

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-80736-CIV-MARRA

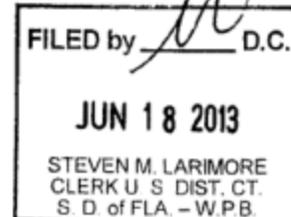
JANE DOE #1 and JANE DOE #2,

petitioners,

vs.

UNITED STATES OF AMERICA,

respondent.



OMNIBUS ORDER

THIS CAUSE is before the court on various motions.

Upon consideration, it is **ORDERED AND ADJUDGED**:

1. The petitioners' protective motion seeking recognition of the availability of various remedies attaching to the CVRA violations alleged in this proceeding [DE 128] is **DENIED WITHOUT PREJUDICE** to renew the request for any particular form of relief or remedy in connection with the court's final disposition of petitioners' CVRA petition on the merits.

2. The intervenors' motion to strike the petitioners' supplemental authority regarding privilege claims [DE 177] is **DENIED AS MOOT**.

3. The petitioners' sealed motion for the court to deny the government's motion to dismiss based on existing pleadings, or alternatively, for leave to file a sur-reply [DE 152] is **DENIED AS MOOT**.

3. The petitioners' motion to compel discovery from the government [DE 130] is **GRANTED**. Within **THIRTY (30) DAYS** from the date of entry of this order, the government shall:

a. File answers to all outstanding requests for admissions in the open court file;

b. Produce responsive documents in response to all outstanding requests for production of documents encompassing any documentary material exchanged by or between the federal government and persons or entities outside the federal government (including without limitation all correspondence generated by or between the federal government and Epstein's attorneys), and

c. Produce all other responsive documents in response to all outstanding requests for production of documents. To the extent any claim of privilege is asserted in connection with the production of any documents falling within this broader category of materials *only* (i.e. materials other than communications generated between the federal government and outside persons or entities), the government shall further:

(i) contemporaneously file and serve, in the public portion of the court file, a privilege log clearly identifying each documents by author(s), addressee(s), recipient(s), date, and general subject matter and such other identifying data as required under Fed. R. Civ. P. 26.1 (g), and

(ii) contemporaneously submit all responsive documents withheld on claim of privilege to the court for *in camera* inspection by submitting the same for filing with the court under seal.

As to any documents falling into this broader category of materials (identified in ¶3.c.), and as to which the government has asserted claim of privilege with accompanying privilege log, petitioners shall have **THIRTY (30) DAYS** after service of the privilege log within which to file motion to compel contesting any asserted privilege claim, limited to **SEVEN (7) PAGES** in length,

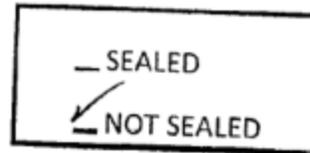
and the government shall thereafter have **FIFTEEN (15) DAYS** after service of the petitioners's motion motion to file its response, if any, limited to **SEVEN (7) PAGES** in length. No further submissions on asserted privilege claims shall be entertained without the express invitation of the court.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this 18th day of June, 2013.



Kenneth A. Marra
United States District Judge

cc. All counsel



2 Appendices
Rec'd

May 11

To be Argued By:
JAY P. LEFKOWITZ

New York County Clerk's Index No. 30129/2010

c
New York Supreme Court
APPELLATE DIVISION—FIRST DEPARTMENT

PEOPLE OF THE STATE OF NEW YORK,

Respondent,

—against—

JEFFREY E. EPSTEIN,

Defendant-Appellant.

BRIEF FOR DEFENDANT-APPELLANT

JAY P. LEFKOWITZ
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REPRODUCED ON RECYCLED PAPER

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APPENDIX

PEOPLE OF THE STATE OF NEW YORK,
—against—
JEFFREY E. EPSTEIN,
Defendant-Appellant.
Respondent.

New York Supreme Court
APPELLATE DIVISION—FIRST DEPARTMENT

To: BigJimLaw@aol.com[BigJimLaw@aol.com];
Subject: RE: [REDACTED]
Sent: Tue 10/24/2006 5:51:08 PM
From: Villafana, Ann Marie C. (USAFLS)

Hi Jim -- Thank you for the e-mail, and I will even forgive the football reference. I was just set for trial, so the earliest I will be able to reschedule the testimony will be after Thanksgiving. I will give you a call to discuss the immunity issue but I am concerned about other things we have talked about -- if Ms. [REDACTED] is given immunity, will she be forthcoming and answer the questions? Or am I going to jump through hoops to get her immunity and then have to worry about filing motions to compel, motions for orders to show cause why she shouldn't be held in contempt, etc., etc.?

As always, thank you for your assistance.

Regards,
Marie

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047
Fax 561 820-8777
ann.marie.c.villafana@usdoj.gov

need to redact portions - internal email/ books

From: BigJimLaw@aol.com [mailto:BigJimLaw@aol.com]
Sent: Tuesday, October 24, 2006 12:00 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: [REDACTED]

Sorry I did not get back to you sooner. I have been out of town for several weeks. As to Miss [REDACTED], she still does not wish to testify in this case and has a Fifth Amendment basis for her position. She wishes not to accept the "proffer letter" cover of immunity, which again is her right. I think it is a waste of time to have her appear Friday to just take the Fifth. I suggest that you huddle with your people. (It is football season). If you want to push the issue you will have to get formal immunity. I will accept service now and in the future for you so you don't have to chase [REDACTED] down. Jim Eisenberg

To: Villafana, Ann Marie C. (USAFLS)[/O=USA/OU=FLS/CN=RECIPIENTS/CN=AVILLAFANA];
Subject: Re: [REDACTED]
Sent: Fri 2/2/2007 2:36:10 PM
From: BigJimLaw@aol.com

I just wrote you a letter confirming that Ms. [REDACTED] will be at the grand jury room with me. Please keep me informed as to the time. I must warn you, my letter is critical of your office, although not at all critical of you. If you change your mind about forcing Ms. [REDACTED] to appear, please e-mail or call at once so she does not have to make arrangements for child care to be in court. Thanks, Jim Eisenberg

Villafana, Ann Marie C. (USAFLS)

From: Lourie, Andrew (USAFLS)
Sent: Tuesday, May 22, 2007 3:11 PM
To: Menchel, Matthew (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Jeffrey Epstein
Attachments: 2007-05-22 letter to AUSA Lourie.pdf

Gentlemen,

Marie and I have already met with Lefcourt, which is really the meeting I promised him. I spoke to him last week and he said he had more information they wanted to present. I told him he could make an appointment to come in again if he wanted to and that we would meet with him again, but I did not promise that we would wait to give him a meeting "before" we charged.

So, I think he is really ready for the next level rather than a second meeting with me. Mike Tein also mentioned to me at some point that they wanted to make a presentation on the law and I suggested to him that he contact Matt without telling him exactly what stage of review we were at. I don't know if Tein and Lefcourt have crossed wires or not.

In any event, I am forwarding this letter to you. I am going to suggest to Lefcourt the same thing that I suggested to Tein. I assume you would grant his attorneys a chance to make whatever presentation they desire. It would probably be helpful to us in any event to hear their legal arguments in case we have missed something. Whether Alex would be present or grant them another meeting after that is his call.

Andy

From: Gerald Lefcourt [mailto:GBL@lefcourtlaw.com]
Sent: Tuesday, May 22, 2007 2:05 PM
To: Lourie, Andrew (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Lilly Ann Sanchez
Subject: Jeffrey Epstein

Andy, attached is a letter seeking meetings, as discussed with you, but with others if it is not resolved. Thanks for your attention. Could you email back so that I know you have received this letter?

Gerald B. Lefcourt
Gerald B. Lefcourt, P.C.
148 E. 78th Street
New York, New York 10021
Tel. [REDACTED]
Fax [REDACTED]
gbl@lefcourtlaw.com

Villafana, Ann Marie C. (USAFLS)

From: Menchel, Matthew (USAFLS)
Sent: Monday, May 14, 2007 10:52 AM
To: Villafana, Ann Marie C. (USAFLS); Lourie, Andrew (USAFLS)
Subject: Re: Operation Leap Year

Marie,

You will not have approval to go forward tomorrow with an indictment or to proceed by complaint. Alex has your memo and lefcourt's letter but he is out of the district at the US Attorney's conference for the next several days.

I'm having trouble understanding - given how long this case has been pending - what the rush is. This is obviously a very significant case and alex wants to take his time making sure he is comfortable before proceeding.

Sent from my BlackBerry Wireless Handheld

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

From: Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>
To: Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>; Menchel, Matthew (USAFLS) <MMenchel@usa.doj.gov>
Sent: Mon May 14 10:38:15 2007
Subject: Operation Leap Year

Good morning: I just received a call that Epstein's plane is flying from the Virgin Islands to Newark now, so it looks like Epstein is going to show up for his court appearance tomorrow. Can you let me know if the indictment is going tomorrow or, if not, whether we are authorized to proceed by Complaint?

Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Lourie, Andrew (USAFLS)
Sent: Thursday, May 24, 2007 9:25 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Jeffrey Epstein

Please put in your file. thx

From: Gerald Lefcourt [mailto:GBL@lefcourtlaw.com]
Sent: Wednesday, May 23, 2007 5:00 PM
To: Lourie, Andrew (USAFLS)
Subject: RE: Jeffrey Epstein

Thanks for the email. I will get back to you as to timing of the meeting.

Gerald B. Lefcourt
Gerald B. Lefcourt, P.C.
148 E. 78th Street
New York, New York 10021
Tel. [REDACTED]
Fax [REDACTED]
gb@lefcourtlaw.com

From: Lourie, Andrew (USAFLS) [mailto:Andrew.Lourie@usdoj.gov]
Sent: Tuesday, May 22, 2007 6:32 PM
To: Gerald Lefcourt
Subject: RE: Jeffrey Epstein

I have your letter. I think we are on the same page, but to be sure I do want to clarify that we spoke the other week and I did say that if you want to meet with me again, I am ready to do so. The wording of your letter, however, suggests implicitly that I agreed to contact you before a decision is made to seek an indictment of Mr. Epstein. If that was your understanding, then please allow me to clarify. Our investigation is ongoing and if we decide to seek an indictment, we don't intend to call Mr. Epstein's representatives to let him know that. Of course, in the interim, if you would like to make a presentation to us, we are willing to listen.

Along those lines, given the fact that we have already met once, with schedules being what they are, it makes sense for our criminal chief, Matt Menchel, to be included when you make another presentation, rather than working up the chain incrementally. I realize you were being respectful in not attempting to leapfrog over me, which I appreciate. I will pass on your request to meet with the U.S. Attorney as well, but can't commit for him one way or another. When you have some dates in mind, let me know and I will try to set up a meeting in Miami.

From: Gerald Lefcourt [mailto:GBL@lefcourtlaw.com]
Sent: Tuesday, May 22, 2007 2:05 PM
To: Lourie, Andrew (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Lilly Ann Sanchez
Subject: Jeffrey Epstein

Andy, attached is a letter seeking meetings, as discussed with you, but with others if it is not resolved. Thanks for your attention. Could you email back so that I know you have received this letter?

Gerald B. Lefcourt
Gerald B. Lefcourt, P.C.
148 E. 78th Street
New York, New York 10021
Tel. [REDACTED]
Fax [REDACTED]
gbl@lefcourtlaw.com

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 18, 2007 5:04 PM
To: Menchel, Matthew (USAFLS); Sloman, Jeff (USAFLS); Lourie, Andrew (USAFLS); Atkinson, Karen (USAFLS)
Subject: Epstein

I just received a call from the FBI telling me that Vanity Fair is sniffing around again. The reporter is a former detective. He told the FBI agent that his sources tell him "the State has been bought off," and asked if our investigation had been sent to "the circular file." Nesbitt responded, "All I can tell you is that we have an open investigation."

On another note, I am going to see the grand jury tomorrow and I anticipate a number of questions regarding the status of the indictment. I'm not sure what, if anything, I can tell them.

And I did not hear back regarding making changes to the indictment. Can I get some feedback on that?

Thank you.

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:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, June 21, 2007 3:24 PM
To: Menchel, Matthew (USAFLS)
Subject: RE: Meeting Next Week

Sounds good. I will stop by on Monday afternoon. Could you just let you assistant know that I may be stopping by to get a copy of whatever the defense sends over?

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

From: Menchel, Matthew (USAFLS)
Sent: Thursday, June 21, 2007 2:58 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Lourie, Andrew (USAFLS)
Subject: RE: Meeting Next Week

Meeting on Monday is fine. I have meetings with Alex and Jeff till around 11 but after that I'm free. As for who is going to be at the meeting from our side, I thought you, me, Andy, and Jeff. I thought it best to leave Alex out of it at this venture. As for the Epstein camp, I'm not entirely sure because I don't think Lily was sure last time we spoke. Probably her, Lefcourt, Black and maybe Lewis.

Lily told me that they wanted to present something in writing before the meeting which was why she was pushing us for the statutes. I view the meeting more as us listening and them presenting their position so I would say that you don't need to prepare anything (you are quite knowledgeable on the law in any event) but if you disagree we can discuss on Monday. As for the documents that they have yet to produce, I'll mention it to Lily if you like or we can raise it with them at the Tuesday meeting.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, June 21, 2007 1:37 PM
To: Menchel, Matthew (USAFLS)
Cc: Atkinson, Karen (USAFLS); McMillan, John (USAFLS); Lourie, Andrew (USAFLS); Sloman, Jeff (USAFLS)
Subject: Meeting Next Week
Importance: High

Hi Matt: I would like to prepare for next week's meeting, and I am wondering if you can tell me who will attend, both from our side and for Mr. Epstein. I am hoping that we can meet on Monday to discuss any issues and/or strategy before the meeting on Tuesday, so please let me know when you will be available on Monday.

Also, if there are any issues that you would like me to be prepared to address – either with you on Monday or with defense counsel on Tuesday – please give me a list and I will bring the appropriate items with me.

Since Lilly has been communicating with you directly about the meeting, and I have given them the list of statutes that they have requested, perhaps you could ask her to reciprocate by providing us with their written analysis (or documents they want us to consider) prior to the meeting so we can address any issues then and there. Also, during a previous meeting, I asked Lilly and Gerry for copies of Epstein (or his assistants') agendas and calendars to show that, as they claim, Epstein's travels to Florida were consciously coordinated so that he could maintain his Florida residency for tax purposes. Lilly said she would try to get them to us, but has never done so. I have subpoenaed all of the corporate entities with which Epstein is affiliated and they all claim that they do not have any responsive documents.

I will plan to be in Miami by around 10:00 on Monday morning, so any time after that is fine.

Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 03, 2007 6:26 AM
To: Sloman, Jeff (USAFLS); Menchel, Matthew (USAFLS); Lourie, Andrew (USAFLS)
Cc: Atkinson, Karen (USAFLS); Ball, Shawn (USAFLS)
Subject: Epstein

Importance: High

I have received a couple of calls and an e-mail from Lilly Ann Sanchez asking for an extension of time to respond to several subpoena. She also states that they intend to provide us with a "supplement" to their presentation and what they believe will be their resolution with the state. I intend to send a response stating that the subpoenas for financial documents can be put off, but we want to get the computer equipment that was removed from Epstein's home prior to the state search warrant as soon as possible. I also intend to invite her to call me to discuss a resolution of the federal investigation that could include concurrent time.

If anyone has communicated anything to any of Epstein's attorneys that is contrary to this, please contact my assistant, Shawn Ball, as soon as possible. I have asked Shawn to send out the e-mail while I am in trial. You will all receive a copy of the e-mail when it is sent.

Thank you.

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

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 13, 2007 3:14 PM
To: Menchel, Matthew (USAFLS)
Subject: RE: Epstein

Hi Matt -- My trial is over, so I now have to time to focus back on this case and our e-mail exchange. There are several points in your e-mail that I would like to address, and I also would like to address where we are in the case.

First, I wanted to address the comment about jumping the chain of command. After that concern was brought to my attention several months ago, I have tried very hard to be cognizant of the chain of command, and, as was evident at the meeting with Epstein's attorneys, Andy and I have discussed the case extensively. My original e-mail asking for everyone's input was addressed to Andy, you, and Jeff, and Karen Atkinson was cc'd. (Karen and I also have discussed the case in great detail.) The response to your e-mail was addressed only to you because I thought you would want to discuss privately our disagreement. It was addressed to Jeff as well because you said that you had Jeff's Blackberry and it was a holiday when you would be out of the office. If there is a particular instance of violating the chain of command that you would like to discuss, I would be happy to discuss it with you.

Second, the reason why I sent the original e-mail to everyone was to see if anyone had any objections to the proposed language. I waited several days to send out the e-mail to Lilly to get everyone's response. In your response, you did not raise any concerns, nor did anyone else. Given your indication that the U.S. Attorney would be satisfied with an agreement involving no federal prosecution, I certainly didn't think that an agreement involving some federal component would be objectionable. Andy, Jeff, you, and I all have discussed the greater flexibility of a pre-indictment plea.

The statement that I have not respected Alex's position regarding the prosecution of the case demonstrates why you hear the frustration in the tone of my e-mail. For two and a half months I have been asking about what that position is. I have asked for direction on whether to revise the indictment, whether there are other issues that Alex wants addressed prior to deciding, whether there is additional investigation that needs to be done, etc. None of that direction has been forthcoming, so I am left with a grand jury, victims, and agents all demanding to know why we aren't presenting an indictment. Perhaps that lack of direction is through no fault of yours, but I have been dealing with a black box, so I do not know to whom I should address my frustration. My recollection of the original meeting with Alex and Jeff is quite different than your summary. In that meeting, I summarized the case and the State Attorney's Office's handling of it. I acknowledged that we needed to do work to collect the evidence establishing a federal nexus, and I noted the time and money that would be required for an investigation. I said that I was willing to invest that time and the FBI was willing to invest the money, but I didn't want to get to the end and then have the Office be intimidated by the high-powered lawyers. I was assured that that

would not happen. Now I feel like there is a glass ceiling that prevents me from moving forward while evidence suggests that Epstein is continuing to engage in this criminal behavior. Additionally, the FBI has identified two more victims. If the case is not going to go forward, I think it is unfair to give hope to more girls.

