

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, October 31, 2007 11:40 AM
To: Sloman, Jeff (USAFLS)
Subject: RE: Epstein

Maybe make the changes underlined below? Either way is fine.

A. Marie Villafana
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

From: Sloman, Jeff (USAFLS)
Sent: Wednesday, October 31, 2007 11:36 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein

Marie,

Here's my proposed response to Jay. What do you think?

Jeff

Jay,

Regarding your statement that " [REDACTED] we are beginning to think about what discovery [REDACTED] may need to take to verify any [REDACTED] ". I remind you that paragraph 8 of the agreement states that Epstein " [REDACTED] his right to contest liability and also [REDACTED] waives his right to contest damages up to an amount as agreed to between the identified individual and Epstein, so long as the identified [REDACTED] to proceed exclusively under 18 USC s 2255 and agrees to waive any other claim for damages" That being said, you are correct in assuming that [REDACTED] we do not want to be copied on anything related to discovery. Monitoring the status of the negotiations/litigation is limited to insuring that the terms and conditions of the Non-Prosecution Agreement are not breached.

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Tuesday, October 30, 2007 4:54 PM
To: Sloman, Jeff (USAFLS)
Cc: Acosta, Alex (USAFLS)
Subject: Re: Epstein

Thanks Jeff.

I haven't heard anything from Judge [REDACTED] I assume he is still willing to take on the role you asked him to take on, but can you please let me know if that is not the case?

Also, we are beginning to think about what discovery we may need to take to verify any claims. I am assuming that your office does not want to be copied on any subpoenas or anything related to discovery. But please let me know if that is an incorrect assumption.

2650

08-80736-CV-MARRA

P-014252

EFTA00189167

Thanks - Jay

----- Original Message -----

From: "Sloman, Jeff (USAFLS)" [Jeff.Sloman@usdoj.gov]
Sent: 10/30/2007 02:42 PM AST
To: Jay Lefkowitz
Cc: "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>
Subject: Epstein

Jay,

Here is an executed version of the addendum. Please Fed Ex the original signature pages to me. Thanks,

Jeff

<<epstein addendum 10 30.pdf>>

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Tracking:

2651

08-80736-CV-MARRA

P-014253

EFTA00189168

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, October 31, 2007 11:00 AM
To: Sloman, Jeff (USAFLS)
Subject: RE: Epstein

Hi Jeff – There are two issues that could arise.

First, if, in the context of litigation or settlement negotiations with one of the victims, Epstein tries to contest liability or otherwise violate the particular terms related to the victims, the victim's attorney should file suit in District Court asking to enforce the agreement as an intended third party beneficiary.

Second, if Epstein violates this or any other term of the agreement, the agreement says that we must give timely notice to Epstein of his breach and then file an indictment/information within 60 days of providing notice of the breach. This is one of the reasons why we shouldn't be completely blocked from communicating with the attorney for any of the named victims. He/she will be the only person who can tell us about the breach.

A. Marie Villafaña

Assistant U.S. [REDACTED]
500 S. Australian Ave. Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

From: Sloman, Jeff (USAFLS)
Sent: Wednesday, October 31, 2007 10:00 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein

Here's what I propose to send to Jay. BTW, what is the mechanism to resolve such potential disputes?

Jay,

The agreement says that your client will not contest liability as to the victims on our list. The way I read the agreement, discovery may be relevant to the issue of the amount of damages suffered, but not the veracity of the claims. That being said, I do not view our office as the mediator of such disputes.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, October 31, 2007 9:52 AM
To: Sloman, Jeff (USAFLS)
Subject: RE: Epstein

Hi Jeff – The agreement says that they will not contest liability as to the girls on our list. Discovery may be relevant to the issue of the amount of damages suffered, but not the veracity of the claims.

A. Marie Villafaña

Assistant U.S. Attorney
500 S. Australian Ave. Suite 400
West Palm Beach, FL 33401

Phone 561 209-1047
Fax 561 820-8777

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, October 30, 2007 5:39 PM
To: Jay Lefkowitz
Subject: RE: Epstein

Jay,

I called Judge [REDACTED] before I sent him the agreed upon letter. He indicated his willingness to serve as the "decider." I will call him tomorrow to see whether anything has changed and when we can anticipate a decision. Regarding the subpoena question, let me think about that overnight. Thanks,

Jeff

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Tuesday, October 30, 2007 4:54 PM
To: Sloman, Jeff (USAFLS)
Cc: Acosta, Alex (USAFLS)
Subject: Re: Epstein

Thanks Jeff.

I haven't heard anything from Judge [REDACTED]. I assume he is still willing to take on the role you asked him to take on, but can you please let me know if that is not the case?

