of Agreement; email from J. Lefkowitz to ██████████, ██████████ re questions re Agreement; email from ██████████ ██████████ to J. Lefkowitz, ██████████ re production of Agreement to victims	Attorney-Client Privilege Work Product Deliberative Process
Suppl. Box #3 P-013300 Thru P-013303	File folder entitled "8/18/08 Lefkowitz Ltr to AMCV" containing ██████████ ██████████ ██████████ handwritten draft notes for proposed letter to J. Lefkowitz; 5/22/07 e-mail from ██████████ to M. ██████████, ██████████, ██████████ re meeting with G. Lefcourt with attached email from G. Lefcourt re solicitation for meetings	Attorney-Client Privilege Work Product
Suppl. Box #3 P-013304 Thru P-013325	File folder entitled "6/25/07 Lefcourt to Sloman & ██████████" containing 6/25/07 letter (with handwritten notes by ██████████) from G. Lefcourt to ██████████, M. ██████████, ██████████, ██████████ addressing reasons for not prosecuting Epstein; handwritten outline by ██████████ of possible response to letter	Attorney-Client Privilege Work Product
Suppl. Box #3 P-013326 Thru P-013329	File folder entitled "9/17/07 ██████████ to Lefkowitz" containing 9/17/07 e-mail from ██████████ ██████████ to ██████████, ██████████ and from ██████████ to A. ██████████ concerning status of plea negotiations	Attorney-Client Privilege Work Product
Suppl. Box #3 P-013330 Thru P-013333	File folder entitled "11/8/07 Lefkowitz to Sloman" containing 11/8/07 letter from J. Lefkowitz re issues arising during pendency of matter with attorney handwritten notes	Attorney-Client Privilege Work Product
Suppl. Box #3 P-013334 Thru P-013337	File folder entitled "11/13/07 Sloman to Lefkowitz (was this sent?)" containing draft 11/13/07 letter from ██████████ responding to J. Lefkowitz's letter	Attorney-Client Privilege Work Product

Bates Range	Description	Privilege(s) Asserted
Suppl. Box #3 P-013338 Thru 013341	File folder entitled "12/6/07 Sloman to Lefkowitz" containing 12/5/07 faxed letter w/ cover sheet from K. Starr and J. Lefkowitz to A. Acosta	[Not considered privileged. Will be produced to opposing counsel upon lifting of stay]
Suppl. Box #3 P-013342 Thru P-013350	File folder entitled "12/05/07 Starr to Acosta" containing drafts of 11/30/07 letters from A. Acosta to K. Starr and from ██████████ to J. Lefkowitz re performance and victim notification with handwritten notes and edits by A. ██████████	Attorney-Client Privilege Work Product Deliberative Process
Suppl. Box #3 P-13351 Thru P-013361	File folder entitled "12/21/07 Lefkowitz to Acosta" containing handwritten notes by ██████████, 12/21/07 letter from J. Lefkowitz to A. Acosta re performance of NPA and appeal to Washington with attorney handwritten notes	Attorney-Client Privilege Work Product
Suppl. Box #3 P-013362 Thru P-013366	File folder labeled "12/26/07 Lefkowitz to Acosta" containing 2 copies of draft letter from A. Acosta to J. Lefkowitz (with 12/28/07 fax header)	Attorney-Client Privilege Work Product Deliberative Process
Suppl. Box #3 P-013367 Thru P-013372	File folder labeled "Draft ltr from Sloman to Lefkowitz re termination" containing draft letter dated "April , 2008" from ██████████ to J. Lefkowitz concerning the compliance with the Agreement	Attorney-Client Privilege Work Product
Suppl. Box #3 P-013373 Thru P-013503	File folder labeled "6/3/08 Sloman Submission to the DAG" containing 6/3/08 letter from ██████████ to ██████████, Office of the DAG, cc'd to ██████████, ██████████, ██████████, re Jeffrey Epstein, detailing events concerning the Agreement and thereafter and with relevant attachments	Attorney-Client Privilege Deliberative Process Work Product Investigative privilege
Suppl. Box #3 P-013504 Thru P-013507	File folder labeled "Mtg w/ Ken Starr, RAA, JS, Drew" containing handwritten notes by A. ██████████	Attorney-Client Privilege Work Product
Suppl. Box #3 P-013508 Thru P-013514	File folder labeled "Internal Corr." containing 11/28/07 e-mails from ██████████ to ██████████ re responding to 11/28/07 e-mail from J. Lefkowitz to ██████████ regarding victim notification with attachments	Attorney-Client Privilege Work Product

Bates Range	Description	Privilege(s) Asserted
Suppl. Box #3 P-013515 Thru P-013525	Draft 11/30/07 letter from A. Acosta to K. Starr cc'd to [REDACTED] and A. [REDACTED] [REDACTED] re compliance with Agreement and internal emails from [REDACTED], A. Acosta, and [REDACTED] re items to address in letter	Attorney-Client Privilege Work Product Deliberative Process
Suppl. Box #3 P-013526 Thru P-013527	5/23/07 e-mail from A. [REDACTED] [REDACTED] to [REDACTED] [REDACTED] re draft proposed internal e-mail about handling of case and attached email correspondence between [REDACTED] and G. Lefcourt	Attorney-Client Privilege Work Product Deliberative Process
Suppl. Box #3 P-013528 Thru P-013530 P-013532 Thru P-013537	Handwritten notes by [REDACTED] dated 9/21 re telephone conference with possible victim representative, conflict check with names and email listed, list of names of potential victim representatives, payment discussion, and guideline calculation, email containing contact info for potential victim representative, draft Non Prosecution Agreement dated 9/10/07 4:17 pm	Work Product
Suppl. Box #3 P-013531	Typed note addressed to "Dear David" re response to grand jury subpoena	6(e) Investigative privilege
Suppl. Box #3 P-013538 Thru P-013553	File folder labeled "Notes Re Post-Agreement Communications" containing handwritten notes by A. [REDACTED] [REDACTED]	Work Product Deliberative Process
Suppl. Box #3 P-013554 Thru	File folder labeled "E-mails Re Plea Negotiations" containing: <ul style="list-style-type: none"> ■ 11/28/07 e-mail from [REDACTED] to A. [REDACTED], [REDACTED], [REDACTED], [REDACTED] re non-prosecution agreement, with attached correspondence; ■ 9/19/07 e-mail from A. [REDACTED] to [REDACTED], [REDACTED], [REDACTED] re negotiating strategy, with attached correspondence; ■ 9/18/07 e-mail from A. [REDACTED] to A. Acosta, [REDACTED], [REDACTED], [REDACTED] re negotiating strategy; ■ 9/17/07 e-mail from A. [REDACTED] to A. Acosta re negotiation; ■ 9/17/07 e-mail from A. [REDACTED] to [REDACTED], A. Acosta, [REDACTED], [REDACTED] re negotiations; ■ 9/17/07 e-mail from A. [REDACTED] to [REDACTED] 	Attorney-Client Privilege Work Product Deliberative Process Investigative Privilege

Bates Range	Description	Privilege(s) Asserted
	<p>██████████, ██████████ re negotiation strategy;</p> <ul style="list-style-type: none"> ■ 9/14/07 e-mail from A. ██████████ to ██████████, A. Acosta, ██████████, ██████████ re proposed plea agreement and Information; ■ 9/14/07 e-mail from A. ██████████ to ██████████, A. Acosta, ██████████, ██████████ re plea negotiations; ■ 9/13/07 e-mail from A. ██████████ to ██████████, ██████████, ██████████ re indictment package; ■ 9/13/07 e-mail from A. ██████████ to ██████████ re trust agreement with attached correspondence; ■ 9/13/07 e-mail from A. ██████████ to ██████████ re trust agreement; ■ 9/13/07 e-mail from A. ██████████ to ██████████, ██████████ re conference call with J. Lefkowitz; ■ 9/13/07 e-mail from A. ██████████ to ██████████ re plea negotiations with attached correspondence; ■ 9/13/07 e-mail from A. ██████████ to ██████████ re charging strategy with attached correspondence; ■ 9/13/07 e-mail from A. ██████████ to ██████████, ██████████, ██████████ re indictment package; ■ 9/13/07 e-mail from A. ██████████ to A. Acosta, ██████████, ██████████, ██████████ re plea negotiations; ■ 9/11/07 e-mail from A. ██████████ to ██████████ re meeting w/ G. Lefcourt with attached correspondence; ■ 9/11/07 e-mail from ██████████ to ██████████ re revised Agreement with attached correspondence; ■ 9/11/07 e-mail from A. ██████████ to ██████████ re non-prosecution agreement edits with attached correspondence; ■ 9/11/07 e-mail from A. ██████████ to ██████████ re status of negotiations with attached correspondence; 	

Bates Range	Description	Privilege(s) Asserted
	<ul style="list-style-type: none"> ■ 9/10/07 e-mail from [REDACTED] to [REDACTED] re negotiations; 9/10/07 e-mail from [REDACTED] to [REDACTED], [REDACTED] re state grand jury proceedings; ■ 9/17/07 e-mail from A. Acosta to [REDACTED], [REDACTED], [REDACTED], [REDACTED] re draft Agreement with attached correspondence; ■ 9/14/07 e-mail from [REDACTED] to [REDACTED], A. Acosta, [REDACTED], [REDACTED] re finalizing documents; ■ 9/14/07 e-mail from [REDACTED] to A. [REDACTED] re charging strategy with attached correspondence; ■ 9/13/07 e-mail from [REDACTED] to A. [REDACTED] re setting up trust fund; ■ 9/13/07 e-mail from [REDACTED] to [REDACTED] re final negotiations with attached correspondence; ■ 9/11/07 e-mail from [REDACTED] to [REDACTED] re scheduling a meeting regarding finalizing the agreement with attached correspondence; ■ 9/11/07 e-mail from [REDACTED] to [REDACTED] re non-prosecution agreement edits with attached correspondence; ■ 9/11/07 e-mail from [REDACTED] to [REDACTED] re non-prosecution agreement edits with attached correspondence; ■ 9/11/07 e-mail from [REDACTED] to [REDACTED] re negotiations with attached correspondence; ■ 9/17/07 e-mail from A. [REDACTED] [REDACTED] to [REDACTED], [REDACTED] re negotiation strategy 	
Suppl. Box #3 P-013609 Thru P-013615	File folder entitled "[] Target Letter" containing copy of signed letter and contact info for counsel for target	6(e) Investigative Privilege

Bates Range	Description	Privilege(s) Asserted
Suppl. Box #3 P-013616 Thru P-013621	File folder entitled "Atty Notes re Revised Indictment" containing handwritten notes by A. [REDACTED] [REDACTED]	Attorney-Client Privilege Deliberative Process Work Product Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Suppl. Box #3 P-013622 Thru P-013643	File folder entitled "Research Re Possible Misdemeanors" containing attorney research	Work product
Suppl. Box #3 P-013644 Thru P-013653	File folder entitled "Notes Re Plea Negotiations" containing 9/17/07 e-mail from A. [REDACTED] to [REDACTED], [REDACTED] re status update; undated and typed handwritten notes by A. [REDACTED] [REDACTED] re items to be completed on case, strength of case, victim interviews, summary of evidence, guidelines calculations	Attorney-Client Privilege Work Product Deliberative Process Investigative privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Suppl. Box #3 P-013654 Thru P-013745	File folder entitled "Plea Agreement Drafts" containing several draft plea agreements some with handwritten notes by A. [REDACTED] [REDACTED]; copies of draft non-prosecution agreement some with handwritten notes by A. [REDACTED] [REDACTED]; copy of a draft Information	Attorney-Client Privilege Work Product Deliberative Process
Suppl. Box #3 P-0013747 Thru P-013810	File folder entitled "Draft Non-Prosecution Agreements" containing several draft non-prosecution agreements some with handwritten notes by [REDACTED]; plea sheet State Circuit Court; copies of draft Information; draft plea proffer; draft motion and order to seal; draft penalty sheet; draft plea agreement	Attorney-Client Privilege Work Product Deliberative Process
Suppl. Box 3 P-013811 Thru P-013833	File folder entitled "Information Packet Drafts" containing several drafts of Informations, and complete draft Information packet	Attorney-Client Privilege Work Product Deliberative Process
Suppl. Box 3 P-013834 Through P-013835	Two pages of filed document, D.E. 62, page 2 of 54 and page 6 of 54, containing handwritten attorney notes	atty work-product

Bates Range	Description	Privilege(s) Asserted
Suppl. Box 3 P-013836 Thru P-013837	Palm Beach Daily News Article, "Attorneys want Jeffrey Epstein Agreement Thrown Out," with attorney's notes written on margin	Atty work-product
Suppl. Box 3 P-013838 Thru P-013841	Letter from [REDACTED] to [REDACTED], December 10, 2010, Subject: Request for Investigation of Jeffrey Epstein Prosecution, with underlines, written notes, and comments by DOJ attorney	Atty work-product
Suppl. Box 3 P-013842	Email from [REDACTED] to [REDACTED] (OPR), February 25, 2011, 4:31 p.m., Re: Request for OPR Investigation – Jeffrey Epstein Non-Prosecution Agreement	Atty work-product Atty-client privilege
Suppl. Box 3 P-013843 Thru P-013844	E-mail, [REDACTED] to [REDACTED], [REDACTED], and [REDACTED], September 19, 2007, 4:33 p.m., RE: Plea Agreement	Atty work-product atty-client privilege
Suppl. Box 3 P-013845 Thru P-013846	E-mail, [REDACTED] to [REDACTED], September 19, 2007, 4:21 p.m., RE: Epstein, with internal U.S. Attorney's Office e-mails attached	Atty work-product
Suppl. Box 3 P-013847 Thru P-013849	E-mail, [REDACTED] to [REDACTED], [REDACTED], and [REDACTED], September 18, 2007, 11:43 [REDACTED], RE: Draft Agreements?, with e-mail from Jay Lefkowitz (September 18, 2007, 11:09 [REDACTED]) attached	Atty work-product
Suppl. Box 3 P-013850	E-mail, [REDACTED] to Alex Acosta, [REDACTED], [REDACTED], and [REDACTED], September 18, 2007, 9:31 [REDACTED], RE: Epstein Negotiations	Atty work-product
Suppl. Box 3 P-013851 Thru P-013853	E-mail, [REDACTED] to [REDACTED] and [REDACTED], September 17, 2007, 10:35 [REDACTED], RE: Epstein [providing update re plea negotiations]	Atty work-product
Suppl. Box 3 P-013854	E-mail, [REDACTED] to [REDACTED], September 13, 2007, 8:10 p.m., RE: Epstein, with e-mail from [REDACTED] (September 13, 2007, 7:54 p.m.), attached	Atty work-product
Suppl. Box 3 P-013855	E-mail, [REDACTED] to [REDACTED] and [REDACTED], September 10, 2007, 5:24 p.m., RE: FBI	Atty work-product Atty-client privilege
Suppl. Box 3 P-013856 Thru P-013857	E-mail, [REDACTED] to [REDACTED], September 6, 2007, 5:47 p.m., RE: Epstein, with e-mail from [REDACTED] (September 6, 2007, 5:35 p.m.), attached	Atty work-product Atty-client privilege

Bates Range	Description	Privilege(s) Asserted
Suppl. Box 3 P-013858	Email, [REDACTED] to [REDACTED], September 6, 2007, 9:29 [REDACTED], Re: Meeting on Friday	atty work-product
Suppl. Box 3 P-013859 Through P-013860	Email, Gerald Lefcourt to [REDACTED], Lilly Ann Sanchez, Roy Black, re: Jeffrey Epstein	[Not considered privileged. Will be produced to opposing counsel upon lifting of stay]
Suppl. Box 3 P-013861 Thru P-013865	E-mail, [REDACTED] to Matthew [REDACTED], July 13, 2007, 3:14 p.m., RE: Epstein, with e-mail from [REDACTED] (July 5, 2007, 3:30 p.m.), [REDACTED] to [REDACTED] (July 4, 2007, 5:16 p.m.), and Sloman to [REDACTED] (July 3, 2007, 1:47 p.m.), attached	Atty work-product atty-client privilege
Suppl. Box 3 P-013866	E-mail, [REDACTED] to [REDACTED], Matthew [REDACTED], [REDACTED], and [REDACTED], July 3, 2007, 6:26 [REDACTED], RE: Epstein	Atty work-product
Suppl. Box 3 P-013867 Thru P-013868	E-mail, [REDACTED] to Matthew [REDACTED], June 21, 2007, 3:24 p.m., RE: Meeting Next Week, with e-mails from [REDACTED] to [REDACTED] (June 21, 2007, 2:58 p.m.), and [REDACTED] to [REDACTED] (June 21, 2007, 1:37 p.m.), attached	Atty work-product
Suppl. Box 3 P-013869	E-mail, [REDACTED] to Matthew [REDACTED], [REDACTED], and [REDACTED], June 18, 2007, 5:04 p.m., RE: Epstein	Atty work-product
Suppl. Box 3 P-013870 Thru P-013871	E-mail, [REDACTED] to [REDACTED], May 24, 2007, 9:25 [REDACTED], FW: Jeffrey Epstein, with e-mail from Gerald Lefcourt to [REDACTED] (May 23, 2007, 5:00 p.m.), [REDACTED] to Gerald Lefcourt (May 22, 2007, 6:32 p.m.), and Gerald Lefcourt to [REDACTED] [REDACTED], and Lilly Ann Sanchez (May 22, 2007, 2:05 p.m.), attached	Atty work-product
Suppl. Box 3 P-013872	E-mail, [REDACTED] to Matthew [REDACTED], [REDACTED], and [REDACTED], May 22, 2007, 3:11 p.m., FW: Jeffrey Epstein, with e-mail from Lefcourt to [REDACTED], [REDACTED], and Lilly Ann Sanchez (May 22, 2007, 2:05 p.m.), attached	Atty work-product
Suppl. Box 3 P-013873	E-mail [REDACTED] to [REDACTED] and [REDACTED], May 14, 2007, 10:52 [REDACTED], RE: Operation Leap Year, with e-mail from [REDACTED] to [REDACTED] and [REDACTED] (May 14, 2007, 10:38 [REDACTED]), attached	Atty work-product

Bates Range	Description	Privilege(s) Asserted
Suppl. Box 3 P-013874 Through P-013875	Inadvertently marked as privileged, will be produced	
Suppl. Box 3 P-013876 Thru P-013877	E-mail, ██████ to ██████, ██████, and ██████, September 19, 2007, 4:33 p.m., RE: Draft Plea Agreement, with e-mail from Lefkowitz to ██████ (September 19, 2007, 3:44 p.m.), and Lefkowitz to ██████ (September 19, 2007, 3:35 p.m.) attached	Atty work-product
Suppl. Box 3 P-013878 Thru P-013879	E-mail, ██████ to ██████, September 19, 2007, 4:21 p.m., RE: Epstein, with e-mails from ██████ to ██████ and ██████ (September 19, 2007, 4:13 p.m.), ██████ to ██████ and ██████ (September 19, 2007, 4:05 p.m.), and ██████ to ██████ and ██████ (September 19, 2007, 3:50 p.m.), ██████ to ██████ (September 19, 2007, 2:36 p.m.), ██████ to ██████ (September 19, 2007, 2:33 p.m.), and ██████ to ██████ and ██████ (September 19, 2007, 2:31 p.m.), attached	Atty work-product
Suppl. Box 3 P-013880 Thru P-013882	E-mail, ██████ to ██████, ██████, and ██████, September 18, 2007, 11:43 ., RE: Draft Agreements?, with e-mails from ██████ to ██████, ██████ and ██████ (September 18, 2007, 11:18 .), Lefkowitz to ██████ (September 18, 2007, 11:09 .), and ██████ to Lefkowitz (September 18, 2007, 9:14 .), and Lefkowitz to ██████ (September 18, 2007, 8:59 .), attached	Atty work-product
Suppl. Box 3 P-013883	E-mail, ██████ to Acosta, ██████, ██████, ██████, and McMillan, September 18, 2007, 9:31 ., RE: Epstein Negotiations	Atty work-product
Suppl. Box 3 P-013884 Thru P-013886	E-mail, ██████ to ██████ and ██████, September 17, 2007 10:35 ., RE: Epstein, with e-mail from ██████ (September 17, 2007, 10:26 .), attached	Atty work-product
Suppl. Box 3 P-013887	E-mail, ██████ ██████ to ██████, September 13, 2007, 8:10 p.m., RE: Epstein, with e-mail from ██████ (September 13, 2007, 7:54 p.m.), attached	Atty work-product
Suppl. Box 3 P-013888	E-mail, ██████ ██████ to ██████ and ██████, September 10, 2007, 5:24 p.m., RE: FBI	Atty work-product Atty-client privilege