As far as promising the FBI that an indictment was a foregone conclusion, I don't know of any cases in the Office where an investigation has been opened with the plan NOT to indict. And I have never presented an indictment package that has resulted in a declination. I didn't treat this case any differently. I worked with the agents to gather the evidence, and I prepared an indictment package that I believe establishes probable cause that a series of crimes have been committed. More importantly, I believe there is proof beyond a reasonable doubt of Epstein's criminal culpability.

Lastly, I was not trying to "dictate" a meeting with the U.S. Attorney or anyone else. I stated that I "would like" to schedule a meeting, asking to have the same courtesy that was extended to the defense attorneys extended to the FBI and an Assistant in the Office. With respect to your questions regarding my judgment, I will simply say that disagreements about strategy and raising concerns about the forgotten voices of the victims in this case should not be classified as a lapse in judgment. This Office should seek to foster spirited debate about the law and the use of prosecutorial discretion, and I think that those debates do occur with other AUSAs. I know of past instances where disagreements about the application of the law to different defendants and defense attorneys has resulted in a call for the resignation of the AUSA who dared to challenge the Executive Office's conclusions. I found that very disheartening and hoped that this Administration would be different. However, my first and only concern in this case (and my other child exploitation cases) is the victims. If our personality differences threaten their access to justice, then please put someone on the case whom you trust more, and who will also protect their rights.

In the meantime, I will be meeting with the agents on Monday to begin preparing a revised indictment package containing your suggestions on the indictment and responding to the issues raised by Epstein's attorneys. Andy and I have discussed the most recent letter and noted the disingenuousness of their arguments. For example, they would like to use a linguist to establish the plain meaning of "using" in connection with "knowingly persuading," but they want us to disregard the plain meaning of "mail or any facility or means of interstate or foreign commerce" and instead treat that language as though it says only "the internet." They have simply ignored binding precedent from the Eleventh Circuit and the Supreme Court in making their arguments about the Commerce Clause and the interpretation of 2242(b). If there are any specific issues that you or the U.S. Attorney would like to see addressed, please let me know.

Again, this e-mail has been addressed only to you, but if you would like to share it with anyone else in Miami or here, please feel free.

I hope that you have a nice weekend.

Marie

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: Menchel, Matthew (USAFLS)
Sent: Thursday, July 05, 2007 3:30 PM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Cc: Lourie, Andrew (USAFLS)
Subject: RE: Epstein

Marie,

Both the tone and substance of your email are totally inappropriate and, in combination with other matters in the past, it seriously calls your judgment into question.

As you well know, the US Attorney has not even decided whether to go forward with a prosecution in this matter, thus you should have respected his position before engaging in plea negotiations.

Along that same line, despite whatever contrary representations you made to the agents in this matter, it was made clear to you by the US Attorney and the First Assistant from the time when you were first authorized to investigate Mr. Epstein that the office had concerns about taking this case because of petit policy and a number of legal issues. Despite being told these things, you prepared a pro memo and indictment that included a definitive date for indictment. It has come to my attention that you led the agents to believe that the indictment of this matter was a foregone conclusion and that our decision to put off that date and listen to the defense attorneys' concerns is indicative of the office having second thoughts about indicting. As you well knew, you were never given authorization by anyone to seek an indictment in this case.

Lily Sanchez called me before, not after, the June 26th meeting. It was an informal discussion and not in the nature of an official plea offer but rather a feeling out by both sides as to what it might take to resolve the matter. As you are also well aware, the only reason why this office even agreed to look into the Epstein matter in the first instance was because of concerns that the State had not done an adequate job in vindicating the victims' rights. As you and the agents conceded, had Epstein been convicted of a felony that resulted in a jail sentence and sex offender status, neither the FBI nor our office ever would have interceded. You should also know that my discussion with Lily Sanchez was made

with the US Attorney's full knowledge. Had Lily Sanchez expressed interest in pursuing this avenue further, I certainly would have raised it with all the interested individuals in this case, including you and the agents. In any event, I fail to see how a discussion that went nowhere has hurt our bargaining position. I am also quite confident that no one on the defense team believes that the federal investigation in this matter has been for show.

Nor are your arguments that I have violated the Ashcroft memo, the USAM or any other policy well taken. As Chief of the Criminal Division, I am the person designated by the US Attorney to exercise appropriate discretion in deciding whether certain pleas are appropriate and consistent with the Ashcroft memo and the USAM -- not you.

As for your statement that my concerns about this case hurting Project Safe Childhood are unfounded, I made it clear to you that those concerns were voiced by the US Attorney. Whether or not you are correct, matters of policy are always within his purview and any decisions in that area ultimately rest with him.

Finally, you may not dictate the dates and people you will meet with about this or any other case. If the US Attorney or the First Assistant desire to meet with you, they will let you know. Nor will I direct Epstein's lawyers to communicate only with you. If you want to work major cases in the district you must understand and accept the fact that there is a chain of command - something you disregard with great regularity.

Matt

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 04, 2007 5:16 PM
To: Sloman, Jeff (USAFLS); Menchel, Matthew (USAFLS)
Subject: FW: Epstein

Hi Matt -- I am in trial, so I just got your message.

First, it is inappropriate for you to enter into plea negotiations without consulting with me or the investigative agencies, and it is more inappropriate to make a plea offer that you know is completely unacceptable to the FBI, ICE, the victims, and me. These plea negotiations violate the Ashcroft memo, the U.S. Attorney's Manual, and all of the various iterations of the victims' rights legislation. Strategically, you have started the plea negotiations as though we are in a position of weakness, anxious to make the case go away, by telling the defense that we will demand no federal conviction. We left the meeting on June 26th in a stronger position than when we entered, and your statement that a state resolution would satisfy us takes away that advantage. If you make it seem like the U.S. Attorney doesn't have faith in our investigation, Epstein has no incentive to make a deal.

Second, your discussion makes it appear that my investigation is for "show" only and completely undermines my ability to deal with Epstein's attorneys directly. In my eight years of civil practice (before the six years that I have spent with this Office), I have litigated against attorneys far more formidable than Roy Black and Alan Dershowitz and have managed to convince the Eighth, Ninth, and Federal Circuits that my legislative interpretation was correct. Your concerns about this prosecution hurting the rest of the Project Safe Childhood Program are unfounded.

My trial should end early next week. I would like to make a presentation to the U.S. Attorney, Jeff, Andy, and you with our side of the investigation and a revised indictment. The presentation will address the points raised by Epstein's counsel and will convince you all of the strength of the case.

In the meantime, please direct all communications from Epstein's counsel to me.

A. Marie Villafañã
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, July 03, 2007 1:47 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Epstein

Marie, my blackberry is giving me trouble so i'm using jeff's. I told lily that a state plea with jail time and sex offender status may satisfy the usa. It was a non-starter for them Matt

Sent from my GoodLink synchronized handheld (www.good.com)

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Gerald Lefcourt [GBL@lefcourtlaw.com]
Sent: Wednesday, July 18, 2007 5:19 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Lilly Ann Sanchez; Roy BLACK
Subject: RE: Jeffrey Epstein
Attachments: 2007-07-18 Villafana re NES subpoena.pdf

Marie please consider this letter in response to the subpoena to NES.

Gerald B. Lefcourt
Gerald B. Lefcourt, P.C.
148 E. 78th Street
New York, New York 10021
Tel. [REDACTED]
Fax [REDACTED]
gbl@lefcourtlaw.com

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

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Wednesday, July 04, 2007 4:07 PM
To: Lilly Ann Sanchez
Cc: Gerald Lefcourt
Subject: RE: Jeffrey Epstein

Dear Lilly and Gerry: Thank you for your e-mail and your message. This e-mail was supposed to have gone out yesterday while I was in trial. I have no objection to the two-week extension with respect to NES, New York Strategy Group, and Epstein Virgin Islands Foundation.

With respect to the subpoena to the investigator, I would like to get the computer equipment as soon as possible. If you prefer to simply turn over the equipment without anyone appearing before the grand jury that is fine. If we proceed that way, we can defer litigating the issue of the applicability of the attorney-client and/or work product privilege to information related to how and why the equipment was removed. I will be in trial this week, so please contact Jason Richards at the FBI directly at 561 833-7517.

I look forward to your July 11th submission. If you would like to discuss the possibility of a federal resolution of Mr. Epstein's case that could run concurrently with any state resolution, please leave a message on my voicemail at the office (561 209-1047) and I will get back to you after trial has ended for the day.

Thank you.