Also, we are beginning to think about what discovery we may need to take to verify any claims. I am assuming that your office does not want to be copied on any subpoenas or anything related to discovery. But please let me know if that is an incorrect assumption.

Thanks - Jay

----- Original Message -----

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Sent: 10/30/2007 02:42 PM AST
To: Jay Lefkowitz
Cc: "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>
Subject: Epstein

Jay,

Here is an executed version of the addendum. Please Fed Ex the original signature pages to me. Thanks,

Jeff

<<epstein addendum 10 30.pdf>>

2654

08-80736-CV-MARRA

P-014255

EFTA00189170

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Tracking:

2655

08-80736-CV-MARRA

P-014256

EFTA00189171

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Wednesday, October 31, 2007 10:00 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein

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Jay,

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Subject: RE: Epstein

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A. Marie Villafana
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
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Phone 561 209-1047
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From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Tuesday, October 30, 2007 4:54 PM
To: Sloman, Jeff (USAFLS)
Cc: Acosta, Alex (USAFLS)
Subject: Re: Epstein

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Also, we are beginning to think about what discovery we may need to take to verify any claims. I am assuming that your office does not want to be copied on any subpoenas or anything related to discovery. But please let me know if that is an incorrect assumption.

Thanks - Jay

----- Original Message -----

From: "Sloman, Jeff (USAFLS)" [Jeff.Sloman@usdoj.gov]

Sent: 10/30/2007 02:42 PM AST

To: Jay Lefkowitz

Cc: "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>

Subject: Epstein

Jay,

Here is an executed version of the addendum. Please Fed Ex the original signature pages to me. Thanks,

Jeff

<<epstein addendum 10 30.pdf>>

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Sent: Tuesday, October 30, 2007 4:54 PM
To: Sloman, Jeff (USAFLS)
Cc: Acosta, Alex (USAFLS)
Subject: Re: Epstein

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Also, we are beginning to think about what discovery we may need to take to verify any claims. I am assuming that your office does not want to be copied on any subpoenas or anything related to discovery. But please let me know if that is an incorrect assumption.

Thanks - Jay

----- Original Message -----

From: "Sloman, Jeff (USAFLS)" [Jeff.Sloman@usdoj.gov]
Sent: 10/30/2007 02:42 PM AST
To: Jay Lefkowitz

2659

08-80736-CV-MARRA

P-014259

EFTA00189174

Cc: "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>
Subject: Epstein

Jay,

Here is an executed version of the addendum. Please Fed Ex the original signature pages to me. Thanks,

Jeff

<<epstein addendum 10 30.pdf>>

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Tracking:

2660

08-80736-CV-MARRA

P-014260

EFTA00189175

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, October 30, 2007 4:18 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Letter to Jay

Marie,

I think you should emphasize that they should treat this as they would any similarly situated matter and not try to influence the outcome of the civil litigation. In other words, once the criminal investigation is over, their involvement should cease. I had a similar situation in private practice. I'll never forget trying to get information from the FBI agents concerning a convicted pedophile who had been hired to work at a school for autistic children. In representing some of the children, we thought the FBI would find a way to provide us with information we were looking for. The FBI refused to provide anything and claimed that their investigative work was privileged. I assume that the same would apply here. The victims' lawyer(s) will interview the girls and hopefully piece together the important aspects of each case. Any legal steps taken to compel testimony or evidence would be handled by FBI general counsel who will respond accordingly. Regarding Bert Ocariz, Lefkowitz stated that he seems like a solid lawyer but that since you were involved in his potential appearance in this matter they would probably object to his selection. Lefkowitz put an additional insidious spin on it that I can't quite remember. I hope that you understand that these ad hominem attacks against you do not diminish in our eyes what you and the agents have accomplished. Take care,

Jeff

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, October 30, 2007 3:51 PM
To: Sloman, Jeff (USAFLS)
Subject: Letter to Jay

Hi Jeff – You don't have to show me the letter to Jay before it goes out, I would just appreciate a copy for the file.

Thank you for the advice and the pep talk. The funny thing is that I had never met (and still haven't met) or spoken to Bert Ocariz before I asked him if he would be willing to take on this case. I just figured if Judge Jordan and E.J. trusted him completely, he would be willing to go to the mat for the victims. But as soon as you mentioned the appearance problem, I saw where the problem would arise and agreed that the Special Master would be a safer route. I just worry that the defense's attacks on me could harm the victims.

I am going to set up the meeting with the FBI agents for later this week. Other than the general discussion about staying out of the civil litigation, is there anything in particular that you want me to tell them?

Thanks.

A. Marie Villafana
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

2664

08-80736-CV-MARRA

P-014261

EFTA00189176

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, October 30, 2007 3:51 PM
To: Sloman, Jeff (USAFLS)
Subject: Letter to Jay

Hi Jeff – You don't have to show me the letter to Jay before it goes out, I would just appreciate a copy for the file.