Bates Range	Description	Privilege(s) Asserted
Suppl. Box 3 P-013889 Thru P-013890	E-mail, ██████████ ██████████ to ██████████ ██████████, September 6, 2007, 5:47 p.m., RE: Epstein, with e-mail from ██████████ (September 6, 2007, 5:35 p.m.), attached	Atty work-product Atty-client privilege
Suppl. Box 3 P-013891	Email, ██████████ ██████████ to ██████████ ██████████, September 6, 2007, 9:29 ██████████, Re: Meeting on Friday	atty work-product
Suppl. Box 3 P-013892 Through P-013893	Email, Gerald Lefcourt to ██████████ ██████████, Lilly Ann Sanchez, Roy Black, re: Jeffrey Epstein	[Not considered privileged. Will be produced to opposing counsel upon lifting of stay]
Suppl. Box 3 P-013894 Thru P-013898	E-mail, ██████████ ██████████ to Matthew ██████████, July 13, 2007, 3:14 p.m., RE: Epstein, with e-mail from ██████████ (July 5, 2007, 3:30 p.m.), ██████████ to ██████████ (July 4, 2007, 5:16 p.m.), and Sloman to ██████████ (July 3, 2007, 1:47 p.m.), attached	Atty work-product atty-client privilege
Suppl. Box 3 P-013899	E-mail, ██████████ ██████████ to ██████████ ██████████, Matthew ██████████, ██████████ ██████████, and ██████████ ██████████, July 3, 2007, 6:26 ██████████, RE: Epstein	Atty work-product
Suppl. Box 3 P-013900 Thru P-013901	E-mail, ██████████ ██████████ to Matthew ██████████, June 21, 2007, 3:24 p.m., RE: Meeting Next Week, with e-mails from ██████████ to ██████████ (June 21, 2007, 2:58 p.m.), and ██████████ to ██████████ (June 21, 2007, 1:37 p.m.), attached	Atty work-product
Suppl. Box 3 P-013902	E-mail, ██████████ ██████████ to Matthew ██████████, ██████████ ██████████, and ██████████ ██████████, June 18, 2007, 5:04 p.m., RE: Epstein	Atty work-product
Suppl. Box 3 P-013903 Thru P-013904	E-mail, ██████████ ██████████ to ██████████ ██████████, May 24, 2007, 9:25 ██████████, FW: Jeffrey Epstein, with e-mail from Gerald Lefcourt to ██████████ (May 23, 2007, 5:00 p.m.), ██████████ to Gerald Lefcourt (May 22, 2007, 6:32 p.m.), and Gerald Lefcourt to ██████████ ██████████ ██████████, and Lilly Ann Sanchez (May 22, 2007, 2:05 p.m.), attached	Atty work-product
Suppl. Box 3 P-013905	E-mail, ██████████ ██████████ to Matthew ██████████, ██████████ ██████████, and ██████████ ██████████, May 22, 2007, 3:11 p.m., FW: Jeffrey Epstein, with e-mail from Lefcourt to ██████████ ██████████, and Lilly Ann Sanchez (May 22, 2007, 2:05 p.m.), attached	Atty work-product

Bates Range	Description	Privilege(s) Asserted
Suppl. Box 3 P-013906	E-mail ██████ to ██████ and ██████, May 14, 2007, 10:52 ██████, RE: Operation Leap Year, with e-mail from ██████ to ██████ and ██████ (May 14, 2007, 10:38 ██████), attached	Atty work-product
Suppl. Box 3 P-013907 Through P-013908	Inadvertently marked as privileged, will be produced	
Suppl. Box 3 P-013909 Thru P-013911	Memorandum, ██████, Assistant Counsel, U.S. Department of Justice, Office of Professional Responsibility (OPR), to ██████, Acting Associate Counsel, OPR, undated, Subject: Recommendation	Deliberative Process Privilege; atty work-product
Suppl. Box 3 P-013912 Thru P-013914	Memorandum, ██████, Assistant Counsel, OPR, to ██████, Acting Associate Counsel, OPR, Subject: Recommendation, with handwritten note dated 5/4/11	Deliberative Process Privilege, atty work-product
Suppl. Box 3 P-013915 Thru P-013918	Memorandum, ██████, Assistant Counsel, OPR, to ██████, Acting Associate Counsel, OPR, Subject: Recommendation, with two post-it notes attached with handwritten attorney notations, and handwritten notations, underlines, and circled text throughout the body of the two page memorandum	Deliberative Process Privilege; atty work-product
Suppl. Box 3 P-013919 Thru P-013921	Draft letter, marked "Confidential", from ██████, Counsel, Office of Professional Responsibility to ██████, United States Attorney, with handwritten corrections, strikethroughs, and added text	Deliberative Process Privilege Attorney Work Product
Suppl. Box 3 P-013922 Thru P-013924	Draft Letter, marked "Confidential", from ██████, ██████, to ██████, ██████, with handwritten corrections	Deliberative Process Privilege Attorney Work Product
Suppl. Box 3 P-013925 Thru P-013927	Draft Letter, from ██████ to Professor Paul G. Cassell, with handwritten correction	Deliberative Process Privilege Attorney Work Product
Suppl. Box 3 P-013928 Thru P-013930	Draft Letter, from ██████ to Professor Paul G. Cassell, with handwritten corrections	Deliberative Process Privilege Attorney Work Product
Suppl. Box 3 P-013931 Thru P-013933	Draft Letter, from ██████ to Professor Paul G. Cassell, with handwritten corrections, circled text, strikethroughs, and additional text	Deliberative Process Privilege Attorney Work Product

Bates Range	Description	Privilege(s) Asserted
Suppl. Box 3 P-013934 Thru P-013936	Draft Letter, marked "Confidential," from ██████████ to ██████████, with handwritten corrections	Deliberative Process Privilege Attorney Work Product
Suppl. Box 3 P-013937 Thru P-013939	Draft Letter, ██████████ to Professor Paul G. Cassell, with handwritten corrections	Deliberative Process Privilege Attorney Work Product
Suppl. Box 3 P-013940 Thru P-013942	Draft Letter, marked "Confidential: To Be Opened by Addressee Only," ██████████ to ██████████, with handwritten corrections	Deliberative Process Privilege Attorney Work Product
Suppl. Box 3 P-013943	E-mail, ██████████ to ██████████, May 5, 2011, 11:19 ██████████, RE: Re-write of Epstein letters for your review, with e-mail from ██████████ to ██████████ (May 5, 2011, 11:08 ██████████), and ██████████ to ██████████ (May 5, 2011, 11:10 ██████████), and ██████████ to ██████████ (May 5, 2011, 10:41 ██████████), attached	Deliberative Process Privilege Attorney Work Product
Suppl. Box 3 P-013944	E-mail, ██████████ to ██████████, May 5, 2011, 11:17 ██████████, RE: Re-write of Epstein letters for your review, with e-mail from ██████████ to ██████████ (May 5, 2011, 11:08 ██████████), ██████████ to ██████████ (May 5, 2011, 11:01 ██████████), and ██████████ to ██████████ (May 5, 2011, 10:41), attached	Deliberative Process Privilege
Suppl. Box 3 P-013945	E-mail, ██████████ to ██████████, May 4, 2011, 5:01 p.m., RE: draft letters in Epstein matter, with e-mail from ██████████ to ██████████ (May 4, 2011, 4:57 p.m.), attached	Deliberative Process Privilege
Suppl. Box 3 P-013946	E-mail, ██████████ to ██████████, May 4, 2011, 4:08 p.m., RE: FYI on the Florida matter	Law Enforcement investigatory record, atty work product; deliberative process privilege
Suppl. Box 3 P-013947	E-mail, ██████████ to ██████████, May 3, 2011, 12:23 p.m., RE: OPR Inquiry – request for information, with post-it note attached with handwritten attorney notes on telephone call between ██████████ and ██████████ with ██████████ and ██████████	atty work product; law enforcement investigatory record
Suppl. Box 3 P-013948 Thru P-013951	E-mail, ██████████ to ██████████ and ██████████ ██████████, May 3, 2011, 12:30 p.m., FW: OPR Inquiry – request for information, with attached e-mails. Handwritten attorney notes on margin	atty work-product

Bates Range	Description	Privilege(s) Asserted
Suppl. Box 3 P-013952 Thru P-013953	E-mail, [REDACTED] to [REDACTED], March 16, 2011, 10:52 [REDACTED], RE: Referral of Cassell Request for Investigation, with e-mail from [REDACTED] to [REDACTED] and [REDACTED] [REDACTED] (March 15, 2011, 7:21 p.m.), attached	atty work-product; atty-client privilege
Suppl. Box 3 P-013954 Thru P-013955	E-mail, [REDACTED] to [REDACTED], OPR, December 16, 2010, 10:59 [REDACTED], FW: OPR Referral – Allegation of Misconduct – U.S. Attorney’s Office, S.D.Fla., with e-mail from [REDACTED] to [REDACTED] (December 16, 2010, 10:22 [REDACTED]), attached. Handwritten attorney notations.	atty work-product, atty-client privilege
Suppl. Box 3 P-013956 Thru P-013846	Fourteen (14) pages of handwritten attorney notes on case, telephone interviews with DOJ attorneys	atty work-product

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 08-80736-Civ-Marra/Matthewman

JANE DOE #1 AND JANE DOE #2,

Petitioners,

UNITED STATES OF AMERICA,

Respondent.

UNITED STATES' NOTICE OF FILING SECOND SUPPLEMENTAL PRIVILEGE LOG

Pursuant to the Court's June 18, 2013 Omnibus Order (DE 190), the Respondent, United States of America, by and through the undersigned Assistant United States Attorney, hereby gives notice of its filing of its Second Supplemental Privilege Log. The index has been marked with Bates Numbers P-013970¹ thru P-014923.

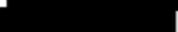
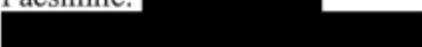
The documents referenced in the Second Supplemental Privilege Log will be delivered today to the Chambers of U.S. District Judge Kenneth A. Marra for *ex parte in camera* review, pursuant to the Court's Omnibus Order.

Respectfully submitted,

WIFREDO A. FERRER
UNITED STATES ATTORNEY

By:

s/ 

Assistant United States Attorney
Florida Bar No. 0018255
500 South Australian Ave, Suite 400
West Palm Beach, FL 33401
Telephone: 
Facsimile: 


¹ Please note that, while preparing the Second Supplemental Privilege Log, the undersigned discovered an error on the Supplemental Privilege Log, that is, the last entry states that the last document bears Bates Numbers P-013956 thru P-013846. The correct Bates range for that document is P-013956 thru P-013969 [14 pages].

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 23, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. According to the Court's website, counsel for all parties are able to receive notice via the CM/ECF system.

S/ [REDACTED]
Assistant United States Attorney

SERVICE LIST

Jane Does 1 and 2 [REDACTED], United States,
Case No. 08-80736-CIV-MARRA/MATTHEWMAN
United States District Court, Southern District of Florida

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JANE DOE [REDACTED] UNITED STATES
COURT FILE NO. 08-80736-CV-MARRA
SECOND SUPPLEMENTAL PRIVILEGE LOG – BOX #4

Bates Range	Description	Privilege(s) Asserted
P-013970 thru P-013971	11/29/2006-12/1/2006 emails between [REDACTED] and [REDACTED] and prison employee regarding attempted contact with potential witness	Work Product Investigative Privilege Privacy Act
P-013972	5/18/2007 email from [REDACTED] to [REDACTED] informing him of intent to subpoena Roy Black's private investigator and steps taken to obtain DOJ authorization	Work Product 6(e) Deliberative Process Investigative Privilege
P-013973 thru P-013976	5/18/2007 emails between [REDACTED] and expert witness regarding securing pre-indictment consultation contract	Work Product 6(e) Investigative Privilege
P-013977 thru P-013979	5/21/2007 email from [REDACTED] to [REDACTED] (CEOS) re 2423(b) charging question	Work Product 6(e) Deliberative Process Investigative Privilege
P-013980	5/21/2007 email from [REDACTED] to [REDACTED] and [REDACTED] regarding guidance on grand jury presentation	Work Product 6(e) Deliberative Process
P-013981	5/22/2007 email from Andy [REDACTED] to [REDACTED] and [REDACTED] (cc: [REDACTED]) re letter received from Gerald Lefcourt discussing a meeting to discuss Epstein investigation	Work Product Deliberative Process
P-013982	5/23/2007 email from [REDACTED] to [REDACTED] re extradition research	Work Product A/C privilege Investigative Privilege
P-013983 thru P-013984	5/23/2007 emails between [REDACTED] and [REDACTED] regarding decision to meet with counsel for Epstein	Work Product Deliberative Process

Bates Range	Description	Privilege(s) Asserted
P-013985 thru P-013989	6/14/2007-6/21/2007 emails between [REDACTED], [REDACTED], and [REDACTED] regarding addendum to Pros Memo, grand jury presentation and changes to indictment, and meeting with counsel for Epstein	6(e) Work Product Deliberative Process Investigative Privilege
P-013990 thru P-013991	6/26/2007 email from [REDACTED] to [REDACTED], [REDACTED], and [REDACTED] addressing arguments regarding interstate nexus for 2422(b) charges	Work Product Deliberative Process
P-013992 thru P-013994	7/3/2007-7/4/2007 emails between [REDACTED] and [REDACTED] regarding extension of time to respond to subpoenas requested by Lilly Ann Sanchez and possible resolution of case	6(e) Work Product Investigative Privilege Deliberative Process
P-013995 thru P-014010	6/12/2007-7/6/2007 series of emails between [REDACTED] and AUSAs [REDACTED] and [REDACTED] re an earlier unrelated investigation of Epstein	Work Product Investigative Privilege Privacy Act
P-014011 thru P-014025	7/3/2007-7/13/2007 email chain between [REDACTED] and [REDACTED] regarding disagreement on [REDACTED] plea negotiations and written request for meeting between USAO management and victims	6(e) Work Product Deliberative Process Investigative Privilege
P-014026 thru P-014027	7/16/2007 email from [REDACTED] to [REDACTED] and [REDACTED] regarding correspondence from Roy Black and Motion to Quash	6(e) Work Product Deliberative Process Investigative Privilege
P-014028 thru P-014030	7/18/2007 emails from [REDACTED] to [REDACTED] and [REDACTED] regarding Motion to Quash grand jury subpoena and supporting affidavit filed by Roy Black	6(e) Work Product Deliberative Process Investigative Privilege
P-014031 thru P-014032	7/19/2007 email chain between [REDACTED], [REDACTED], S/A [REDACTED] and S/A [REDACTED] regarding potential service of target letters	6(e) Work Product Deliberative Process Investigative Privilege Attorney-Client Privilege

Bates Range	Description	Privilege(s) Asserted
P-014033	7/19/2007 email from [redacted] to [redacted] and [redacted] regarding planned service of target letters	Work Product 6(e) Investigative Privilege Deliberative Process
P-014034	7/26/2007 email from [redacted] to [redacted] and [redacted] regarding proposed changes to the indictment	6(e) Work Product Deliberative Process Investigative Privilege
P-014035	7/31/2007 email from [redacted] to [redacted], [redacted], and [redacted] summarizing proposed plea terms as per recommendation	Work Product Deliberative Process
P-014036	7/31/2007-8/2/2007 email chain between [redacted], [redacted], and [redacted] regarding plea negotiations	Work Product Deliberative Process Investigative Privilege
P-014037	8/2/2007 email from [redacted] to [redacted], [redacted], and [redacted] with draft response to Epstein counsel regarding agreement	Work Product Deliberative Process Investigative Privilege
P-014038 thru P-014041	8/2/2007 emails between [redacted], [redacted], [redacted], Andy [redacted], and [redacted] regarding letter received from Lilly Ann Sanchez	Work Product Deliberative Process Investigative Privilege
P-014042	8/3/2007 Email from [redacted] to [redacted], [redacted], and [redacted] regarding draft response to correspondence from Epstein counsel and planned investigative steps if agreement cannot be reached.	Work Product Deliberative Process Investigative Privilege
P-014043 thru P-014044	Emails dated 8/6/2007 from [redacted] to [redacted] and [redacted] regarding [redacted] correspondence prior to his departure.	Work Product Deliberative Process
P-014045 thru P-014046	8/7/2007 email chain between [redacted], [redacted], and Alex Acosta regarding meeting to discuss Epstein matter	Work Product Deliberative Process Investigative Privilege

Bates Range	Description	Privilege(s) Asserted
P-014047	8/7/2007 email from [redacted] to Andy [redacted] regarding deadline set for Epstein plea and Epstein's plan to demand a meeting with CEOS.	Work Product Deliberative Process Investigative Privilege
P-014048	8/7/2007 email from [redacted] to [redacted] regarding Epstein meeting	Work Product Deliberative Process Investigative Privilege
P-014049 thru P-014050	8/7/2007 email chain from [redacted] to [redacted], [redacted], and Alex Acosta regarding Epstein meeting	Work Product Deliberative Process Investigative Privilege
P-014051	8/8/2007 emails between [redacted] and [redacted] (CEOS) regarding case staffing and plea negotiations	Work Product Deliberative Process Investigative Privilege
P-014052	8/8/2007 email chain between [redacted], [redacted], Alex Acosta, [redacted] regarding "The meeting on Epstein"	Work Product Deliberative Process Investigative Privilege
P-014053	8/8/2007 email from [redacted] to [redacted] regarding plea negotiations, guideline calculations, and assistance in preparing case for trial	Work Product Investigative Privilege Deliberative Process
P-014054	8/8/2007 email from [redacted] to Alex Acosta, [redacted], [redacted], and [redacted] regarding planning meeting with Epstein counsel and service of target letters	Work Product 6(e) Investigative Privilege Deliberative Process
P-014055	8/10/2007 Electronic correspondence from [redacted] to expert witness regarding topics for expert testimony	Work Product
P-014056	8/10/2007 email from [redacted] to [redacted] regarding target letters and staying motion to compel production of computers	Work Product
P-014057	8/30/2007 email from [redacted] to [redacted], [redacted], and [redacted] regarding press coverage of meeting with Ken Starr	Work Product
P-014058	9/4/2007-9/6/2007 emails between [redacted] and [redacted] regarding planned participation of FBI ASAIC at 9/7/2007 meeting with Epstein defense team	Work Product Deliberative Process

Bates Range	Description	Privilege(s) Asserted
P-014059 thru P-014061	9/6/2007 emails between [REDACTED], [REDACTED], and [REDACTED] regarding status of plea negotiations, draft agreements, and need to confer with victims	Work Product Deliberative Process
P-014062 thru P-014068	9/10/2007-9/14/2007 emails between [REDACTED], [REDACTED], and Alex Acosta regarding final plea negotiations, finalizing details with State Attorney's Office and final revisions to indictment package	Work Product Deliberative Process 6(e) Investigative Privilege
P-014069	9/10/2007 email from [REDACTED] to [REDACTED] and [REDACTED] regarding Acosta inquiry about FBI investigation into State grand jury proceeding	Work Product 6(e) Investigative Privilege
P-014070 thru P-014074	9/11/2007 emails between [REDACTED], [REDACTED], and [REDACTED] regarding changes to the draft indictment and status of plea negotiations	Work Product Deliberative Process Investigative Privilege Attorney-Client Privilege
P-014075 thru P-014089	9/10/2007-9/11/2007 emails between [REDACTED], Alex Acosta, and [REDACTED] regarding modifications to the proposed Non-Prosecution Agreement	Work Product Deliberative Process
P-014090 thru P-014102	9/13/2007 emails from [REDACTED] to [REDACTED], Alex Acosta, [REDACTED], and [REDACTED] regarding plea to federal charges recommending 18 USC 403 or 1512(d), or 47 USC 223(a)(1)(B); response that Epstein was only willing to plead to assault on the plane; and rejection of facts supporting assault on the plane charge	Work Product Deliberative Process
P-014103 thru P-014107	9/13/2007-9/14/2007 emails regarding [REDACTED] research regarding victim trust fund set up in Alaska child exploitation case	Work Product
P-014108 thru P-014134	9/17/2007-9/19/2007 emails between [REDACTED], Alex Acosta, [REDACTED], and [REDACTED] regarding negotiations of a federal plea and a non-prosecution agreement	Work Product Deliberative Process