A. Marie Villafaña
Assistant U.S. Attorney

561 209-1047

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

From: Lilly Ann Sanchez [mailto:LAS@FOWLER-WHITE.COM]
Sent: Friday, June 29, 2007 4:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Gerald Lefcourt
Subject: Jeffrey Epstein

Marie-

As i stated in my earlier voicemail today, we were calling to request a two-week extension on the return date of the following outstanding subpoenas:

1. NES
2. NY Strategy
3. Investigator Riley
4. Certification for St. Thomas entity

We will be providing an additional submission to the Office by July 11 and hope to be able to reach a state-based resolution shortly thereafter.

as your voicemail to me indicated, you would not oppose a one to two-week extension. accordingly, we would like to extend the return date two weeks-- to July 24.

regards

Lilly Ann Sanchez, Esq.
FOWLER WHITE BURNETT P.A.
Espirito Santo Plaza, 14th Floor
1395 Brickell Avenue
Miami, Florida 33131-3302
Telephone: (305) 789-9200
Direct Dial: (305) 789-9279
Facsimile: (305) 728-7579
lsanchez@fowler-white.com

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, September 06, 2007 9:29 AM
To: Sloman, Jeff (USAFLS)
Subject: RE: Meeting on Friday

Hi Jeff – The ASAIC will be there for the meeting. I think she also will be at the OLEOs.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, September 04, 2007 11:44 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Meeting on Friday

Let's get together at 1:30. FBI is welcome but let's try to limit it to one representative. Is that o.k.?

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, September 04, 2007 11:29 AM
To: Sloman, Jeff (USAFLS)
Subject: Meeting on Friday

Hi Jeff – I just left you a voicemail, so you can disregard that. We had a very good meeting with Drew on Friday. No one was sure whether you want an FBI presence at the meeting on Friday and Drew thought I should ask you. Could you let me know? And does the meeting with Epstein's team start at 2:00? Is there a plan for a pre-meeting meeting with our folks?

Thanks.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

Tracking:

3250

EFTA00191170

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, September 06, 2007 5:47 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Epstein

Hi Jeff – Funny you should ask. I have been wondering the same thing. Here is the term sheet and guidelines calculation that we provided at the last meeting. You and Matt and I had also discussed a possible federal plea to an Information charging a 371 conspiracy, with a Rule 11 plea with a two-year cap, but I think Matt must have asked Alex about it and it was nixed. Just to be prepared for tomorrow, I was just starting to draft a Rule 11 plea agreement in case Alex changes his mind and a formal non-prosecution agreement containing the state plea terms. As soon as those are ready, I will e-mail them to you.



Conf Plea
gotiations [REDACTED]

There are three concerns that I hope we can address tomorrow. First, that there is an absolute drop-dead date for accepting or rejecting because it is strategically important that we indict before the end of September, which means presenting the indictment on September 25th. Second, the agents and I have not reached out to the victims to get their approval, which as Drew politely reminded me, is required under the law. And third, I do not want to make any promises about allowing Epstein to self-surrender because I still believe that we have a good chance of getting him detained.

On another note, Junior got a call today from the Palm Beach Police Chief because he got information that there will be an article released tomorrow about our meeting and that Epstein is going to plead to a state charge and the Chief wanted to know if the victims had been consulted about the deal. There has been some coverage in the New York press about Ken Starr, but I haven't seen anything local yet.

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

From: Sloman, Jeff (USAFLS)
Sent: Thursday, September 06, 2007 5:35 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Epstein

Please refresh my recollection. What is the "deal" on the table?

Tracking:

3245

EFTA00191171

Recipient
Sloman, Jeff (USAFLS)

Read
Read: 9/6/2007 5:58 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, September 10, 2007 5:24 PM
To: Sloman, Jeff (USAFLS); Lourie, Andrew (USAFLS)
Subject: FBI

Jeff and Andy – The agents are asking whether Alex had a chance to talk to the SAIC. Do you know?

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

Tracking:

3231

EFTA00191173

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, September 13, 2007 8:10 PM
To: Oosterbaan, Andrew
Subject: RE: Epstein

Hi Drew – I tracked down the AUSA in Alaska and he is sending the trust agreement out to me. I will let you know how things go in the morning.

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

From: Oosterbaan, Andrew
Sent: Thursday, September 13, 2007 7:54 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein

Thanks for the information, Marie. I'll get the details on the Boehm arrangements from the prosecutors and get back to you tomorrow. I believe the girls agreed to the arrangement, but I'll confirm that. I should have the indictment reviewed by then as well.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Thursday, September 13, 2007 7:37 PM
To: Oosterbaan, Andrew
Subject: Epstein

Hi Drew – Sorry to bother you, but the plea negotiations are getting fast and furious. Epstein's lawyers are fixated on this idea of a "victim's fund" rather than having the girls file separate 2255 actions. I know that the reason they want to do it is not out of the goodness of their hearts but to keep this stuff out of the public Court files, but in some ways it will help the girls, too. Do you know anything about how the fund in Alaska was worked out? Did all the victims consent or did the Court just do it?

Thank you for your help. I also turned in the indictment package to my immediate supervisor today, so I expect some edits back from her before it goes higher up the chain. If you had any thoughts, please let me know.

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, September 17, 2007 10:35 AM
To: Garcia, Rolando (USAFLS); Lourie, Andrew (USAFLS)
Subject: RE: Epstein

Hi Rolando – Here is the last e-mail that I sent to Jay last night. Jay talked with his client about it and reports that they are leaning towards options 1 or 4. They are going to try to make that decision today (there seems to be some dissension in the ranks because Jack Goldberger gave some incorrect information), and draft a proposed either Non-Prosecution Agreement or Plea Agreement. As you can see from my list below, there are a number of things in their last draft that were unacceptable. All of the loopholes that I sewed up they tried to open. So, Jay is supposed to be consulting with Roy Black regarding the correct state information and then will give me a call.

I agreed to ask the Judge to take the hearing off calendar tomorrow and to postpone the grand jury appearances that were scheduled from tomorrow, but I told him in no uncertain terms that I am indicting on the 25th so this needs to be resolved early this week. Andy and I talked about all of this as well. Long answer to a short question, sorry.

Hi Jay -- This can wait until after the show, but my voice is going so I thought I would type it up. I talked to Andy and he still doesn't like the factual basis. In his opinion, the plea should only address the crimes that we were addressing, and we were not investigating Mr. Epstein abusing his girlfriend.

So, these are the only options that he recommended:

1. We go back to the original agreement where Mr. Epstein pleads only to state charges and serves his time in the state, except that we can agree to only 18 months imprisonment.
2. Mr. Epstein pleads guilty to the state charges and also pleads to either two obstruction counts or to one count of violating 47 USC 223(a)(1)(B), with a joint non-binding recommendation of 18 months, so that Mr. Epstein can serve his time federally.
3. (My suggestion only, not Andy's): I go back to the U.S. Attorney and ask him to agree to an ABA-plea to a 371 count (conspiracy to violate 2422(b)) with a binding 20-month recommendation so that Mr. Epstein can serve all of his time in a federal facility.

Or 4. Mr. Epstein pleads to one obstruction count, and serves part of his time federally and part state.

On your other proposed changes, some are fine and some are problematic.

Re your paragraph 2: As to timing, it is my understanding that Mr. Epstein needs to be sentenced in the state after he is sentenced in the federal case, but not that he needs to plead guilty and be sentenced after serving his federal time. Andy 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. My understanding is that Mr. Epstein should sign a state plea agreement, plead guilty to the federal offenses, plead guilty to the state offenses, be sentenced on the federal offenses, and then be sentenced on the state offenses, and then start serving the federal sentence.

Re your paragraph 3: As to the reservation of Mr. Epstein's right to withdraw his state plea or to appeal his state plea or sentence, that is fine, but we need the caveat that, if he were to do so, the United States could proceed on our charges.

Re your paragraph 6: With respect to the waiver of the right to appeal the federal sentence, given the way we have drafted the information, it is possible that getting to the 18 month sentence will require an upward departure. The version of the agreement that you were working from is a federal non-

prosecution agreement, the ones I have sent you recently are plea agreements that get filed with the court. Please see if the appeal waiver language in those versions is alright.

Re your paragraph 7: As I mentioned, we will not waive the presentence investigation. I know that this will delay Mr. Epstein's sentencing by 70 days, but that will allow him to get all of his affairs in order. As to bail, it will be set at the time of arraignment, and we can work out a joint recommendation regarding the amount and its limitations. I have no objection to making a joint recommendation that Mr. Epstein remain out on bond pending his sentencing, but I'm not sure that it belongs in a plea agreement, especially since I can't bind the court on that issue. However, I can assure you, and we can put it on the record during the plea colloquy, that I will join in your recommendation that he remain out on bond pending sentencing. The same goes for the prison camp issue. As I mentioned, I have opposed a designation only once in a very particular case. I can assure you, and we can put it on the record at the plea colloquy that I will not oppose your recommendation for Mr. Epstein's designation.

