

Villafana, Ann Marie C. (USAFLS)

From: Richards, Jason R. (FBI)
Sent: Tuesday, June 17, 2008 10:45 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Call -- Urgent!

Hi Marie,

I have Mike's support for the New York trip (funding may be an issue though). I have the request prepared but need to add dates of travel when we get them. Talk to you later.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Sent: Fri Jun 13 15:06:07 2008
Subject: FW: Call -- Urgent!

Jeff -- Someone really needs to talk to Barry. I am happy to do so, if you want, and I will be very nice about it.

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

From: Atkinson, Karen (USAFLS)
Sent: Friday, June 13, 2008 3:03 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Call

He got a strange voice mail from Barry K which the deal was 60 days--he was calling him back to say that is not the deal and the defense knows the deal as does his ASA. So they should do what they want and if it is not in accordance with our agreement we will do whatever we have to do.

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, June 13, 2008 2:52 PM
To: Atkinson, Karen (USAFLS)
Subject: RE: Call

Can you give Rolando the heads up so he doesn't do something unexpected?

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

From: Atkinson, Karen (USAFLS)
Sent: Friday, June 13, 2008 2:23 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Call

Are you coming back home?

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Atkinson, Karen (USAFLS)
Garcia, Rolando (USAFLS)
Richards, Jason R. (FBI)
Kuyrkendall, E N. (FBI)
Kirkpatrick, Lynn (USAFLS)

Read

Read: 6/17/2008 11:54 AM
Read: 6/17/2008 11:09 AM
Read: 6/17/2008 11:29 AM
Read: 6/17/2008 1:50 PM

Read: 6/17/2008 11:11 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, June 17, 2008 2:46 PM
To: Richards, Jason R. (FBI); Kuyrkendall, E N. (FBI)
Subject: Marina

Hi guys – sorry to bother you, but I need this info about Marina asap so I can get the paperwork down to Miami.
Thanks.

Birth Date of Witness:
FBI I.D. No.:
Birthplace:
Social Security No.:
Alias:
Address of Witness:

Also, do you have the name and number of the AUSA in New York? I want to run this by him/her first.

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

Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Richards, Jason R. (FBI)
Sent: Tuesday, June 17, 2008 3:00 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Marina

Unfortunately, the only info we have for marina is her address. Source info indicates she's from Brazil. There are numerous name matches in ice records. We need to review the a files of the ones that match closest to determine her dob and soc. Any way we could get those particulars through her attorney?(Needed for travel arrangements?)

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Richards, Jason R.; Kuyrkendall, E N.
Sent: Tue Jun 17 14:45:31 2008
Subject: Marina

Hi guys - sorry to bother you, but I need this info about Marina asap so I can get the paperwork down to Miami. Thanks.

Birth Date of Witness:

FBI I.D. No.:

Birthplace:

Social Security No.:

Alias:

Address of Witness:

Also, do you have the name and number of the AUSA in New York? I want to run this by him/her first.

Thanks.

A. Marie Villafaña

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, June 17, 2008 4:01 PM
To: 'Brendan White'
Cc: Odell, Karen (USAFLS); Ball, Shawn (USAFLS)
Subject: Grand Jury Appearance
Attachments: Signed Lacerda Subpoena.pdf

Dear Brendan:

I have attached the revised grand jury subpoena along with the list of documents and items that I am hoping Ms. Lacerda can bring with her to the grand jury. I have put 10:30 as the time for the appearance, but our grand jury coordinator will give us a more specific time when we are closer to the date.

I also am preparing the paperwork requesting immunity, and I need to include the following information:

Birth Date of Witness:
FBI I.D. No.:
Birthplace:
Social Security No.:
Alias:
Address of Witness:

I think we will need the same information to do the travel expense authorization, and I would ask that you provide that information to me at your earliest convenience. I do not expect that Ms. Lacerda has an FBI I.D. No. or an alias, but if she does, please include those.

If I receive approval for immunity, would you consider meeting with me and the agents in New York next week rather than traveling to Florida on July 1st for the grand jury? If you are amenable to that suggestion, please let me know what days and times you and Ms. Lacerda are available.

Thank you for your assistance.

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

Recipient
Sloman, Jeff (USAFLS)

Read
Read: 6/17/2008 4:15 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, June 17, 2008 4:02 PM
To: Sloman, Jeff (USAFLS)
Subject: Roy and JE

Hi Jeff – Well, Roy took your message to mean that he should call Rolando. Rolando is out of the office, so there hasn't been any communication. Karen and I may call Roy later today or Rolando is going to call him back and tell him to call me.

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

Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Brendan White [brendan@whiwhi.com]
Sent: Tuesday, June 17, 2008 4:43 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Grand Jury Appearance

Dear Ms. Villafana:

I have a call in to Ms. Lacerda for the requested information. I will contact you once I have it.

One concern: I have an appearance in New York State court on Wednesday morning, July 2nd. Will we be able to wrap things up in one day, or would it make sense to pick another date? Let me know what you think. Thanks,

Brendan White

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

From: Villafana, Ann Marie C. (USAFLS)
To: Brendan White
Cc: Odell, Karen (USAFLS) ; Ball, Shawn (USAFLS)
Sent: Tuesday, June 17, 2008 4:01 PM
Subject: Grand Jury Appearance

Dear Brendan:

I have attached the revised grand jury subpoena along with the list of documents and items that I am hoping Ms. Lacerda can bring with her to the grand jury. I have put 10:30 as the time for the appearance, but our grand jury coordinator will give us a more specific time when we are closer to the date.

I also am preparing the paperwork requesting immunity, and I need to include the following information:

Birth Date of Witness:
FBI I.D. No.:
Birthplace:
Social Security No.:
Alias:
Address of Witness:

I think we will need the same information to do the travel expense authorization, and I would ask that you provide that information to me at your earliest convenience. I do not expect that Ms. Lacerda has an FBI I.D. No. or an alias, but if she does, please include those.

If I receive approval for immunity, would you consider meeting with me and the agents in New York next week rather than traveling to Florida on July 1st for the grand jury? If you are amenable to that suggestion, please let me know what days and times you and Ms. Lacerda are available.

Thank you for your assistance.

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

Social Security No.:
Alias:
Address of Witness:

I think we will need the same information to do the travel expense authorization, and I would ask that you provide that information to me at your earliest convenience. I do not expect that Ms. Lacerda has an FBI I.D. No. or an alias, but if she does, please include those.

If I receive approval for immunity, would you consider meeting with me and the agents in New York next week rather than traveling to Florida on July 1st for the grand jury? If you are amenable to that suggestion, please let me know what days and times you and Ms. Lacerda are available.

Thank you for your assistance.

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Assistant U.S. Attorney
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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, June 17, 2008 4:44 PM
To: Brendan White
Subject: RE: Grand Jury Appearance

Dear Mr. White:

If we go forward with the grand jury rather than meeting in New York, I will make certain that you are finished by the early afternoon on July 1st.

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

From: Brendan White [mailto:brendan@whiwhi.com]
Sent: Tuesday, June 17, 2008 4:43 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Grand Jury Appearance

Dear Ms. Villafana:

I have a call in to Ms. Lacerda for the requested information. I will contact you once I have it.

One concern: I have an appearance in New York State court on Wednesday morning, July 2nd. Will we be able to wrap things up in one day, or would it make sense to pick another date? Let me know what you think. Thanks,

Brendan White

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

From: Villafana, Ann Marie C. (USAFLS)
To: Brendan White
Cc: Odell, Karen (USAFLS) ; Ball, Shawn (USAFLS)
Sent: Tuesday, June 17, 2008 4:01 PM
Subject: Grand Jury Appearance

Dear Brendan:

I have attached the revised grand jury subpoena along with the list of documents and items that I am hoping Ms. Lacerda can bring with her to the grand jury. I have put 10:30 as the time for the appearance, but our grand jury coordinator will give us a more specific time when we are closer to the date.

I also am preparing the paperwork requesting immunity, and I need to include the following information:

Birth Date of Witness:
FBI I.D. No.:
Birthplace:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, October 15, 2008 9:46 AM
To: Ethics_Opinions@flabar.org
Subject: RE: FW: Request for Written Staff Opinion ATTN Elizabeth Clark Tarbert
Attachments: image001.gif

Dear Ms. Tarbert – Is there any update on my Ethics inquiry of September 18th? We have located additional victims and I would like to send notifications to them.

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

From: MAIL [mailto:MAIL@flabar.org] **On Behalf Of** Ethics Opinions
Sent: Monday, September 29, 2008 1:33 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: FW: Request for Written Staff Opinion ATTN Elizabeth Clark Tarbert

Dear Ms. Villafana:

Thank you for re-sending the inquiry. Most inquiries receive a reply within 3-5 weeks.

Sincerely,

Elizabeth Clark Tarbert
Ethics Counsel

▾ "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov> on 09/29/2008 12:05:05 PM

To: "Ethics Opinions" <etopinion@flabar.org>
cc:
Subject: FW: Request for Written Staff Opinion ATTN Elizabeth Clark Tarbert

Staff:

Dear Ms. Tarbert – Here is my earlier e-mail.

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, September 18, 2008 7:21 PM
To: eto@flabar.org
Cc: Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Request for Written Staff Opinion

Dear Sir or Madam: Please see the attached correspondence. Thank you for your assistance.

<<Florida Bar Ltr re Ethics Opinion.pdf>>

<<Final Victim Notification -- Sample.pdf>>

<<Final Victim Notification Represented Sample.pdf>>

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(See attached file: *Florida Bar Ltr re Ethics Opinion.pdf*)(See attached file: *Final Victim Notification -- Sample.pdf*)(See attached file: *Final Victim Notification Represented Sample.pdf*)



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partment of Justice

*United States Attorney
Southern District of Florida*

*500 South Australian Ave., Suite 400
West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777*

July __, 2008

NOTIFICATION OF IDENTIFIED VICTIMS

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009495AXXXMB and 2008-

_____) and was sentenced to a term of eighteen months' imprisonment to be followed by __ years of probation.

In light of the entry of the guilty plea and sentence, and pursuant to the terms of the deferred prosecution agreement between Epstein and the United States Attorney's Office for the Southern District of Florida (hereinafter referred to as "the Office"), the Office hereby provides notice to Epstein that the following is a list of individuals whom the Office was prepared to name as victims in an Indictment charging Epstein with violations of federal statutes enumerated in Title 18, United States Code, Section 2255 (hereinafter referred to as "identified individuals").

The terms of the deferred prosecution agreement provide that the identified individuals shall have the same right to seek damages pursuant to Title 18, United States Code, Section 2255, as they would have had if Mr. Epstein had been tried and convicted of those enumerated offenses in a federal court. Section 2255 provides, in relevant part:

Any person who, while a minor, was a victim of a violation of section . . . 2422, or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person

was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains and the cost of the suit, including a reasonable attorney's fee. Any person as described in the preceding sentence shall be deemed to have sustained damages of no less than \$150,000 in value.

Thus, pursuant to the deferred prosecution Agreement between the Office and Epstein, the Office hereby provides Notice to the identified individuals that each of them is a person who, while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, committed by Epstein. The Office further provides Notice to the identified individuals that, pursuant to the Agreement between the Office and Epstein, a copy of this document may be introduced in a judicial proceeding between any such identified individual and Epstein, and that any judicial authority interpreting this Notification, including any authority determining what evidentiary burdens, if any, a plaintiff must meet, shall consider that it is the intent of Epstein and the Office to place the identified individuals in the same position as they would have been had Epstein been convicted of those federal offenses.

Identified Individuals

Jane Doe #1	Jane Doe #11	Jane Doe #21
Jane Doe #2	Jane Doe #12	Jane Doe #22
Jane Doe #3	Jane Doe #13	Jane Doe #23
Jane Doe #4	Jane Doe #14	Jane Doe #24
Jane Doe #5	Jane Doe #15	Jane Doe #25
Jane Doe #6	Jane Doe #16	Jane Doe #26
Jane Doe #7	Jane Doe #17	Jane Doe #27
Jane Doe #8	Jane Doe #18	Jane Doe #28
Jane Doe #9	Jane Doe #19	Jane Doe #29
Jane Doe #10	Jane Doe #20	Jane Doe #30

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

By:

A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

ACKNOWLEDGEMENT

I have received this Notification from my attorney, Roy Black, Esquire, have read

it and discussed it with my attorney, and I hereby acknowledge that it accurately sets forth my understanding and agreement with the Office of the United States Attorney for the Southern District of Florida. I understand that an exact copy of this Notification will be provided to each identified individual, except that the names of all other identified individuals will be redacted, and I hereby waive any evidentiary challenges to the introduction of a copy of this document—even in redacted form—in any judicial proceeding between any identified individual and myself.

Dated: _____

Jeffrey Epstein

Witnessed by:

Roy Black, Esquire

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, June 19, 2008 4:45 PM
To: Krischer, Barry (LEO)
Cc: Atkinson, Karen (USAFLS)
Subject: Epstein Case

Dear Barry:

I just wanted to let you know that Karen and I spoke with Roy Black yesterday regarding the Epstein case. Roy asked whether there was a way to resolve the federal and state litigation simultaneously and mentioned your desire to wrap up the case before you retired. We informed him that the Office's position is that if Epstein promptly abides by the terms of the signed non-prosecution agreement entered into by the Office and Mr. Epstein, we will end our investigation. If Mr. Epstein chooses to go forward with a different plea in the State, that is his prerogative, but we will consider it a breach of the federal non-prosecution agreement and will proceed accordingly.