Bates Range	Description	Privilege(s) Asserted
P-014135 thru P-014149	9/19/2007-9/20/2007 emails between [REDACTED], [REDACTED], and [REDACTED] regarding plea negotiations with counsel for Epstein	Work Product Deliberative Process
P-014150 thru P-014156	9/20/2007 emails between [REDACTED] and [REDACTED] regarding plea agreement to federal charges and factual proffer	Work Product Deliberative Process
P-014157 thru P-014160	9/21/2007 emails between [REDACTED], [REDACTED], and [REDACTED] regarding revisions to the non-prosecution agreement	Work Product Deliberative Process
P-014161	9/21/2007 email from [REDACTED] to Alex Acosta, [REDACTED], [REDACTED], and [REDACTED] regarding review of Epstein indictment package	Work Product Deliberative Process
P-014162 thru P-014170	9/24/2007 series of emails between [REDACTED], [REDACTED], Alex Acosta, and [REDACTED] regarding plea negotiations and revisions to non-prosecution agreement	Work Production Deliberative Process
P-014171 thru P-014174	9/23/2007-9/24/2007 series of emails between Alex Acosta, [REDACTED], [REDACTED], [REDACTED], and [REDACTED] regarding proposed revisions to non-prosecution agreement	Work Product Deliberative Process
P-014175 thru P-014203	9/20/2007-9/24/2007 emails between Alex Acosta, [REDACTED], [REDACTED], and [REDACTED] regarding revisions to the non-prosecution agreement	Work Product Deliberative Process
P-014204 thru P-014205	9/24/2007 emails between [REDACTED] and [REDACTED] regarding notifying Palm Beach Police Chief and victims about agreement	Work Product Deliberative Process
P-014206 thru P-014216	9/24/2007-9/25/2007 emails between Alex Acosta, [REDACTED], [REDACTED], and Rolanda [REDACTED] regarding Lefkowitz email about keeping agreement from becoming public and confidentiality provision in agreement	Work Product Deliberative Process
P-014217 thru P-014238	10/5/2007-10/16/2007 emails between [REDACTED], [REDACTED], and Alex Acosta re selection of Special Master and negotiation of revision/addendum to Non-Prosecution Agreement	Work Product Deliberative Process

Bates Range	Description	Privilege(s) Asserted
P-014239 thru P-014242	10/18/2007 emails between [redacted] and [redacted] regarding Epstein's request to delay his change of plea	Work Product Deliberative Process
P-014243 thru P-014251	10/19/2007 emails between [redacted] and [redacted] regarding Special Master's Selection of Attorney Representative	Work Product Deliberative Process
P-014252 thru P-014275	10/22/2007-10/31/2007 emails between [redacted], Alex Acosta, and [redacted] regarding negotiation of Addendum to Non-Prosecution Agreement and drafting of correspondence regarding scope of Special Master's duties and selection criteria	Work Product Deliberative Process
P-014276	10/31/2007 email from [redacted] to [redacted] regarding attempts to interview additional witnesses/victims	Work Product Attorney-Client Privilege Investigative Privilege 6(e) Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014277 thru P-014282	11/2/2007-11/5/2007 emails between [redacted] and [redacted] regarding drafting 11/5/2007 letter from Sloman to Lefkowitz	Work Product Deliberative Process
P-014283 thru P-014284	11/5/2007-11/7/2007 emails from [redacted] to [redacted] inquiring about status of matter and contact by Epstein investigators with victims	Work Product Deliberative Process
P-014285 thru P-014298	11/8/2007-11/14/2007 emails between [redacted], [redacted], and [redacted] regarding response to objections raised by Epstein counsel and efforts to change date for guilty plea	Work Product Deliberative Process Attorney-Client Privilege
P-014299 thru P-014307	11/14/2007-11/19/2007 emails between [redacted], [redacted], Alex Acosta, and [redacted] regarding communications with State Attorney's Office and Sheriff's Office in an attempt to insure that Epstein was ineligible for work release	Work Product Deliberative Process Attorney-Client Privilege

Bates Range	Description	Privilege(s) Asserted
P-014308 thru P-014310	11/19/2007 emails between [REDACTED], [REDACTED], and [REDACTED] about efforts by Epstein's counsel to change date for change of plea	Work Product Deliberative Process
P-014311 thru P-014329	11/19/2007-11/28/2007 emails between [REDACTED], [REDACTED], and [REDACTED] regarding drafting victim notification letter of upcoming plea	Work Product Deliberative Process Attorney-Client Privilege 6(e) Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014330 thru P-014337	11/28/2007 correspondence between [REDACTED], [REDACTED], and [REDACTED] regarding Lefkowitz 11/27/2007 email discussing presentation to DAAG	Work Product Deliberative Process
P-014338 thru P-014354	11/29/2007-12/1/2007 emails between [REDACTED], [REDACTED], and [REDACTED] regarding draft response to Jay Lefkowitz and victim notification letters	Work Product Deliberative Process
P-014355 thru P-014361	12/3/2007 emails between [REDACTED], Villafaña, Alex Acosta, and [REDACTED] regarding history of plea negotiations and drafting response to correspondence from Jay Lefkowitz and Ken Starr	Work Product Deliberative Process
P-014362 thru P-014402	12/3/2007-12/5/2007 correspondence between Alex Acosta, [REDACTED], [REDACTED], and [REDACTED] about drafting and sending the 12/4/2007 Acosta letter to Ken Starr	Work Product Deliberative Process 6(e) Attorney-Client Privilege
P-014403 thru P-014414	12/6/2007 emails between [REDACTED], [REDACTED], Alex Acosta, [REDACTED], and [REDACTED] regarding correspondence from Ken Starr, request for a meeting from Epstein counsel, and need to notify victims of upcoming plea	Work Product Deliberative Process
P-014415 thru P-014420	12/6/2007-12/7/2007 emails between [REDACTED], [REDACTED], and Alex Acosta regarding draft victim notification letter	Work Product Deliberative Process

Bates Range	Description	Privilege(s) Asserted
P-014421 thru P-014428	12/6/2007-12/7/2007 emails between [REDACTED], [REDACTED], and [REDACTED] regarding request from State Attorney's Office for draft plea proffer	Work Product Deliberative Process 6(e) Attorney-Client Privilege Investigative Privilege
P-014429 thru P-014439	12/9/2007-12/12/2007 emails between [REDACTED], [REDACTED], and [REDACTED] regarding drafting response to personal attacks and upcoming meeting with Ken Starr	Work Product Deliberative Process
P-014440	12/11/2007 email from [REDACTED] to [REDACTED] and Alex Acosta regarding call with lawyer for Jane Doe #2 (T.M.)	Work Product Deliberative Process
P-014441	12/12/2007 emails between [REDACTED], [REDACTED], and [REDACTED] regarding planning indictment review	Work Product Deliberative Process 6(e)
P-014442	12/14/2007 email from [REDACTED] to [REDACTED], Alex Acosta, and [REDACTED] regarding state cases mentioned by Epstein's counsel	Work Product Deliberative Process
P-014443	12/14/2007 email from [REDACTED] Villafaña to Alex Acosta, [REDACTED], and [REDACTED] with draft letters to State Attorney's Office and victims	Work Product Deliberative Process
P-014444	12/17/2007 email from [REDACTED] to [REDACTED] inquiring about case status and informing Sloman regarding agent concern about victim notifications	Work Product Deliberative Process
P-014445 thru P-014447	12/19/2007 email from [REDACTED] to Alex Acosta and [REDACTED] summarizing research into other cases where individuals were charged with violating 2422(b) based upon the use of a telephone	Work Product Deliberative Process 6(e)
P-014448 thru P-014454	12/19/2007 emails between [REDACTED], Alex Acosta, and [REDACTED] regarding drafting response to concerns raised during December 14, 2007 meeting between Epstein counsel, Alex Acosta, [REDACTED], the FBI SAIC, and [REDACTED]	Work Product Deliberative Process

Bates Range	Description	Privilege(s) Asserted
P-014455 thru P-014456	12/19/2007 email from [REDACTED] to Alex Acosta, [REDACTED], regarding challenge to state charge raised by [REDACTED] and [REDACTED] Epstein counsel during 12/14/2007 meeting	Work Product Deliberative Process 6(e) Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014457 thru P-014464	12/20/2007 emails between [REDACTED] and [REDACTED] regarding inquiries from State Attorney's Office regarding Epstein plea to state charge and facts supporting state plea	Work Product Deliberative Process 6(e) Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014465 thru P-014485	12/18/2007-12/21/2007 emails between [REDACTED] and other AUSAs regarding other instances of charging 2422(b) based on the use of a telephone as a "facility of interstate commerce"	Work Product 6(e)
P-014486	12/21/2007 email from [REDACTED] to [REDACTED] with thoughts on recent correspondence from Jay Lefkowitz raising concerns about interpretation of the Nonprosecution Agreement	Work Product Deliberative Process
P-014487	12/27/2007 email from [REDACTED] to Alex Acosta and [REDACTED] regarding proposed approach to providing potential notice of breach of non-prosecution agreement	Work Product Deliberative Process
P-014488 thru P-014499	12/27/2007 emails between [REDACTED], Alex Acosta, [REDACTED], [REDACTED], and [REDACTED] regarding Jay Lefkowitz letter of 12/26/2007	Work Product Deliberative Process
P-014500	1/2/2008 email from [REDACTED] to Alex Acosta and [REDACTED] regarding telephone conversation with State Attorney's Office about delay in Epstein state plea.	Work Product Deliberative Process
P-014501 thru P-014506	1/2/2008 emails between Alex Acosta, [REDACTED], and [REDACTED] regarding requests from Alex Acosta to [REDACTED] for information related to the handling of the investigation by the State Attorney's Office	Work Product Deliberative Process

Bates Range	Description	Privilege(s) Asserted
P-014507 thru P-014508	1/2/2008 emails from [redacted] to Alex Acosta and [redacted] regarding renewed plea negotiations for federal plea agreement	Work Product Deliberative Process 6(e)
P-014509 thru P-014519	1/3/2008 emails between [redacted], Alex Acosta, and [redacted] regarding Alex Acosta telephone conference with Jay Lefkowitz where Lefkowitz admitted that he never intended to have Epstein plead guilty to an offense that required sex offender registration.	Work Product Deliberative Process
P-014520	1/3/2008 email from [redacted] to [redacted] and [redacted] regarding renewed plea negotiations and press coverage of Epstein matter.	Attorney client privilege Deliberative Process Investigative Privilege
P-014521 thru P-014522	1/7/2008 email from [redacted] to Alex Acosta, [redacted], [redacted], and [redacted] regarding proposed additional investigative steps in Epstein case.	Work Product Deliberative Process 6(e) Privacy Act
P-014523	1/9/2008 email from [redacted] to [redacted], Alex Acosta, and [redacted] regarding informing Jay Lefkowitz that a CEOS attorney would join the SDFL team regarding the Epstein case and would review the prosecution and defense materials.	Work Product Deliberative Process
P-014524 thru P-014550	1/9/2008-1/14/2008 emails between [redacted], [redacted], [redacted], and [redacted] regarding assigning a CEOS attorney to the investigation, meeting with the CEOS attorney and victims in Florida, the results of the meetings and planned additional meetings, and revisions to the indictment in light of the [redacted] meetings.	Work Product Deliberative Process Attorney-client privilege Investigative Privilege 6(e)
P-014551	1/17/2008 email from [redacted] to [redacted] regarding updated summary charts for indictment preparation, meetings with victims, and victim notification letters from FBI	Attorney-client privilege Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation 6(e)
P-014552	1/23/2008 email from [redacted] to [redacted] and Alex Acosta regarding FBI involvement in meeting in DC	Work Product Deliberative Process

Bates Range	Description	Privilege(s) Asserted
P-014553 thru P-014556	1/25/2008 emails between [REDACTED] and [REDACTED] regarding press coverage of case and strategic decisions regarding revisions to initial indictment	Work Product 6(e) Deliberative Process Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014557	1/25/2008 email from [REDACTED] to [REDACTED] and [REDACTED] regarding research for purposes of issuing grand jury subpoenas.	6(e) Attorney-client privilege Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014558	1/29/2008 email from [REDACTED] to [REDACTED] and [REDACTED] regarding status of meeting in DC and concerns regarding delay.	Work Product Deliberative Process 6(e) Investigative Privilege
P-014559 thru P-014562	1/28/2008-1/29/2008 emails between [REDACTED] and [REDACTED] regarding scheduling victim interviews on 1/31/2008-2/1/2008	Work Product 6(e) Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014563 thru P-014565	1/30/2008 emails between [REDACTED] Alex Acosta, and [REDACTED] regarding Lefkowitz email about lawsuit filed against Epstein by one of the victims identified during the state investigation.	Work Product Deliberative Process 6(e) Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
P-014566 thru P-014568	1/31/2008 emails between [REDACTED] and [REDACTED] regarding interviews with victims.	Work Product Investigative Privilege Attorney-client privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014569 thru P-014573	1/31/2008-2/1/2008 emails between [REDACTED], Alex Acosta, [REDACTED], and Alan Santiago regarding results of additional victim-witness interviews and requesting intervention with CEOS to move review process along	Work Product Deliberative Process 6(e) Attorney-Client Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation Investigative Privilege
P-014574 thru P-014583	2/20/2008-2/21/2008 emails between [REDACTED], Sigal Mandelker, [REDACTED], Alex Acosta, [REDACTED] and [REDACTED] regarding status of CEOS plans to meet with counsel for Epstein and status of indictment review	Work Product Deliberative Process 6(e)
P-014584 thru P-014622	2/12/2008-2/22/2008 emails between [REDACTED], [REDACTED], and [REDACTED] analyzing facts gathered from grand jury investigation and discussing strategy for drafting revised indictment	Work Product Attorney-Client Privilege Investigative Privilege 6(e) Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014623 thru P-014627	2/25/2008 emails between [REDACTED] and Caroline Heck regarding ethical issue about whether or not to present proposed revised indictment to new grand jury	Work Product Deliberative Process 6(e)
P-014628	2/25/2008 email from [REDACTED] Villafaña to [REDACTED], [REDACTED], and [REDACTED] regarding result of consultation with Caroline Heck about grand jury question	Work Product Deliberative Process 6(e)

Bates Range	Description	Privilege(s) Asserted
P-014629	2/26/2008 email from [REDACTED] to [REDACTED] regarding CEOS review and draft indictment package	Work Product Deliberative Process
P-014630 thru P-014631	2/26/2008 email from [REDACTED] to [REDACTED] regarding [REDACTED] 2/25/2008 correspondence to Jay Lefkowitz further extending the plea deadline for Epstein	Work Product Deliberative Process Investigative Privilege 6(e)
P-014632 thru P-014646	2/21/2008-2/27/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding notifying DOJ's Civil Rights Division regarding the status of the case and the planned indictment, and the draft written notification	Work Product Deliberative Process 6(e) Investigative Privilege
P-014647 thru P-014649	2/28/2008 emails between [REDACTED] and Susan Roe regarding related investigation, potential investigatory leads, and CEOS review	Work Product Investigative Privilege 6(e)
P-014650 thru P-014653	2/27/2008-2/28/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding review of evidence received pursuant to subpoenas and planned interviews of additional potential victim-witnesses	Work Product Investigative Privilege Attorney-client privilege 6(e) Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014654 thru P-014655	2/29/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding continuing investigation and status of CEOS review	Work Product Deliberative Process Investigative Privilege 6(e)
P-014656 thru P-014665	3/4/2008-3/5/2008 emails between [REDACTED] and [REDACTED] regarding search warrant and victim contact with attorneys	Work Product Attorney-client privilege 6(e) Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
P-014666 thru P-014693	3/5/2008-3/6/2008 emails between [redacted], [redacted], Alex Acosta, [redacted], [redacted], and [redacted] regarding meeting in DC, additional information to prepare for meeting, and new information from ongoing investigation	Work Product Deliberative Process 6(e) Investigative Privilege
P-014694 thru P-014706	3/10/2008-3/12/2008 emails between [redacted], [redacted], Krishna Patel, [redacted], E.J. Yera, and [redacted] about Epstein attempts to contact victims and finding counsel for victims	Work Product Deliberative Process Attorney-client privilege
P-014707 thru P-014711	3/12/2008 emails between [redacted], [redacted], [redacted], and [redacted] regarding CEOS meeting with Epstein counsel	Work Product
P-014712 thru P-014716	3/14/2008 emails between [redacted], [redacted], and [redacted] regarding complete indictment package for [redacted] final review	Work Product Deliberative Process 6(e)
P-014717 thru P-014721	3/12/2008-3/17/2008 emails between [redacted], [redacted], and E.J. Yera regarding search warrant application and execution of search warrant	Work Product Attorney client privilege Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014722 thru P-014727	3/14/2008-3/17/2008 emails between [redacted], [redacted], and [redacted] regarding corrections to indictment package and proposed grand jury presentation	Work Product Deliberative Process 6(e) Attorney-Client Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
P-014728 thru P-014742	3/14/2008-3/19/2008 emails between Kuvrkendall, [REDACTED], Nesibtt [REDACTED], and [REDACTED] about Epstein attempts to contact victims and finding counsel for victims	Work Product Deliberative Process Attorney-client privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
P-014743 thru P-014780	3/19/2008-3/21/2008 emails between [REDACTED], [REDACTED], and [REDACTED] (CEOS), Alexandra Gelber (CEOS), and [REDACTED] about meeting between Epstein counsel and CEOS and follow-up questions	Work Product 6(e) Deliberative Process Investigative Privilege
P-014781 thru P-014800	3/19/2008-3/27/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding waiting for DC's decision regarding Epstein's challenges to NPA; status of ongoing investigation; problems with Epstein's counsel contacting victims in the guise of deposing them for the state criminal action; and securing pro bono counsel for those victims to represent them in connection with the depositions	Work Product Deliberative Process Investigative Privilege 6(e)
P-014801 thru P-014810	3/28/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding status of DC review of case and preparing for grand jury presentation	Work Product 6(e) Investigative Privilege Deliberative Process
P-014811 thru P-014829	3/31/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding status of ongoing investigation, planned presentation to grand jury, continued delay in awaiting decision from Washington, DC, and problems with victims being harassed	6(e) Work Product Deliberative Process Investigative Privilege
P-014830 thru P-014837	4/2/2008 emails between [REDACTED], Alex Acosta, [REDACTED], and [REDACTED] regarding efforts by Jay Lefkowitz and Ken Starr to speak with Alex Acosta and instructions to direct question to [REDACTED] and [REDACTED]	Deliberative Process Work Product Attorney-Client Privilege

Bates Range	Description	Privilege(s) Asserted
P-014838 thru P-014843	4/4/2008-4/7/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding status of CEOS review of Epstein matter	Work Product 6(e) Deliberative Process
P-014844 thru P-014851	4/10/2008-4/18/2008 emails between [REDACTED], [REDACTED], and [REDACTED] about continued delay in presenting case to grand jury due to failure to receive decision from DC, status of grand jury presentation and ongoing investigation	Work Product Deliberative Process Investigative Privilege
P-014852 thru P-014864	4/11/2008-4/23/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding self-reporting to OPR false allegations of ethics violations	Work Product Deliberative Process Privacy Act
P-014865	4/29/2008 email from [REDACTED] to [REDACTED], [REDACTED], and [REDACTED] re grand jury presentation	Work Product 6(e) Deliberative Process Investigative Privilege
P-014866 thru P-014883	4/21/2008-5/1/2008 emails between [REDACTED], [REDACTED], and [REDACTED] about continued delay in presenting case to grand jury due to failure to receive decision from DC, status of grand jury presentation and ongoing investigation, staffing of case for purposes of trial, and meeting to prepare for grand jury presentation	6(e) Work Product Deliberative Process Investigative Privilege
P-014884 thru P-014886	5/2/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding developments in Epstein investigation and impact on grand jury presentation	6(e) Work Product Attorney-Client Privilege Investigative Privilege Deliberative Process
P-014887 thru P-014894	4/29/2008-5/2/2008 emails between [REDACTED] and [REDACTED] regarding contact by Epstein counsel and victims and draft letter to counsel for Epstein	6(e) Work Product Deliberative Process Investigative Privilege

Bates Range	Description	Privilege(s) Asserted
P-014895 thru P-014900	5/7/2008-5/9/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding awaiting approval from DC and status of ongoing investigation	Work Product 6(e) Deliberative Process Attorney-Client Privilege Investigative Privilege
P-014901 thru P-014906	5/15/2008-5/16/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding receiving final approval from DC	Work Product Deliberative Process
P-014907 thru P-014911	5/19/2008-5/22/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding preparation for grand jury presentation; communication with S/A Kuykendall regarding plea negotiations; and status of ongoing investigation	6(e) Work Product Deliberative Process Investigative Privilege
P-014912 thru P-014919	5/23/2008-5/27/2008 emails between [REDACTED], [REDACTED], [REDACTED] (FBI), and Jason Richards (FBI) re status of investigation, indictment review, grand jury preparation, and Epstein's attempt to revisit plea negotiations	Work Product 6(e) Deliberative Process Investigative Privilege
P-014920 thru P-014923	8/15/2008 email from [REDACTED] to Alex Acosta, [REDACTED], and [REDACTED] containing draft response to 8/15/2008 email from Jay Lefkowitz regarding implementation of the NPA. (Redacted version produced to opposing counsel)	Work Product Deliberative Process

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 08-80736-Civ-Marra/Matthewman

JANE DOE #1 AND JANE DOE #2,

Petitioners,

UNITED STATES OF AMERICA,

Respondent.

