

OLY-76

United States District Court
SOUTHERN DISTRICT OF FLORIDA

TO: ERIC GANY
NES, LLC

**SUBPOENA TO TESTIFY
BEFORE GRAND JURY**
FGJ 07-103(WPB)/No. OLY-76

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:

September 11, 2007
1:00 pm*

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

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

August 16, 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."

To be used in lieu of AO110

FORM ORD-227
JAN.86

EFTA00187010

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0344 [REDACTED]
CONNECTION TEL [REDACTED]
SUBADDRESS
CONNECTION ID
ST. TIME 08/16 17:05
USAGE T 02'43
PGS. SENT 10
RESULT OK



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

*A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401*



FACSIMILE COVER SHEET

TO: Gerald Lefcourt, Esq.

DATE: August 16, 2007

FAX NO. [REDACTED]

OF PAGES: 10

PHONE NO. [REDACTED]

RE: NES, LLC

FROM: [REDACTED] Assistant U.S. Attorney

PHONE NO. [REDACTED]

COMMENTS:



U.S. Department of Justice

United States Attorney
Southern District of Florida

A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401



FACSIMILE COVER SHEET

TO: Gerald Lefcourt, Esq.

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RE: NES, LLC

FROM: [REDACTED]

PHONE NO. [REDACTED]

COMMENTS:



U.S. Department of Justice

United States Attorney
Southern District of Florida

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

August 16, 2007

VIA FACSIMILE

Gerald Lefcourt, Esq.
Gerald P. Lefcourt, P.C.
148 East 78th Street
New York, NY 10021

Re: Subpoena to Custodian of Records, NES, LLC

Dear Mr. Lefcourt:

I write in response to your letter of July 18, 2007 regarding the grand jury subpoena issued to the Custodian of Records for NES, LLC. I have attached an identical subpoena containing a return date of September 11, 2007, and subpoenas for two NES employees, Eric Gany and Harry Beller. If you will not be representing Messrs. Gany and Beller, please let me know.

First, as I mentioned in my earlier correspondence, a properly executed declaration from the Custodian of Records is needed, and, if no documents responsive to a particular request exist, the Custodian should certify that under penalty of perjury.

Second, you write that NES has no documents responsive to Requests 1 through 5. I know that NES has several credit card accounts for the benefit of the persons who manage Mr. Epstein's properties, including Janusz Banasiak and Alfredo Rodriguez. I also know that NES regularly receives money from an account that is used to pay expenses at 358 El Brillo Way and also wires money to that same account. Those wire transfers fall within the time period called for by the subpoena and number in the hundreds of thousands of dollars. If NES does not maintain records of its banking activities, then I would like to see a copy of its document retention policy, so I have added that to the Attachment to the Subpoena.

Third, Mr. Menchel's comment to you about potential money laundering charges related only to a resolution of the case. In other words, if the sex offense case is resolved, the Office would close its investigation into other areas as well. The matter has not been, and it does not appear that it will be, resolved so the money laundering investigation continues, and Request Number 6 will not be withdrawn. The request is not overbroad and is stated with particularity, so please comply with the request by the new deadline.

GERALD LEFCOURT, ESQ.
AUGUST 16, 2007
PAGE 2 OF 2

With respect to paragraph 7, the information provided regarding the pilots came from the corporate records of Hyperion and JEGE, Inc., not NES. However, I have provided a shorter list in the new subpoena attachment.

I also have enclosed another certification for the Custodian of Records' signature.

Thank you again for your assistance.

Sincerely,

R. Alexander Acosta
United States Attorney

By:


Assistant United States Attorney

cc:  FBI (with enclosures)