Thank you for the advice and the pep talk. The funny thing is that I had never met (and still haven't met) or spoken to Bert Ocariz before I asked him if he would be willing to take on this case. I just figured if Judge Jordan and E.J. trusted him completely, he would be willing to go to the mat for the victims. But as soon as you mentioned the appearance problem, I saw where the problem would arise and agreed that the Special Master would be a safer route. I just worry that the defense's attacks on me could harm the victims.

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Thanks.

A. Marie Villafaña
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500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

Tracking:

2666

08-80736-CV-MARRA

P-014262

EFTA00189177

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, October 30, 2007 1:48 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Addendum

Hi Jeff -- I would feel more comfortable if you signed it, if that is alright. And I look forward to Alex's letter. I haven't heard from Judge [REDACTED] I was hoping to call him tomorrow to ask if he has made a selection yet. The FBI is all over me for a name.

Thanks.

A. Marie Villafaña
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

-----Original Message-----

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, October 30, 2007 9:56 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Addendum

Marie,

Do you want me to sign for you or do you want to sign? Regarding your concerns about Jay's letter, we voiced those concerns with Jay. Alex is planning on responding to Jay's letter.

Jeff

-----Original Message-----

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Monday, October 29, 2007 4:32 PM
To: Sloman, Jeff (USAFLS)
Subject: Addendum

Jeff - pls send me a fully executed copy when you have a chance.

Thanks,

Jay

----- Original Message -----

From: Jay Lefkowitz
Sent: 10/29/2007 04:24 PM EDT
To: Jay Lefkowitz
Subject: Addendum

(See attached file: Addendum.pdf)

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Tracking:

2670

08-80736-CV-MARRA

P-014264

EFTA00189179

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, October 30, 2007 9:56 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Addendum
Attachments: Addendum.pdf

Marie,

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Jeff

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Sent: Monday, October 29, 2007 4:32 PM
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Sent: 10/29/2007 04:24 PM EDT
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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, October 29, 2007 9:38 AM
To: Sloman, Jeff (USAFLS)
Subject: Letter to Jay Lefkowitz

Hi Jeff – I am hoping that you haven't sent off your letter to Jay yet. Two of the things in Jay's letter that troubled me were: (1) the mentions of the possibility that Epstein may get a lesser sentence and (2) the limitations on our ability to speak with the State Attorney's Office and others. The terms of the agreement specify that Epstein shall make a binding recommendation of a 30 month sentence to be served with 18 months' imprisonment followed by 12 months' home confinement. I had included a term that Epstein would actually serve at least 80% of his term of incarceration. The defense objected to that term, and we negotiated the language in paragraphs 3 and 5 that limit the agreement if the judge rejects the binding recommendation – in other words, if E got a higher sentence he could appeal and if he got a lesser sentence, our obligations would cease. The agreement also requires Epstein to use his best efforts to achieve the goals of the agreement. One of those (the plea and sentencing date) already has been moved. We need to be able to communicate with the State Attorney's Office and others (including, possibly, any attorney for the victims) to insure that Epstein is abiding by the terms of the agreement.

Can you include these thoughts in your letter to Jay?

Thank you much!

A. Marie Villafana
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

Tracking:

2674

08-80736-CV-MARRA

P-014266

EFTA00189181

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, October 24, 2007 4:57 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Epstein - Addendum and Letter to Judge [REDACTED]

Thank you. Sorry to be a bother.

From: Sloman, Jeff (USAFLS)
Sent: Wed 10/24/2007 3:59 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein - Addendum and Letter to Judge [REDACTED]

I'll communicate them to Judge [REDACTED]. Don't worry.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, October 24, 2007 3:58 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Epstein - Addendum and Letter to Judge [REDACTED]

Hi Jeff -- Why are the criteria gone? Will we be allowed to communicate those criteria directly to Judge [REDACTED]? I don't want him to pick a sole practitioner who doesn't have the means or capacity to handle possibly contested litigation.

From: Sloman, Jeff (USAFLS)
Sent: Wed 10/24/2007 3:45 PM
To: Jay Lefkowitz
Cc: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Subject: Epstein - Addendum and Letter to Judge [REDACTED]

<<Addendum.wpd>> <<071015 Special Master Letter4.wpd>>

Jay,

Pursuant to our conversation, here is the revised letter and a new addendum. The only change to the addendum is that I renumbered the new paragraphs from A,B, and C to 7A, 7B, and 7C. Once you approve, I will contact Judge [REDACTED] and send him the letter. Please execute the addendum, PDF the executed original to me as soon as possible and Fed Ex the original to me thereafter.