UNITED STATES' NOTICE OF FILING THIRD SUPPLEMENTAL PRIVILEGE LOG

Pursuant to the Court's June 18, 2013 Omnibus Order (DE 190), the Respondent, United States of America, by and through the undersigned Assistant United States Attorney, hereby gives notice of its filing of its Third Supplemental Privilege Log. The index has been marked with Bates Numbers P-014924 thru P-015267.

The documents referenced in the Third Supplemental Privilege Log will be delivered tomorrow to the Chambers of U.S. District Judge Kenneth A. Marra for *ex parte in camera* review, pursuant to the Court's Omnibus Order.

Respectfully submitted,

[REDACTED]
UNITED STATES ATTORNEY

By:

s/ [REDACTED]
[REDACTED]
Assistant United States Attorney
Florida Bar No. 0018255
500 South Australian Ave, Suite 400
West Palm Beach, FL 33401
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Facsimile: [REDACTED]
[REDACTED]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 3, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. According to the Court's website, counsel for all parties are able to receive notice via the CM/ECF system.


Assistant United States Attorney

SERVICE LIST

Jane Does 1 and 2  United States,
Case No. 08-80736-CIV-MARRA/MATTHEWMAN
United States District Court, Southern District of Florida

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**JANE DOE, UNITED STATES
COURT FILE NO. 08-80736-CV-MARRA
THIRD SUPPLEMENTAL PRIVILEGE LOG – BOX #5**

Bates Range	Description	Privilege(s) Asserted
P-014924	5/27/2008 emails between [REDACTED] and [REDACTED] regarding report of new state plea deal for J. Epstein	Work Product Deliberative Process
P-014925 thru P-014927	5/27/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding potential renewed plea negotiations for J. Epstein and plans to review and revise updated indictment package	Work Product Deliberative Process Investigative Privilege 6(e)
P-014928	5/23/2008-5/27/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding plans to meet to prepare for indictment presentation, service of grand jury subpoenas, interviews of additional witnesses, and plea negotiation issue	Attorney-Client Privilege Investigative Privilege 6(e) Privacy Act/TVPA/CVRA
P-014929 thru P-014933	5/27/2008-5/28/2008 emails between [REDACTED], [REDACTED], E. [REDACTED], and [REDACTED] regarding request for legal analysis of statute of limitations issues under state and federal law	Attorney-Client Privilege Investigative Privilege 6(e) Privacy Act/TVPA/CVRA
P-014934 thru P-014935	5/27/2008-5/28/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding report of new state plea deal for J. Epstein	Work Product Deliberative Process
P-014936 thru P-014940	5/29/2008-5/30/2008 emails between [REDACTED], [REDACTED], E. [REDACTED], and [REDACTED] regarding planned grand jury presentation, status of investigation, possible grant of immunity to victim/witness for grand jury testimony	Work Product Attorney-Client Privilege 6(e) Investigative Privilege Deliberative Process Privacy Act/TVPA/CVRA

Bates Range	Description	Privilege(s) Asserted
P-014941 thru P-014954	6/2/2008 draft letter to Deputy Attorney General [REDACTED] regarding reasons to approve continued prosecution of J. Epstein (NB: The Court has already determined that final version of this letter is protected by Work Product/Deliberative Process/Attorney-Client Privileges)	Work Product 6(e) Deliberative Process Investigative Privilege
P-014955 thru P-014971	6/3/2008 draft letter to Deputy Attorney General [REDACTED] regarding reasons to approve continued prosecution of J. Epstein (NB: The Court has already determined that final version of this letter is protected by Work Product/Deliberative Process/Attorney-Client Privileges)	Work Product 6(e) Deliberative Process Investigative Privilege
P-014972 thru P-014975	6/6/2008 emails between [REDACTED] and E. [REDACTED] regarding victim/witness subpoenaed to the grand jury and need for additional grand jury subpoenas	Attorney-Client Privilege Investigative Privilege 6(e) Privacy Act/TVPA/CVRA
P-014976	6/18/2008 emails between [REDACTED], [REDACTED], A. Acosta, [REDACTED], and [REDACTED] regarding telephone conference with R. Black about allowing J. Epstein to accept state plea to 60 days' imprisonment.	Work Product Deliberative Process
P-014977 thru P-014978	6/19/2008 email forwarding 6/19/2008 email from [REDACTED] to E. [REDACTED] and [REDACTED] email. Attorney (NB: Asserting privilege only for [REDACTED]. Edwards presumably has copy of his email to [REDACTED].)	Attorney-Client Privilege Investigative Privilege
P-014979 thru P-014980	6/23/2008 emails between [REDACTED], [REDACTED], and [REDACTED] (USAO staff) regarding scheduling of grand jury time for indictment presentation and witness testimony (Information regarding unrelated grand jury case redacted)	Work Product Investigative Privilege 6(e)
P-014981	6/23/2008 emails between [REDACTED], E. [REDACTED], [REDACTED], and [REDACTED] regarding grand jury subpoena to victim/witness, revisions to indictment, planned grand jury presentation, and plans to supersede indictment	Attorney-Client Privilege Work Product 6(e) Investigative Privilege Deliberative Process Privacy Act/TVPA/CVRA

Bates Range	Description	Privilege(s) Asserted
P-014982 thru P-014990	6/25/2008 emails between [REDACTED], [REDACTED], [REDACTED], and A. Acosta regarding draft of notification of victim list for J. Epstein counsel with attached drafts (NB: Final list, with victim names redacted, has been produced to counsel for Petitioners)	Work Product Deliberative Process
P-014991 thru P-015004	6/23/2008-6/26/2008 emails between [REDACTED] and counsel for grand jury witness/victim regarding immunity and travel for grand jury appearance	6(e) Investigative privilege Privacy Act/TVPA/CVRA
P-015005 thru P-015006	6/28/2008 emails between [REDACTED], A. Acosta, and [REDACTED] regarding correspondence with J. Goldberger and proposed change to state plea agreement	Work Product Deliberative Process Attorney-Client Privilege
P-015007	7/3/2008 emails between [REDACTED], [REDACTED], and A. Acosta regarding telephone conf. with [REDACTED] and regarding meeting with Sheriff's Office about work release program	Work Product Deliberative Process
P-015008 thru P-015024	7/8/2008 emails between [REDACTED] (Attorney Advisory, Victim Witness Staff, EOUSA), and [REDACTED] regarding filing of Petitioners' suit, with attached Draft of [REDACTED] Declaration and initial Petition (DE1) (NB: Privilege is not being asserted for second attachment (DE1). Attachment was prepared by petitioners and is not being produced because it is within their custody and control.)	Work Product Deliberative Process
P-015025 thru P-015028	7/8/2008 email from [REDACTED] to [REDACTED], A. Acosta, and [REDACTED] regarding victim notification letter provided to counsel for J. Epstein on 11/28/2007 with attachment (NB: The 11/28/2007 email to J. Lefkowitz with attachment will be produced to petitioners' counsel contemporaneously with the filing of this log)	Work Product Deliberative Process
P-015029 thru P-015034	7/7/2008-7/8/2008 emails between [REDACTED] and [REDACTED] regarding background of J. Epstein investigation, negotiations, and victim notifications, and forwarding earlier emails related to Lee questions	Work Product Deliberative Process Attorney-Client Privilege

Bates Range	Description	Privilege(s) Asserted
P-015091 thru P-015092	7/22/2008 emails between [REDACTED] and E. [REDACTED] regarding ongoing victim notification process	Attorney-Client Privilege 6(e) Investigative Privilege Privacy Act/TVPA/CVRA
P-015093 thru P-015097	7/22/2008 emails between [REDACTED], [REDACTED], and [REDACTED], E. [REDACTED] regarding correspondence from J. Epstein counsel with attached draft response (NB: A final version of the letter has been produced.)	Attorney-Client Privilege Work Product 6(e)
P-015098	7/23/2008 emails between [REDACTED] and [REDACTED] regarding correspondence with counsel for J. Epstein and notice of breach	Deliberative Process Work Product Deliberative Process 6(e)
P-015099	7/25/2008 emails between [REDACTED] and [REDACTED] regarding extension of grand jury to allow for continued presentation of J. Epstein case	6(e) Work Product Deliberative Process
P-015100 thru P-015116	8/2/2008 email from [REDACTED] to A. Acosta, [REDACTED], and [REDACTED] summarizing status of <i>Jane Doe</i> , <i>United States</i> litigation and requesting views on making certain disclosures to counsel for petitioners with attached pleading filed by petitioners (DE19) (NB: Privilege is not being asserted for attachment. Attachment was prepared by petitioners and is not being produced because it is within their custody and control.)	Work Product Deliberative Process 6(e)
P-015117 thru P-015135	8/5/2008 email from [REDACTED] to A. Acosta, [REDACTED], and [REDACTED] regarding analysis of Jeffrey Epstein agreement, with attached 6/24/2008 email from [REDACTED] to R. Black and J. Goldberger and attached Epstein agreement. (NB: Privilege is not being asserted for the two attachments. The 6/24/2008 email will be produced to petitioners' counsel contemporaneously with the filing of this log, and the Agreement has previously been produced to petitioners pursuant to an earlier Court order.)	Work Product Deliberative Process

Bates Range	Description	Privilege(s) Asserted
P-015136 thru P-015172	8/13/2008-8/15/2008 emails between A. Acosta, [REDACTED], [REDACTED], and [REDACTED] regarding scope of Epstein agreement and correspondence and telephone conference with J. Lefkowitz (NB: Emails to and from J. Lefkowitz and R. Black have been produced to Petitioners' counsel)	Work Product Deliberative Process Attorney-Client Privilege
P-015173 thru P-015186	8/25/2008 emails between [REDACTED], A. Acosta, [REDACTED], [REDACTED], and [REDACTED] regarding letter received from J. Lefkowitz (NB: Lefkowitz letter has been produced to Petitioners' counsel)	Work Product Deliberative Process Attorney-Client Privilege
P-015187 thru P-015194	8/20/2008-8/26/2008 emails between [REDACTED], A. Acosta, [REDACTED], [REDACTED], and [REDACTED] re draft response to J. Lefkowitz and draft amended victim notification letter (NB: Final version of letter to Lefkowitz and Black has been produced to Petitioners' counsel)	Work Product Deliberative Process
P-015195 thru P-015198	9/2/2008 emails between [REDACTED], [REDACTED], [REDACTED], and [REDACTED] regarding revised victim notification	Work Product Deliberative Process Attorney-Client Privilege
P-015199 thru P-015206	9/17/2008 emails between [REDACTED], A. Acosta, [REDACTED], [REDACTED], and [REDACTED] regarding efforts by Palm Beach Daily News to unseal NonProsecution Agreement that had been filed in state court (NB: Emails from Counsel for Daily News and from State Attorney's Office have been produced to Petitioners' counsel)	Work Product Deliberative Process Attorney-Client Privilege
P-015207 thru P-015213	9/17/2008 email from [REDACTED] to A. Acosta, [REDACTED], [REDACTED], and [REDACTED] regarding attached letters from J. Herman alleging that victim notifications violated Bar ethics rules (NB: Redacted versions of the letters have been produced to Petitioners' counsel)	Work Product Deliberative Process Privacy Act/TVPA/CVRA
P-015214 thru P-015226	9/29/2008 correspondence to Florida Bar Ethics Counsel regarding victim notification letters and allegation of ethics violation for distribution of letters with attached proposed victim notification letters	Work Product Relevance Florida Bar Privacy Rules

Bates Range	Description	Privilege(s) Asserted
P-015227 thru P-015233	10/18/2008-10/20/2008 emails between [REDACTED], A. Acosta, [REDACTED], and [REDACTED] regarding correspondence with [REDACTED] discussing changes to understanding of portions of Non-Prosecution agreement and victim notifications	Work Product Deliberative Process
P-015234 thru P-015238	11/4/2008 correspondence from Florida Bar Ethics Counsel regarding Florida Ethics Rules involved in distributing victim notification letters.	Work Product Relevance Florida Bar Privacy Rules
P-015239 thru P-015263	11/26/2008 emails between [REDACTED], [REDACTED], and [REDACTED] regarding email from R. Black about work release (NB: Email from R. Black has been produced to Petitioners' counsel)	Work Product Deliberative Process
P-015264 thru P-015267	12/4/2008 emails between E. [REDACTED] and [REDACTED] regarding attempts to send victim notification letters overseas via Legal Attaches and unrelated Epstein financial issue	Attorney-Client Privilege Work Product Investigative Privilege Privacy Act/TVPA/CVRA

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 9:08-cv-80736-KAM

JANE DOE 1 AND JANE DOE 2,

Petitioners,

vs.

UNITED STATES,

Respondent.

_____ /

**JANE DOE 1 AND JANE DOE 2'S CONSOLIDATED STATEMENT OF UNDISPUTED
MATERIAL FACTS AND MOTION FOR PARTIAL SUMMARY JUDGMENT WITH
INCORPORATED MEMORANDUM OF LAW**

Jane Doe 1 and Jane Doe 2 (also referred to as “the victims”), by and through undersigned counsel, pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, move for summary judgment on the issue of the United States Government’s violation of their rights under the Crime Victims’ Rights Act (CVRA), where no genuine issue of material fact exists.¹ In support, they state:

INTRODUCTION

In 2004, Congress enacted the CVRA because it found that in case after case “victims, and their families, were ignored, cast aside, and treated as non-participants in a critical event in their lives. They were kept in the dark by prosecutors too busy to care enough . . . and by a court system that simply did not have place for them.” 150 CONG. REC. 7296 (2004) (statement of

¹ The Court previously granted the victims leave to file a 60-page motion for partial summary judgment. DE 327.

Sen. Feinstein). In passing the CVRA, Congress mandated a series of rights for crime victims. Sadly, several years later, when the Government began handling this case, it did precisely what Congress thought it had forbidden. The Government deliberately kept crime victims “in the dark” so that it could enter into a plea arrangement designed to prevent the victims from raising any objection. In doing so, the Government refused to afford victims the rights they had been promised by Congress—particularly “the right to reasonable, accurate, and timely notice of any public court proceeding,” “the reasonable right to confer with the attorney for the Government in the case,” and “the right to be treated with fairness and with respect for the victim’s dignity and privacy.”²

The undisputed evidence begins in 2005, when the Palm Beach Police Department (“PBPD”) had identified numerous girls as victims of Jeffrey Epstein’s sexual crimes. In 2006, the PBPD turned the case over to federal authorities for further investigation. As early as March 15, 2007 and throughout the rest of the investigation, the United States Attorney’s Office for the Southern District of Florida (“the Office”) specifically identified several dozen girls whom it classified as “victims” under the CVRA. Once that identification was made, the Government was obligated to afford these victims certain rights under the CVRA—a fact of which the Government itself was well aware.³ Indeed, the Government provided notification to the girls that they were classified as “victims” under the CVRA.

But what the Government did *not* tell the victims lies at the heart of the case. It is undisputed that the Government did not tell the victims that, by May 2007, the Office had

² 18 U.S.C. § 3771(a)(2), (4)-(5), (8); RFP MIA 000001-000006 (Exhibit 1).

³ 000966-000967 (Exhibit 2); 000589-000591 (Exhibit 3); US_Atty_Cor_00135 (Exhibit 4); RFP MIA 000222 (Exhibit 5).

prepared an 82-page prosecution memorandum and a 53-page indictment against Epstein and his co-conspirators.⁴ At that time, rather than confer with the victims about how to proceed, the Government began conferring about this issue exclusively with Epstein's counsel. Epstein's counsel contended that, despite abundant connection to interstate commerce, Epstein's sex trafficking was purely of local concern. By August 2007, federal prosecutors had disproven or rejected these defense arguments and notified the defense that all of the identified victims retained federal rights.

For example, during August 2007, Jane Doe 1, and other similarly situated victims, provided details to federal agents of the abuse that they endured at the hands of Epstein and his co-conspirators. In September 2007, without conferring with *any* of the victims, the Government and Epstein shifted gears and began working together to concoct a criminal charge for Epstein to plea to other than his sexual abuse of minors. As alternative charges, they discussed charging Epstein with: (1) various misdemeanors, (2) assaulting his co-conspirators and girlfriend, (3) using private investigators to chase and harass victims' families, (4) obstructions of grand jury subpoenas, or (5) his obstruction of the federal investigation when he instructed another co-conspirator to lie to federal agents.⁵ Ultimately, however, none of those would work. Assistant U.S. Attorney ("AUSA") [REDACTED] [REDACTED] (the "line prosecutor") informed Epstein's counsel that she was getting pushback for creating a charge using one of the main co-conspirators as the

⁴ RFP WPB 000286 (Exhibit 6).

⁵ US_Atty_Cor_00030-00032 (Exhibit 7); RFP MIA 000129 (Exhibit 8); RFP MIA 000133 (Exhibit 9); RFP MIA 000095 (Exhibit 10); RFP MIA 000075-000076 (Exhibit 11); RFP WPB 000220 (Exhibit 12); RFP MIA 000077-000087 (Exhibit 13); RFP MIA 000088 (Exhibit 14); RFP WPB 000235-000244 (Exhibit 15); RFP WPB 000107-000112 (Exhibit 16); RFP WPB 002188 (Exhibit 17); RFP WPB 000266-000277 (Exhibit 18); RFP MIA 000113 (Exhibit 19); RFP MIA 000151-000160 (Exhibit 20); RFP MIA 000098-000105 (Exhibit 21).

victim.⁶ Consequently, the Government and Epstein searched for another crime for Epstein to plead to, which could accompany a federal non-prosecution agreement (NPA). Incredibly, the offense to which Epstein and the Government ultimately agreed, labeled the minor victims “prostitutes.”

The undisputed evidence clearly shows that by September 21, 2007, the line prosecutor had informed Palm Beach State Attorney [REDACTED] that a federal resolution had been reached by way of a NPA, yet the victims remained uninformed.⁷ On September 24, 2007, the NPA was signed, preventing prosecution of all federal crimes committed by Epstein and his co-conspirators against the victims. After the signing of the NPA, the Government and Epstein’s attorneys worked together to choose a lawyer to be paid by Epstein to represent Epstein’s victims for the purpose of settling civil restitution claims. This too was all being done without the victims having any knowledge whatsoever. The correspondence between the Government and a candidate for that representative position as well as between the Government and Epstein’s counsel reflects that the Government still had not yet disclosed the NPA to the victims, and was following the guidance of Epstein’s counsel in making decisions with respect to the timing and substance of any communication to the victims.⁸

For the next nine months, from the time the NPA was signed through the date of Epstein’s state court plea in June of 2008, the Office—doing Epstein’s bidding—assiduously concealed the NPA’s existence from the victims. While this indulgent deal was incredible in its own right, even more extraordinary was how the victims were treated during the process. Rather

⁶ Exhibit 15.

⁷ RFP WPB 002125 (Exhibit 22).

⁸ See e.g., US_Atty_Cor_00166 (Exhibit 23).

than confer with the victims about the fact that resolution by NPA was ever being considered—or even tell them that it was already a signed deal—the Office and Epstein inserted a “confidentiality” provision into the agreement barring its disclosure to anyone, including the victims. There is no dispute that the Government did not inform the victims of the NPA or of the possibility of any such type of resolution. Consequently, there is no dispute that the Government did not afford the victims any rights *before* the signing of the NPA.

In October 2007, after the NPA was signed, federal agents spoke with three of the more than 30 identified victims, including Jane Doe 1.⁹ The Government does not dispute that this contact only occurred *after* the signing of the NPA. Even more important, it is not disputed that this contact was: 1) made by the Federal Bureau of Investigation (“FBI”) and not a “prosecutor for the Government,” 2) that the FBI did not inform the victims of the NPA and certainly did not confer with the victims about the details of the NPA, and 3) that this contact only occurred with three of the more than 30 victims. Lastly, while the content of that conversation is contested, any stretched argument that the conversation satisfied CVRA requirements for Jane Doe 1 are belied by the timing of the conversation as well as the uncontested documentary evidence of the communications with the victims (including with Jane Doe 1) that followed that conversation.

Subsequent to the FBI’s contact with three of Epstein’s victims, the Government informed Epstein’s attorneys that victim notification letters needed to be sent to all the victims pursuant to the CVRA. Rather than comply with this acknowledged requirement, Epstein’s counsel convinced the Government that (contrary to standard Government practice) Epstein

⁹ RFP MIA 000464-000468 (Exhibit 24).

should be permitted to provide input into any message being delivered, and ultimately that the victims should not be told anything “until after Epstein pleas.”¹⁰

In January 2008, FBI agents again met with Jane Doe 1 and gathered additional details about Epstein’s abuse as well as the direct sexual abuse by one of his co-conspirators, ██████████ ██████████—who participated in the abuse of other victims as well. The Government then sent a victim notification letter to Jane Doe 1 informing her of her rights under the CVRA, that “this will be a long investigation,” and to “be patient.”¹¹ Jane Doe 1 was sent a similar letter on June 7, 2008.¹² Other victims were also sent these letters communicating that the Epstein case was an on-going active criminal investigation—not that the Government had already immunized Epstein for all federal crimes committed against each of the victims, through a NPA. These misleading letters were sent almost up until the date of Epstein’s state court plea in late June 2008.¹³

On June 30, 2008, Epstein pled guilty to state court charges. It is uncontested that the victims were not reasonably and accurately informed about that hearing—specifically, they were never told the hearing was part of a process that would extinguish any possibility of Epstein being prosecuted for the crimes he had committed against them in Florida. Even after the plea, the Government once again conferred with Epstein’s attorneys to decide what to tell the victims.