The federal non-prosecution agreement signed by Mr. Epstein and his counsel requires Mr. Epstein to plead guilty to the current state indictment and also to an information charging a state offense that requires sex offender registration, specifically the charge of procuring minors to engage in prostitution, at least 18 months imprisonment, and an agreement that the victims can pursue damages claims as though Mr. Epstein had been convicted of the federal offenses. Our agreement does not address probationary periods following the term of incarceration. Those are statutorily set on the federal side, so we have left that issue to the defense to negotiate with you.

If you have any questions, please let me know.

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:

885

EFTA00193216

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 12, 2008 9:08 AM
To: Roy BLACK
Subject: RE: Jeffrey Epstein

Roy, thank you for your response and your assistance. I will forward your request to Dexter Lee, who is representing the United States in the civil suit.

Can you please ask Jack Goldberger to send me an exact copy of what was filed under seal in the state court? I want to insure that all of us are presenting the same packet of documents as the final agreement.

Regards,
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: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Monday, August 11, 2008 11:40 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Jeffrey Epstein

Marie: I have conferred with the lawyers on the team. They all thank you for agreeing to oppose any disclosure of the 9/24/07 agreement. We firmly believe this document is not discoverable in the civil cases. However if the court rules against you on this we request that you further ask that any disclosure be subject to a strong protective order prohibiting dissemination to anyone except counsel to the petitioners. We are particularly concerned because civil lawyers are more apt to publicize something like this than those of us who litigate on the criminal side of the docket. You may recall one lawyer standing on the bridge to palm beach railing over his misconceptions of the case. This is the typical vehicle they use to get more plaintiffs. You had also asked what documents were disclosed in the state court. As part of counsels obligation to fully disclose any promises or inducements which led to the plea agreement, the 9/24/07 agreement was filed with the court. It was filed under seal. Once again I want to re-assure you that Mr. Epstein and his counsel intend to stand by their agreements. If you or anyone in the USAO have any concern about a possible breach please call or email me again so we can discuss any dispute or misunderstanding and allay any concerns. Thanks again. Roy

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 12, 2008 11:12 AM
To: Lanna Belohlavek
Subject: Epstein

Hi Lanna – Sorry to be a bother, but we need to file our response with the Court this week, so I really need a copy of what was filed in your case and also the procedures to obtain the transcript of the change of plea hearing.

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

Assistant U.S. Attorney

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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, August 12, 2008 11:37 AM
To: Atkinson, Karen (USAFLS)
Subject: FW: Non-Prosecution Agreement in Epstein Case

It looks like they only filed the original September agreement not either of the addenda.

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: Lanna Belohlavek [mailto:Lbelohla@sa15.state.fl.us]
Sent: Tuesday, August 12, 2008 11:35 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Non-Prosecution Agreement in Epstein Case

Marie

The 7 page agreement was filed under seal with the attached signature pages.

As to a transcript, you would have to contact court administration and arrange for that together with payment.

Good luck.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Tuesday, July 01, 2008 11:51 AM
To: Lanna Belohlavek
Cc: Atkinson, Karen (USAFLS)
Subject: Non-Prosecution Agreement in Epstein Case

Hi Lanna – I am attaching the agreement, with addenda, for filing with the Court under seal.

We also noticed a couple of “misstatements” during the change of plea and wanted to call them to your attention. First, the Division of Corporations’ documents show that the Florida Science Foundation was incorporated in November 2007, not a “couple of years ago” as reported by Mr. Epstein. The address provided for the “office” of the Florida Science Foundation is Jack Goldberger’s office suite, and neither the office building directory nor the office suite door reflects that such a business is located there, and neither the security guard nor any building tenant that FBI questioned knows of the existence of such a business. And, of course, Mr. Epstein could not have been working there “every day” when he hasn’t been in Palm Beach County in the past six months.

We will leave it to your discretion as to whether this should be brought to the Court’s attention.

<<Epstein Agrmt001.pdf>>

A. Marie Villafana

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 12, 2008 12:07 PM
To: Roy BLACK
Subject: RE: Jeffrey Epstein

Hi Roy -- Can you give me a call? We need to discuss something.

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: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Monday, August 11, 2008 11:40 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Jeffrey Epstein

Marie: I have conferred with the lawyers on the team. They all thank you for agreeing to oppose any disclosure of the 9/24/07 agreement. We firmly believe this document is not discoverable in the civil cases. However if the court rules against you on this we request that you further ask that any disclosure be subject to a strong protective order prohibiting dissemination to anyone except counsel to the petitioners. We are particularly concerned because civil lawyers are more apt to publicize something like this than those of us who litigate on the criminal side of the docket. You may recall one lawyer standing on the bridge to palm beach railing over his misconceptions of the case. This is the typical vehicle they use to get more plaintiffs. You had also asked what documents were disclosed in the state court. As part of counsels obligation to fully disclose any promises or inducements which led to the plea agreement, the 9/24/07 agreement was filed with the court. It was filed under seal. Once again I want to re-assure you that Mr. Epstein and his counsel intend to stand by their agreements. If you or anyone in the USAO have any concern about a possible breach please call or email me again so we can discuss any dispute or misunderstanding and allay any concerns. Thanks again. Roy

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Atkinson, Karen (USAFLS)
Lee, Dexter (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 8/12/2008 4:57 PM
Read: 8/12/2008 3:24 PM
Read: 8/12/2008 3:32 PM

Read: 8/12/2008 3:21 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 12, 2008 3:19 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Tein's Reply Brief in the Epstein civil litigation

The clerk's office finally unsealed Tein's reply brief in the Epstein civil litigation. While the agreement was not filed with the court, Tein quotes extensively from the agreement. He also describes the agreement as "a highly unusual and unprecedented deferred-prosecution agreement."

I still have not heard back from Roy Black regarding the agreement that the defense filed with the state court.



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ply re Motn to S.

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: Tuesday, August 12, 2008 3:42 PM
To: Roy BLACK
Subject: Call

Hi Roy – Karen is tied up until 4:15. Can we call you then? Or would you like to call us?

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: Roy BLACK [RBLACK@royblack.com]
Sent: Tuesday, August 12, 2008 3:45 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Call

Ok. I will call at 4:15 your time.

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

From: "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
To: Roy BLACK <RBLACK@royblack.com>

Sent: 8/12/2008 3:42:04 PM
Subject: Call

Hi Roy - Karen is tied up until 4:15. Can we call you then? Or would you like to call us?

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

Recipient
Senior, Robert (USAFLS)

Read
Read: 8/12/2008 4:55 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 12, 2008 3:55 PM
To: Senior, Robert (USAFLS)
Subject: Call with Roy Black

Hi Bob – Karen and I are doing a conf call with Roy at 4:15. Can you give me a call before then? 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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 12, 2008 4:28 PM
To: Roy BLACK
Cc: Atkinson, Karen (USAFLS)
Subject: Full Agreement

Hi Roy – This is what I have provided to Lanna as representing the full agreement and it is what I have described in my Declaration with the Court.



Epstein
Agrmt001.pdf

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

Recipient
Senior, Robert (USAFLS)

Read
Read: 8/12/2008 4:59 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 12, 2008 4:58 PM
To: Senior, Robert (USAFLS)
Subject: RE: Call with Roy Black

Uggghhhh. Well, come join me in the upside-down world where Roy Black is our only hope of sanity.

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: Senior, Robert (USAFLS)
Sent: Tuesday, August 12, 2008 4:57 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Call with Roy Black

Just got out of a 2 ½ hour meeting with DEA. It made me want to work on Epstein.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 12, 2008 3:55 PM
To: Senior, Robert (USAFLS)
Subject: Call with Roy Black

Hi Bob – Karen and I are doing a conf call with Roy at 4:15. Can you give me a call before then? 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

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 13, 2008 10:22 AM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Fw: Article
Attachments: E.pdf

I am at the dentist but thought you might enjoy today's Palm Beach Post. No word back from Roy Black yet.

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

From: Yera, E.J. (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Sent: Wed Aug 13 10:11:52 2008
Subject: Article

<<E.pdf>>

Recipient	Read
Roy BLACK	
Atkinson, Karen (USAFLS)	
Senior, Robert (USAFLS)	Read: 8/13/2008 3:29 PM
Sloman, Jeff (USAFLS)	Read: 8/13/2008 3:49 PM
Lee, Dexter (USAFLS)	Read: 8/13/2008 3:31 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 13, 2008 3:28 PM
To: Roy BLACK
Cc: Atkinson, Karen (USAFLS)
Subject: Jeffrey Epstein

Dear Roy –

Judge Marra has set us for a status conference tomorrow afternoon in Jane Doe █. United States. Given Judge Marra's past rulings, I anticipate that he may order us to turn over the agreement, so we need to get this issue resolved today, if at all possible.

Thank you,
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

Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz [JLefkowitz@kirkland.com]
Sent: Wednesday, August 13, 2008 4:40 PM
To: Villafana, Ann Marie C. (USAFLS)

Marie -

Are you reachable?

Thanks -- Jay

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Recipient
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)

Read
Read: 8/13/2008 4:51 PM
Read: 8/13/2008 5:00 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 13, 2008 4:47 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Subject: FW: From Jay Lefkowitz

Jay left a voicemail, too. He is following up on my communications with Roy.

Karen and I will call him back.

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: Wednesday, August 13, 2008 4:40 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject:

Marie -

Are you reachable?

Thanks -- Jay

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Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Wednesday, August 13, 2008 6:03 PM
To: Atkinson, Karen (USAFLS); Senior, Robert (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein

This is why we need to get agreement on the final version of the agreement.

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

From: Atkinson, Karen (USAFLS)
To: Acosta, Alex (USAFLS); Senior, Robert (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS)
Sent: Wed Aug 13 17:39:51 2008
Subject: Epstein

Marie and I just got off the phone with Jay-he is not on the civil case. After discussing the hearing for tomorrow and being told that if we had to supply the agreement it would be all three documents he again said that we should talk because that was not their view of the agreement. He said a unilateral change in the agreement in the letter from Alex (although he knew that Alex did not want to hurt Jeffery) could not change the terms of the agreement and put Jeffery in a worse position. Marie pointed out that the letter sent to the victims and approved by Goldberger and others quoted from that letter. He said he had not seen it so Marie is sending him the paperwork. It seems clear that they want all the advantages in subsequent agreements and none of the disadvantages. He thinks this is like a Chinese menu family style-pick and chose what you want from columns A & B. Back to wiretaps!!

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 13, 2008 6:09 PM
To: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)
Cc: Richards, Jason (BOP); Nesbitt Kuyrkendall (E.Kuyrkendall@ic.fbi.gov)
Subject: Tein Ltr 080717.pdf

Hi all – I just faxed out the letter, here is the electronic version with the fax confirmation sheets.



Tein Ltr
080717.pdf

Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS)
Sent: Wednesday, August 13, 2008 6:09 PM
To: Atkinson, Karen (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein

OK, so now it has been flushed out and we can deal with it directly. We need to get this formally resolved. Marie/Karen, let's discuss tomorrow morning.

From: Atkinson, Karen (USAFLS)
Sent: Wednesday, August 13, 2008 5:40 PM
To: Acosta, Alex (USAFLS); Senior, Robert (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: Epstein

Marie and I just got off the phone with Jay—he is not on the civil case. After discussing the hearing for tomorrow and being told that if we had to supply the agreement it would be all three documents he again said that we should talk because that was not their view of the agreement. He said a unilateral change in the agreement in the letter from Alex (although he knew that Alex did not want to hurt Jeffery) could not change the terms of the agreement and put Jeffery in a worse position. Marie pointed out that the letter sent to the victims and approved by Goldberger and others quoted from that letter. He said he had not seen it so Marie is sending him the paperwork. It seems clear that they want all the advantages in subsequent agreements and none of the disadvantages. He thinks this is like a Chinese menu family style—pick and chose what you want from columns A & B. Back to wiretaps!!

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 13, 2008 6:12 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)
Subject: Letter to Jay Lefkowitz

Here is the correspondence that I just faxed to Jay.

Bob – Karen and I will call you tomorrow morning before we speak with Jay.



Lefkowitz
080813008.pdf

A. Marie Villafaña
Assistant Attorney
561 209-1047

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 13, 2008 6:21 PM
To: lefkowitz@kirkland.com
Cc: Roy BLACK
Subject: Electronic Copy of my Fax

Jay – Here is a scanned version of the fax, in case you have already left.



Lefkowitz
080813008.pdf

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: Jay Lefkowitz [JLefkowitz@kirkland.com]
Sent: Wednesday, August 13, 2008 10:00 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Roy BLACK
Subject: Re: Electronic Copy of my Fax

Thx Marie - speak tomorrow. I will call you around 1130-1200.

Jay

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 08/13/2008 06:20 PM AST
To: Jay Lefkowitz
Cc: "Roy BLACK" <RBLACK@royblack.com>
Subject: Electronic Copy of my Fax

Jay – Here is a scanned version of the fax, in case you have already left.

<<Lefkowitz 080813008.pdf>>

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

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Recipient
Senior, Robert (USAFLS)

Read
Read: 8/14/2008 9:59 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 14, 2008 9:59 AM
To: Senior, Robert (USAFLS)
Subject: Agreement

Hi Bob – Just talked to Dexter and he disagrees with our strategy. He is going to call and explain his reasoning. Here are the three documents.