Jeff

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Wednesday, October 24, 2007 4:00 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein - Addendum and Letter to Judge Davis

I'll communicate them to Judge [REDACTED]. Don't worry.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, October 24, 2007 3:58 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Epstein - Addendum and Letter to Judge [REDACTED]

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To: Jay Lefkowitz
Cc: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Subject: Epstein - Addendum and Letter to Judge [REDACTED]

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Subject: RE: Epstein - Addendum and Letter to Judge [REDACTED]

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Jeff

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, October 24, 2007 12:23 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Subject: RE: This has to stop.

Alex and Jeff --

I am free this afternoon at 5:00. Tomorrow I will be driving back to Florida, so I am free any time after 1:00, but I don't know how good the cellular reception will be. I can't believe that they have managed to drag this out for almost four weeks.

Thanks.

From: Acosta, Alex (USAFLS)
Sent: Tue 10/23/2007 9:40 PM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Subject: This has to stop.

Just read the letter.

1. We specifically refused to include the provision saying that we would not communicate. If I recall the conference call, we told him we could not agree to a gag order using those words.

2. The purpose of the agreement was not an out of court settlement.

Seems that they can't take no. Let's talk re how to proceed. I'm not sure we will ever agree on a letter at this point.

Sent from my BlackBerry Wireless Handheld

Villafana, Ann Marie C. (USAFLS)

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Sent: Tuesday, October 23, 2007 9:40 PM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Subject: This has to stop.

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Sent from my BlackBerry Wireless Handheld

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, October 23, 2007 5:58 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Letter from Jay Lefkowitz

Welcome to my world. I love the way that they want to interpret this agreement. First, during the negotiations, I repeatedly told Jay that we could not bind the girls to Epstein's desired out-of-court settlement strategy and, therefore, the agreement could not try to bind them in that way.

The \$50,000/\$150,000 thing is a complete red herring, and Jay keeps calling it a "limit," when it is actually a floor, not a ceiling.

It also looks like they are planning to ask for and receive a sentence far lower than the one we agreed to. Has anyone talked to Barry about this? Maybe this is the real reason for the delay in entering the guilty plea? We also have to contact the victims to tell me about the outcome of the case and to advise them that an attorney will be contacting them regarding possible claims against Mr. Epstein. If we don't do that, it may be a violation of the Florida Bar Rules for the selected attorney to "cold call" the girls.

Their complaint about the 24-year-old concerns me only because their continued dragging out of this matter is possibly going to foreclose other girls. The language of the agreement with Epstein and the letter to Judge [REDACTED] both refer to persons we have identified as victims as defined in 2255, it says nothing about whether the girls' claims are necessarily valid. I have no idea whether the girl who currently is 24 either wants to sue Epstein or has any viable state or other federal claims -- that is why we are TRYING to get them a lawyer. And they have always known that most of the girls are now over the age of 18 -- goodness -- the time period of the violations was from 2001 to 2005 and it is now the end of 2007!

Why don't we agree to mutual rescission and indict him?

From: Sloman, Jeff (USAFLS)
Sent: Tue 10/23/2007 5:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Letter from Jay Lefkowitz

Wait to you see this one.

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Tuesday, October 23, 2007 4:57 PM
To: Acosta, Alex (USAFLS)
Cc: Sloman, Jeff (USAFLS)
Subject: Letter from Jay Lefkowitz

Dear Alex and Jeff,

Here is my response to Jeff's email from late yesterday.

Please let me know if you want to speak later this evening. I am also available any time tomorrow.

2687

08-80736-CV-MARRA

P-014272

EFTA00189187

Thanks -- Jay

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Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, October 23, 2007 5:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Letter from Jay Lefkowitz
Attachments: 10-23-07 Letter from JPL to RAA.pdf

Wait to you see this one.

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, October 22, 2007 8:44 PM
To: Sloman, Jeff (USAFLS)
Subject: Epstein

Hi Jeff – The number of girls that you should put in the letter is 34. That includes a couple of girls who FBI has not been able to locate (both are married and the FBI thinks they are living on military bases, but it hasn't been confirmed), but there are telephone records establishing how old they were and how often they went and statements from other girls who either recruited them or were recruited by them to go to Epstein's house. There also is one girl for whom there is similar evidence. She has been located by does not want to speak to the FBI because she has an active warrant on a shoplifting charge.

One of the 34 is a girl who told the Palm Beach Police Department that she was over 18 at the time she went to Epstein's house, but the phone records show that she was 17 at the time.

Also, so you know, when I told Bert Ocariz that the Office had decided to use a Special Master to make the selection, he asked who it was and I told him it was Judge [REDACTED] I do not know if he has contacted Judge [REDACTED] or not.

Thank you for all your work on this and on the other matter. Have a good night.

A. Marie Villafana
Assistant U.S. Attorney
561 209-1047
Fax 561 820-8777