As the Court is aware, this CVRA action was filed in July 2008 at a time when the victims mistakenly believed that the federal case remained open, and wanted to ensure that their rights under the CVRA were afforded *before* any possible federal disposition. At the emergency

¹⁰ RFP WPB 001978-001979 (Exhibit 25).

¹¹ Declaration of Jane Doe 1 (Exhibit 26); Declaration of Jane Doe 2 (Exhibit 27).

¹² 000978-000989 (Exhibit 28).

¹³ [DE 48] Exhibit I (Exhibit 29).

hearing on the Petition for Enforcement of Crime Victims' Rights Act, Jane Doe 1 and Jane Doe 2 were in the courtroom to learn for the first time that the federal case had been resolved.

The undisputed facts show that for nine months, the Government and Epstein conspired to conceal the NPA from the victims to prevent them from voicing any objection, and to avoid the firestorm of controversy that would have arisen if it had become known that the Government was immunizing a politically-connected billionaire and all of his co-conspirators from prosecution of hundreds of federal sex crimes against minor girls. Such facts demonstrate clear violations of the CVRA's requirements that the Government afford victims the reasonable right to confer, the right to be treated with fairness, and the right to reasonable and accurate notice about court hearings. No genuine issue of material fact or law can exist on these points. The Court should accordingly grant summary judgment for the victims on the issue of the CVRA violations and then, in subsequent proceedings, turn to the issue of the proper remedy for those violations.

STATEMENT OF UNDISPUTED MATERIAL FACTS

Pursuant to Local Rule 56.1, the victims submit this statement of undisputed material facts in support of their motion for partial summary judgment:¹⁴

¹⁴ In an effort to streamline their case and bring it to a more rapid resolution, in this summary judgment motion the victims present only some of the evidence that they are prepared to produce at any evidentiary hearing in this matter. For instance, the victims have concentrated on the emails and other documents establishing violations of their rights, largely avoiding issues of the Government's "motive" for the violations and other related issues. Because of the possibility that the Court may not grant summary judgment on this narrower approach, the victims are continuing to pursue discovery with regard to motive and several other important issues that would come into play at a broader evidentiary hearing. *See, e.g.*, [DE 344] (victims' motion for deposition of government witnesses). The victims reserve the right to supplement this motion if additional discovery is received through these discovery efforts and to present these broader issues at any evidentiary hearing or remedy phase of these proceedings.

EPSTEIN'S CRIMES

1. Between about 1999 and 2007, Jeffrey Epstein sexually abused more than 30 minor girls, including Jane Doe 1 and Jane Doe 2, at his mansion in Palm Beach, Florida, located in the Southern District of Florida, and elsewhere in the United States and overseas.¹⁵

2. Because Epstein and his co-conspirators knowingly traveled in interstate and international commerce to sexually abuse Jane Doe 1, Jane Doe 2, and other similarly situated victims, they committed violations of not only Florida law (*see, e.g.*, Fla. Stat. §§ 794.05, 796.04, 796.045, 39.201 & 777.04), but also federal law, including repeated violations of 18 U.S.C. §§ 1591, 2421, 2422, 2423, & 371).¹⁶

EPSTEIN'S VICTIMS

3. In addition to personally abusing his victims, Epstein also directed other persons to sexually abuse the girls. For example, [REDACTED] sexually abused Jane Doe 1 and other victims at the direction of Epstein.¹⁷

¹⁵ *See, e.g.*, Exhibit 26; Exhibit 27; Jane Doe 102 [REDACTED]. Epstein Complaint (Exhibit 30); Response to Request for Admission #1 (Exhibit 31) (admitting federal investigation); FBI 302 of Interview with Jane Doe 1 on August 14, 2007 (Exhibit 32); FBI 302 of Interview with Jane Doe 1 on January 31, 2008 (Exhibit 33); Palm Beach Police Report (Exhibit 34) (discussing investigation of numerous Epstein victims); Exhibit 6 (noting 82-page prosecution memo and 52-page prepared indictment); [DE 304] Declaration of FBI Special Agent [REDACTED] (Exhibit 35) (noting that the FBI identified many potential victims of sexual abuse by Epstein); The People of the State of New York [REDACTED]. Jeffrey Epstein (Exhibit 36); RFP WPB 000550-000554 (Exhibit 37) (listing 31 victims the that U.S. Attorney's Office was prepared to name as a victim of an enumerated federal offense); Sora Hearing Transcript (Exhibit 38); RFP MIA 000361-000365 (Exhibit 39) (Chief of Child Exploitation Section of the Justice Department concluding after review of the facts that U.S. Attorney's would not abuse its discretion in prosecuting; noting "multiple mutually-corroborating witnesses;" the Epstein case "consistent in principle with other federal prosecutions nationwide").

¹⁶ *See* note 14, *supra*.

¹⁷ *See* Exhibit 32; Exhibit 33; Exhibit 34.

THE INVESTIGATION OF EPSTEIN'S CRIMES

4. In 2005, the Town of Palm Beach Police Department received a complaint from the parents of a 14-year-old girl about her sexual abuse by Jeffrey Epstein. The PBPD then capably conducted a thorough investigation and ultimately identified approximately 20 girls between the ages of 14 and 17 who were sexually abused by Epstein.¹⁸

5. In 2006, at the request of the PBPD, the FBI opened a federal investigation into allegations that Epstein and his personal assistants had used facilities of interstate commerce to induce girls between the ages of 14 and 17 to engage in illegal sexual activities.

6. The FBI ultimately determined that both Jane Doe 1 and Jane Doe 2 were victims of sexual abuse by Epstein while they were minors. Jane Doe 1, for example, provided detailed information about her abuse—and the abuse of Jane Doe 2—to the FBI on August 7, 2007.¹⁹

7. On about August 11, 2006, Jane Doe 2 received a standard CVRA victim notification letter. The notification promised that the Justice Department would make its “best efforts” to protect Jane Doe 2’s rights, including “[t]he reasonable right to confer with the attorney for the Government in the case” and “to be reasonably heard at any public proceeding in the district court involving ... plea.” The notification further explained that “[a]t this time, your case is under investigation.”²⁰ That notification meant that Jane Doe 2 had been identified as a victim of a federal offense and as someone protected by the CVRA.

¹⁸ Exhibit 34; *see also* RFP WPB 001940-001941 (Exhibit 40) (later description of investigation by the U.S. Attorney’s Office).

¹⁹ Exhibit 26; Exhibit 27; Exhibit 32.

²⁰ August 11, 2006 Victim Notification Letter to Jane Doe 2 (Exhibit 41).

8. More generally, the FBI established that Epstein used paid employees to repeatedly find and bring minor girls to him. Epstein worked in concert with others to obtain minor girls not only for his own sexual gratification, but also for the sexual gratification of others.²¹

EPSTEIN'S FEDERAL PLEA NEGOTIATIONS

9. From January 5, 2007 through September 2007, plea discussions took place between the U.S. Attorney's Office for the Southern District of Florida and Jeffrey Epstein, who was represented by numerous attorneys.²²

10. On February 1, 2007, the Epstein defense team sent a 24-page letter to the Office going over what they intended to present during a meeting at the Office the same day. The letter falsely stated: "Epstein did not know or believe any women were under 18 years of age." It also contained other deceptive factual and legal arguments about Epstein's culpability.²³

11. By March 15, 2007, the Office was sending letters to victims informing them of their rights pursuant to the CVRA.²⁴

12. By May 2007, the Office had drafted an 82-page prosecution memorandum and 53-page indictment outlining numerous federal sexual offenses committed by Epstein.²⁵

13. On about June 7, 2007, FBI agents hand delivered to Jane Doe 1 a standard CVRA victim notification letter. The notification promised that the Justice Department would make its "best efforts" to protect Jane Doe 1's rights, including "[t]he reasonable right to confer with the attorney for the United States in the case" and "to be reasonably heard at any public proceeding

²¹ See note 14, *supra*.

²² RFP WPB 001744 (Exhibit 42).

²³ RFP WPB 000730-000754 (Exhibit 43) (asserting Epstein thought the girls were 18 or older).

²⁴ Exhibit 1.

²⁵ US_Atty_Cor. 00004 (Exhibit 44); Exhibit 6.

in the district court involving [a]...plea.” The notification further stated that, “[a]t this time, your case is under investigation.”²⁶

14. The notification described in the previous paragraph meant that Jane Doe 1 had been identified as a victim of a federal offense and as someone protected by the CVRA. Jane Doe 1 relied on these representations and believed that the Government would protect these rights and keep her informed about the progress of her case.²⁷

15. On July 6, 2007, Epstein’s lawyers sent a 23-page letter lodging numerous, technical legal arguments to persuade the Office that no federal crimes had been committed by Epstein, and that consequently there were no federal crime victims. The letter also falsely claimed that “Mr. Epstein never targeted minors,” and urged the Government against a federal prosecution on the basis that Epstein was an upstanding citizen who had made tremendous philanthropic and personal contributions that warranted a declination to prosecute.²⁸

16. On August 2, 2007, another attorney for Epstein sent a similar letter expressing the same sentiments.²⁹

17. However, by August 3, 2007, the Government had disproven or rejected Epstein’s various arguments against federal charges, as AUSA ██████████ ██████████ sent a letter to Epstein’s counsel stating, “[w]e would reiterate that the agreement to Section 2255 liability applies to all of the minor girls identified during the federal investigation, not just the 12 that form the basis of an

²⁶ June 7, 2007 Victim Notification Letter to Jane Doe 1 (Exhibit 45).

²⁷ Exhibit 26.

²⁸ MIA_CEOS_00077-00099 (Exhibit 46); RFP MIA 000189 (Exhibit 47).

²⁹ RFP MIA 000053-000055 (Exhibit 48).

initial planned charging instrument.”³⁰ This was a clear indication from the federal prosecutors that all of the minor girls identified through the investigation were classified as victims with federal rights pursuant to the CVRA.

18. By September 10, 2007, multiple drafts of the NPA had been exchanged between Epstein’s counsel and the U.S. Attorney’s Office; however, no one from the Office and no Government representative had notified a single victim about the existence of the plea negotiations, much less conferred with them about their views on those negotiations.³¹

19. On September 12, 2007, while attempting to create alternative charges against Epstein, the U.S. Attorney’s Office expressed concern about “the effect of taking the position that Mr. Epstein’s house is in the special maritime and territorial jurisdiction of the United States” because the Government had “no evidence of any assaults occurring either on Mr. Epstein’s plane or offshore from his residence.”³²

20. On September 13, 2007, the line prosecutor emailed Epstein’s counsel indicating that in an effort to come up with a solution to the September 12 concern, she had been “spending some quality time with Title 18 looking for *misdemeanors*.” The line prosecutor further indicated, “I know that someone mentioned there being activity on an airplane, I just want to make sure that there is factual basis for the plea that the agents can confirm.” Epstein’s counsel responded, “[a]lready thinking about the same statutes.”³³

³⁰ RFP WPB 001479-001480 (Exhibit 49); Exhibit 48 (earlier correspondence attached for reference).

³¹ RFP MIA 000058-000063 (Exhibit 50).

³² Exhibit 12; RFP MIA 000072-000073 (Exhibit 51).

³³ Exhibit 11 (emphasis added).

21. On September 14, 2007, after having spoken on the telephone about the subject matter of the September 13 emails, Epstein's counsel and the line prosecutor exchanged emails including a proposed plea agreement for Epstein to plea to assaulting one of his co-conspirators.³⁴

22. On September 15, 2007, the line prosecutor sent an email to the Epstein defense team raising concerns about a resolution that would not involve one of Epstein's minor victims and stating:

I have gotten some negative reaction to the assault charge with [a co-conspirator] as the victim, since she is considered one of the main perpetrators of the offenses that we planned to charge in the indictment. Can you talk to Mr. Epstein about a young woman named [Jane Doe]? We have hearsay evidence that she traveled on Mr. Epstein's airplane when she was under 18, in around the 2000 or 2001 time frame.³⁵

23. On September 16, 2007, the line prosecutor corresponded with Epstein's counsel about having Epstein plead to obstruction of justice for pressuring one of his co-conspirators to prevent her from turning over evidence or complying with a previously-served grand jury subpoena.³⁶

24. In the same correspondence, the Office discussed with defense counsel how they could contrive to establish jurisdiction away from the location where the crimes actually occurred—and away from where the victims actually lived—so as to avoid the public finding out about anything: “On an ‘avoid the press’ note, I believe that Mr. Epstein's airplane was in Miami on the day of the [co-conspirator] telephone call. If he was in Miami-Dade County at the time, then

³⁴ Exhibit 13.

³⁵ Exhibit 15; RFP WPB 000066-000074 (Exhibit 52).

³⁶ RFP WPB 000124-000126 (Exhibit 53).

I can file the charge in the District Court in Miami, which will hopefully cut the press coverage significantly.” They also discussed having Epstein plea to a second charge of assaulting a different co-conspirator.³⁷

25. On September 16, 2007, the line prosecutor wrote to Epstein's counsel indicating that the Office did not like the factual basis for the proposed charges as the Office was “not investigating Mr. Epstein abusing his girlfriend.”³⁸

26. The correspondence further discussed a possible plea disposition that would make it hard for a judge to see what was happening:

Andy [i.e., AUSA Andrew Laurie] recommended that some of the timing issues be addressed only in the state agreement, so that it isn't obvious to the judge that we are trying to create federal jurisdiction for prison purposes.

I will include our standard language regarding resolving all criminal liability and I will mention ‘co-conspirators,’ but I would prefer not to highlight for the judge all of the other crimes and all of the other persons that we could charge. Also, we do not have the power to bind Immigration . . . there is no plan to try to proceed on any immigration charges against either Ms. [co-conspirator] or Ms. [co-conspirator].³⁹

27. In the same email, the line prosecutor wrote to defense counsel about a meeting outside the U.S. Attorney's Office: “Maybe we can set a time to meet. If you want to meet ‘off campus’ somewhere, that is fine.”⁴⁰

28. On about September 16, 2007, Epstein's counsel provided a proposed NPA to the Government that extended immunity from federal prosecution not only for Epstein, but also to

³⁷ US_Atty_Cor. at 29 (Exhibit 54); RFP WPB 000122 (Exhibit 55); RFP WPB 000125-000126 (Exhibit 56); RFP MIA 000281 (Exhibit 57).

³⁸ Exhibit 7.

³⁹ *Id.*

⁴⁰ Exhibit 7; US_Atty_Cor. 00196 (Exhibit 58) (indicating that at least one additional meeting was held off campus between the Government and counsel for Epstein).

certain co-conspirators: “Epstein’s fulfilling the terms and conditions of the Agreement also precludes the initiation of any and all criminal charges which might otherwise in the future be brought against [REDACTED], [REDACTED], Lesley Groff, and [REDACTED] or any employee of N.E.S. for any criminal charge that arises out of the ongoing federal investigation as described above.”⁴¹

29. On September 17, 2007, the line prosecutor wrote to defense counsel Jay Lefkowitz: “Please send [a document] to my home e-mail address – [redacted] and give me a call on my cell [redacted] so I can be ready for some discussions tomorrow.”⁴² In discovery in this case, the U.S. Attorney’s Office has not produced any emails sent to or from any home e-mail addresses of its prosecutors.

30. On September 17, 2007, defense counsel Jay Lefkowitz responded: “[D]o you have another obstruction proffer I can review that you have drafted? Also, if we go that route, would you intend to make the deferred prosecution agreement public?”⁴³

31. On September 18, 2007, the Office responded: “A non-prosecution agreement would not be made public or filed with the Court, but it would remain part of our case file. It probably would be subject to a FOIA request, but it is not something that we would distribute without compulsory process.”⁴⁴

32. On September 20, 2007, the U.S. Attorney’s Office wrote: “On the issue about 18 USC 2255 [a civil restitution provision], we seem to be miles apart. Your most recent version

⁴¹ Exhibit 16.

⁴² RFP WPB 001709 (Exhibit 59).

⁴³ Exhibit 17.

⁴⁴ Exhibit 10.

not only had me binding the girls to a trust fund administered by the state court, but also promising that they will give up their 2255 rights.... In the context of a non-prosecution agreement, the office may be more willing to be specific about not pursuing charges against others.”⁴⁵

33. On September 21, 2007, state prosecutor [REDACTED] wrote the line prosecutor about the proposed deal and added: “Glad we could get this worked out for reasons I won’t put in writing. After this is resolved I would love to buy you a cup at Starbucks and have a conversation.”⁴⁶ Such statement is further evidence of the fact that Epstein’s counsel, the U.S. Attorney’s Office, and the State of Florida were conferring daily in an effort to resolve the case in a way that would compensate the victims through restitution, yet no one made any effort to notify the victims of the true status of the case.

34. On September 21, 2007, the line prosecutor emailed Epstein’s counsel stating, “I think that the attached addresses the concerns about having an unlimited number of claimed victims, without me trying to *bind* girls whom I do not represent.”⁴⁷ Despite knowledge that such agreement would be binding on the victims, the Office never attempted to notify or confer with the victims about the existence of the NPA.

35. On September 23, 2007, the U.S. Attorney’s Office sent an email to Lefkowitz stating: “It is factually accurate that the list we are going to give you are persons we have identified as victims. If we did not think they were victims, they would have no right to bring suit.”⁴⁸

⁴⁵ RFP MIA 000173 (Exhibit 60).

⁴⁶ Exhibit 21.

⁴⁷ US_Atty_Cor_0081-0087 (Exhibit 61) (emphasis added).

⁴⁸ Exhibit 4.

36. On September 24, 2007, the line prosecutor sent an e-mail to a prospective representative for the Epstein victims named Humberto “Bert” Ocariz, entitled “Conflict Check” confirming the girls’ status as victims, stating: “Please keep this confidential because these are minor victims. This is a preliminary list.”⁴⁹ Later on September 24, 2007, the line prosecutor sent an email to Lefkowitz stating, “I have compiled a list of 34 confirmed minors.”⁵⁰

37. As correspondence continued on September 24, 2007, and the NPA was being executed, Lefkowitz sent an email to line prosecutor [REDACTED] [REDACTED] stating: “[REDACTED] – Please do whatever you can to keep this [i.e., the NPA] from becoming public.”⁵¹

SIGNING THE SECRET NON-PROSECUTION AGREEMENT

38. On September 24, 2007, Epstein and the U.S. Attorney’s Office formally reached an agreement whereby the United States would defer federal prosecution in favor of prosecution by the State of Florida. Epstein and the Office accordingly entered into a NPA reflecting such agreement. Most significantly, the NPA gave Epstein a promise that he would not be prosecuted in the Southern District of Florida for a series of federal felony offenses involving his sexual abuse of more than 30 known minor girls and countless other unknown minors. The NPA instead allowed Epstein to plead guilty to state felony offenses for solicitation of prostitution and procurement of minors for prostitution.⁵²

39. The NPA also set up a procedure whereby a victim of Epstein’s sexual abuse could obtain an attorney to proceed with a civil settlement with Epstein, provided that the victim

⁴⁹ Exhibit 2.

⁵⁰ Exhibit 4.

⁵¹ Exhibit 57.

⁵² Executed Non-Prosecution Agreement (Exhibit 62).

agreed to limit damages sought from Epstein.⁵³ Such provision was devised by Epstein's counsel and the Office without the knowledge or consent of the victims, and without any opportunity for them to reasonably confer on the provision.

40. Among other provisions, the NPA expanded immunity to any "potential co-conspirator" of Epstein's: "In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirators of Epstein, including but not limited to [REDACTED], [REDACTED], Lesley Groff, or [REDACTED]."⁵⁴

41. The NPA also provided that it was confidential: "The parties anticipate that this agreement will not be made part of any public record. If the United States receives a Freedom of Information Act request or any compulsory process commanding the disclosure of the agreement, it will provide notice to Epstein before making that disclosure."⁵⁵

LACK OF VICTIM NOTIFICATION BEFORE THE NPA WAS SIGNED

42. From the time the FBI began investigating Epstein until September 24, 2007—when the NPA was concluded—the U.S. Attorney's Office never conferred with the victims about a NPA.⁵⁶

43. From the time the FBI began investigating Epstein until September 24, 2007—when the NPA was concluded—the U.S. Attorney's Office never even told the victims that such an

⁵³ Exhibit 62.

⁵⁴ *Id.* at 5.