Re your paragraph 8: As I mentioned over the telephone, I cannot bind the girls to the Trust Agreement, and I don't think it is appropriate that a state court would administer a trust that seeks to pay for federal civil claims. We both want to avoid unscrupulous attorneys and/or litigants from coming forward, and I know that your client wants to keep these matters outside of public court filings, but I just don't have the power to do what you ask. Here is my recommendation. During the period between Mr. Epstein's plea and sentencing, I make a motion for appointment of the Guardian Ad Litem. The three of us sit down and discuss things, and I will facilitate as much as I can getting the girls' approval of this procedure because, as I mentioned, I think it is probably in their best interests. In terms of plea agreement language, let me suggest the following:

The United States agrees to make a motion seeking the appointment of a Guardian ad Litem to represent the identified victims. Following the appointment of such Guardian, the parties agree to work together in good faith to develop a Trust Agreement, subject to the Court's approval, that would provide for any damages owed to the identified victims pursuant to 18 U.S.C. Section 2255. Then include the last two sentences of your paragraph 8.

Re the two paragraphs following your paragraph 8: 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 and we make it a policy not to try to, however, I can tell you that, as far as I know, there is no plan to try to proceed on any immigration charges against either Ms. Ross or Ms. Marcinkova.

Also, on the grand jury subpoenas, I can prepare letters withdrawing them as of the signing of the plea agreement, but I would prefer to take out that language. In my eyes, once we have a plea agreement, the grand jury's investigation has ended and there can be no more use of the grand jury's subpoena power.

I had hoped that we were far closer to resolving this than it appears that we are. Can I suggest that tomorrow we either meet live or via teleconference, either with your client or having him within a quick phone call, to hash out these items? I was hoping to work only a half day tomorrow to save my voice for Tuesday's hearing and grand jury, if necessary, but maybe we can set a time to meet. If you want to meet "off campus" somewhere, that is fine. I will make sure that I have all the necessary decision makers present or "on call," as well.

If we can resolve some of these issues today, let's try to, and then save only the difficult issues for tomorrow.

Sorry for the long e-mail, and for ruining your date with your daughter.

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: Garcia, Rolando (USAFLS)
Sent: Monday, September 17, 2007 10:26 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Epstein

Marie,

Where are we at in the plea negotiations?

Tracking:

3142

EFTA00191177

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, September 18, 2007 9:31 AM
To: Acosta, Alex (USAFLS); Lourie, Andrew (USAFLS); Garcia, Rolando (USAFLS)
Cc: Atkinson, Karen (USAFLS); McMillan, John (USAFLS)
Subject: Epstein Negotiations

Importance: High

Hi all – I think that we may be near the end of our negotiations with Mr. Epstein, and not because we have reached a resolution. As I mentioned yesterday, I spent about 12 hours over the weekend drafting Informations, changing plea agreements, and writing factual proffers. I was supposed to receive a draft agreement from them yesterday, which never arrived. At that time, they were leaning towards pleading only to state charges and doing all of the time in state custody.

Late last night I talked to Jay Lefkowitz who asked about Epstein pleading to two twelve-month federal charges with half of his jail time being spent in home confinement pursuant to the guidelines. I told him that I had no objection to that approach but, in the interest of full disclosure, I did not believe that Mr. Epstein would be eligible because he will not be in Zone A or B. This morning Jay called and said that I was correct but, if we could get Mr. Epstein down to 14 months, then he thought he would be eligible.

My response: have him plead to two separate Informations. On the first one he gets 12 months' imprisonment and on the second he gets twelve months, with six served in home confinement, to run consecutively.

I just received an e-mail asking if Mr. Epstein could just do 12 months imprisonment instead.

As you can see, Mr. Epstein is having second thoughts about doing jail time. I would like to send Jay an e-mail stating that if we do not have a signed agreement by tomorrow at 5:00, negotiations will end. I have selected tomorrow at 5:00 because it gives them enough time to really negotiate an agreement if they are serious about it, and, if not, it gives me one day before the Jewish holiday to get witnesses lined up for Tuesday's grand jury appearance, when I plan to present the indictment, and it gives the office sufficient time to review the indictment package.

Do you concur?

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:

3123

EFTA00191178

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, September 18, 2007 11:43 AM
To: 'Lourie, Andrew'; Garcia, Rolando (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Draft Agreements?

He also removed any promise to plead to a registrable offense and the promise related to the girls' damages claims.

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: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, September 18, 2007 11:18 AM
To: 'Lourie, Andrew'; Garcia, Rolando (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: FW: Draft Agreements?
Importance: High

Andy and Rolando: Please see below so you understand my frustration. This document is completely different from what Jay just told Andy they would agree to. He has it written as 16 months' imprisonment followed by 8 months federal supervised release. He wants us to recommend an improper calculation of the guidelines, and he wants to waive the PSI so he can keep all of his information confidential. I have already told Jay that the PSI language and other language in this agreement was unacceptable to our office. I will send back a plea agreement that reads consistent with what Jay represented to Andy but I don't believe that this will be resolved by Tuesday unless they come down here and we have a group contract writing session with the state attorney's office and the decision-makers.

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: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Tuesday, September 18, 2007 11:09 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Draft Agreements?

Confidential -- For Settlement purposes only.

Marie -- Please look this over and let's see if we can identify any issues that we need to discuss in greater detail. Since you can't go to only one count of obstruction, but 18 would become about 15 with gain time, I have made a proposal of a total 24 month sentence based on two informations. This would include a period of home detention. We can then follow

this with a state plea as well so he serves the additional time there. I need to see your language for proffers on the two charges - (taking Nadia and Sarah out of the jurisdiction to avoid process.)

Alternatively, at this stage, we could have just one count for 12 months and then 6 months incarceration under the state, followed by community control and probabtion. I am not sure which is more practicable.

Please let me know when you are free to speak.

Thanks -- Jay

"Villafana, Ann Marie C. \(\USAFLS\)"
<Ann.Marie.C.Villafana@usdoj.gov>

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>
cc

Subject RE: Draft Agreements?

09/18/2007 09:14 AM

Hi Jay – I know that the U.S. Attorney will not go below 18 months of prison/jail time (and I would strongly oppose the suggestion).

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: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Tuesday, September 18, 2007 8:59 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Draft Agreements?

an alternative to what we discussed just now might be to plead to one count of 1512, serve 12 months plus supervised release which would be one year of home detention (if we can make that work), followed by two years of probation in the state on the state charges with the first 6 months being community control.

"Villafana, Ann Marie C. \(\USAFLS\)" <Ann.Marie.C.Villafana@usdoj.gov>

09/18/2007 08:44 AM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>
cc
Subject Draft Agreements?

Hi Jay – I was hoping there would be things for me to read this morning, but I will try to remain patient.

I believe there are only two types of agreements that would apply to this case: (1) a plea agreement to a federal charge or charges; and (2) a non-prosecution agreement (which is really a deferred prosecution agreement because the defendant agrees that if he violates the agreement, the U.S. can prosecute him).

A plea agreement is part of the court file. It is not accessible on-line via PACER, but someone can go to the Clerk's Office to obtain a copy.

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.

On the obstruction charges, many of the facts I included in that first proffer were hypothesized based upon our discussions and the agents' observations of Ms. Groff. We will need to interview her to confirm the accuracy of those facts. On a second count, we could rely on the incident where Mr. Epstein's private investigators followed [REDACTED] father, forcing him off the road. Or, if there is something more recent related to any grand jury subpoenas, we could consider that.

Hope that helps.

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

Tracking:

3114

EFTA00191181

Villafana, Ann Marie C. (USAFLS)

From: Lourie, Andrew [Andrew.Lourie2@usdoj.gov]
Sent: Wednesday, September 19, 2007 4:21 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: epstein

I will reach out to Alex to discuss.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Wednesday, September 19, 2007 4:13 PM
To: Villafana, Ann Marie C. (USAFLS); Lourie, Andrew
Cc: Garcia, Rolando (USAFLS)
Subject: RE: epstein

Oh, and they took out the appeal waiver.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, September 19, 2007 4:05 PM
To: 'Lourie, Andrew'
Cc: Garcia, Rolando (USAFLS)
Subject: RE: epstein
Importance: High

I just got their "red-lined" version. I will forward it to you. Here are the issues that Rolando and I specifically discussed with them and rejected, that they have re-inserted into the agreement.

1. We agree to recommend that no PSI be prepared.
2. They have converted it into an ABA plea – as though we wouldn't notice?
3. They want us to agree to the incorrect calculation of the guidelines
4. Instead of agreeing that the girls can sue Epstein, they cannot sue him and instead are bound to apply to a trust administered by the State Court (Jay and I have addressed this at least three times and it keeps appearing in his versions)
5. They changed the state charge that he has to plead guilty to to a non-registrable offense and he doesn't have to plead to that charge until after he has finished serving his federal sentence.
6. They want us not to oppose a request for a prison camp designation.
7. They have re-added paragraphs 17 through 19, all of which are addressed by paragraph 2.

There are other problems too, but these are the highlights. This is NOT good faith negotiations.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

From: Lourie, Andrew [mailto:Andrew.Lourie2@usdoj.gov]
Sent: Wednesday, September 19, 2007 3:50 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Garcia, Rolando (USAFLS)
Subject: RE: epstein

Good job. A few thoughts:

I would eliminate the first sentence of para 2. Is there another way to deal with the issue in para 3 without this in the plea agreement? Do we need para 10? Isn't para 11 sufficient without 10? Is it our place to include para 13 in this agreement? I think it belongs in the state agreement and it looks out of place here.