Epstein
Agrmt001.pdf

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: Lee, Dexter (USAFLS)
Sent: Thursday, August 14, 2008 10:57 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Jane Doe Litigation

Alex and Jeff,

We have a status conference with Judge Marra today at 3:30 p.m. When Marie and I met with Brad Edwards last Thursday, we agreed there was no need for an evidentiary hearing. He did want the government to disclose the non-prosecution agreement with Epstein and any Report of Interview conducted with C.W. when the FBI agents met with her in October 2007.

The government filed a response stating that it could not voluntarily disclose the non-prosecution agreement since it contained a confidentiality clause. As to the Report of Interview, we stated that no such document existed. Epstein's counsel has requested that, if the agreement is disclosed pursuant to a court order, that disclosure be accomplished pursuant to a protective order which would prevent further dissemination by Edwards.

Marie spoke with Edwards yesterday, and he agreed that a protective order could be issued by the Court. I anticipate that the parties will advise Judge Marra that (1) no evidentiary hearing is desired by either party; (2) the government will provide petitioners with a copy of the non-prosecution agreement, subject to an agreed protective order entered by the Court; and (3) the parties will enter into a stipulation of dismissal without prejudice.

As to the non-prosecution agreement, I understand there is now a dispute over what constitutes the Agreement. I believe we should provide to Edwards the original agreement, the addendum, and the December 2007 letter, and advise him and the Court that there is currently a dispute over what constitutes the Agreement. I do not believe it to be appropriate for either the government or the victims to ask Judge Marra to resolve the dispute over what constitutes the Agreement, in the context of a lawsuit seeking enforcement of the Crime Victims Rights Act. The only dispute before the Court is whether rights under 18 U.S.C. 3771(a) were violated by the Government when it negotiated the non-prosecution agreement with Epstein. Epstein is not a party to this action, so it is unlikely Judge Marra would hear any dispute over the Agreement when one of the parties is absent from the litigation. The appropriate forum for litigating any dispute over the Agreement is when one of the parties acts in a fashion which the other believes is a breach of the Agreement, and takes action which the other party believes is improper.

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 14, 2008 11:33 AM
To: Roy BLACK
Subject: Call with Jay Lefkowitz

Hi Roy – Sorry to bother you early in the morning. Jay Lefkowitz is supposed to call soon to discuss the agreement. We would prefer to have you on the call as well.

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: Thursday, August 14, 2008 12:19 PM
To: lefkowitz@kirkland.com
Cc: Atkinson, Karen (USAFLS)
Subject: Telephone Call

Hi Jay – Can you give me a specific time for the call so that I can conference call you and Karen?

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

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 14, 2008 12:28 PM
To: Jay Lefkowitz
Subject: RE: Telephone Call

Fine.

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: Thursday, August 14, 2008 12:26 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Re: Telephone Call

How about 10 minutes?

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 08/14/2008 12:19 PM AST
To: Jay Lefkowitz
Cc: "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject: Telephone Call

Hi Jay – Can you give me a specific time for the call so that I can conference call you and Karen?

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: Thursday, August 14, 2008 12:43 PM
To: lefkowitz@kirkland.com
Cc: Atkinson, Karen (USAFLS)
Subject: Follow-up point

Hi Jay – I forgot to mention that I can no longer argue that the Court shouldn't force us to produce the agreement because we have already provided the victims with the relevant portion when I now understand from you that I have NOT provided them with the relevant portion.

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

Recipient

Senior, Robert (USAFLS)

Sloman, Jeff (USAFLS)

Acosta, Alex (USAFLS)

Lee, Dexter (USAFLS)

Atkinson, Karen (USAFLS)

Read

Read: 8/14/2008 12:45 PM

Read: 8/14/2008 1:28 PM

Read: 8/14/2008 12:56 PM

Read: 8/14/2008 2:16 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 14, 2008 12:45 PM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: Call with Lefkowitz

Karen and I just finished up with Jay. It is his position that "the agreement is the agreement" and that Tein and Goldberger's actions after Jeffrey entered his guilty plea cannot modify the agreement. He then said, well, this isn't ripe anyway and it won't be until a victim files suit and tries to enforce the agreement.

I said, no, it is ripe now in two ways. First, Judge Marra is probably going to order us to produce the agreement and we need to provide him with a document. Second, if December isn't in effect we are back to October and I need to supplement my list of victims and we need to get a Special Master to appoint an attorney to represent the girls who currently are unrepresented. He tried to push that off but I said, no, we need to do this right away.

So, he says he is going to call Jeffrey and get back to me before our 3:30 hearing with Judge Marra.

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

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Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz [JLefkowitz@kirkland.com]
Sent: Thursday, August 14, 2008 2:39 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS); lefkowitz@kirkland.com
Subject: Re: Follow-up point

Marie - In reviewing your December proposal, there are a couple of things I don't understand.

What limits are placed upon individuals who proceed under 2255 as if "Mr. Epstein had been tried federally and convicted of an enumerated offense." In other words, what individuals would have this right? And would these individual only have this right if they proceeded exclusively under 2255? Also, to what enumerated offenses do you think would Mr. Epstein have to make constructive admissions of conviction? and how many such offenses? And against whom? Remember that while you may have investigated various offenses, he only plead guilty to certain state crimes.

Finally, would paragraphs 8-10 of the September Agreement still be operative?

I am trying hard to understand what you have intended by the December letter. Alex has says he thinks it benefits Jeffrey, and I am open to understanding it that way. But I would like some clarity on these issues.

Thanks -- Jay

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

To <lefkowitz@kirkland.com>
cc "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject Follow-up point

08/14/2008 12:44 PM

Hi Jay – I forgot to mention that I can no longer argue that the Court shouldn't force us to produce the agreement because we have already provided the victims with the relevant portion when I now understand from you that I have NOT provided them with the relevant portion.

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

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Recipient

Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Lee, Dexter (USAFLS)
Atkinson, Karen (USAFLS)
Acosta, Alex (USAFLS)

Read

Read: 8/14/2008 2:51 PM
Read: 8/14/2008 2:45 PM
Read: 8/14/2008 2:52 PM
Read: 8/14/2008 3:51 PM

A. Marie Villafañá

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 14, 2008 2:45 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS); Acosta, Alex (USAFLS)
Subject: FW: Follow-up point

Ahh, the plot thickens. Apparently December is looking better than October.

I will draft a response and send to you shortly.

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: Thursday, August 14, 2008 2:39 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS); lefkowitz@kirkland.com
Subject: Re: Follow-up point

Marie - In reviewing your December proposal, there are a couple of things I don't understand.

What limits are placed upon individuals who proceed under 2255 as if "Mr. Epstein had been tried federally and convicted of an enumerated offense." In other words, what individuals would have this right? And would these individual only have this right if they proceeded exclusively under 2255? Also, to what enumerated offenses do you think would Mr. Epstein have to make constructive admissions of conviction? and how many such offenses? And against whom? Remember that while you may have investigated various offenses, he only plead guilty to certain state crimes.

Finally, would paragraphs 8-10 of the September Agreement still be operative?

I am trying hard to understand what you have intended by the December letter. Alex has says he thinks it benefits Jeffrey, and I am open to understanding it that way. But I would like some clarity on these issues.

Thanks -- Jay

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

To <lefkowitz@kirkland.com>
cc "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject Follow-up point

08/14/2008 12:44 PM

Hi Jay – I forgot to mention that I can no longer argue that the Court shouldn't force us to produce the agreement because we have already provided the victims with the relevant portion when I now understand from you that I have NOT provided them with the relevant portion.

Recipient

Senior, Robert (USAFLS)

Sloman, Jeff (USAFLS)

Acosta, Alex (USAFLS)

Atkinson, Karen (USAFLS)

Lee, Dexter (USAFLS)

Read

Read: 8/14/2008 3:07 PM

Read: 8/14/2008 3:08 PM

Read: 8/14/2008 3:51 PM

Read: 8/14/2008 3:09 PM

What limits are placed upon individuals who proceed under 2255 as if "Mr. Epstein had been tried federally and convicted of an enumerated offense." In other words, what individuals would have this right? And would these individual only have this right if they proceeded exclusively under 2255? Also, to what enumerated offenses do you think would Mr. Epstein have to make constructive admissions of conviction? and how many such offenses? And against whom? Remember that while you may have investigated various offenses, he only plead guilty to certain state crimes.

Finally, would paragraphs 8-10 of the September Agreement still be operative?

I am trying hard to understand what you have intended by the December letter. Alex has says he thinks it benefits Jeffrey, and I am open to understanding it that way. But I would like some clarity on these issues.

Thanks -- Jay

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

To <lefkowitz@kirkland.com>
cc "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject Follow-up point

08/14/2008 12:44 PM

Hi Jay – I forgot to mention that I can no longer argue that the Court shouldn't force us to produce the agreement because we have already provided the victims with the relevant portion when I now understand from you that I have NOT provided them with the relevant portion.

A. Marie Villafaña

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

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Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 14, 2008 3:06 PM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: FW: Follow-up point

Here is my proposed response.

Dear Jay:

Pursuant to the December letter, only those "individuals whom [the United States] was prepared to name in an Indictment as victims of an enumerated offense" are the beneficiaries of the agreement. That is the list of names that I provided to Messrs. Goldberger and Tein following the change of plea. Under the September/October agreement, all "individuals whom [the United States] has identified as victims" are the beneficiaries, so I would prepare a supplement to the earlier list to include identified victims whom we were not yet prepared to name in an indictment.

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I don't think that Mr. Epstein has to make any constructive admissions of conviction. He only needs to admit that the 32 girls whose names I have provided to Mr. Goldberger are "victims" of an offense listed in 18 U.S.C. 2255.

Please let me know if you have any additional questions. 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

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Thursday, August 14, 2008 2:39 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS); lefkowitz@kirkland.com
Subject: Re: Follow-up point

Marie - In reviewing your December proposal, there are a couple of things I don't understand.

Recipient

'Jay Lefkowitz'

Atkinson, Karen (USAFLS)

'Roy BLACK'

Sloman, Jeff (USAFLS)

Senior, Robert (USAFLS)

Acosta, Alex (USAFLS)

Lee, Dexter (USAFLS)

Read

Read: 8/14/2008 3:51 PM

Read: 8/14/2008 3:41 PM

Read: 8/14/2008 3:29 PM

Read: 8/14/2008 4:07 PM

destroy this communication and all copies thereof,
including all attachments.

Cc: Atkinson, Karen (USAFLS); lefkowitz@kirkland.com
Subject: Re: Follow-up point

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Thanks -- Jay

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

To <lefkowitz@kirkland.com>
cc "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject Follow-up point

08/14/2008 12:44 PM

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 14, 2008 3:27 PM
To: 'Jay Lefkowitz'
Cc: Atkinson, Karen (USAFLS); 'Roy BLACK'
Subject: RE: Follow-up point

Dear Jay:

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Sent: Thursday, August 14, 2008 2:39 PM
To: Villafana, Ann Marie C. (USAFLS)

Recipient

'lefkowitz@kirkland.com'
'Roy BLACK'
Atkinson, Karen (USAFLS)
Senior, Robert (USAFLS)
Sloman, Jeff (USAFLS)
Lee, Dexter (USAFLS)
Acosta, Alex (USAFLS)

Read

Read: 8/14/2008 4:22 PM
Read: 8/14/2008 4:22 PM
Read: 8/14/2008 4:54 PM
Read: 8/14/2008 4:31 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 14, 2008 4:21 PM
To: 'lefkowitz@kirkland.com'; 'Roy BLACK'
Cc: Atkinson, Karen (USAFLS)
Subject: Hearing with Judge Marra

Dear Jay and Roy:

We just finished our hearing with Judge Marra. He has ordered us to make the Agreement available to the plaintiffs in this case pursuant to a protective order limiting the disclosure to the victims and their counsel only. He further has ordered that we have to make the agreement available to any other identified victim and her attorney, so long as they also agree to be bound by the protective order. Judge Marra stated that the plaintiffs can litigate the issue of further disclosure directly with Mr. Epstein in the context of their civil suits.

When I receive the Court's order and a signed protective order, I will provide them to 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: Lee, Dexter (USAFLS)
Sent: Thursday, August 14, 2008 4:51 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Jane Doe - Conference Call

Alex and Jeff,

The conference call with Judge Marra lasted approximately 40 minutes. Brad Edwards and Paul Casell appeared for the victims. Edwards advised the court that the parties were in agreement that no evidentiary hearing was necessary. He stated the victims had a right to see the contents of the "plea agreement" in order to determine how to proceed in the instant litigation. Edwards grudgingly agreed that the non-prosecution agreement could be disclosed by the government, pursuant to a protective order restricting further dissemination, but he argued the public interest favored full disclosure.

I told the court that the non-prosecution agreement did contain a confidentiality provision, and the government was not able to voluntarily disclose it. I also advised that the government informed Epstein of the pending motion for the production of the agreement, and Epstein objected to a public disclosure. Epstein's preference was for a disclosure pursuant to a protective order. When Edwards argued that they were entitled to see the agreement, without any restrictions on disclosure, since they were in litigation with Epstein, I told the court that Edwards could seek access to the agreement in the context of that litigation, where Epstein was a party and could raise his own objections.

Judge Marra asked if there was any issue with the victims (Jane Doe 1 and 2) seeing the agreement, and I said no. When the Judge asked about the other identified victims, I said there was no issue, but we were also concerned that the other victims might publicly disseminate the non-prosecution agreement. Marie added that there were some Fed.R.Cr.P. 6(e) concerns, since the agreement contained the names of individuals who had been investigated by the federal government. We advised the court that the agreement provided that these individuals would also not be prosecuted in federal court. At that point, Edwards claimed he needed to know these names since they could be important witnesses in the civil litigation.