⁵⁵ *Id.*

⁵⁶ See Tr. of July 11, 2008 Hearing (Exhibit 63) at 9-12; [DE 14] at 4 (Exhibit 64).

agreement was under consideration.⁵⁷

**FAILURE TO NOTIFY OTHER SIMILARLY-SITUATED VICTIMS
ABOUT THE NPA**

44. Many, if not all, other similarly-situated victims received standard CVRA victim notification letters substantively identical to those sent to Jane Doe 1 and Jane Doe 2 and the Government reasonably expected them to rely on those representations.⁵⁸

45. The U.S. Attorney's Office did not consult or confer with any of the victims about the NPA before it was signed.⁵⁹

46. The U.S. Attorney's Office did not tell any of the victims about the NPA before it was signed.⁶⁰

47. Because none of the victims knew about the NPA or any other possible resolution of the case, they could not have conferred with prosecutors about the NPA before it was signed.⁶¹

48. Epstein's counsel was aware that the Office was deliberately keeping the NPA secret from the victims and, indeed, had sought assurances to that effect.⁶²

NEGOTIATIONS ABOUT CONCEALING THE NPA FROM THE VICTIMS

49. After the NPA was signed, Epstein's counsel and the Office began negotiations about whether the victims would be told about the NPA.⁶³

⁵⁷ See Exhibit 63 at 9-12; Exhibit 64 at 4; [DE 225-1] at 51 (Exhibit 65).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Exhibit 26; Exhibit 27.

⁶² Exhibit 63 at 9; US_ Atty_Cor. 0153 (Exhibit 66) (emphases added); RFP MIA 000489-000491 (Exhibit 67).

⁶³ Exhibit 66 (emphases added).

50. It was a deviation from the Government's standard practice to negotiate with defense counsel about the extent of crime victim notifications.⁶⁴

51. To pressure the Office to agree to positions they wanted, Epstein's counsel began "a year-long assault on the prosecution and the prosecutors." This assault was more aggressive than any U.S. Attorney Alex Acosta, or any of his prosecutors, had ever seen in their extensive experience.⁶⁵

52. On about September 24, 2007, the U.S. Attorney's Office sent an e-mail to Lefkowitz, stating that the Government and Epstein's counsel would negotiate privately about what information would be disclosed to the victims about the agreement:

Thank you, Jay. I have forwarded your message only to [United States Attorney] Alex [Acosta], Andy, and Roland. I don't anticipate it going any further than that. When I receive the originals, I will sign and return one copy to you. The other will be placed in the case file, which will be kept confidential since it also contains identifying information about the girls.

When we reach an agreement about the attorney representative for the girls, *we can discuss what I can tell him and the girls about the agreement.* I know that Andy promised Chief Reiter an update when a resolution was achieved.... Rolando is calling, but Rolando knows not to tell Chief Reiter about the money issue, just about what crimes Mr. Epstein is pleading guilty to and the amount of time that has been agreed to. *Rolando also is telling Chief Reiter not to disclose the outcome to anyone.*⁶⁶

53. On September 25, 2007, the line prosecutor sent an e-mail to Lefkowitz stating: "And can we have a conference call to discuss what I may disclose to . . . the girls regarding the agreement."⁶⁷

⁶⁴ Exhibit 65 at 50.

⁶⁵ 001795-001797 (Exhibit 68); *see, e.g.*, Exhibit 24.

⁶⁶ Exhibit 66 (emphases added).

⁶⁷ US_Atty_Cor. at 156 (Exhibit 69).

54. On September 25, 2007, the line prosecutor sent an email to Lefkowitz, (1) expressing what she called “bias” against plaintiffs’ attorneys, (2) trying to set up an arrangement whereby Epstein’s victims would not be represented by various private attorneys, and (3) arguing instead for an attorney in Miami who could help keep things concealed: “They [Ted Babbitt, Stuart Grossman, Chris Searcy, Jake Lytal] are all very good personal injury lawyers, but I have concerns about whether there would be an inherent tension because they may feel that THEY might make more money (and get a lot more press coverage) if they proceed outside the Terms of the plea agreement. (Sorry – I just have a bias against plaintiffs’ attorneys.) One nice thing about Bert is that he is in Miami where there has been almost no coverage of this case.”⁶⁸

55. On September 26, 2007, the line prosecutor sent an e-mail to Lefkowitz in which she stated: “Hi Jay – Can you give me a call at [REDACTED]-[xxx-xxxx] this morning? I am meeting with the agents and want to give them their marching orders regarding what they can tell the girls.”⁶⁹

56. On September 27, 2007, the attorney appointed by the Office to represent the victims—without the knowledge of the victims—emailed the Office asking questions about the assignment, including whether he could see a copy the indictment or plea agreement “so that we understand exactly what Epstein concedes to in the civil case.”⁷⁰

57. On September 27, 2007, upon inquiry from the Office, Lefkowitz responded by stating that the attorney representative “certainly [] should not get a copy of any indictment.”⁷¹

⁶⁸ RFP WPB 000384 (Exhibit 70).

⁶⁹ Exhibit 26; US_Atty_Cor. at 359 (Exhibit 71).

⁷⁰ 000574-000575 (Exhibit 72).

⁷¹ RFP WPB 001687 (Exhibit 73).

58. On September 27, 2007, the line prosecutor informed Epstein's counsel of concerns raised by the attorney representative for the girls selected by the Government and paid for by Epstein. Specifically, "[t]he concern is, if all 40 girls decide they want to sue, they don't want to be in a situation where Mr. Epstein says this is getting too expensive, we won't pay anymore attorneys' fees."⁷²

59. On September 27, 2007, the line prosecutor sent an email to state prosecutors [REDACTED] and [REDACTED]: "Can you let me know when Mr. Epstein is going to enter his guilty plea and what judge that will be in front of? I know the agents and I would really like to be there, 'incognito.'" The fact that they intended to be at the plea proceeding "incognito" is evidence that they did not intend to notify the victims of the proceeding.⁷³

60. On October 3, 2007, the U.S. Attorney's Office sent a proposed letter that would have gone to a special master for selecting an attorney representative for the victims under NPA's compensation procedure. The letter described the facts of the Epstein case as follows: "Mr. Epstein, through his assistants, would recruit underage females to travel to his home in Palm Beach to engage in lewd conduct in exchange for money. Based upon the investigation, the United States has identified 40 young women who can be characterized as victims pursuant to 18 U.S.C. § 2255. Some of those women went to Mr. Epstein's home only once, some went there as many as 100 times or more. Some of the women's conduct was limited to performing a

⁷² Exhibit 23.

⁷³ RFP WPB 002046 (Exhibit 74).

topless or nude massage while Mr. Epstein masturbated himself. For other women, the conduct escalated to full sexual intercourse.”⁷⁴

61. On October 10, 2007, Lefkowitz sent a letter to U.S. Attorney Acosta stating, in pertinent part: “Neither federal agents nor anyone from your Office should contact the identified individuals to inform them of the resolution of the case, including appointment of the attorney representative and the settlement process. Not only would that violate the confidentiality of the agreement, but Mr. Epstein also will have no control over what is communicated to the identified individuals at this most critical stage. We believe it is essential that we participate in crafting mutually acceptable communication to the identified individuals.” The letter further proposed that the attorney representative for the victims be instructed that “[t]he details regarding the United States’s investigation of this matter and its resolution with Mr. Epstein is confidential. You may not make public statements regarding this matter.”⁷⁵

62. On October 18, 2007, the U.S. Attorney met with Lefkowitz in person for breakfast. Meanwhile, the victims had still not been notified of the NPA.⁷⁶

63. On October 23, 2007, Lefkowitz sent a letter to U.S. Attorney Acosta, which stated: “I also want to thank you for the commitment you made to me during our October 12 meeting in which you . . . *assured me* that your Office would not . . . *contact any of the identified individuals, potential witnesses, or potential civil claimants and their respective counsel in this matter.*”⁷⁷

⁷⁴ RFP WPB 000411-000412 (Exhibit 75).

⁷⁵ RFP MIA 000015-000016 (Exhibit 76).

⁷⁶ RFP WPB 002020-002021 (Exhibit 77).

⁷⁷ Exhibit 67 (emphasis added).

64. On October 24, 2007, AUSA [REDACTED] sent a letter to Jay Lefkowitz, proposing an Addendum to the NPA clarifying the procedures for the third-party representative for the victims under the NPA's compensation procedures.⁷⁸

65. On October 25, 2007, AUSA [REDACTED] sent a letter to Ret. Judge Davis about selecting an attorney to represent the victims under the NPA's compensation procedure.⁷⁹

LACK OF VICTIM NOTIFICATION AFTER THE NPA WAS SIGNED

66. After the NPA was signed, the Office regarded the agreement as having "an express confidentiality provision."⁸⁰

67. By entering into the confidentiality provision, the Office put itself in a position that conferring with the crime victims—including Jane Doe 1, Jane Doe 2, and other similarly-situated victims—about the co-conspirator immunity provision and the NPA's non-prosecution provisions would have violated the confidentiality provision of the agreement.⁸¹

68. The confidentiality provision was a contractual prohibition, binding on the U.S. Attorney's Office, against disclosing the terms of the NPA.⁸²

69. Epstein was well aware of this failure to notify the victims and, indeed, arranged for this failure to notify the victims.⁸³

70. On about October 26 or 27, 2007, after the initial plea agreement was signed, FBI agents contacted Jane Doe 1. Special Agents E. [REDACTED] and [REDACTED] met in

⁷⁸ US Atty Cor. 00220-00226 (Exhibit 78).

⁷⁹ 000551-000554 (Exhibit 79).

⁸⁰ Exhibit 64 at 4.

⁸¹ Exhibit 62.

⁸² *Id.*

⁸³ *Id.*; Exhibit 63 at 4-6, 18-19, 22-23, 28-29; Exhibit 64 at 4-5; Exhibit 69.

person with Jane Doe 1. During this litigation, the Special Agents have said that they explained that Epstein would plead guilty to state charges involving another victim, he would be required to register as a sex offender for life, and he had made certain concessions related to the payment of damages.⁸⁴

71. During this meeting, the Special Agents did not explain that an agreement had already been signed that precluded any prosecution of Epstein for federal charges for crimes committed against Jane Doe 1 or the many other victims cooperating with the federal investigation.⁸⁵

72. The Special Agents also did not explain that an agreement had already been signed that precluded any prosecution of Epstein's co-conspirators, including Marcinkova who had personally sexually abused Jane Doe 1 at the direction of Epstein. Because the plea arrangement had already been reached with Epstein, the agents made no attempt to secure Jane Doe 1's view on the proposed resolution of the case or to confer with her about it.⁸⁶

73. Jane Doe 1 did not get the opportunity to meet or confer with the attorney for the Government in the case about any potential federal deal that related to her or the crimes Epstein committed against her.⁸⁷

74. The agents could not have revealed the immunity features of the NPA without violating its terms, which required that the Government "provide notice to Epstein before making ... disclosure" of the NPA.⁸⁸

⁸⁴ Exhibit 26.

⁸⁵ Exhibit 62; Exhibit 26; Exhibit 63 at 4-6, 18-19, 22-23.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

75. Jane Doe 1's understanding of the Special Agent's explanation was that only the state portion of the Epstein investigation was being resolved, and that the federal investigation in which she was participating would continue. This understanding is consistent with the future communication she received.⁸⁹

76. In addition to Jane Doe 1, FBI agents talked to only two other victims out of the 34 identified victims about the "general terms" of the NPA, including the provision providing a federal civil remedy to the victims.⁹⁰

77. After these meetings with three victims, Epstein's defense team complained. At that point, the U.S. Attorney's Office decided not to make any notifications about the NPA to any victim.⁹¹

78. Other than the three victims mentioned above, the United States did not inform any of the victims of anything about the status of the case or any plea discussions with Epstein, including even the existence of the NPA.⁹²

79. On about November 27, 2007, AUSA ██████████ sent an e-mail to Lefkowitz, (with a cc to U.S. Attorney Acosta) stating that the Office had a statutory obligation to notify the victims about Epstein's plea to state charges that was part of the NPA:

The United States has a statutory obligation (Justice for All Act of 2004) to notify the victims of the anticipated upcoming events and their rights associated with the agreement entered into by the United States and Mr. Epstein in a timely fashion. Tomorrow will make one full week since you were formally notified of the selection. I must insist that the vetting process come to an end. Therefore, unless you provide me with a good faith objection to Judge Davis's selection [as special

⁸⁹ Exhibit 26; Exhibit 63 at 4-6, 18-19, 22-23, 28-29; [DE 58] (Exhibit 80) at 11.

⁹⁰ RFP MIA 000408 (Exhibit 81); Exhibit 64 at 4.

⁹¹ Exhibit 64 at 5.

⁹² Exhibit 62; Exhibit 65 at 57; Exhibit 64 at 4-5.

master for selecting legal counsel for victims pursuing claims against Epstein] by COB tomorrow, November 28, 2007, I will authorize the notification of the victims. Should you give me the go-head on [victim representative] . . . selection by COB tomorrow, I will simultaneously send you a draft of the letter. I intend to notify the victims by letter after COB Thursday, November 29th.⁹³

80. On November 28, 2007, the Government sent an email to Lefkowitz attaching a letter dated November 29, 2007 (the apparent date upon which it was intended to be mailed) and explained that “I am writing to inform you that the federal investigation of Jeffrey Epstein has been completed, and Mr. Epstein and the U.S. Attorney’s Office have reached an agreement containing the following terms.” The proposed letter then spelled out a number of the provisions in the NPA, including that because Epstein’s plea to state charges was “part of the resolution of the federal investigation,” the victims were “entitled to be present and to make a statement under oath at the state sentencing.”⁹⁴

81. On November 28, 2007, Lefkowitz sent an email to U.S. Attorney Acosta (with a copy to AUSA Sloman) objecting to victim notifications:

*We do, however, strongly and emphatically object to your sending a letter to the alleged victims. Finally, we disagree with your view that you are required to notify the alleged victims pursuant to the Justice for All Act of 2004.... Furthermore, if a letter is to be sent to these individuals, we believe we should have a right to review and make objections to that submission prior to it being sent to any alleged victims.... [I]t should happen only after Mr. Epstein has entered his plea.*⁹⁵

82. The Government complied with such direction and failed to inform the victims of the NPA until after Epstein entered his plea. On November 29, 2007, Lefkowitz sent a letter to U.S. Attorney Acosta objecting to the proposed victim notification letter, stating that it is

⁹³ US_Atty_Cor. at 00255-00262 (Exhibit 82) (emphasis rearranged).

⁹⁴ RFP WPB 000429 (Exhibit 83); RFP MIA 000011-000014 (Exhibit 84).

⁹⁵ Exhibit 26 (emphasis added).

inappropriate for any letter to be sent to the victims before Epstein entered his plea or had been sentenced. Lefkowitz also told the Government that the victims should not be invited to the state sentencing, that they should not be encouraged to contact law enforcement officials, and that encouraging the attorney representative to do anything other than get paid by Epstein to settle the cases was to encourage an ethical conflict.⁹⁶

83. On about November 30, 2007, U.S. Attorney Acosta sent a letter to one of Epstein's defense attorneys, Ken Starr, stating: "I am directing our prosecutors not to issue victim notification letters until this Friday at 5 p.m., to provide you with time to review these options with your client." The letter also explained that the line prosecutor had informed Acosta "that the victims were not told of the availability of Section 2255 relief during the investigation phase of this matter" despite the fact that the "[r]ule of law . . . now requires this District to consider the victims' rights under this statute in negotiating this Agreement."⁹⁷

84. Because of concerns from Epstein's attorneys, the U.S. Attorney's Office never sent the proposed victim notification letters discussed in previous paragraphs to the victims or anything discussing any of the NPA provisions.⁹⁸

85. On December 5, 2007, Starr sent a letter to U.S. Attorney Acosta (with copy to AUSA Sloman) asking about issuance of victim notification letters and stating: "While we believe that it is wholly inappropriate for your Office to send this letter under any circumstances, it is certainly inappropriate to issue this letter without affording us the right to review it."⁹⁹

⁹⁶ RFP MIA 000007-000010 (Exhibit 85).

⁹⁷ RFP MIA 000501-507 (Exhibit 86).

⁹⁸ Exhibit 26; RFP MIA 000025-000037 (Exhibit 87).

⁹⁹ Exhibit 76.

86. On about December 6, 2007, Sloman sent a letter to Lefkowitz again recognizing the rights of the victims, and also recognizing that the victims had not yet been afforded any rights, despite the fact that the NPA was signed months earlier. The letter stated:

[E]ach of the listed individuals are persons whom the Office identified as victims. [T]he Office is prepared to indict Mr. Epstein based upon Mr. Epstein's 'interactions' with these individuals. This conclusion is based upon a thorough and proper investigation - one in which none of the victims was informed of any right to receive damages of any amount prior to the investigation of her claim.

[T]he Office can say, without hesitation, that the evidence demonstrates that each person on the list was a victim of Mr. Epstein's criminal behavior.

Finally, let me address your objections to the draft Victim Notification Letter. You write that you don't understand the basis for the Office's belief that it is appropriate to notify the victims. Pursuant to the 'Justice for All Act of 2004,' crime victims are entitled to: 'The right to reasonable, accurate, and timely notice of any public court proceeding ... involving the crime' and the 'right not to be excluded from any such public court proceeding....' 18 U.S.C. § 3771(a)(2) & (3). Section 3771 also commands that 'employees of the Department of Justice . . . engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a).' 18 U.S.C. § 3771(c)(1)....

With respect to notification of the other information that we propose to disclose, the statute requires that we provide a victim with the *earliest possible* notice of: the status of the investigation, the filing of charges against a suspected offender, and the acceptance of a plea. 42 U.S.C. 10607(c)(3). Just as in 18 U.S.C. 3771, these sections are not limited to proceedings in a *federal* district court. Our Non-Prosecution Agreement resolves the federal investigation by allowing Mr. Epstein to plead to a state offense. *The victims identified through the federal investigation should be appropriately informed*, and our Non-Prosecution Agreement does not require the U.S. Attorney's Office to forego its legal obligations.

[T]he Office believes that it has proof beyond a reasonable doubt that each listed individual was a victim of Mr. Epstein's criminal conduct while the victim was a minor. The law requires us to treat all victims "with fairness and with respect for the victim's dignity and privacy." 18 U.S.C. 3771(a)(8).¹⁰⁰

¹⁰⁰ US_Atty_Cor. 190-193 (Exhibit 88) (emphasis added).

The letter included a footnote stating: “Unlike the State’s investigation, the federal investigation shows criminal conduct by Mr. Epstein at least as early as 2001, so all of the victims were minors at the time of the offense.”¹⁰¹

87. On December 7, 2007, defense attorney Lilly Ann Sanchez sent a letter to AUSA Sloman, requesting “that the Office hold off on sending any victim notification letters.” The Government complied.¹⁰²

88. While discussing with defense counsel changes in the October 2007 Addendum and in a December 19, 2007 letter from the U.S. Attorney to Attorney Lilly Ann Sanchez, the U.S. Attorney’s Office did not confer with any of the victims about these modifications to the NPA.

89. On December 13, 2007, the line prosecutor sent a letter to Lefkowitz confirming that the Government had earlier stopped making victim notifications because of objections from Epstein’s criminal defense counsel: “You raised objections to any victim notification, and no further notifications were done.”¹⁰³ The December 13, 2007 letter reveals it would have been possible to confer with victims about the NPA. The U.S. Attorney’s Office was able to confer constantly with Epstein’s counsel about the parameters of the NPA, but intentionally declined to confer with Epstein’s victims about the Agreement.¹⁰⁴

90. On December 19, 2007, U.S. Attorney Acosta sent a letter to Lilly Ann Sanchez stating, “I understand that the defense objects to the victims being given notice of time and place of Mr. Epstein’s state court sentencing hearing. We intend to provide victims with notice of the

¹⁰¹ RFP WPB 000620 (Exhibit 89).

¹⁰² RFP WPB 001557 (Exhibit 90).

¹⁰³ Exhibit 24; Exhibit 69; RFP MIA 00469 (Exhibit 91).

¹⁰⁴ *Id.*

federal resolution, as required by law. We will defer to the discretion of the State Attorney regarding whether he wishes to provide victims with notices of the state proceedings.¹⁰⁵

91. In about early January 2008, as the result of pressure from Epstein's attorneys, Acosta agreed with Epstein's attorneys "that there were significant irregularities with the deferred prosecution agreement" and "called a time-out." At that time, Acosta asked the Child Exploitation and Obscenity Section of the Justice Department's Criminal Division, located in Washington, D.C., to look at the case.¹⁰⁶

CONCEALING THE NPA WHILE EPSTEIN SOUGHT REVIEW

92. Following the entry of the "time out," any requirement that Epstein carry out his obligations under the NPA was delayed while he sought higher level review within the Justice Department. During this review, the victims were not told about the existence of the NPA.¹⁰⁷

93. On January 10, 2008, Jane Doe 1 and Jane Doe 2 received victim notification letters from the FBI advising them that "[t]his case is currently under investigation. This can be a lengthy process and we request your *continued patience while we conduct a thorough investigation.*"¹⁰⁸

94. The January 10, 2008, notification letter did not disclose that the federal cases in the Southern District of Florida involving Jane Doe 1 and Jane Doe 2 were the subject of the NPA

¹⁰⁵ US_Atty_Cor. 00272-00273 (Exhibit 92); RFP MIA 000038-000040 (Exhibit 93); RFP MIA 00041-00047 (Exhibit 94); RFP MIA 000048-000052 (Exhibit 95).