I think you should include Roy or another member of the FL Bar on the plea agreement so we are not slowed down at the last minute by Pro Hac stuff.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Wednesday, September 19, 2007 2:36 PM
To: Lourie, Andrew
Subject: RE: epstein

FYI – The Palm Beach Post reported the whole deal in today's paper and claimed to have a "federal source" and a "spy" in Epstein's camp.

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

From: Lourie, Andrew [mailto:Andrew.Lourie2@usdoj.gov]
Sent: Wednesday, September 19, 2007 2:33 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: epstein

Can you send me copy of the last thing you sent them? Thanks.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Wednesday, September 19, 2007 2:31 PM
To: Lourie, Andrew; Garcia, Rolando (USAFLS)
Subject: RE: epstein

We are still waiting for a "redline" of the agreement that they seemed happy with yesterday. Barry and Lanna and Epstein's attorneys are coming to our office on Monday to finalize everything with the plan of getting him at least arraigned on Monday afternoon. They tried to drag it into Tuesday and I said no.

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

From: Lourie, Andrew [mailto:Andrew.Lourie2@usdoj.gov]
Sent: Wednesday, September 19, 2007 2:25 PM
To: Villafana, Ann Marie C. (USAFLS); Garcia, Rolando (USAFLS)
Subject: epstein

What is the latest?

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, September 19, 2007 4:33 PM
To: Lourie, Andrew; Garcia, Rolando (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Draft Plea Agreement

Importance: High

Andy and Rolando -- This is my proposed response (below). I know that you keep saying he is going to plead, and he will plead if we cave on everything, but I really do not think that Mr. Epstein is going to engage in serious negotiations until he sees the Indictment and shows up in mag court (preferably in flip-flops). In reviewing the indictment package, if you would like to maintain flexibility for the future, we could indict Mr. Epstein just on Count 1 (the conspiracy charge), and, if he won't plead to 5 years at that time, supersede with the remaining counts and just go to trial. But we gave them an initial deadline of early August with the 24-month sentence. We are now seven weeks later and we are just spinning our wheels.

Jay -- The same problems that I e-mailed you about on Sunday and discussed yesterday with you and Rolando and that you discussed with Andy are still in here. Paragraphs 4, 7, 8, 9, and 11 have specifically been discussed and rejected. Paragraphs 17 through 19 have been addressed in paragraph 2 and will not be repeated. You have removed our paragraphs 4 (regarding the application of the Sentencing Guidelines) and 18 (appeal waiver) both of which are specifically required by the Office's Appellate Division. You have replaced Mr. Epstein's plea to a registrable offense, to one that does not require registration, and you have again delayed the plea until after Mr. Epstein completes his federal prison sentence. Rolando and I specifically told you that was unacceptable, and Barry Krischer also has informed us that he will not keep his case open for that period. You also have inserted that this is a Rule 11(c)(1)(C) plea, which binds the judge, which you know we have specifically rejected.

There are other, smaller, changes that the Office probably cannot agree to, but the bigger issues are these. If you or your client insists on these, there can be no plea agreement.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

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

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Wednesday, September 19, 2007 3:44 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Fw: Draft Plea Agreement

Confidential
For settlement purposes only

Marie - I wanted to get this to you before I took off for nyc. I am landing at 7 and would like to speak shortly thereafter.

I am still considering which of the options you suggested Sunday. In this email, I am sending you a redline of your federal resolution. I am also working on a deferred prosecution agreement because it may well be that we cannot reach agreement here. I don't think there are that many issues left open, although clearly we still need to have further discussions. I also like your suggestion from Sunday that we consider a C plea. I know that Alex would have to sign off on it and that he has not done so as of now.

Regarding my schedule, I am available tonight to speak, all afternoon tomorrow (I am in fed court in nyc on another criminal matter tomorrow am), and then all day Friday.

I will plan on seeing you Monday. I am confident that one of the approaches we have discussed will work out.

Jay

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

From: Jay Lefkowitz
Sent: 09/19/2007 03:35 PM EDT
To: Jay Lefkowitz
Subject: Draft Plea Agreement

(See attached file: 9.19.07 Draft Plea Agreement (Clean).doc)
(See attached file: 9.19.07 Draft Plea Agreement (Redlined).doc)

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Tracking:

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,

Respondents.

UNITED STATES OF AMERICA'S RESPONSE TO
PETITIONERS' REQUEST FOR PRODUCTION

Respondent United States of America, in response to petitioners' Request for Production, submits the following:

Request for Production No. 1:

- (a) FBI Case File on the Epstein case (P).
- (b)
- (c)
- (d) Prosecution Memorandum, "Operation Leap Year," May 1, 2007 (82 pages), Author: A. Marie Villafana. Addressees: R. Alexander Acosta, United States Attorney; Jeff Sloman, First Assistant U.S. Attorney; Matthew Menchel, Chief, Criminal Division; Andrew Lourie; Managing Assistant U.S. Attorney, Northern Region; and Karen Atkinson, Chief, Northern Region. (P).

Draft Indictment (54 pages)(P).

- (e) Draft indictments (P)

Request for Production No. 2:

- (a) Letter to Miss C.W., dated June 7, 2007, RE: Crime Victims' and Witnesses' Rights (2 pages); Author: A. Marie Villafana.
Letter to Miss T.M., dated August 11, 2006, RE: Crime Victims' and Witnesses'

Rights (2 pages); Author: A. Marie Villafana.

Letter to C.W., dated January 10, 2008, RE: Case Number _____, (2 pages); Author: Twiller Smith, Victim Specialist, Federal Bureau of Investigation, West Palm Beach, Florida.

Letter to James Eisenberg, dated January 10, 2008; RE: _____, (2 pages); Author: Twiller Smith, Victim Specialist, Federal Bureau of Investigation, West Palm Beach, Florida.

Letter to S.R., dated May 30, 2008, RE: _____, (2 pages); Author: Twiller Smith, Victim Specialist, Federal Bureau of Investigation, West Palm Beach, Florida.

Letter to Brad Edwards, Esq., dated July 9, 2008, RE: Jeffrey Epstein/C.W.: Notification of Identified Victim (2 pages); Author: A. Marie Villafana.

Letter to Brad Edwards, Esq., dated July 9, 2008, RE: Jeffrey Epstein/S.R.: Notification of Identified Victim (2 pages); Author: A. Marie Villafana.

(b) Letter to R. Alexander Acosta, dated October 10, 2007, RE: Jeffrey Epstein (6 pages); Author: Jay P. Lefkowitz, Kirkland & Ellis

Letter to R. Alexander Acosta, dated November 29, 2007, RE: Jeffrey Epstein (4 pages), Author: Jay Lefkowitz, Kirkland & Ellis, with attachment of draft Crime Victims' Rights – Notification of Resolution of Epstein Investigation (4 pages), dated November 29, 2007; Author: A. Marie Villafana.

Letter to R. Alexander Acosta, dated December 5, 2007, RE: Jeffrey Epstein (2 pages), Author: Kenneth W. Starr and Jay Lefkowitz, Kirkland & Ellis

Letter to Jay P. Lefkowitz, Esq., Kirkland & Ellis, dated December 6, 2007, RE: Jeffrey Epstein (4 pages); Author: Jeffrey H. Sloman, First Assistant U.S. Attorney, with attached draft letter RE: Crime Victims' Rights – Notification of Resolution of Epstein Investigation (4 pages); Author: A. Marie Villafana.

Letter to R. Alexander Acosta, dated December 11, 2007, RE: Jeffrey Epstein (13 pages), Author: Jay Lefkowitz

Letter to Lilly Ann Sanchez, dated December 19, 2007, RE: Jeffrey Epstein (3 pages)

Letter to R. Alexander Acosta, dated December 21, 2007, RE: Jeffrey Epstein (7 pages), Author: Jay Lefkowitz

Letter to R. Alexander Acosta, dated December 26, 2007, RE: Jeffrey Epstein (5

pages), Author: Jay Lefkowitz

Request for Production No. 3 (confidentiality provision)

Letter to Matthew Menchel, Chief, Criminal Division, U.S. Attorney's Office, dated August 2, 2007, RE: Jeffrey Epstein (3 pages), Author: Lilly Ann Sanchez

Letter to Lilly Ann Sanchez, Esq., dated August 3, 2007, RE: Jeffrey Epstein (2 pages), Author: Matthew Menchel

E-mail, Marie Villafana to Gerald Lefcourt, dated September 10, 2007 5:23 p.m., RE: Jeffrey Epstein (2 pages with 4 page draft Non-Prosecution Agreement)

E-mail, Marie Villafana to Gerald Lefcourt, dated September 11, 2007 2:15 p.m., RE: Revised Agreement re Epstein (2 pages with 4 page draft Non-Prosecution Agreement attached)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 12, 2007 3:44 p.m., RE: Jeffrey Epstein (2 pages)