We explained to the court that there were three parts of the agreement, and that there was a current dispute with Epstein over which parts actually constituted the agreement

Judge Marra then ordered disclosure of the agreement to Edwards, subject to a protective order preventing disclosure to persons other than the victims and their counsel in the instant case. Judge Marra also provided that the agreement be available to the other victims, but they were also subject to the protective order, and had to agree to be bound by it. Marie asked if the Judge was ordering the government to disclose the agreement to the other victims. Judge Marra said he was not ordering us to do so, but would leave it to the government to decide whether notice was required under the Crime Victims Rights Act.

Marie is preparing a draft protective order which we will send to Edwards. Once an agreement is reached on the language of the order, we will submit it to the court for review and approval.

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 14, 2008 5:00 PM
To: Lee, Dexter (USAFLS)
Subject: Emailing: Protective Order.wpd
Attachments: Protective Order.wpd

Let me know what you think. Thanks.

The message is ready to be sent with the following file or link attachments:

Protective Order.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

A. Marie Villafañá

Assistant U.S. Attorney

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Sent: Thursday, August 14, 2008 2:39 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS); lefkowitz@kirkland.com
Subject: Re: Follow-up point

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Thanks -- Jay

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To <lefkowitz@kirkland.com>
cc "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject Follow-up point

08/14/2008 12:44 PM

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Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz [JLefkowitz@kirkland.com]
Sent: Friday, August 15, 2008 10:53 AM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS); Roy BLACK; Martin Weinberg
Subject: Re: Follow-up point

Marie - thanks for responding to my email. You have narrowed down some of the implementation issues.

As I told you this morning, we cannot accept your contention that Mr. Epstein is bound by an agreement he didn't sign as opposed to one he did sign, particularly in light of my written communications to your office dated December 21, 2007 and December 26, 2007. However, before we can make a determination whether to adopt the December language as you have now explained it, we need to confer with our client, which we will be able to do within the next two weeks.

I look forward to speaking with you soon to resolve these issues.

Jay

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 08/14/2008 03:27 PM AST
To: Jay Lefkowitz
Cc: "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>; "Roy BLACK" <RBLACK@royblack.com>
Subject: RE: Follow-up point

Dear Jay:

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Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Friday, August 15, 2008 10:58 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Emailing: Protective Order.wpd
Attachments: Protective Order.doc

Marie,

The draft protective order is great. I have saved it in Word format, so Brad can open it. Also, I spoke with Brad this morning regarding the dispute over which version of the Agreement is in force. Can we disclose to him which version was filed under seal in state court? Thanks.

Dexter

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 14, 2008 5:00 PM
To: Lee, Dexter (USAFLS)
Subject: Emailing: Protective Order.wpd

Let me know what you think. Thanks.

The message is ready to be sent with the following file or link attachments:

Protective Order.wpd

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Recipient

Acosta, Alex (USAFLS)

Sloman, Jeff (USAFLS)

Senior, Robert (USAFLS)

Atkinson, Karen (USAFLS)

Lee, Dexter (USAFLS)

Read

Read: 8/15/2008 11:14 AM

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 11:08 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: FW: Follow-up point

Just received a response from Jay. I'm not sure what he means about talking "this morning," since I haven't spoken to him today.

I don't believe that we should wait two weeks for them to confer. They have the ability to confer over the telephone or to come and visit him (as reported in the Palm Beach Post).

Here is my proposed response:

Dear Jay:

Thank you for your response. It is our position that Mr. Epstein accepted the December modification by his performance. If you prefer to return to the language of the October addendum, we have no objection, but, as you know, I have been ordered to produce the Non-Prosecution Agreement and I cannot wait two weeks to do so. Please advise me by noon on Monday in writing, preferably signed by your client, whether Mr. Epstein intends to perform according to the terms of the December modification or whether he elects to return to the October addendum.

If Mr. Epstein elects to perform according to the terms of the October addendum, then please prepare a proposed written submission to the Special Master, in accordance with Paragraph 7B, for my review by Monday afternoon. The extensive delays of the past will no longer be tolerated, and the Office will insist upon a showing of good faith performance in the selection of the attorney representative and all other terms of the Agreement.

Sincerely,
Marie

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

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Friday, August 15, 2008 10:53 AM
To: Villafana, Ann Marie C. (USAFLS)
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Subject Follow-up point

08/14/2008 12:44 PM

Hi Jay – I forgot to mention that I can no longer argue that the Court shouldn't force us to produce the agreement because we have already provided the victims with the relevant portion when I now understand from you that I have NOT provided them with the relevant portion.

A. Marie Villafaña

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Friday, August 15, 2008 10:53 AM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS); Roy BLACK; Martin Weinberg
Subject: Re: Follow-up point

Marie - thanks for responding to my email. You have narrowed down some of the implementation issues.

As I told you this morning, we cannot accept your contention that Mr. Epstein is bound by an agreement he didn't sign as opposed to one he did sign, particularly in light of my written communications to your office dated December 21, 2007 and December 26, 2007. However, before we can make a determination whether to adopt the December language as you have now explained it, we need to confer with our client, which we will be able to do within the next two weeks.

I look forward to speaking with you soon to resolve these issues.

Jay

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 08/14/2008 03:27 PM AST
To: Jay Lefkowitz
Cc: "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>; "Roy BLACK" <RBLACK@royblack.com>
Subject: RE: Follow-up point

Dear Jay:

The modification contained in the December letter is clear and simple, that is why we were not surprised by Mr. Epstein's and his attorneys' actions affirming acceptance of the modification. Mr. Epstein's acceptance of the modification by pleading guilty was equally clear and simple -- it followed written communications from Mr. Sloman and myself that read: "Mr. Epstein has until the close of business on Monday, June 30, 2008, to comply with the terms and conditions of the agreement between the United States and Mr. Epstein (as modified by the U.S. Attorney's December 19th letter to Ms. Sanchez), including entry of a guilty plea, sentencing, and surrendering to begin his sentence of imprisonment."

As clearly stated in the December letter, only those "individuals whom [the United States] was prepared to name in an Indictment as victims of an enumerated offense" are the beneficiaries of the agreement. That is the list of names that I provided to Messrs. Goldberger and Tein following the change of plea. Under the September/October agreement, all "individuals whom [the United States] has identified as victims" are the beneficiaries, so I would prepare a supplement to the earlier list to include identified victims whom we were not yet prepared to name in an indictment.

Again, as stated in the letter, the modification replaces paragraphs 7 and 8 of the Agreement, including paragraphs 7A through 7C that are included in the October Addendum. This means that Mr. Epstein's waiver of "his right to contest damages up to an amount as agreed to between the identified individual and Epstein" will no longer exist, nor will Mr. Epstein's obligation to pay for the victims' counsel. Paragraphs 9 and 10 are still in effect. This includes the statement that there is no admission of civil or criminal liability, and that,

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Friday, August 15, 2008 11:12 AM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: RE: Follow-up point

Are we really proposing the Special Master? Is he still on board?

I thought we had said that compliance with that was an impossibility given the passage of time?

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 11:08 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: FW: Follow-up point

Just received a response from Jay. I'm not sure what he means about talking "this morning," since I haven't spoken to him today.

I don't believe that we should wait two weeks for them to confer. They have the ability to confer over the telephone or to come and visit him (as reported in the Palm Beach Post).

Here is my proposed response:

Dear Jay:

Thank you for your response. It is our position that Mr. Epstein accepted the December modification by his performance. If you prefer to return to the language of the October addendum, we have no objection, but, as you know, I have been ordered to produce the Non-Prosecution Agreement and I cannot wait two weeks to do so. Please advise me by noon on Monday in writing, preferably signed by your client, whether Mr. Epstein intends to perform according to the terms of the December modification or whether he elects to return to the October addendum.

If Mr. Epstein elects to perform according to the terms of the October addendum, then please prepare a proposed written submission to the Special Master, in accordance with Paragraph 7B, for my review by Monday afternoon. The extensive delays of the past will no longer be tolerated, and the Office will insist upon a showing of good faith performance in the selection of the attorney representative and all other terms of the Agreement.

Sincerely,
Marie

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

Recipient
Lee, Dexter (USAFLS)

Read
Read: 8/15/2008 11:15 AM

Let me know what you think. Thanks.

The message is ready to be sent with the following file or link attachments:

Protective Order.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 11:12 AM
To: Lee, Dexter (USAFLS)
Subject: RE: Emailing: Protective Order.wpd

Hi Dexter -- I don't think that we can show them anything until the Order has been entered and signed by Judge Marra, counsel, and the Jane Does.

I just sent you an e-mail that I intend to send to Jay Lefkowitz as soon as possible, so hopefully I will have an answer by Monday and we can turn over a final agreement. If not, I have no objection to sending over the first two parts.

Do you want me to forward the Order on to Brad, or would you like to do so?

His e-mail address is be@BradEdwardsLaw.com

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: Lee, Dexter (USAFLS)
Sent: Friday, August 15, 2008 10:58 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Emailing: Protective Order.wpd

Marie,

The draft protective order is great. I have saved it in Word format, so Brad can open it. Also, I spoke with Brad this morning regarding the dispute over which version of the Agreement is in force. Can we disclose to him which version was filed under seal in state court? Thanks.

Dexter

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 14, 2008 5:00 PM
To: Lee, Dexter (USAFLS)
Subject: Emailing: Protective Order.wpd

Recipient

Acosta, Alex (USAFLS)

Sloman, Jeff (USAFLS)

Senior, Robert (USAFLS)

Atkinson, Karen (USAFLS)

Lee, Dexter (USAFLS)

Read

Read: 8/15/2008 11:17 AM

Read: 8/15/2008 1:28 PM

Read: 8/15/2008 11:21 AM

communication in error, please notify us immediately by
return e-mail or by e-mail to postmaster@kirkland.com, and
destroy this communication and all copies thereof,
including all attachments.

Finally, would paragraphs 8-10 of the September Agreement still be operative?

I am trying hard to understand what you have intended by the December letter. Alex has says he thinks it benefits Jeffrey, and I am open to understanding it that way. But I would like some clarity on these issues.

Thanks -- Jay

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

To <lefkowitz@kirkland.com>
cc "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject Follow-up point

08/14/2008 12:44 PM

Hi Jay – I forgot to mention that I can no longer argue that the Court shouldn't force us to produce the agreement because we have already provided the victims with the relevant portion when I now understand from you that I have NOT provided them with the relevant portion.

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

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.

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The modification contained in the December letter is clear and simple, that is why we were not surprised by Mr. Epstein's and his attorneys' actions affirming acceptance of the modification. Mr. Epstein's acceptance of the modification by pleading guilty was equally clear and simple -- it followed written communications from Mr. Sloman and myself that read: "Mr. Epstein has until the close of business on Monday, June 30, 2008, to comply with the terms and conditions of the agreement between the United States and Mr. Epstein (as modified by the U.S. Attorney's December 19th letter to Ms. Sanchez), including entry of a guilty plea, sentencing, and surrendering to begin his sentence of imprisonment."

As clearly stated in the December letter, only those "individuals whom [the United States] was prepared to name in an Indictment as victims of an enumerated offense" are the beneficiaries of the agreement. That is the list of names that I provided to Messrs. Goldberger and Tein following the change of plea. Under the September/October agreement, all "individuals whom [the United States] has identified as victims" are the beneficiaries, so I would prepare a supplement to the earlier list to include identified victims whom we were not yet prepared to name in an indictment.

Again, as stated in the letter, the modification replaces paragraphs 7 and 8 of the Agreement, including paragraphs 7A through 7C that are included in the October Addendum. This means that Mr. Epstein's waiver of "his right to contest damages up to an amount as agreed to between the identified individual and Epstein" will no longer exist, nor will Mr. Epstein's obligation to pay for the victims' counsel. Paragraphs 9 and 10 are still in effect. This includes the statement that there is no admission of civil or criminal liability, and that, "[e]xcept as to those individuals who elect to proceed EXCLUSIVELY under 18 USC § 2255, . . . Epstein's signature [cannot] be construed as admissions or evidence of civil or criminal liability." This addresses your question regarding exclusivity.

I don't think that Mr. Epstein has to make any constructive admissions of conviction. He only needs to admit that the 32 girls whose names I have provided to Mr. Goldberger are "victims" of an offense listed in 18 U.S.C. 2255.

Please let me know if you have any additional questions. 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

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Thursday, August 14, 2008 2:39 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS); lefkowitz@kirkland.com
Subject: Re: Follow-up point

Marie - In reviewing your December proposal, there are a couple of things I don't understand.

What limits are placed upon individuals who proceed under 2255 as if "Mr. Epstein had been tried federally and convicted of an enumerated offense." In other words, what individuals would have this right? And would these individual only have this right if they proceeded exclusively under 2255? Also, to what enumerated offenses do you think would Mr. Epstein have to make constructive admissions of conviction? and how many such offenses? And against whom? Remember that while you may have investigated various offenses, he only plead guilty to certain state crimes.



so. Please advise me by noon on Monday in writing, preferably signed by your client, whether Mr. Epstein intends to perform according to the terms of the December modification or whether he elects to return to the October addendum.