¹⁰⁶ Exhibit 91 (email from Lefkowitz to Acosta, dated February 29, 2008, and noting that it had been nearly two months since the "time out" agreement).

¹⁰⁷ Exhibit 26; Exhibit 27; RFP WPB 001616-001623 (Exhibit 96); Exhibit 63 at 4-5, 18-19, 22-29.

¹⁰⁸ January 10, 2008 Victim Notification Letter to Jane Doe 1 (Exhibit 97) (emphasis added); January 10, 2008 Victim Notification Letter to Jane Doe 2 (Exhibit 98).

entered into by Epstein and the U.S. Attorney's Office discussed previously, or that there had been any potentially binding resolution.¹⁰⁹

95. On about January 10, 2008, other victims similarly-situated to Jane Doe 1 and Jane Doe 2 received letters identical in substance to those described in the immediately preceding paragraphs.¹¹⁰

96. In early 2008, Jane Doe 1 and Jane Doe 2 believed that criminal prosecution of Epstein was extremely important. They also desired to be consulted by the FBI or other representatives of the Federal Government about the prosecution of Epstein. In light of the letters that they had received around January 10, 2008, they reasonably believed, as was obviously intended by the letters, that a federal criminal investigation of Epstein was on-going—including investigation into Epstein's crimes against them. They also reasonably believed that they would be contacted by and have an opportunity to confer with federal prosecutors before the Federal Government reached any final resolution of that investigation.¹¹¹

97. On January 31, 2008, Jane Doe 1 met with FBI Agents and AUSA's from the U.S. Attorney's Office. She provided additional details of Epstein's sexual abuse of her. The AUSA's did not disclose to Jane Doe 1 at this meeting that they had already negotiated a NPA with Epstein.¹¹²

98. On March 19, 2008, the line prosecutor sent a lengthy email to a prospective pro bono attorney for one of Epstein's victims who had been subpoenaed to appear at a deposition. The

¹⁰⁹ *Id.*

¹¹⁰ Exhibit 63 at 4-5, 18-19, 22-29.

¹¹¹ Exhibit 63 at 4-6, 18-19, 22-23, 28-29; Exhibit 26; Exhibit 27.

¹¹² Exhibit 33.

email listed the attorneys representing Epstein, the targets of the investigation, and recounted in detail the investigation that had been conducted to that point. The email did not reveal the fact that Epstein had signed the NPA in September 2007.¹¹³

99. On May 30, 2008, Jane Doe 5 (another client of the undersigned), who was recognized as an Epstein victim by the U.S. Attorney's Office, received a letter from the FBI advising her that "[t]his case is currently under investigation. This can be a lengthy process and we request your continued *patience while we conduct a thorough investigation.*"¹¹⁴ The statement in the notification letter was misleading. The letter did not disclose the NPA already entered into by Epstein and the Office, and instead implied that the Office was still investigating Epstein and had not decided how to proceed with the case, neither of which was accurate.¹¹⁵

100. The May 30, 2008, victim letter to Jane Doe 5 also acknowledged the victims' rights under the CVRA at the same time as the Office was not disclosing the NPA's existence to Jane Doe 5 and the other victims.¹¹⁶

101. In mid-June 2008, Mr. Edwards contacted the line AUSA handling the case to inform her that he represented Jane Doe 1 and, later, Jane Doe 2. Mr. Edwards asked to meet to provide information about the federal crimes committed by Epstein against these victims, hoping to secure a significant federal indictment against Epstein, consistent with his clients' desires. The line prosecutor and Mr. Edwards discussed the possibility of federal charges being filed in the

¹¹³ Exhibit 40.

¹¹⁴ Exhibit 29.

¹¹⁵ *Id.*

¹¹⁶ Exhibit 28; Exhibit 62.

future. Mr. Edwards was lead to believe federal charges could still be filed, with no mention whatsoever of the existence of the NPA or any other possible resolution to the case.¹¹⁷

102. At the end of the call, the line prosecutor asked Mr. Edwards to send any information that he wanted considered by the Office in determining whether to file federal charges. Because of the confidentiality provision that existed in the plea agreement, the line prosecutor did not inform Mr. Edwards that months earlier, in September 2007, the Office had reached an agreement not to file federal charges. The line prosecutor also did not inform Mr. Edwards that resolution of the criminal matter was imminent.¹¹⁸

103. On June 19, 2008, Mr. Edwards sent an email to the line prosecutor requesting to meet in person to confer with the Government regarding the status of his clients' case.¹¹⁹

104. Because the line prosecutor did not tell Mr. Edwards about the NPA, Mr. Edwards was not able to confer with the prosecutor about the NPA on behalf of his clients. Mr. Edwards, however, made it perfectly clear that his clients wanted to confer with the prosecutor before any resolution was reached. Epstein was aware of this continued concealment of the NPA from the victims and, indeed, sought this concealment.¹²⁰

105. On June 23, 2008, the line prosecutor sent an email to Lefkowitz stating that the Deputy Attorney General had completed his review of the Epstein matter and "determined that federal prosecution of Mr. Epstein's case [wa]s appropriate. Accordingly, Mr. Epstein ha[d] until

¹¹⁷ Exhibit 63 at 4-6, 18-19, 22-23, 28-29; Exhibit 64 at 5-6.

¹¹⁸ *Id.*; US_Atty_Cor. 0321 (Exhibit 99).

¹¹⁹ RFP WPB 001894 (Exhibit 100).

¹²⁰ Exhibit 63 at 4-6, 18-19, 22-23, 28-29; Exhibit 64 at 5-6; Exhibit 99.

the close of business on Monday, June 30, 2008, to comply with the terms and conditions of the agreement between the United States and Mr. Epstein.”¹²¹

EPSTEIN’S ENTRY OF HIS GUILTY PLEA

106. On and before June 30, 2008, the Government and Epstein’s attorneys corresponded extensively (often multiple times on any given day) regarding Epstein’s entry of his guilty plea. Throughout the course of these communications, the Government and Epstein operated on the agreement that the victims would not be told about the NPA, much less about the fact that Epstein’s plea was a triggering event for the federal case being resolved.¹²²

107. On about June 27, 2008, the U.S. Attorney’s Office called Mr. Edwards to provide notice to his clients regarding the impending Monday morning hearing. The notice, however, was only that Epstein was pleading guilty to state solicitation of prostitution charges involving other victims—not Mr. Edwards’ clients nor any of the federally-identified victims. The U.S. Attorney’s Office did not tell Mr. Edwards that the guilty pleas in state court would bring an end to the possibility of federal prosecution pursuant to the plea agreement.¹²³

108. In fact, the U.S. Attorney’s Office did not disclose to Edwards the fact that the guilty pleas in state court had any bearing on the cases of Jane Doe 1 and Jane Doe 2. As a result, Jane Doe 1 and Jane Doe 2 did not attend the plea hearing.¹²⁴

¹²¹ Exhibit 40.

¹²² Exhibit 26; Exhibit 27; Exhibit 62; Exhibit 63 at 4-6, 18-19, 22-23; Exhibit 99; RFP WPB 000512-000513 (Exhibit 101).

¹²³ Exhibit 62; Exhibit 63 at 4-6, 18-19, 22-23; Exhibit 99; Exhibit 101.

¹²⁴ Exhibit 26; Exhibit 27; Exhibit 62; Exhibit 63 at 4-6, 18-19, 22-23; Exhibit 99; Exhibit 101; Declaration of Brad Edwards (Exhibit 102).

109. Had they known that the plea agreement in state court made it impossible to prosecute Epstein federally for his crimes against them, they would have objected to this resolution and would have certainly attended the hearing.¹²⁵

110. On or before June 30, 2008, the Office prepared a draft victim notification to be sent to the victims—a letter that it intended to show to both Epstein and Jack Goldberger, as reflected by a place for the initials of both Epstein and Goldberger on the document. The notification was designed to inform the victims of the provisions of deferral of federal prosecution in favor of state charges. The notification letter began by describing Epstein’s guilty plea in the past tense: “On June 30, 2008, Jeffrey Epstein ... entered a plea of guilty to violations of Florida statutes forbidding the solicitation of minors to engage in prostitution and felony solicitation of prostitution.” Later, a substantively identical letter was prepared for Epstein’s and Guy Lewis’ review.¹²⁶

111. On June 30, 2008, the Office sent an e-mail to Goldberger reflecting continuing efforts to keep the NPA secret: “Jack: The FBI has received several calls regarding the Non-Prosecution Agreement. I do not know whether the title of the document was disclosed when the Agreement was filed under seal, but the FBI and our office are declining comment if asked.”¹²⁷

112. On June 30, 2008, Epstein plead guilty to state law solicitation of prostitution charges. Because the Federal Government failed to notify the victims about the NPA or its arrangements with Epstein, neither Jane Doe 1, Jane Doe 2, Jane Doe 5, nor any of the identified victims in the

¹²⁵ Exhibit 26; Exhibit 27; Exhibit 63 at 4-6, 18-19, 22-23; Exhibit 99; Exhibit 101; Exhibit 102.

¹²⁶ US_Atty_Cor. 00323 (Exhibit 103); RFP WPB 000515-000520 (Exhibit 104).

¹²⁷ Exhibit 99.

federal case were aware of the ramifications of the state proceeding (either in person or through counsel).¹²⁸

113. Immediately following the June 30, 2008 hearing, the line prosecutor told one of the victims' attorneys that Epstein had "plead guilty today in state court."¹²⁹

114. On June 30, 2008, based on what she had been told by the Government, Jane Doe 1 thought that the Office was still investigating and pursuing her case. She did not receive notice that Epstein's state guilty plea affected her rights in any way. If she had been told that the state plea had some connection to blocking the prosecution of her case, she would have attended and tried to object to the judge to prevent that plea from going forward.¹³⁰

115. On June 30, 2008, based on what she and her attorneys had been told by the Government, Jane Doe 2 thought that the Government was still investigating her case. If she had been told that the state plea had some connection to blocking the prosecution of her case, she would have tried to confer with the prosecutors about it and tried to get charges filed. She wanted to be treated fairly in the process.¹³¹

116. From September 24, 2007, the date that the NPA was signed, through at least the state court plea on June 30, 2008—a period of more than nine months—the Office did not notify any of Epstein's victims about the existence of the NPA.¹³²

¹²⁸ Exhibit 26; Exhibit 27; Exhibit 63 at 4-6, 18-19, 22-23; Exhibit 64 at 6; 000001-000002 (Exhibit 105).

¹²⁹ RFP WPB 001861 (Exhibit 106).

¹³⁰ Exhibit 26; Exhibit 63 at 4-6, 18-19, 22-23.

¹³¹ Exhibit 27; Exhibit 63 at 4-6, 18-19, 22-23; Exhibit 105.

¹³² Exhibit 62; Exhibit 63 at 4-6, 18-19, 22-23, 28-29; Exhibit 64 at 4; US_Atty_Cor. 00267-00271 (Exhibit 107).

117. On July 1, 2008, the day following Epstein's plea, the line prosecutor emailed the Assistant State Attorney a copy of the NPA for "filing with the Court under seal" demonstrating that the agreement continued to be withheld from the victims.¹³³

118. On July 3, 2008, as specifically directed by the U.S. Attorney's Office, Mr. Edwards sent a letter to the Office communicating the wishes of Jane Doe 1, Jane Doe 2, and Jane Doe 5 that federal charges be filed against Epstein: "We urge the Attorney General and our United States Attorney to consider the fundamental import of the vigorous enforcement of our Federal laws. We urge you to move forward with the traditional indictments and criminal prosecution commensurate with the crimes Mr. Epstein has committed, and we further urge you to take the steps necessary to protect our children from this very dangerous sexual predator."¹³⁴

119. When Mr. Edwards wrote his July 3, 2008 letter, he was still unaware that a NPA had been reached with Epstein and that there was any federal resolution of the case—facts that the Office continued to conceal, at the request of Epstein, not only from Edwards but also as his clients and other victims.¹³⁵

120. On July 7, 2008, the line prosecutor again conferred with Epstein's counsel seeking permission to *begin* distributing the notification letters to the victims, acknowledging her failure to include one victim who was still a minor in 2008.¹³⁶

121. Mr. Edwards first saw a reference to the NPA on or after July 9, 2008, when the Government filed its responsive pleading to Jane Doe's emergency petition. That pleading was

¹³³ RFP WPB 001857 (Exhibit 108).

¹³⁴ Exhibit 105.

¹³⁵ Exhibit 63 at 4-6, 18-19, 22-23, 28-29; Exhibit 99; RFP WPB 001855 (Exhibit 109); [DE 48] (Exhibit 110) at 18-19.

¹³⁶ RFP WPB 001854 (Exhibit 111).

the first public mention of the NPA and the first disclosure to Mr. Edwards—and thus to Jane Doe 1, Jane Doe 2, and Jane Doe 5—of the possible existence of a NPA.¹³⁷

122. Mr. Edwards detrimentally relied on the misleading representations made by the Office that the case was still under investigation when he was writing his July 3, 2008 letter. He would not have wasted his time undertaking a pointless exercise had he known that the U.S. Attorney's Office had previously negotiated a NPA, and he would have informed his clients about the agreement.¹³⁸

A MOTIVE TO CONCEAL THE NPA FROM THE VICTIMS

123. The U.S. Attorney's Office—pushed by Epstein—wanted the NPA kept from public view because of the strong objection it would have faced from victims of Epstein's abuse, and because of the public criticism that would have resulted from allowing a politically-connected billionaire who had sexually abused more than 30 minor girls to escape from federal prosecution with only a county court jail sentence.¹³⁹

124. When deciding whether to notify the victims before Epstein entered his guilty plea, the Office was aware that a state court judge would have to review the plea and determine whether it was in the public interest, and accordingly chose not to "highlight" certain potentially objectionable features.¹⁴⁰

¹³⁷ Exhibit 62; Exhibit 63 at 4-6, 18-19, 22-23, 28-29; Exhibit 99; Exhibit 110 at 18-19.

¹³⁸ See Exhibit 28; Exhibit 102; Exhibit 105.

¹³⁹ Exhibit 26; Exhibit 27; Exhibit 62; Exhibit 63 at 4-6, 18-19, 22-23; Exhibit 99; Exhibit 101; Exhibit 102; Exhibit 57 (urging Government to try and keep agreement from becoming public); Exhibit 7 (explaining Government's desire not to "highlight" possible charges or defendants being immunized).

125. Concealing the NPA from the victims prevented them from using their right to confer with the Government about why the NPA was not desirable or appearing at Epstein's plea and sentencing hearing to raise their concerns with the Court.¹⁴¹

THE VICTIMS' UNSUCCESSFUL ATTEMPTS TO ENFORCE THEIR RIGHTS

126. On July 7, 2008, Jane Doe 1 filed an emergency petition for enforcement of her rights under the CVRA. At the time, Jane Doe 1 was not aware of the NPA, so she sought a court order directing the Government to confer with her before reaching any such agreement. Epstein quickly became aware of this petition.¹⁴²

127. On July 8, 2008, the line prosecutor sent a letter to Epstein's counsel stating that victims would be informed about the civil compensation provision of the NPA the next day:

In accordance with the terms of the Non-Prosecution Agreement, on June 30, 2008, the United States Attorney's Office provided you with a list of thirty-one individuals "whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein." . . . In deference to your vacation, we allowed you a week to provide us with any objections or requested modifications of the list and/or the Notification language. Yesterday, I contacted you via telephone and e-mail, but received no response. Accordingly, the United States hereby notifies you that it will distribute the victim notifications tomorrow, July 9, 2008, to each of the thirty-two identified victims, either directly or via their counsel.¹⁴³

128. On July 9, 2008, Jack Goldberger sent a letter to the line prosecutor raising concerns about the notifications, and suggesting modifications to the notification letter. Epstein's counsel also objected to the victim notification letters containing certain information about the NPA.¹⁴⁴

¹⁴¹ 18 U.S.C. § 3771; Exhibit 26; *see also* Exhibit 62.

¹⁴² [DE 1] (Exhibit 112) at 1-2.

¹⁴³ Exhibit 101.

¹⁴⁴ RFP WPB 000524-000525 (Exhibit 113).

129. Later on July 9, 2008, the line prosecutor sent a response back to Goldberger, explaining how she intended to keep the victims from having access to the terms of the NPA:

Without such an express Acknowledgment by Mr. Epstein that the notice contains the substance of that Agreement, I believe that the victims will have justification to petition for the entire agreement, which is contrary to the confidentiality clause that the parties have signed.¹⁴⁵

130. On July 9, 2008, the U.S. Attorney's Office sent victim notification letters to Jane Doe 1 and Jane Doe 5, via their attorney, Mr. Edwards, and to other identified victims of Epstein. That notification contained a written explanation of some of the civil compensation provisions of the NPA. The notification did not provide the full terms of the NPA. For example, the notification did not disclose the NPA or the immunity for "other potential co-conspirators" of Epstein.¹⁴⁶

131. On July 10, 2008, Epstein's counsel continued to protest victim notification as evidenced by Goldberger's email to the line prosecutor stating, "we respectfully request a reasonable opportunity to review and comment on a draft of the modified notification letter you intend to mail before you send it."¹⁴⁷

132. On July 11, 2008, the Court held a hearing on Jane Doe 1's petition and, with the stipulation of the Government, added Jane Doe 2 as a petitioner because she was a recognized crime "victim." The Court unsealed a declaration that the line prosecutor had filed in response to the petition, and because the declaration contained one paragraph of the NPA, that paragraph

¹⁴⁵ RFP WPB 000526-000527 (Exhibit 114).

¹⁴⁶ 000777-000779 (Exhibit 115); 000774-000776 (Exhibit 116).

¹⁴⁷ RFP WPB 000535-000537 (Exhibit 117).

became unsealed. The line prosecutor sent an email to Goldberger informing him of the unsealing of that one paragraph.¹⁴⁸

133. During the July 11, 2008 hearing, the Government conceded that the NPA had been concluded months before the victims were notified about it.¹⁴⁹

134. Throughout July 2008, Epstein's attorneys and the Government continued to correspond about issues such as subpoenas related to his computers and returning of his property.¹⁵⁰

135. On August 7, 2008, the line prosecutor emailed one of Epstein's defense attorneys, Roy Black, notice of the motion to disclose the NPA to the victims and assured him that the Government intended "to oppose the motion based upon the confidentiality provision."¹⁵¹

136. On August 10, 2008, Jane Doe 1 and Jane Doe 2 filed a motion seeking release of the NPA.¹⁵²

137. Immediately after the motion was filed, the Office coordinated with another Epstein attorney about how to best object to the motion.¹⁵³

138. On August 11, 2008, Roy Black wrote back to the line prosecutor, thanking the Government for "agreeing to oppose any disclosure of the 9/24/07 agreement."¹⁵⁴

¹⁴⁸ RFP WPB 001845 (Exhibit 118).

¹⁴⁹ See Exhibit 63 at 12 ("... the agreement was consummated by the parties in December of 2007."); see also Exhibit 62.

¹⁵⁰ RFP WPB 000470-000471 (Exhibit 119); RFP WPB 000481-000489 (Exhibit 120); RFP WPB 000547 (Exhibit 121).

¹⁵¹ [DE 19] (Exhibit 122); RFP WPB 001825 (Exhibit 123).

¹⁵² Exhibit 122.

¹⁵³ RFP WPB 001820-001838 (Exhibit 124).

¹⁵⁴ RFP WPB 001819 (Exhibit 125).

139. Between August 11 and 14, 2008, the line prosecutor attempted to obtain a copy of the NPA that Epstein's counsel had filed in state court.¹⁵⁵ After receiving a copy, on August 14, 2008, the line prosecutor wrote to Lefkowitz: "I can no longer argue that the Court shouldn't force us to produce the agreement because we have already provided the victims with the relevant portion when I now understand from you that I have NOT provided them with the relevant portion."¹⁵⁶

140. Further communications ensued between the line prosecutor and Epstein's counsel about what exactly was contained in the NPA—specifically, whether a December modification to the agreement was part of the NPA. The notification to the victims about the civil restitution provisions had quoted from the December language.¹⁵⁷

141. On August 14, 2008, the line prosecutor emailed Epstein's counsel stating that the court has "ordered us to make the Agreement available to the plaintiffs."¹⁵⁸

142. On August 15, 2008, the line prosecutor sent a letter to Epstein's counsel confirming that recent correspondence was intended "solely to determine what Mr. Epstein considered to be the terms of the Non-Prosecution Agreement" so that the Government would know exactly what needed to be produced to the victims in this CVRA case.¹⁵⁹

143. On August 18, 2008, Lefkowitz wrote the line prosecutor that Epstein objected to disclosure of the terms of the NPA, but that Epstein would "cooperate with the government to reach an agreement as to substance of the notification to be sent to the government's list of

¹⁵⁵ RFP WPB 001809-001818 (Exhibit 126).