E-mail, Jay Lefkowitz to Marie Villafana and Andrew Lourie, dated September 12, 2007 5:55 p.m., RE: Jeffrey Epstein (2 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 13, 2007 7:27 p.m., RE: no subject (1 page)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 13, 2007, 7:35 p.m., RE: no subject (2 pages)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 14, 2007 9:40 a.m., RE: Follow up (1 page)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 14, 2007 9:54 a.m., RE: Plea documents (1 page with 2 page draft Information, and 7 page draft Plea Agreement, attached)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 14, 2007 9:56 a.m., RE: Follow up (2 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 17, 2007 11:45 a.m., RE: Non-Prosecution Agreements (1 page with 4 page draft Non-Prosecution Agreement attached)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 18, 2007 8:44 a.m., RE: Draft Agreements? (1 page)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 18, 2007 9:18 a.m., RE Draft Agreements? (2 pages)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 18, 2007 11:09 a.m., RE: Draft Agreements? (2 pages, with 6 page draft Non-Prosecution Agreement)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 18, 2007 11:52 a.m., RE: Draft Agreements? (2 pages, with 5 page draft Non-Prosecution Agreement)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 18, 2007 12:44 p.m., RE: Draft Agreements? (3 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 18, 2007 1:22 p.m., RE: Draft Agreements? (4 pages, with 9 page draft Plea Agreement)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 18, 2007 2:53 p.m., RE: Factual Proffer (1 page)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 19, 2007 10:39 a.m. RE: Draft Agreements? (1 page)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 19, 2007 10:45 a.m., RE: Draft Agreements? (1 page)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 19, 2007 11:18 a.m., RE: Draft Agreements? (1 page)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 19, 2007 11:36 a.m., RE: Draft Agreements? (2 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 19, 2007 11:46 a.m., RE: Draft Agreements? (3 pages)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 19, 2007 3:44 p.m., RE: FW Draft Plea Agreement (1 page, with 12 page draft Plea Agreement)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 20, 2007 3:52 p.m., RE: Final version of Plea Agreement – Epstein (2 pages, with 8 page draft Plea Agreement)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 20, 2007 3:54 p.m., RE Epstein Plea Agreement (1 page, with 8 page draft Plea Agreement)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 20, 2007 5:33 p.m., RE: Final version of Plea Agreement – Epstein (2 pages)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 20, 2007 6:12 p.m., RE: Plea Agreement – Epstein (1 page)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 20, 2006 6:42 p.m., RE: Plea

Agreement – Epstein (2 pages)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 21, 2007 10:44 a.m., RE: Plea Agreement – Epstein (2 pages, with 4 page draft Non-Prosecution Agreement)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 21, 2007 10:57 a.m., RE: Plea Agreement – Epstein (3 pages)

E-mail, Barry Krischer, State Attorney to Marie Villafana, dated September 21, 2007 12:03 p.m., RE: Meeting with Epstein's attorneys (1 page)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 21, 2007 2:46 p.m., RE: Reminder (1 page, with 1 page Plea in the Circuit Court Form 005 attached)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 21, 2007 2:54 p.m., RE: Reminder (2 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 21, 2007 2:55 p.m., RE: Immigration Question (1 page)

E-mail, Jay Lefkowitz to Alex Acosta, dated September 23, 2007 11:58 a.m., RE: Jeffrey Epstein – confidential (2 pages)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 23, 2007 1:42 p.m., No Subject (1 page)

E-mail, Ami Sheth, Kirkland & Ellis to Marie Villafana, dated September 23, 2007 1:57 p.m., RE: FW: Draft Agreement (1 page with 6 page draft Non-Prosecution Agreement)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 23, 2007 4:03 p.m., RE: Draft Agreement (2 pages with 6 page draft Non-Prosecution Agreement attached)

E-mail, Alex Acosta to Jay Lefkowitz, dated September 23, 2007 4:31 p.m., RE: (no subject) (2 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 23, 2007 8:01 p.m., RE: Revised agreement (1 page)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 23, 2007 8:31 p.m., RE: Fw (1 page with 7 page draft Non-Prosecution Agreement attached)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 23, 2007 8:35 p.m., RE: no subject (1 page)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 23, 2007 8:37 p.m., RE: no subject (1 page)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 23, 2007 8:39 p.m., RE: no subject (2 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 23, 2007 8:58 p.m., RE: Epstein Agreement (1 page with 6 page draft Non-Prosecution Agreement attached)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 24, 2007 7:54 a.m., RE: Epstein (1 page)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 24, 2007 10:14 a.m., RE: Epstein agreement as reviewed by the U.S. Attorney (1 page with 6 page draft Non-Prosecution Agreement attached)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 24, 2007 11:46 a.m., RE: Epstein agreement as reviewed by the U.S. Attorney (1 page with 6 page Non-Prosecution Agreement, and 8 page Non-Prosecution Agreement, attached)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 24, 2007 1:28 p.m., RE: Epstein agreement as reviewed by the U.S. Attorney (3 pages with 7 page draft Non-Prosecution Agreement attached)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 24, 2007 2:16 p.m., RE: The final final (1 page with 7 page Non-Prosecution Agreement attached)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 24, 2007 4:03 p.m., RE: Do you have a signed copy? (1 page)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 24, 2007 4:06 p.m., RE: Do you have a signed copy? (1 page with 9 page Non-Prosecution Agreement attached)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 24, 2007 4:32 p.m., RE: Do you have a signed copy? (1 page)

Request for Production No. 5 (legal representation of victims)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 25, 2007 8:37 p.m., RE: Other attorneys (1 page)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 26, 2007 11:01 a.m., RE: Other attorneys (2 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 26, 2007 11:49 a.m., RE: One more thing (2 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 27, 2007 10:52 a.m., RE: Conference Call with Bert Ocariz (1 page)

E-mail, Jay Lefkowitz to Marie Villafana, dated September 27, 2007 10:57 a.m., RE: Conference call with Bert Ocariz (2 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 27, 2007 11:08 a.m., RE: Conference Call with Bert Ocariz (2 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated September 27, 2007 3:06 p.m., RE: Conference Call with Bert Ocariz (3 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated October 3, 2007 3:15 p.m., RE: no subject (2 pages, with 1 page Special Master Proposal attached)

E-mail, Marie Villafana to Jay Lefkowitz, dated October 3, 2007 3:38 p.m., RE: no subject (2 pages)

E-mail, Marie Villafana to Jay Lefkowitz, dated October 3, 2007 4:23 p.m., RE: Proposed Letter to Special Master (2 pages with 2 page Proposed Letter to the Special Master attached)

E-mail, Marie Villafana to Jay Lefkowitz, dated October 3, 2007 7:30 p.m., RE: Proposed Letter to Special Master (1 page)

E-mail, Marie Villafana to Jay Lefkowitz, dated October 5, 2007 7:49 p.m., RE: Proposed Letter to Special Master (2 pages)

E-mail, Jay Lefkowitz to Marie Villafana, dated October 5, 2007 11:04 a.m., RE: Proposed Letter to Special Master (3 pages with 4 page letter from Jay Lefkowitz to Marie Villafana attached)

Letter to Jeffrey Sloman, dated October 8, 2007, RE: Jeffrey Epstein (3 pages), Author: Lilly Ann Sanchez

E-mail, Marie Villafana to Lilly Ann Sanchez, October 9, 2007 5:09 p.m., RE: Jeffrey Epstein (1 page with two page letter to Lilly Ann Sanchez attached)

E-mail, Jeff Sloman to Jay Lefkowitz, dated October 22, 2007 4:41 p.m., RE: Epstein (3 pages with 4 page draft letter to Hon. Edward B. [REDACTED], and 2 page Addendum to the Non-Prosecution Agreement, attached)

E-mail, Jay Lefkowitz to Jeff Sloman, dated October 22, 2007 5:10 p.m., RE: Epstein (3 pages)

E-mail, Jeff Sloman to Jay Lefkowitz, dated October 24, 2007 3:45 p.m., RE: Epstein – Addendum and Letter to Judge [REDACTED] (2 page Addendum to the Non-Prosecution Agreement, and 4 page draft letter to Hon. Edward B. [REDACTED], attached)

E-mail, Jeff Sloman to Jay Lefkowitz, dated October 24, 2007 5:30 p.m., RE: Epstein – Letter to Judge [REDACTED] (1 page with 4 page letter to Hon. Edward B. [REDACTED] attached)

Letter to Hon. Edward B. [REDACTED], Akerman Senterfitt, dated October 25, 2007, RE: Service as a Special Master (4 pages); Author: Jeff Sloman

E-mail, Jeff Sloman to Jay Lefkowitz, dated October 31, 2007 11:51 a.m., RE: Epstein (2 pages)

E-mail, Jay Lefkowitz to Jeff Sloman, dated November 8, 2007 1:24 p.m., RE: No subject (1 page)

E-mail, Jay Lefkowitz to Jeff Sloman, dated November 16, 2007 2:00 p.m., RE: No subject (1 page)