If Mr. Epstein elects to perform according to the terms of the October addendum, then please prepare a proposed written submission to the Special Master, in accordance with Paragraph 7B, for my review by Monday afternoon. The extensive delays of the past will no longer be tolerated, and the Office will insist upon a showing of good faith performance in the selection of the attorney representative and all other terms of the Agreement.

Sincerely,
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

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Friday, August 15, 2008 10:53 AM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS); Roy BLACK; Martin Weinberg
Subject: Re: Follow-up point

Marie - thanks for responding to my email. You have narrowed down some of the implementation issues.

As I told you this morning, we cannot accept your contention that Mr. Epstein is bound by an agreement he didn't sign as opposed to one he did sign, particularly in light of my written communications to your office dated December 21, 2007 and December 26, 2007. However, before we can make a determination whether to adopt the December language as you have now explained it, we need to confer with our client, which we will be able to do within the next two weeks.

I look forward to speaking with you soon to resolve these issues.

Jay

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 08/14/2008 03:27 PM AST
To: Jay Lefkowitz
Cc: "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>; "Roy BLACK" <RBLACK@royblack.com>
Subject: RE: Follow-up point

Dear Jay:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 11:17 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: RE: Follow-up point

We either have to do the October Agreement or the December Agreement, I don't think we can let them get away with doing neither. Two-thirds of the victims do not have any representation.

The language of the agreement gives us the right to select the Special Master, and we should choose someone quickly. We then have to create a written submission, and we should give them a very short time frame to do so. If we keep their feet to the fire, this can be completed within a week.

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: Acosta, Alex (USAFLS)
Sent: Friday, August 15, 2008 11:12 AM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: RE: Follow-up point

Are we really proposing the Special Master? Is he still on board?

I thought we had said that compliance with that was an impossibility given the passage of time?

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Sent: Friday, August 15, 2008 11:08 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: FW: Follow-up point

Just received a response from Jay. I'm not sure what he means about talking "this morning," since I haven't spoken to him today.

I don't believe that we should wait two weeks for them to confer. They have the ability to confer over the telephone or to come and visit him (as reported in the Palm Beach Post).

Here is my proposed response:

Dear Jay:

Thank you for your response. It is our position that Mr. Epstein accepted the December modification by his performance. If you prefer to return to the language of the October addendum, we have no objection, but, as you know, I have been ordered to produce the Non-Prosecution Agreement and I cannot wait two weeks to do

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Lee, Dexter (USAFLS)
Atkinson, Karen (USAFLS)

Read

Read: 8/15/2008 11:42 AM
Read: 8/15/2008 1:58 PM
Read: 8/15/2008 11:44 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 11:42 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: New proposed response to Jay

Dear Jay:

Thank you for your response. Our communications with Roy Black and later with you were solely to determine what Mr. Epstein considered to be the terms of the Non-Prosecution Agreement. You have now made clear that Mr. Epstein did not accept the December modification and does not intend to perform the obligations set forth therein. The Office is not going to continue negotiating the terms of the Agreement. We only sought finality and you have answered our question. Accordingly, the December proposed modification is hereby withdrawn.

The United States has been ordered to produce the Non-Prosecution Agreement and, in accordance with that Order, will produce the September Agreement with the October Addendum signed by your client. Mr. Goldberger should be advised that we understand he has not provided the state court with a true copy of the complete Agreement, and he should take steps to correct that error. I will prepare an Amended Notification that contains the name of additional identified victims and will provide that to you promptly.

In accordance with Paragraph 7B of the Agreement, please provide me with a proposed written submission to the Special Master by Monday afternoon. We will expect a showing of good faith in the selection of the attorney representative and all other terms of the Agreement and excessive delays, like those that have occurred in the past, will be considered a breach of that duty of good faith.

Sincerely,

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: Lee, Dexter (USAFLS)
Sent: Friday, August 15, 2008 11:41 AM
To: be@BradEdwardsLaw.com
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: Draft Protective Order

Brad,

Attached please find a draft protective order regarding the disclosure of the non-prosecution agreement to you and Jane Does 1 and 2. Please let us know if there are any changes you wish to make. Thanks.

Dexter



Protective
Order.doc

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Friday, August 15, 2008 11:44 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW:
Attachments: Protective Order.Final.doc

Marie,

This is Brad's version of the protective order. It says more than it needs to, and is really more than a protective order.

Dexter

From: Brad Edwards [mailto:be@bradedwardslaw.com]
Sent: Friday, August 15, 2008 11:39 AM
To: Lee, Dexter (USAFLS)
Subject:

Hi Dexter,

Take a look at the Protective order and let me know if you agree with the language. I would like to get this filed today if possible. If you have any questions or want to discuss anything, I am in the office until 2:30 so feel free to call. Thanks

Brad Edwards, Esquire
Law Office of Brad Edwards & Associates
2028 [REDACTED] Street
Suite 202
Hollywood, Florida 33020
Telephone: 954-414-8033 (Broward)
305-935-2011 (Miami-Dade)
Facsimile: 954-924-1530(Broward)
305/935-4227 (Miami-Dade)
e-mail: be@bradedwardslaw.com

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attorney representative and all other terms of the Agreement and excessive delays, like those that have occurred in the past, will be considered a breach of that duty of good faith.

Sincerely,

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: Acosta, Alex (USAFLS)
Sent: Friday, August 15, 2008 11:55 AM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: RE: New proposed response to Jay

How about a slightly different version:

Thank you for your response. Our communications with Roy Black and later with you were solely to determine what Mr. Epstein considered to be the terms of the Non-Prosecution Agreement. We appreciate your answering our question with finality. You have now made clear that Mr. Epstein did not accept the December modification, and accordingly, we will now consider that modification to be a nullity.

Pursuant to our Agreement, I will prepare an Amended Notification that contains the name of additional identified victims. In accordance with Paragraph 7B, please provide me with a proposed written submission to the Special Master by Monday afternoon.

Finally, as you are aware, the United States has been ordered to produce the Non-Prosecution Agreement. In accordance with that Order, we will produce the September Agreement with the October Addendum signed by your client. We understand that Mr. Goldberg may not have provided the state court with a true copy of the complete Agreement, and he should take steps to correct that error.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 11:42 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: New proposed response to Jay

Dear Jay:

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The United States has been ordered to produce the Non-Prosecution Agreement and, in accordance with that Order, will produce the September Agreement with the October Addendum signed by your client. Mr. Goldberger should be advised that we understand he has not provided the state court with a true copy of the complete Agreement, and he should take steps to correct that error. I will prepare an Amended Notification that contains the name of additional identified victims and will provide that to you promptly.

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Villafana, Ann Marie C. (USAFLS)

From: Brad Edwards [be@bradedwardslaw.com]
Sent: Friday, August 15, 2008 11:59 AM
To: Lee, Dexter (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Paul Cassell
Subject: RE: Draft Protective Order
Attachments: Protective Order.Final.doc

This is my proposed Order. I think it comports with the Judge's order from yesterday and I think it is slightly more thorough. It is very similar to your Motion. If you are more satisfied with your wording or layout for the motion, then please incorporate the additional points made in my proposed order.

My only real problem with your proposed Order is paragraph C. This just further delays us from getting the agreement, and I do not believe the Judge placed this burden on us. I think, as I wrote in my proposed order, that it is my duty to instruct my clients on the protective order and its function and to otherwise ensure that it is not violated by my clients. Getting my clients to "acknowledge receipt of the order and agree to its terms" could take awhile and cause unnecessary delay. I plan to talk to my clients about "the agreement" and at the same time instruct them as to the rules outlined in the protective order. That is all the Judge indicated as needed to be done.

From: Lee, Dexter (USAFLS) [mailto:Dexter.Lee@usdoj.gov]
Sent: Friday, August 15, 2008 11:41 AM
To: Brad Edwards
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: Draft Protective Order

Brad,

Attached please find a draft protective order regarding the disclosure of the non-prosecution agreement to you and Jane Does 1 and 2. Please let us know if there are any changes you wish to make. Thanks.

Dexter

<<Protective Order.doc>>

Recipient
Lee, Dexter (USAFLS)

Read
Read: 8/15/2008 1:16 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 12:10 PM
To: Lee, Dexter (USAFLS)
Subject: FW: Draft Protective Order
Attachments: Protective Order.Final.doc

Hey Dexter – I am going to leave this to you, if that is alright. I know it is difficult when too many cooks get involved.

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

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Cc: Villafana, Ann Marie C. (USAFLS)
Subject: Draft Protective Order

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Dexter

<<Protective Order.doc>>

Tracking:

Recipient
Sloman, Jeff (USAFLS)

Read
Read: 8/15/2008 1:02 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 12:15 PM
To: Sloman, Jeff (USAFLS)
Subject: Question re Special Master issue

Importance: High

Hi Jeff – Two things on the special master issue:

1. Did Epstein’s attorneys and you ever finalize a “joint written statement”? If so, I don’t think we should give them the opportunity to fiddle with it again.
2. Do you think Judge [REDACTED] will be willing to give it another go? If not, any thoughts?

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

Villafana, Ann Marie C. (USAFLS)

From: Paul Cassell [cassellp@LAW.UTAH.EDU]
Sent: Friday, August 15, 2008 12:21 PM
To: Brad Edwards; Lee, Dexter (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Draft Protective Order - slight tweak

Hello Dexter and Ann Marie,

First, I don't know if we've been formally introduced. Nice to meet you ... electronically at least.

Second, on the language -- As Brad mentioned, we need to see this document quite quickly in view of the Government's representations yesterday that Epstein is trying to ignore the agreement. As a result - and in view of the difficulty of making immediate contact with our clients -- I propose one change. Instead of this:

Prior to producing the documents to Petitioners' counsel, a copy of this Order must be provided to counsel and their clients, who must review and acknowledge their receipt of and agreement to abide by the terms of this Order, and who must provide a copy of that acknowledgment to the USAO.

How about this:

Before counsel for Petitioner's show the agreement to their clients or discuss the specific terms with them, they must provide a copy of this Order to Petitioners, who must review and acknowledge their receipt of and agreement to abide by the terms of this Order. Counsel for Petitioner's must promptly provide a copy of that acknowledgment to the USAO.

I assume that the USAO is not concerned about us as attorneys somehow ignoring the Court's protective order, so this change would focus in on the non-law trained clients.

Paul G. Cassell
Ronald M. Boyce Presidential Professor of Law
S. J. Quinney College of Law
University of Utah
332 South 1400 East, Room 101
Salt Lake City, UT 84112
(801) 585-5202
cassellp@law.utah.edu

Recipient
Senior, Robert (USAFLS)

Read
Read: 8/15/2008 1:44 PM

September Agreement with the October Addendum signed by your client. We understand that Mr. Goldberg may not have provided the state court with a true copy of the complete Agreement, and he should take steps to correct that error.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 11:42 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: New proposed response to Jay

Dear Jay:

Thank you for your response. Our communications with Roy Black and later with you were solely to determine what Mr. Epstein considered to be the terms of the Non-Prosecution Agreement. You have now made clear that Mr. Epstein did not accept the December modification and does not intend to perform the obligations set forth therein. The Office is not going to continue negotiating the terms of the Agreement. We only sought finality and you have answered our question. Accordingly, the December proposed modification is hereby withdrawn.

The United States has been ordered to produce the Non-Prosecution Agreement and, in accordance with that Order, will produce the September Agreement with the October Addendum signed by your client. Mr. Goldberger should be advised that we understand he has not provided the state court with a true copy of the complete Agreement, and he should take steps to correct that error. I will prepare an Amended Notification that contains the name of additional identified victims and will provide that to you promptly.

In accordance with Paragraph 7B of the Agreement, please provide me with a proposed written submission to the Special Master by Monday afternoon. We will expect a showing of good faith in the selection of the attorney representative and all other terms of the Agreement and excessive delays, like those that have occurred in the past, will be considered a breach of that duty of good faith.

Sincerely,

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)

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Sent: Friday, August 15, 2008 1:44 PM
To: Senior, Robert (USAFLS)
Subject: RE: New proposed response to Jay

Yes, Bob. Firm language. These guys only respond to decisive action, not civilities.

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

From: Senior, Robert (USAFLS)
Sent: Friday, August 15, 2008 1:34 PM
To: Acosta, Alex (USAFLS); Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: Re: New proposed response to Jay

Shouldn't we formally withdraw the offer as opposed to considering it a nullity ?

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From: Acosta, Alex (USAFLS)
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Sent: Fri Aug 15 11:55:13 2008
Subject: RE: New proposed response to Jay

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Recipient

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Acosta, Alex (USAFLS)

Sloman, Jeff (USAFLS)

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Atkinson, Karen (USAFLS)

Read

Read: 8/15/2008 1:55 PM

Read: 8/15/2008 1:51 PM

Read: 8/15/2008 1:49 PM

Read: 8/15/2008 1:54 PM

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Please substitute the word "withdrawn" in the first sentence with "a nullity"

Jeff

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Recipient

Lee, Dexter (USAFLS)

Sloman, Jeff (USAFLS)

Read

Read: 8/15/2008 1:55 PM

Read: 8/15/2008 1:57 PM

Fax 561 820-8777

Tracking:

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 1:54 PM
To: Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS)
Subject: FW: New proposed response to Jay

Importance: High

Dexter -- If we call it "a nullity" instead of "withdrawn" how does that affect the issue with the Jane Does?