¹⁵⁶ RFP WPB 001804 (Exhibit 127).

¹⁵⁷ RFP WPB 001805-001808 (Exhibit 128).

¹⁵⁸ RFP WPB 001798 (Exhibit 129).

¹⁵⁹ Exhibit 68; RFP WPB 000575-000576 (Exhibit 130).

individuals. Based on the Agreement, the information contained in the notification should be limited to (1) the language provided in the Agreement dealing with civil restitution (paragraphs 7-10) and (2) the contact information of the selected attorney representative. We object to the inclusion of additional information about the investigation of Mr. Epstein, the terms of the Agreement other than paragraphs 7-10 and the identity of other identified individuals.”¹⁶⁰

144. On August 21, 2008, the Government sent a letter to Epstein’s counsel stating that, “[c]opies of the victim notifications will continue to be provided to counsel for Mr. Epstein.” The letter further requested substantive objections to the draft notification letters, which were being re-sent “[b]ecause I previously provided the victims with incorrect information—albeit with the approval of Mr. Epstein’s counsel—it is imperative that I correct the error promptly.”¹⁶¹

145. On August 26, 2008, the Government sent another letter to Epstein’s counsel stating, “Mr. Goldberger and Mr. Tein explicitly approved the language in my earlier victim notification letter, even though they apparently were taking the position that the December 19, 2007 letter was *not* part of the Agreement, so that misinformation was provided to the victims with the approval of Mr. Epstein’s attorneys.”¹⁶²

146. Jane Doe 1 and Jane Doe 2 were not informed of the contents of the NPA until August 28, 2008, when the line prosecutor provided a copy to Mr. Edwards.¹⁶³

147. On September 2, 2008, nearly a year after the NPA was signed, the line prosecutor sent an email to Epstein’s counsel stating, “I will start sending out the victim notifications today.

¹⁶⁰ RFP WPB 000581-000583 (Exhibit 131).

¹⁶¹ RFP WPB 000587-000588 (Exhibit 132).

¹⁶² RFP WPB 000603-000604 (Exhibit 133) (emphasis in original).

¹⁶³ RFP WPB 001776 (Exhibit 134).

In accordance with your request, I have changed the language regarding the victims' right to receive a copy of the Agreement."¹⁶⁴

148. On September 2 and 3, 2008, the U.S. Attorney's Office sent to Jane Doe 1 and other identified victims amended notification letters correcting the earlier inaccurate information about the civil compensation provisions contained in the earlier notifications.¹⁶⁵

149. The victim notification letters that the victims received were confusing. They did not directly state that Epstein's crimes against them were not going to be prosecuted, but instead said that "the United States has agreed to defer federal prosecution in favor of this state prosecution." The letter did not inform the victims of how this applied to them.¹⁶⁶

150. The victim notification letters also state that there was "litigation between the United States and two other victims regarding the disclosure of the entire agreement between the United States and Mr. Epstein." The letters did not explain that the remedy being sought in the litigation was not just to get "disclosure" of the agreement, but instead to uphold the rights of Epstein's victims.¹⁶⁷

151. On September 16, 2008, the *Palm Beach Daily News* wrote the State Attorney's Office that it had "recently discovered" the NPA and wanted to know what was in it. The State Attorney's Office wrote the line prosecutor inquiring how to respond.¹⁶⁸

152. On September 16, 2008, attorney Jeffrey Herman, who represented several Epstein victims, wrote to the line prosecutor to strenuously object to the restitution procedures

¹⁶⁴ RFP WPB 001775 (Exhibit 135).

¹⁶⁵ September 3, 2008 Victim Notification Letter to Jane Doe 1 (Exhibit 136); Exhibit 2; Exhibit 94 at 2-3.

¹⁶⁶ *Id.*; Exhibit 26; Exhibit 27.

¹⁶⁷ *Id.*

¹⁶⁸ 002343-002344 (Exhibit 137).

established in the NPA after learning that another attorney established through the NPA would be making unsolicited contacts to the victims. Mr. Herman explained that the notification letters were “misleading” because they referred generally to a waiver of “any other claim for damages” without informing them that this waiver might include a valuable punitive damages claim against an alleged billionaire.¹⁶⁹

153. On September 17, 2008, the line prosecutor sent an email to State Attorney [REDACTED], explaining that the NPA “contain[ed] a confidentiality provision that require[ed] us to inform Mr. Epstein’s counsel before making any disclosure.”¹⁷⁰

154. On September 18, 2008, attorney Katherine Ezell representing some of Epstein’s victims emailed the line prosecutor, asking whether the NPA was “blessed” by Judge Marra. The line prosecutor emailed back: “As far as I know, Judge Marra has not ever seen the agreement or these notification letters.... I don’t know if the sentencing judge ever reviewed it. The letters were reviewed by my office and Jay Lefkowitz and Roy Black before they went out.”¹⁷¹

155. In 2010, Jane Doe 1 met with the new U.S. Attorney, Wilfredo Ferrer. She explained to him how the NPA had been concealed from her. Nothing ever came of the meeting, and Mr. Ferrer has continued to fight efforts by Jane Doe 1 and other victims to have the court declare that their rights were violated while the NPA was drafted and implemented.¹⁷²

¹⁶⁹ *Id.*

¹⁷⁰ RFP WPB 001773 (Exhibit 138).

¹⁷¹ RFP WPB 001763 (Exhibit 139).

¹⁷² Exhibit 26; Tr. Nov. 23, 2015 (Exhibit 140) at 3-5 (U.S. Attorney’s Office argues that the victims are “complicit” in their own sexual abuse and therefore cannot receive any remedy under the CVRA).

156. At all times material to this statement of facts, it would have been practical and feasible for the federal government to inform Jane Doe 1, Jane Doe 2, Ms. [REDACTED], Jane Doe 5, and all other similarly-situated victims of the details of the proposed NPA with Epstein, including in particular the fact that the agreement barred any federal criminal prosecution of crimes that Epstein committed against them.¹⁷³

157. At no time while it negotiated and executed the NPA did the Government notify the victims that Epstein's guilty plea would prevent his prosecutions for crimes against them. Nor did the Government ever allow the identified victims to "confer with the prosecutor on the case," 18 U.S.C. § 3771(a)(5), or "treat them with fairness, respect and dignity" by making them aware of the NPA, § 3771(a)(8). In fact, to the contrary, the Government went to great lengths to conceal the fact that there was a federal resolution at all and mislead the victims into believing that the federal case was proceeding so that the NPA could be secretly put in place before the victims knew what was going on.¹⁷⁴

**MOTION FOR SUMMARY JUDGMENT AND
INCORPORATED MEMORANDUM OF LAW**

In light of the foregoing undisputed material facts, summary judgment for the victims on the issue of whether their CVRA rights were violated is appropriate. The Court is well aware of the applicable summary judgment standard, which requires that there be no disputed issues that are genuine or material for the moving party to be entitled to judgment as a matter of law. *See, e.g., Joseph [REDACTED] Napolitano*, 839 F. Supp. 2d 1324, 1333 (S.D. Fla. 2012). The undisputed facts

¹⁷³ See Exhibit 88.

¹⁷⁴ Exhibit 26; Exhibit 27; Exhibit 62; Exhibit 63 at 4-6, 18-19, 22-23; Exhibit 99; Exhibit 101; Exhibit 102; Exhibit 57; Exhibit 7.

here plainly establish that the Government—with the knowledge of, and at the urging of Epstein—violated the CVRA rights of Jane Doe 1, Jane Doe 2, and other similarly-situated victims, by deliberately concealing from them the NPA barring the prosecution of Jeffrey Epstein and his co-conspirators for the federal offenses they committed against them. In particular, the Government violated the victims’ right to confer with prosecutors, right to accurate notice of court hearings, and right to be treated with fairness. 18 U.S.C. § 3771(a)(5), (2), & (8).

A. The Government Violated the Victims’ Right to Confer.

There can be no real debate that the Government violated the victims’ right to confer. Indeed, it is worth recalling that in earlier proceedings, the victims filed a similar (although less detailed) motion for summary judgment. DE 48. The Government responded not by claiming that it had in fact conferred with the victims, but rather by advancing the legal argument that the CVRA does not extend any rights to victims before the filing of an indictment. DE 62. This argument was flatly contradicted by the Government’s own earlier decision to provide notification to victims after the NPA was signed – and even during the investigation treating them as victims. *See, e.g.*, ¶¶ 10-16, 34-35, 69-73, 91-94, 98, 125, *supra*. In any event, this Court has now firmly rejected the Government’s contrived legal position. DE 99 (the court has determined “that as a matter of law the CVRA can apply before formal charges are filed”).¹⁷⁵

¹⁷⁵ Not only has this Court rejected the Government’s position, but Congress and the President have specifically decided to end any debate and to codify this Court’s ruling into federal law. *See* 18 U.S.C. § 3771(a)(9) (victims have the “right to be informed in a timely manner of any plea bargain or deferred prosecution agreement”) (added as part of Pub. L. 114-22, Title I, § 113(a), (c)(1) (May 29, 2015)). This codification builds on the fact that Senator Kyl, the Senate co-sponsor of the CVRA, took to the Senate floor to directly express his approval of this Court’s ruling. 157 Cong. Rec. S7060-01 (statement of Senator Kyl) (Nov. 2, 2011) (applauding this Court’s decision and

The Government's inability to demonstrate that it afforded victims their right to confer is unsurprising. Under the CVRA, identified crime victims are granted "the reasonable right to confer with the attorney for the Government in the case." 18 U.S.C. § 3771(a)(5). In some cases, there might be a debate about how much conferring is "reasonable" for the prosecutor to undertake. But here, no such debate is possible for the simple reason that the Government simply concealed that it was planning to enter into an agreement blocking the federal prosecution of Epstein from more than 30 of Epstein's identified victims. *See, e.g.*, ¶¶ 17, 32-33, 38, 41, 44-46, 66, 71-72, 87-88, 95, 102, 113, 123, *supra*.

Whatever other rights the CVRA extends to crime victims, it surely extends the simple right to know when the Government is entering into a deal with a sex offender blocking his prosecution for crimes committed against them. *See, e.g.*, ¶ 155, *supra*. Here, the Government violated the victims right to confer during at least three separate time periods: (1) on and before September 24, 2007, when the Government was negotiating and signing the NPA; (2) in and around January 2008, when it sent letters telling the victims not about the previously signed NPA, but rather counseling "patience" while the Government finished its "investigation;" and (3) in and around June 30, 2008, when the Government didn't tell the victims that the state plea would effectively extinguish their rights to ever see Epstein prosecuted. *See* ¶¶ 17, 32-33, 38, 41, 44-46, 66, 71-72, 87-88, 95, 102, 113, 123, *supra*.

noting its "careful[] review" of the issues).

Simply put, the NPA barred prosecution of the federal sexual offenses that Epstein had committed against Jane Doe 1, Jane Doe 2, and other similarly-situated victims. Under the CVRA, the victims were entitled to confer about this disposition and attempt to persuade prosecutors to reach a different result. Recognizing a right to confer about such dispositions is “not an infringement ... on the government’s independent prosecutorial discretion; instead, it is only a requirement that the government confer in some reasonable way with the victims *before* ultimately exercising its broad discretion.” *In re Dean*, 527 F.3d 391, 395 (5th Cir. 2008) (internal citations omitted) (emphasis added).

The victims fully understand that if they had conferred with the Government, the prosecutors could possibly have ultimately reached the same kind of agreement. But there is good reason to believe that if the prosecutors had exposed their dealings to scrutiny by Jane Doe 1, Jane Doe 2, and the other victims, they would not have reached such a sweetheart plea deal. *See* ¶¶ 121-23, *supra*. For example, despite the fact that this case has been in litigation for more than seven years spanning several hundred pleadings, the Government does not write even a single sentence explaining why it entered into an NPA with a sex offender who had committed hundreds of federal sex offenses against young girls. Perhaps there is some reason for this extraordinary leniency. But if so, the Government has yet to offer it. In any event, regardless of the ultimate consequences of conferring, Congress promised to all crime victims—including Jane Doe 1, Jane Doe 2, and other similarly-situated victims—that they would be able to confer with prosecutors before a disposition was reached in their case. 18 U.S.C. § 3771(a)(5). The victims never received that congressionally-mandated opportunity.

In sum, the Government repeatedly violated the victims' CVRA right to confer — and did so at the specific request of Jeffrey Epstein. Summary judgment is thus appropriate on this basis.

B. The Government Violated the Victims' Right to Be Treated With Fairness.

The Government also violated the victims' "right to be treated with fairness and with respect for the victim's dignity and privacy." 18 U.S.C. § 3771(a)(8). Entirely apart from whether the victims had any right to confer with prosecutors, at a bare minimum they had a right to be treated fairly and not be deceived by the Government. Yet here the Government repeatedly and deliberately misled the victims about what was happening in their case, concealing from them the NPA's negotiation and all of the terms it ultimately contained. As with the violation of the right to confer, these violations occurred at multiple points in the process, including the time before the NPA was signed, after the NPA was signed, and when Epstein was entering his State court guilty plea.

A clear-cut example of the Government's violating the victims right to be treated fairly is its remarkable decision in 2008, well after the NPA had been signed, to send the victims (and, in some cases, their attorneys) deceptive information that the case "is currently under investigation" and that "[t]his can be a lengthy process and we request your continued patience while we conduct a thorough investigation." See ¶¶ 91-103, *supra*. When the Government finally did inform the victims about what had happened, the notifications were not only incomplete and inaccurate, but they also arrived too late for the victims to do anything about the deal. Specifically, it was too late to confer with the prosecutor or attend the sentencing hearing. See ¶¶ 124-48, *supra*. Most important, the notifications did not inform the victims that a NPA had been

signed with Epstein, preventing federal prosecution in the Southern District of Florida (and thus, as a practical matter, *any* prosecution for most of the victims) for the crimes he and his co-conspirators had committed against them. The notification letters also described this litigation as “the disclosure” of the NPA, rather than its true purpose of vindicating the victims’ rights and securing for the victims a right to confer about prosecuting Epstein free from the backdrop of the NPA. See ¶¶ 145-48, *supra*.

The foregoing facts provide numerous other examples of the victims not being treated fairly. These examples include, but are not limited to:

- Secretly discussing with Epstein’s defense counsel contrived charges to avoid making victim notifications (¶¶ 17-22, *supra*);
- Secretly discussing with Epstein’s defense counsel arranging a guilty plea in a jurisdiction located some distance from the victims to make it hard for them to find out what was happening (¶ 23, *supra*);
- Secretly reaching a resolution of the case that would make it hard for a judge to see what was going on (¶ 25, *supra*);
- Not telling the victims the NPA was under consideration (¶¶ 41-47, *supra*);
- Deviating from standard policy by negotiating with defense counsel about the extent and substance of crime victim notifications (¶ 49, *supra*);
- Negotiating with defense counsel about concealing the agreement (¶¶ 48-58, *supra*);
- Working to have agents attend Epstein’s sentencing hearing “incognito” without telling the victims what was happening (¶ 58, *supra*);
- Making a commitment to Epstein not to contact victims about the NPA (¶ 62, *supra*);
- Entering into a NPA with a confidentiality provision that precluded compliance with CVRA victim notification obligations (¶¶ 65-69, *supra*);

- Sending FBI agents to meet with three victims, while precluding the agents from being able to discuss the NPA (§§ 69-73, *supra*);
- Agreeing with defense counsel to stop victim notifications required under the CVRA (§§ 76-77, *supra*);
- Agreeing to notify victims only after Epstein had entered his plea (§§ 80-81);
- Sending deceptive letters about the case still being “under investigation” (§§ 91-94, 98);
- Concealing the NPA from attorneys for the victims (§§ 100-02, 116-17);
- Failing to provide reasonable notice of Epstein’s sentencing hearing to the victims (§§ 105-10); and
- Agreeing with Epstein to oppose the release of the NPA to the victims after his plea (§§ 134-36).

The Government took all of these actions, it should be noted, with the knowledge of – and, indeed, at the insistence of – Epstein, the criminal who had sexually abused the victims. *See* ¶ 1, *supra*.

The overarching point on many of these actions is that victims of crime are not treated fairly if prosecutors are deceiving them about what is going on with regard to prosecuting their abusers. Whatever else “fairness” might mean, it has to at least mean that the Government keep the victims properly informed and otherwise try to insure that their interests are respected in the criminal justice process. *See* 150 CONG. REC. 7303 (Apr. 22, 2004) (statement of Sen. Kyl describing right to fairness in broad terms). The foregoing facts amply demonstrate numerous situations wherein the Government deliberately kept the victims in the dark about what was happening. Accordingly, the Government violated their right to fairness too and summary judgment is warranted on this independent basis as well.

C. The Government Violated the Victims' Right to Reasonable and Accurate Notice.

The Government also violated the victims' "right to *reasonable, accurate* and timely notice of any public court proceedings...involving the crime." 18 U.S.C. § 3771(a)(2) (emphasis added). The Government may claim that it complied with this right by giving the victims notice of the state court proceeding in which Epstein pled guilty to sex offenses involving other girls less than one business day before the hearing.¹⁷⁶ But the Government violated the victims' right to "reasonable" and "accurate" notice about this hearing. The Government concealed from Jane Doe 1, Jane Doe 2, and all the other victims, that the NPA and the federal investigation were implicated in this hearing—and thus their right to see Epstein prosecuted was about to be permanently extinguished. As a result of this concealment, they missed their only chance to speak to the Court about the crimes committed against them and to see with their own eyes Epstein being sent to jail. Indeed, even afterwards, the Government continued to hide what was happening with regard to the NPA. *See* ¶¶ 124-148, *supra*.

Importantly, one of the motives for this concealment was to avoid scrutiny by the victims—and the public—of what the Government was doing. *See* ¶¶ 121-23, *supra*. Jane Doe 1, Jane Doe 2, and other similarly-situated victims of serious federal sex offenses did not attend Epstein's plea hearing and sentencing for the obvious reason that they thought it had nothing to do with them—which is precisely what the Government and Epstein were trying to accomplish

¹⁷⁶ The Government also seems to argue that the CVRA did not apply to this hearing because it was held in state court. But the hearing was one "involving the crime" committed against the victims, 18 U.S.C. § 3771(a)(2), because the NPA was directly involved in the proceedings in state court. Because of the way the Government and Epstein had constructed the NPA, the state plea triggered the applicability of the federal NPA – and thus the CVRA.

together. Whatever else might be said about one of the most extraordinarily lenient plea arrangements in American history, the Government simply failed to discharge its duty to Epstein's victims to provide "reasonable" and "accurate" notice about court hearings connected with their abuse. Summary judgment should therefore also be granted on this basis.

CONCLUSION

Under the Crime Victims' Rights Act, once the Government had identified the victims of Epstein's sexual offenses, it had statutory obligations to them that it was legally required to respect. Despite those responsibilities to the victims, the Government chose instead to side with the man who had victimized them. Rather than properly inform the victims what was happening, the Government engaged in months of undisclosed plea negotiations with Epstein. Once the negotiations had produced a plea arrangement that was sufficiently lenient to be acceptable to Epstein, rather than tell the victims what had been agreed, the Government conspired with Epstein to conceal that agreement. The undisputed facts clearly show that, for months, the Government deceived the victims about the existence of this arrangement—deception that was necessary to permit the agreement to be consummated before the victims could object.

Perhaps before Congress enacted the CVRA, such outrageous behavior could escape a judicial response. But Congress has now spoken. The Government has an obligation to confer with crime victims, to treat them fairly, and to provide them reasonable and accurate notice of judicial proceedings relevant to their victimization. To the contrary, the undisputed facts in this case show that the Government did not make *any* effort to extend to *any* of Epstein's dozens of victims *any* of the rights which Congress promised them. This Court is accordingly now

obligated to take all necessary steps to “ensure” that the victims’ rights are protected. 18 U.S.C. § 3771(b).

This is not a close case. This is a summary judgment case. For all the foregoing reasons, the Court should find the Government violated the rights of Jane Doe 1, Jane Doe 2, and other similarly situated victims under the Crime Victims’ Rights Act. If the Court grants their motion, the victims would then ask the Court to set an appropriate schedule for briefing and a hearing on the issue of the remedy for the violations of their rights.

DATED: February 10, 2016

Respectfully Submitted,

/s/ Bradley J. Edwards

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CERTIFICATE OF SERVICE

I certify that the foregoing document was served on February 10, 2016, on the following using the Court's CM/ECF system:

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