E-mail, Jeff Sloman to Jay Lefkowitz, dated November 27, 2007 1:55 p.m., RE: Epstein (1 page)

Letter to Jeffrey Sloman, dated December 7, 2007, RE: Jeffrey Epstein, Author: Lilly Ann Sanchez (1 page Affirmation signed by Jeffrey E. Epstein, 1 page Notice of Hearing, and 1 page fax transmittal sheet, attached)

E-mail, Marie Villafana to Jack Goldberger, dated June 28, 2008 11:31 a.m., RE: Notice of Non-Compliance (1 page)

Request for Production No. 8 (Lobbying efforts at DOJ)

E-mail, Jeff Sloman to Jay Lefkowitz, dated February 25, 2008 7:43 p.m., RE: Epstein (1 page)

E-mail, Jeff Sloman to Jay Lefkowitz, dated February 27, 2008 9:45 p.m., RE: Fw: Epstein (2 pages)

Letter to Jay Lefkowitz, Esq., dated May 15, 2008, RE: Investigation of Jeffery Epstein (5 pages), Author: Andrew G. Oosterbaan, Chief, Child Exploitation and Obscenity Section, Criminal Division, U.S. Department of Justice

E-mail, Jay Lefkowitz to Alex Acosta, dated May 19, 2008 10:54 a.m., RE: confidential communication (3 pages)

Letter to Honorable Mark Filip, Deputy Attorney General, dated May 19, 2008, No Subject (8 pages), Authors: Kenneth W. Starr, Kirkland & Ellis, and Joe D. Whitley, Alston & Bird

Letter to Honorable Mark Filip, Deputy Attorney General, dated May 27, 2008, No Subject (2 pages), Authors: Kenneth W. Starr, Kirkland & Ellis, and Joe D. Whitley, Alston & Bird

E-mail, Jeff Sloman to Jay Lefkowitz, dated May 28, 2008 4:51 p.m., RE: Jeffrey Epstein (1 page)

Letter to Kenneth Starr and Joe D. Whitley, dated June 3, 2008, No Subject (1 page), Author: John Roth, Senior Associate Deputy Attorney General

Letter to John Roth, Senior Associate Deputy Attorney General, dated June 19, 2008, No Subject (14 pages), Author: Stephanie D. Thacker, Allen Guthrie McHugh & Thomas, Charleston, West [REDACTED]

Letter to Jay Lefkowitz and Kenneth Starr, dated June 23, 2008, No Subject (1 page), Author: John Roth, Senior Associate Deputy Attorney General

Request for Production No. 19: (prosecutor misconduct)

Letter to R. Alexander Acosta, dated December 11, 2007, RE: Jeffrey Epstein (20 pages); Author: Jay Lefkowitz

Letter to Jay P. Lefkowitz, Esq., dated December 13, 2007, RE: Jeffrey Epstein (5 pages); Author: A. Marie Villafana.

E-mail, Jay Lefkowitz to Alex Acosta, dated February 29, 2008 3:11 p.m., RE: Fw Epstein (1 page)

Letter to Office of Professional Responsibility, U.S. Department of Justice, dated April 21, 2008, RE: Self Reporting – Jeffrey H. Sloman, FAUSA S.D.F.L. (3 pages, with 5 pages of attachments); Author: Jeffrey H. Sloman (P)

Letter to Office of Professional Responsibility, U.S. Department of Justice, dated April 22, 2008, RE: Self-Report of Allegation of Conflict of Interest (9 pages); Author: A. Marie Villafana (P)

Memorandum to Office of Professional Responsibility, dated April 23, 2008, Subject: Self Reporting – Jeffrey H. Sloman, Corrected Version of the previously submitted April 21, 2008 letter to OPR (1 page, with 3 page letter attached); Author: Jeffrey H. Sloman (P)

Letter to Deputy Attorney General Mark Filip, dated May 19, 2008, No Subject, Authors: Kenneth W. Starr and Joe D. Whitley, attachment entitled “Summary of Misconduct Issues in the Matter of Jeffrey Epstein”

An "attorney for the government" did not confer with Jane Doe #1 or Jane Doe #2 about the specific terms of the Non-Prosecution Agreement prior to:

- (a) its execution on September 24, 2007;
- (b) the execution of the Addendum to the Non-Prosecution Agreement on October 29, 2007; and
- (c) the commencement of the performance of the Non-Prosecution Agreement on June 30, 2008.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 16, 2013 4:03 PM
To: Sanchez, Eduardo (USAFLS)
Cc: Lee, Dexter (USAFLS)
Subject: RE: Responses to RFAs

Tracking:	Recipient	Read
	Sanchez, Eduardo (USAFLS)	Read: 7/16/2013 4:17 PM
	Lee, Dexter (USAFLS)	Read: 7/16/2013 5:49 PM

Hi Ed – There are some issues that I think you want to include in the RFA’s:

Overall – you need to change “the government” to “the USAO”

No. 2(a): My contact with JD#2’s attorney, Jim Eisenberg, to ask him whether we should send the letter to him or directly to JD#2, is what started the firestorm regarding victim notifications. I think that is significant because she is one of the petitioners in this case.

No. 2(c): Remove “and her then-attorney”

No. 2(d): The USAO denies that the language in its 2006 and 2007 victim notification letters to Jane Doe #1 and Jane Doe #2 were affected in any way by contact with counsel for Jeffrey Epstein. The USAO also denies that the language in the FBI’s letters to Jane Doe #1 and Jane Doe #2 were affected in any way by contact with counsel for Jeffrey Epstein. The language of the July 9, 2008 letter to Jane Doe #1 in care of Bradley Edwards was altered after receiving objections to victim notifications from counsel for Jeffrey Epstein and reevaluation of the victim notification obligations by the USAO.

No. 2(e): You need to make clear that Jane Doe #2 was never officially notified about the NPA because it was determined that she was not a person whom the USAO was prepared to name in an indictment.

No. 7: You need to make clear that the FBI was still actively investigating the case as of that time, including interviewing additional victims. We did grand jury appearances in March and April 2008.

No. 9(e): You can make clear that the FBI notified Jane Doe #1 at the request of the USAO because they met with her at my request. You again need to reiterate that Jane Doe #2 was never officially notified about the NPA because it was determined that she was not a person whom the USAO was prepared to name in an indictment due to her videotaped denial that she was sexually abused by JE, that he was an “awesome man” and that she would like to marry him.

No. 11: Do you think that your answer waives the attorney-client/work product/deliberative process privilege? Also, you have deleted the fact that the November 2007 letters didn’t go out because of the appeal to Washington.

No. 13(a): I might change to say “although the USAO had notified Jane Doe #1, through FBI agents, of the existence of an agreement and had summarized its essential terms, . . .”

No. 13(b): I recommend adding: During interviews with Jane Doe #1 and Jane Doe #2 prior to entering into the Non-Prosecution Agreement, both were asked their opinions about prosecution by an "attorney for the government" and Jane Doe #1 was asked about her willingness to serve as a witness at trial by an "attorney for the government." Both were provided with contact information for an "attorney for the government" and invited to contact that attorney at any time. At no time prior to the signing of the Non-Prosecution Agreement or Jeffrey Epstein's June 30, 2008 guilty plea did Jane Doe #1 or Jane Doe #2 ask to confer with an attorney for the government.

No. 13(c): You may want to say something about the USAO's knowledge that JD#2 was represented by counsel paid for by Epstein.

No. 13(d): No, other than the confidentiality provision that appears in the agreement, there was nothing specifically aimed at talking to the victims.

No. 16 – Wait until I finish. I need to go back and double-check. Just keep this highlighted for now.

No. 23 – Do you want to add something about – "provided that Epstein does not breach the agreement"

No. 26 – Do you want to add something about the information being covered by other privileges? (investigative privilege)?

Thank you for all of your help with these!

A. Marie Villafaña
Assistant U.S. Attorney
Southern District of Florida
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
ann.marie.c.villafana@usdoj.gov
561-209-1047

From: Sanchez, Eduardo (USAFLS)
Sent: Monday, July 15, 2013 7:59 PM
To: Villafana, Ann Marie C. (USAFLS); Lee, Dexter (USAFLS)
Subject: RE: Responses to RFAs

Attached are my suggested edits and thoughts.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 24, 2013 9:56 PM
To: Lee, Dexter (USAFLS); Sanchez, Eduardo (USAFLS)
Subject: Responses to RFAs

Hi Dexter and Ed – Here is my stab at a response. There are a number that I cannot answer.

Isn't the only real factual issue whether or not we conferred with the victims PRIOR TO SIGNING the NPA?

The closest that they come to asking that is 13(b) and even that isn't quite right. Should we suggest that they send a revised RFA asking simply:

"An attorney for the government did not confer with Jane Doe #1 or Jane Doe #2 prior to entering into the NPA."

<< File: Response to Requests for Admissions.docx >>

A. Marie Villafaña

Assistant U.S. Attorney

Southern District of Florida

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

ann.marie.c.villafana@usdoj.gov

561-209-1047