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Subject: Re: New proposed response to Jay

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Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Friday, August 15, 2008 2:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Sloman, Jeff (USAFLS)
Subject: RE: New proposed response to Jay

Something which is a nullity lacks any legal import. If it has been withdrawn, then the item had import at one time, but it no longer does. If the December 2007 letter is viewed as an offer, there was no acceptance, or it has been rejected. Consequently, the offer no longer has an legal import.

We are obligated to provide a copy of the non-prosecution agreement to petitioners, whatever that agreement is. If the December 2007 letter never became a part of the agreement, and the government and Epstein are in agreement as to that issue, then we can produce the September 2007 agreement and the addendum. Are we at that point?

Dexter

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From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 1:54 PM
To: Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS)
Subject: FW: New proposed response to Jay
Importance: High

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Subject: RE: New proposed response to Jay

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'lefkowitz@kirkland.com'
'Roy BLACK'
Atkinson, Karen (USAFLS)
Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Lee, Dexter (USAFLS)

Read

Read: 8/15/2008 2:12 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 2:12 PM
To: 'lefkowitz@kirkland.com'; 'Roy BLACK'
Cc: Atkinson, Karen (USAFLS)
Subject: Response to your e-mail

Dear Jay and Roy:

Please see the attached. Thank you.



080815 Villafana
Ltr to Lefkow...

A. Marie Villafaña
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West Palm Beach, FL 33401
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Fax 561 820-8777

Tracking:

Recipient

lefkowitz@kirkland.com

Roy BLACK

Atkinson, Karen (USAFLS)

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Read

Read: 8/15/2008 2:13 PM

Read: 8/15/2008 2:24 PM

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Ltr to Lefkow...

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Tracking:

receipt of and agreement to abide by the terms of this Order. Counsel for Petitioner's must promptly provide a copy of that acknowledgment to the USAO.

I assume that the USAO is not concerned about us as attorneys somehow ignoring the Court's protective order, so this change would focus in on the non-law trained clients.

Paul G. Cassell
Ronald M. Boyce Presidential Professor of Law
S. J. Quinney College of Law
University of Utah
332 South 1400 East, Room 101
Salt Lake City, UT 84112
(801) 585-5202
cassellp@law.utah.edu

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Friday, August 15, 2008 2:24 PM
To: Paul Cassell; Brad Edwards
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Draft Protective Order - slight tweak
Attachments: Protective Order_v2.doc

Judge Cassell and Brad,

I have incorporated the change suggested by Judge Cassell to paragraph (c). I also added language in paragraph (e), referring to other victims, which also provides for petitioners' counsel to promptly provide a copy of the acknowledgment to the U.S. Attorney's Office. The government has no doubts that counsel for petitioners will ensure the authorized recipients are aware of the protective order and agree to abide by it, prior to disclosure. We do not require the acknowledgment in writing prior to the non-prosecution agreement being disclosed to an authorized recipient.

We believe the petitioners' proposed protective order goes well beyond what is at issue, the government's disclosure of the non-prosecution agreement, conditioned on limited dissemination of the document upon receipt by petitioners.

Consequently, we believe the attached proposed order, incorporating your revisions, is appropriate for the task at hand. Thanks.

Dexter

From: Paul Cassell [mailto:cassellp@LAW.UTAH.EDU]
Sent: Friday, August 15, 2008 12:21 PM
To: Brad Edwards; Lee, Dexter (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Draft Protective Order - slight tweak

Hello Dexter and Ann Marie,

First, I don't know if we've been formally introduced. Nice to meet you ... electronically at least.

Second, on the language -- As Brad mentioned, we need to see this document quite quickly in view of the Government's representations yesterday that Epstein is trying to ignore the agreement. As a result - and in view of the difficulty of making immediate contact with our clients -- I propose one change. Instead of this:

Prior to producing the documents to Petitioners' counsel, a copy of this Order must be provided to counsel and their clients, who must review and acknowledge their receipt of and agreement to abide by the terms of this Order, and who must provide a copy of that acknowledgment to the USAO.

How about this:

Before counsel for Petitioner's show the agreement to their clients or discuss the specific terms with them, they must provide a copy of this Order to Petitioners, who must review and acknowledge their

Second, on the language -- As Brad mentioned, we need to see this document quite quickly in view of the Government's representations yesterday that Epstein is trying to ignore the agreement. As a result - and in view of the difficulty of making immediate contact with our clients -- I propose one change. Instead of this:

Prior to producing the documents to Petitioners' counsel, a copy of this Order must be provided to counsel and their clients, who must review and acknowledge their receipt of and agreement to abide by the terms of this Order, and who must provide a copy of that acknowledgment to the USAO.

How about this:

Before counsel for Petitioner's show the agreement to their clients or discuss the specific terms with them, they must provide a copy of this Order to Petitioners, who must review and acknowledge their receipt of and agreement to abide by the terms of this Order. Counsel for Petitioner's must promptly provide a copy of that acknowledgment to the USAO.

I assume that the USAO is not concerned about us as attorneys somehow ignoring the Court's protective order, so this change would focus in on the non-law trained clients.

Paul G. Cassell
Ronald M. Boyce Presidential Professor of Law
S. J. Quinney College of Law
University of Utah
332 South 1400 East, Room 101
Salt Lake City, UT 84112
(801) 585-5202
cassellp@law.utah.edu

Villafana, Ann Marie C. (USAFLS)

From: Brad Edwards [be@bradedwardslaw.com]
Sent: Friday, August 15, 2008 2:49 PM
To: Lee, Dexter (USAFLS); Paul Cassell
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Draft Protective Order - slight tweak

It looks ok. Go ahead and submit it. While we would disagree with your statement that our proposed order goes well beyond what is at issue, since it actually covers very thoroughly the ruling by Judge Marra yesterday, at this point we feel that time is of the essence and we will agree with you submitting your proposed order as is. I think we all heard Judge Marra and are thus all clear as to the terms of the protective order and what is required. I would prefer that there is some language that the protective order is entered without prejudice to petitioners (seems like it would go in paragraph b), but if you are unable to incorporate it in your order, then I am sure there is a record from yesterday that could be used to help us get relief from the protective order at a later hearing. Anyway, thanks for preparing the order. We will look out for the "agreement". Thanks

From: Lee, Dexter (USAFLS) [mailto:Dexter.Lee@usdoj.gov]
Sent: Friday, August 15, 2008 1:24 PM
To: Paul Cassell; Brad Edwards
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Draft Protective Order - slight tweak

Judge Cassell and Brad,

I have incorporated the change suggested by Judge Cassell to paragraph (c). I also added language in paragraph (e), referring to other victims, which also provides for petitioners' counsel to promptly provide a copy of the acknowledgment to the U.S. Attorney's Office. The government has no doubts that counsel for petitioners will ensure the authorized recipients are aware of the protective order and agree to abide by it, prior to disclosure. We do not require the acknowledgment in writing prior to the non-prosecution agreement being disclosed to an authorized recipient.

We believe the petitioners' proposed protective order goes well beyond what is at issue, the government's disclosure of the non-prosecution agreement, conditioned on limited dissemination of the document upon receipt by petitioners.

Consequently, we believe the attached proposed order, incorporating your revisions, is appropriate for the task at hand. Thanks.

Dexter

From: Paul Cassell [mailto:cassellp@LAW.UTAH.EDU]
Sent: Friday, August 15, 2008 12:21 PM
To: Brad Edwards; Lee, Dexter (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Draft Protective Order - slight tweak

Hello Dexter and Ann Marie,

First, I don't know if we've been formally introduced. Nice to meet you ... electronically at least.

Recipient
Sloman, Jeff (USAFLS)

Read
Read: 8/15/2008 4:51 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 4:51 PM
To: Sloman, Jeff (USAFLS)
Subject: Got your message

Sounds like good news. I'll call you on Monday unless a firestorm breaks over the weekend.

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 15, 2008 4:51 PM
To: Lee, Dexter (USAFLS)
Subject: Filing the proposed order

Hi Dexter – Are you going to file the proposed order? If not, please e-mail whatever the final, final is and I will file it with the Court. 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

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Friday, August 15, 2008 4:53 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Jane Doe # 1 and # 2 [REDACTED]. United States, Case No. 08-80736-CIV-MARRA/JOHNSON

Marie,

I filed this earlier this afternoon.

Dexter

From: Lee, Dexter (USAFLS)
Sent: Friday, August 15, 2008 3:23 PM
To: 'marra@flsd.uscourts.gov'
Subject: Jane Doe # 1 and # 2 [REDACTED]. United States, Case No. 08-80736-CIV-MARRA/JOHNSON

Hon. Kenneth A. Marra
United States District Judge

Dear Judge Marra:

Pursuant to the Court's direction at the conclusion of yesterday's Status Conference, attached please find a proposed Order to Produce and Protective Order which has been reviewed and agreed to by counsel for petitioners and the government.

Respectfully,

Dexter A. Lee
Assistant U.S. Attorney



Protective
Order_final.wpd

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Monday, August 18, 2008 12:43 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Victim List

Sorry for the delay. I discussed with Jason, we believe that is everyone at least everyone that was forthcoming. It appears a FOIA has been filed. I'm trying to ensure no docs are provided @ this time. It appears they were specific wanting JE's employees 302s.

From: Villafana, Ann Marie C. (USAFLS)
To: Richards, Jason R.; Kuyrkendall, E N.
Sent: Fri Aug 15 12:15:38 2008
Subject: Victim List

Hi guys – If we were going to expand our list to include victims we know about but weren't ready to charge in an indictment, who would we include besides [REDACTED]?

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

Recipient
Sloman, Jeff (USAFLS)

Read
Read: 8/18/2008 2:59 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, August 18, 2008 2:54 PM
To: Sloman, Jeff (USAFLS)
Subject: Are you free?

Hi Jeff – I know that Miami is closed, but if you have a moment, can you give me a call at my desk? 561-209-1047.

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 19, 2008 12:06 PM
To: Sloman, Jeff (USAFLS)
Subject: Bob J

Hi Jeff. I hope your flight went alright. The wind up here has been awful. The Podhurst firm is closed today so I will try Bob tomorrow morning.
Take care.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 20, 2008 9:24 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Subject: Response from Jay Lefkowitz

Hi all – Jay sent this by fax on Monday evening. I am off to mag court, but should be back around 11:30.

My first thought is, if they wish to limit the list to those girls identified prior to the signing of the non-pros agreement, that is fine, but then I get to prosecute him on the rest.

I am going to send Jay a quick e-mail telling him that I just got his fax because of the closure of the office and I will respond more fully this afternoon or tomorrow morning.



080818
kowitz Ltr to Villa

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

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 8/20/2008 9:29 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 20, 2008 9:24 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Subject: Response from Jay Lefkowitz

Hi all – Jay sent this by fax on Monday evening. I am off to mag court, but should be back around 11:30.

My first thought is, if they wish to limit the list to those girls identified prior to the signing of the non-pros agreement, that is fine, but then I get to prosecute him on the rest.

I am going to send Jay a quick e-mail telling him that I just got his fax because of the closure of the office and I will respond more fully this afternoon or tomorrow morning.



080818

kowitz Ltr to Villa

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: Wednesday, August 20, 2008 9:26 AM
To: Jay Lefkowitz
Cc: Atkinson, Karen (USAFLS)
Subject: Your fax

Good morning, Jay.

Our office has been closed since Monday afternoon due to the Tropical Storm, so I just received your fax. I have to be in Court this morning, but I will turn my attention to your response upon my return and will get back to you later today or tomorrow morning.

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: Wednesday, August 20, 2008 9:28 AM
To: 'Jay Lefkowitz'
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Your fax

P.S. In the meanwhile, if you would like to propose language for our joint submission, I am happy to look that over.

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: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 20, 2008 9:26 AM
To: Jay Lefkowitz
Cc: Atkinson, Karen (USAFLS)
Subject: Your fax

Good morning, Jay.

Our office has been closed since Monday afternoon due to the Tropical Storm, so I just received your fax. I have to be in Court this morning, but I will turn my attention to your response upon my return and will get back to you later today or tomorrow morning.

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

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

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.

Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz [JLefkowitz@kirkland.com]
Sent: Wednesday, August 20, 2008 9:35 AM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Re: Your fax

Thanks Marie.

We are working on something and will share it with you.

Good luck with the weather.

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 08/20/2008 09:28 AM AST
To: Jay Lefkowitz
Cc: "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject: RE: Your fax

P.S. In the meanwhile, if you would like to propose language for our joint submission, I am happy to look that over.

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: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 20, 2008 9:26 AM
To: Jay Lefkowitz
Cc: Atkinson, Karen (USAFLS)
Subject: Your fax

Good morning, Jay.

Our office has been closed since Monday afternoon due to the Tropical Storm, so I just received your fax. I have to be in Court this morning, but I will turn my attention to your response upon my return and will get back to you later today or tomorrow morning.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 20, 2008 2:09 PM
To: Roy BLACK
Subject: Can you give me a call when you have a moment?

Hi Roy -- I am in my office today -- 561-209-1047.

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 20, 2008 3:19 PM
To: bertpatton@podhurst.com
Subject: Epstein Civil Cases

Hi Bert – Here is a chart with all of the information. Please let Mr. Josefsberg know that Mr. Epstein has to answer all of the Complaints in the Jeffrey Herman cases by September 4th. Thank you.



EPSTEIN CIVIL
IGATION CASES

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

Recipient

Acosta, Alex (USAFLS)

Sloman, Jeff (USAFLS)

Senior, Robert (USAFLS)

Alkinson, Karen (USAFLS)

Read

Read: 8/20/2008 3:50 PM

Read: 8/20/2008 4:17 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 20, 2008 3:47 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Subject: Emailing: 080820 Villafana Ltr to Lefkowitz and Black.wpd
Attachments: 080820 Villafana Ltr to Lefkowitz and Black.wpd

I have attached my proposed response to Jay Lefkowitz. Please let me know if you have any changes, I would like to try to get this out today, if possible.

The message is ready to be sent with the following file or link attachments:

080820 Villafana Ltr to Lefkowitz and Black.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Recipient
Lee, Dexter (USAFLS)

Read
Read: 8/20/2008 4:11 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 20, 2008 4:06 PM
To: Lee, Dexter (USAFLS)
Subject: Did you ever get the signed Protective Order from Judge Marra?

Hi Dexter -- I am wondering if the Protective Order got lost in the shuffle. Let me know and I will contact his CRD to check up on it.

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 20, 2008 4:13 PM
To: [REDACTED]
Subject: Proposed Order in Jane Doe 1 and 2 v United States

Hi Irene – Dexter Lee forwarded a proposed protective order in the Jane Doe case on Friday, but we never received a signed order. I think it might be because he didn't formally file it via CM/ECF, so if you want me to re-file it, I will do so right away.

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

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: Wednesday, August 20, 2008 4:25 PM
To: [REDACTED]
Subject: RE: Proposed Order in Jane Doe 1 and 2 [REDACTED] United States

You are the best, my dear! I hope you did alright with the storm. Everyone here did fine.

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: [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, August 20, 2008 4:20 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Proposed Order in Jane Doe 1 and 2 [REDACTED] United States

No need to refile it. The order is on the judge's desk waiting to be signed.

Irene [REDACTED] Ferrante
Judge Marra's Chambers
West Palm Beach, FL
(561)514-3765

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

To <irene [REDACTED]@flsd.uscourts.gov>
cc
Subject Proposed Order in Jane Doe 1 and 2 [REDACTED] United States

08/20/2008 04:14 PM

Hi Irene – Dexter Lee forwarded a proposed protective order in the Jane Doe case on Friday, but we never received a signed order. I think it might be because he didn't formally file it via CM/ECF, so if you want me to re-file it, I will do so right away.

Thank you!

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 20, 2008 4:35 PM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)
Subject: Emailing: Amended Final Victim Notification -- [REDACTED] [REDACTED] final.wpd
Attachments: Amended Final Victim Notification -- [REDACTED] [REDACTED] final.wpd

I have attached a draft amended victim notification, which I will enclose with the letter to Jay that I forwarded earlier. Please let me know if you have any questions or changes.

Thank you.

The message is ready to be sent with the following file or link attachments:

Amended Final Victim Notification -- [REDACTED] [REDACTED] final.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Roe, Susan (USAWAW)
Sent: Wednesday, August 20, 2008 5:54 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: sex criminals

Hi Ann Marie,

Well I'm still working on the Copperfield matter but some of the higher ups are very very uncomfortable with it. One question came up about his connection with Epstein . Do you think Epstein would ever talk or cooperate ? Any provision for that in his state plea agreement?

How do I contact his lawyer/the state prosecutor/etc.

Thanks and consider yourself lucky, I think, to have your famous offender off of your hands.

Good luck with TS/Hurricane Fay!

Susie Roe

From WDWA but at the Nac this week.

Recipient
Senior, Robert (USAFLS)
Sloman, Jeff (USAFLS)

Read
Read: 8/21/2008 9:37 AM
Read: 8/21/2008 12:23 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 21, 2008 9:29 AM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Subject: Are these alright to send out to Jay and Roy?



Amended Final 080820 Villafana
Victim Notificat... Ltr to Lefkow...

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

Recipient
Lee, Dexter (USAFLS)

Read
Read: 8/21/2008 9:38 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 21, 2008 9:31 AM
To: Lee, Dexter (USAFLS)
Subject: Notification to other victims

Hi Dexter – This is the language that I intend to include in the new victim notification letters. Can you let me know if it sounds alright?

In addition, a judge has ordered that the United States make available to any designated victim (and/or her attorney) a copy of the actual agreement between Mr. Epstein and the United States, so long as the victim (and/or her attorney) reviews, signs, and agrees to be bound by a Protective Order entered by the Court. If Ms. [REDACTED] would like to review the Agreement, please let me know, and I will forward a copy of the Protective Order for her signature.

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: Senior, Robert (USAFLS)
Sent: Thursday, August 21, 2008 9:38 AM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Subject: RE: Are these alright to send out to Jay and Roy?

No. Sorry, have been tied up. I looked at everything yesterday but what you wrote and then got busy when your email came.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 21, 2008 9:29 AM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Subject: Are these alright to send out to Jay and Roy?

<< File: Amended Final Victim Notification -- [REDACTED] [REDACTED] final.wpd >> << File: 080820 Villafana Ltr to Lefkowitz and Black.wpd >>

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

Recipient
Senior, Robert (USAFLS)
Sloman, Jeff (USAFLS)

Read
Read: 8/21/2008 1:49 PM
Read: 8/21/2008 1:10 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 21, 2008 1:08 PM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Subject: Emailing: 080820 Villafana Ltr to Lefkowitz and Black w Senior edits.wpd
Attachments: 080820 Villafana Ltr to Lefkowitz and Black w Senior edits.wpd

Here you go, Bob. Let me know if it looks alright.

Thanks.

The message is ready to be sent with the following file or link attachments:

080820 Villafana Ltr to Lefkowitz and Black w Senior edits.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Recipient

lefkowitz@kirkland.com

Roy BLACK

Atkinson, Karen (USAFLS)

Sloman, Jeff (USAFLS)

Senior, Robert (USAFLS)

Acosta, Alex (USAFLS)

Read

Read: 8/21/2008 6:35 PM

Read: 8/21/2008 5:46 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 21, 2008 5:32 PM
To: lefkowitz@kirkland.com; Roy BLACK
Cc: Atkinson, Karen (USAFLS)
Subject: Jeffrey Epstein

Dear Jay and Roy – I have attached a letter in response to Jay’s letter of August 18, 2008, and an Order we received today in the Jane Doe v United States litigation.



080821 Villafana
ltr to Lefkow...



DE26_080821_P
Protective Order.p..

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:

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Atkinson, Karen (USAFLS)
Lee, Dexter (USAFLS)

Read

Read: 8/25/2008 9:56 AM
Read: 8/25/2008 9:49 AM
Read: 8/25/2008 10:11 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, August 25, 2008 9:48 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Letter re Epstein and Protective Order

Good morning, everyone.

I have attached a letter from Jay Lefkowitz that came in by fax on Friday night. The good news is that they seem to be in agreement regarding Mr. Josefsberg. Most of the letter doesn't really require a comment, but I wanted to get Dexter's feedback regarding the notification to the victims of their right to see the agreement. Here is the language from my proposed victim notification letter:

"In addition, a judge has ordered that the United States make available to any designated victim (and/or her attorney) a copy of the actual agreement between Mr. Epstein and the United States, so long as the victim (and/or her attorney) reviews, signs, and agrees to be bound by a Protective Order entered by the Court. If Ms. [REDACTED] would like to review the Agreement, please let me know, and I will forward a copy of the Protective Order for her signature."

Lefkowitz objects, but I am wondering whether Dexter agrees that the spirit of our discussions with Judge Marra requires such a notification. If we make the entire agreement available to Mr. Josefsberg and he conveys that information to all of his clients, the concern becomes moot, I suppose.

Lastly, from my discussion with Bob, it appears that the Office does not want to add to the list the names of victims identified after the date of signing the September agreement unless our investigation had provided enough information that we were prepared to include them in the indictment – i.e., the New York girls – and that you do not want me to re-add [REDACTED] [REDACTED] to the list, even though we have extensive corroboration of her involvement with Epstein. Can someone please confirm?

Thank you all.



080822

kowitz ltr to Villa

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:

Thank you all.

<< File: 080822 Lefkowitz ltr to Villafana.pdf >>

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: Lee, Dexter (USAFLS)
Sent: Monday, August 25, 2008 10:25 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Subject: RE: Letter re Epstein and Protective Order

Marie,

During our telephonic hearing, I received the clear impression that Judge Marra wanted the other victims (non-parties to the Jane Doe litigation), would be given the opportunity to see the Agreement, subject to each one agreeing to be bound by the protective order. I believe it would be contrary to Judge Marra's intent for us to go through the trouble of creating a mechanism for the other non-party victims to have access to the Agreement, and then not tell them there is an Agreement.

Also, does CVRA impose any obligation on us, independent of what Judge Marra ordered, to advise the victims of the Agreement?

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, August 25, 2008 9:48 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Letter re Epstein and Protective Order

Good morning, everyone.

I have attached a letter from Jay Lefkowitz that came in by fax on Friday night. The good news is that they seem to be in agreement regarding Mr. Josefsberg. Most of the letter doesn't really require a comment, but I wanted to get Dexter's feedback regarding the notification to the victims of their right to see the agreement. Here is the language from my proposed victim notification letter:

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Recipient
Lee, Dexter (USAFLS)

Read
Read: 8/25/2008 2:17 PM

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"In addition, a judge has ordered that the United States make available to any designated victim (and/or her attorney) a copy of the actual agreement between Mr. Epstein and the United States, so long as the victim (and/or her attorney) reviews, signs, and agrees to be bound by a Protective Order entered by the Court. If Ms. [REDACTED] would like to review the Agreement, please let me know, and I will forward a copy of the Protective Order for her signature."

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Thank you all.

<< File: 080822 Lefkowitz ltr to Villafana.pdf >>

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: Monday, August 25, 2008 1:54 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Letter re Epstein and Protective Order

Hi Dexter – Thank you for your response. Did you ever send the agreement to Brad? Do you want me to do that?

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: Lee, Dexter (USAFLS)
Sent: Monday, August 25, 2008 10:25 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Subject: RE: Letter re Epstein and Protective Order

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Dexter

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Sent: Monday, August 25, 2008 9:48 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Letter re Epstein and Protective Order

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Recipient
Lee, Dexter (USAFLS)

Read
Read: 8/25/2008 2:21 PM

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:

To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)

Subject: RE: Letter re Epstein and Protective Order

Marie,

During our telephonic hearing, I received the clear impression that Judge Marra wanted the other victims (non-parties to the Jane Doe litigation), would be given the opportunity to see the Agreement, subject to each one agreeing to be bound by the protective order. I believe it would be contrary to Judge Marra's intent for us to go through the trouble of creating a mechanism for the other non-party victims to have access to the Agreement, and then not tell them there is an Agreement.

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Dexter

From: Villafana, Ann Marie C. (USAFLS)

Sent: Monday, August 25, 2008 9:48 AM

To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)

Subject: Letter re Epstein and Protective Order

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I have attached a letter from Jay Lefkowitz that came in by fax on Friday night. The good news is that they seem to be in agreement regarding Mr. Josefsberg. Most of the letter doesn't really require a comment, but I wanted to get Dexter's feedback regarding the notification to the victims of their right to see the agreement. Here is the language from my proposed victim notification letter:

"In addition, a judge has ordered that the United States make available to any designated victim (and/or her attorney) a copy of the actual agreement between Mr. Epstein and the United States, so long as the victim (and/or her attorney) reviews, signs, and agrees to be bound by a Protective Order entered by the Court. If Ms. [REDACTED] would like to review the Agreement, please let me know, and I will forward a copy of the Protective Order for her signature."

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Thank you all.

<< File: 080822 Lefkowitz ltr to Villafana.pdf >>

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, August 25, 2008 2:20 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Letter re Epstein and Protective Order

Yes, that was my plan. I will send it out today. 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: Lee, Dexter (USAFLS)
Sent: Monday, August 25, 2008 2:18 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Letter re Epstein and Protective Order

Marie,

I have not sent Brad the Agreement, and would appreciate it if you could take care of that. Are we sending out parts I and II, and leaving out the December 2007 letter? Thanks.

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, August 25, 2008 1:54 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Letter re Epstein and Protective Order

Hi Dexter – Thank you for your response. Did you ever send the agreement to Brad? Do you want me to do that?

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: Lee, Dexter (USAFLS)
Sent: Monday, August 25, 2008 10:25 AM

Recipient
Sloman, Jeff (USAFLS)

Read
Read: 8/25/2008 4:41 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 3:13 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Proposed Response to Jack Goldberger

When you have a chance, please review. I don't think this has to go out today. I will not be sending Jack the "cc's" of the notification letters until they have all been sent.



080709

Goldberger ltr re not

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

Tracking:

569

EFTA00193377

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 3:19 PM
To: Richards, Jason R. (FBI); Kuyrkendall, E N. (FBI)
Subject: FW: Emailing: Final Victim Notification -- [REDACTED]
Attachments: Final Victim Notification -- [REDACTED]

Hi guys -- I sent this earlier. Does it look alright?

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

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 1:24 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Cc: Richards, Jason R. (FBI); Kuyrkendall, E N. (FBI)
Subject: Emailing: Final Victim Notification -- [REDACTED]

Attached please find my proposed final victim notification letter. This is addressed to Edwards' client, [REDACTED]. (Please note that all of the victims but one is now an adult and all of Mr. Edwards' clients are adults.)

Please let me know if you would like any changes made. Also, Dexter, please let me know when it is safe to send to Mr. Edwards. The letter for S.R. will be identical.

The message is ready to be sent with the following file or link attachments:

Final Victim Notification -- [REDACTED]

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/9/2008 3:24 PM

Thanks to you, Kristina and Katherine for all your help. We'll let you know what happens.

Dexter

From: Herd, Kim (USAEO)
Sent: Wednesday, July 09, 2008 3:02 PM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS); Rothenberg, Laurence E (SMO); Wood, Seth M (SMO); Neal, Kristina (USAEO); Manning, Katharine (USAEO)
Subject: RE: Revised Draft with DOJ Edits

All –

We have checked with OLP and they have cleared the language in your latest revision (per your e-mail below).

Please let us know if you have additional questions.

Thank you for your patience on this –

Kim

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 2:26 PM
To: Herd, Kim (USAEO); Neal, Kristina (USAEO); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: Revised Draft with DOJ Edits

Colleagues,

Attached please find the latest revision, which includes the edits suggested by EOUSA. I have also incorporated the word "place", per Jeff's suggestion. For our DOJ colleagues, there is a new Section III, which goes into detail regarding the contact Marie had with the three victims.

Also, as to whether Edwards raises the right to fairness being violated, I was referring to paragraph five of the emergency petition, which only alleges violations of the right to consultation, notice of public court proceedings, information regarding right to restitution, and notice of rights under the CVRA.

A motion to seal has been prepared, seeking leave of the Court to seal the government's response, Marie's declaration, and the attachments to the declaration.

Dexter Lee

<< File: victim_resp_USArev corrected_DOJedits.wpd >>

Tracking:

566

EFTA00193380

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 3:24 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Revised Draft with DOJ Edits

I added 18 usc 3509(d)(2). It says we don't even need to file a motion, but better safe than sorry.

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 3:10 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Revised Draft with DOJ Edits

Marie,

Yes, we are ready to file. As far as statutory authority, we can cite the Privacy Act, 5 U.S.C. 552a, et. Seq. Also, are there any special victim-witness provisions regarding restrictions on disclosure of victims' names and personal identifying information?

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 3:06 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Revised Draft with DOJ Edits

Hi Dexter – Does this mean your response is good to go? On the sealed document tracking form, is there a particular statute or rule that you think gives us the right to file under seal? Thank you.

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 3:04 PM
To: Herd, Kim (USAEO); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS); Rothenberg, Laurence E (SMO); Wood, Seth M (SMO); Neal, Kristina (USAEO); Manning, Katharine (USAEO)
Subject: RE: Revised Draft with DOJ Edits

Kim,

Final Victim Notification -- [REDACTED] [REDACTED]

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Wednesday, July 09, 2008 3:41 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Emailing: Final Victim Notification -- [REDACTED] [REDACTED]

Looks good except for upper lefthand corner of 2nd page "Page 2 of 4". Is that correct? Other than that it looks fine.

Re the Declaration : Hopefully u r referring to the three clients/victims of Mr. Edwards when you state that "...notice of which was provided to the victims on July 09, 2008, is" (We have not notified all victims on this date)

Hey everything else looks great!!!!!!!!!!!!!! See you in the morning let us know a time to be at your office. We will talk about notification process then.

Jason and Nesbitt

From: Villafana, Ann Marie C. (USAFLS) [Ann.Marie.C.Villafana@usdoj.gov]
Sent: Wednesday, July 09, 2008 3:18 PM
To: Richards, Jason R.; Kuyrkendall, E N.
Subject: FW: Emailing: Final Victim Notification -- [REDACTED] [REDACTED]

<<Final Victim Notification -- [REDACTED] [REDACTED]> Hi guys -- I sent this earlier. Does it look alright?

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

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 1:24 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Cc: Richards, Jason R. (FBI); Kuyrkendall, E N. (FBI)
Subject: Emailing: Final Victim Notification -- [REDACTED] [REDACTED]

Attached please find my proposed final victim notification letter. This is addressed to Edwards' client, [REDACTED] [REDACTED]. (Please note that all of the victims but one is now an adult and all of Mr. Edwards' clients are adults.)

Please let me know if you would like any changes made. Also, Dexter, please let me know when it is safe to send to Mr. Edwards. The letter for S.R. will be identical.

The message is ready to be sent with the following file or link attachments:

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/9/2008 3:54 PM

Marie,

In preparation for this afternoon's filing, I have prepared a motion to seal, which is attached. I did not include Epstein's name and made general assertions regarding the confidentiality of the negotiations. Please have someone sign both the motion to seal, and the government's response, for me. We then need to prepare a sealed document tracking sheet, to accompany the motion.

An original and one copy of the sealed document should be placed in two separate envelopes, with the case number written on the outside. An original and one copy of the motion to seal should be filed with the Clerk.

Thanks.

Dexter

<< File: victim_Mot_seal.wpd >>

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 3:52 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Government's Motion to Seal

Everything is out. Copies will be sent to you via inter-office. Thank you, Dexter, as usual, you came to the rescue!

Can I ask one more favor? Will you e-file a notice of appearance? That way notices of hearings will come to both of us. I have to run to an appointment, but you can get me on the cell phone.

Thanks.

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 2:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Government's Motion to Seal

Marie,

Yes, both the response, your declaration, and the attachments to your declaration, are to be sealed.

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 2:06 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Government's Motion to Seal

Hi Dexter – You want to seal my declaration as well, right? Please let me know and I will change accordingly.

Thanks.

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 1:47 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Government's Motion to Seal

Villafana, Ann Marie C. (USAFLS)

From: Jack Goldberger [jgoldberger@agwpa.com]
Sent: Wednesday, July 09, 2008 3:56 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein contact

Dear Marie,
I am the contact person . My office address is sufficient for contact
jack

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Wednesday, July 09, 2008 1:16 PM
To: Jack Goldberger
Cc: Atkinson, Karen (USAFLS)
Subject: Epstein contact

Dear Jack: I have received your letter and am considering it now. One of the questions I had asked you last week was whether you are the person whom attorneys for the victims should contact if they decide to file any claim. Are you the person? And, if so, what, if any, contact information would you like me to provide?

Thank you.

A. Marie Villafaña

Assistant U.S. Attorney

561 209-1047

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 3:59 PM
To: Jack Goldberger
Subject: RE: Epstein contact

Great. Thanks. Just faxed a letter to you. I have to run to an appointment but will be in tomorrow morning.

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

From: Jack Goldberger [mailto:jgoldberger@agwpa.com]
Sent: Wednesday, July 09, 2008 3:56 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein contact

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Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 6:02 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Conversation with Chambers

Marie,

I really appreciate you faxing a copy of what we filed to me. At 4:45 p.m., I e-filed my entry of appearance. At approximately 5:15, I received a call from Robert Glass, Judge Marra's law clerk. He told me the Judge had received my notice of appearance, but was wondering what happened to the government's response. At that point, I told him that we had earlier hand-filed a motion to seal, the government's response, and your declaration. He told me he would go down to the Clerk's Office and retrieve it.

At 5:25, Mr. Glass called again to tell me everyone at the Clerk's Office had gone home. Judge Marra was anxious to get the government's response, given the time constraints. I just completed faxing everything to Chambers.

It never ceases to amaze me how one small glitch can render meaningless all the work done on a project.

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:21 PM
To: Lee, Dexter (USAFLS)
Subject: Re: Conversation with Chambers

Hi dexter. I don't know what happened. I left at 4:00 and everything had already gone to the courthouse. Our clerk's office is the worst so I should have sent a courtesy copy directly to Judge Marra. I am sorry for the trouble.

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

From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Sent: Wed Jul 09 18:02:00 2008
Subject: Conversation with Chambers

Marie,

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Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 10, 2008 8:24 AM
To: Irene [REDACTED]; marra@flsd.uscourts.gov
Cc: Lee, Dexter (USAFLS)
Subject: In re Jane Doe, 08-80736-CIV-Marra/Johnson -- Government's Response

Dear Irene – I understand that our Response did not make it to Chambers last night from the Clerk’s Office. (Maybe they gave it to Judge Johnson?) I have scanned in our file-stamped copy and I also am attaching the Order on the Motion to Seal in Word Perfect Format. If you need anything else, please let me know. The air conditioning in my office is broken, so I am working in a conference room. If you need to reach me, please dial the main number (561-820-8711) and have me paged.

Thank you so much.



In re Jane Doe
Order to seal R...



In Re Jane
Doe001.pdf

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

Recipient

Lee, Dexter (USAFLS)
Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Richards, Jason R. (FBI)
Kuyrkendall, E N. (FBI)

Read

Read: 7/10/2008 9:28 AM
Read: 7/10/2008 9:46 AM
Read: 7/10/2008 9:33 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 10, 2008 9:27 AM
To: Lee, Dexter (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Richards, Jason R. (FBI); Kuyrkendall, E N. (FBI)
Subject: Hearing on Jane Doe Petition
Importance: High

Hi Dexter:

I just received a message from Judge Marra's CRD. He would like to set a hearing for 10:15 tomorrow. Are you available?

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

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Thursday, July 10, 2008 9:28 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS); Villafana, Ann Marie C. (USAFLS)
Cc: Herd, Kim (USAEO); Neal, Kristina (USAEO)
Subject: In Re Jane Doe - Hearing on July 11, 2008 at 10:15 a.m.

Alex,

I just received a call from Judge Marra's Chambers. He has scheduled a hearing on the victim's petition for Friday, July 11, 2008, at 10:15 a.m. Can we have the FBI case agent present at the hearing?

Dexter

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/10/2008 9:32 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 10, 2008 9:32 AM
To: Lee, Dexter (USAFLS)
Subject: RE: Hearing on Jane Doe Petition

Thanks, Dexter. I will ask both Nesbitt and Jason to attend. What documents should I bring with me? And how much information is the office willing to share with the Judge if he asks, what I think will be the big question, namely:

If this deal was signed in September, why didn't the victims receive notification until yesterday?

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

From: Lee, Dexter (USAFLS)
Sent: Thursday, July 10, 2008 9:28 AM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Richards, Jason R. (FBI); Kuyrkendall, E N. (FBI)
Subject: RE: Hearing on Jane Doe Petition

Marie,

I received the same call. I'll be there.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 10, 2008 9:27 AM
To: Lee, Dexter (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Richards, Jason R. (FBI); Kuyrkendall, E N. (FBI)
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A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Thursday, July 10, 2008 9:34 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Hearing on Jane Doe Petition

Marie,

Can you call me at (305) 961-9320? I tried your number but I think you are working in another office. Thanks.

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 10, 2008 9:32 AM
To: Lee, Dexter (USAFLS)
Subject: RE: Hearing on Jane Doe Petition

Thanks, Dexter. I will ask both Nesbitt and Jason to attend. What documents should I bring with me? And how much information is the office willing to share with the Judge if he asks, what I think will be the big question, namely:

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Assistant U.S. Attorney
561 209-1047

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Sent: Thursday, July 10, 2008 9:28 AM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Richards, Jason R. (FBI); Kuyrkendall, E N. (FBI)
Subject: RE: Hearing on Jane Doe Petition

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From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 10, 2008 9:27 AM
To: Lee, Dexter (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Richards, Jason R. (FBI); Kuyrkendall, E N. (FBI)
Subject: Hearing on Jane Doe Petition
Importance: High

Hi Dexter:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 10, 2008 9:47 AM
To: Kuyrkendall, E N. (FBI)
Subject: RE: Hearing on Jane Doe Petition

Yes please. We should try to get as many notifications out as possible today. I am preparing a log.

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

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

From: Kuyrkendall, E N. (FBI)
Sent: Thursday, July 10, 2008 9:36 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Hearing on Jane Doe Petition

Do u still want us to come over this morning.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Lee, Dexter (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Richards, Jason R.; Kuyrkendall, E N.
Sent: Thu Jul 10 09:26:40 2008
Subject: Hearing on Jane Doe Petition

Hi Dexter:

I just received a message from Judge Marra's CRD. He would like to set a hearing for 10:15 tomorrow. Are you available?

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

Villafana, Ann Marie C. (USAFLS)

From: Nira Alanis [nalanis@agwpa.com]
Sent: Thursday, July 10, 2008 4:41 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein
Attachments: Letter to A. Marie C. Villafana, Esquire.pdf

This attachment has been sent to you on behalf of Jack A. Goldberger, Esquire.

Regards,

Nayanira Alanis,
Legal Assistant
Atterbury, Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401
T#561-659-8300
F#561-835-8691

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 10, 2008 4:59 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: 080710 Goldberger Ltr to A Marie C Villafana Esquire.pdf

Hi all -- This letter just arrived from Jack Goldberger. I will prepare a response.



080710
berger Ltr to A ↑

Here is the final victim list that is going out to Goldberger via certified mail this afternoon.



080710 Final
ictim List for G..

P.S. This is the final version of the letter that I sent to Jack yesterday:



080709 Ltr to
oldberger re No.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 10, 2008 5:12 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Proposed response to Goldberger's letter
Attachments: 080710 Response to Goldberger ltr re notification.wpd

Please let me know if this is alright to fax out today. I can see no reason for us to disclose any of the additional information that they have requested.

The message is ready to be sent with the following file or link attachments:

080710 Response to Goldberger ltr re notification.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Thursday, July 10, 2008 5:15 PM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Re: Proposed response to Goldberger's letter

Fine

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

From: Villafana, Ann Marie C. (USAFLS)
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Sent: Thu Jul 10 17:12:26 2008
Subject: Proposed response to Goldberger's letter

Please let me know if this is alright to fax out today. I can see no reason for us to disclose any of the additional information that they have requested.

The message is ready to be sent with the following file or link attachments:

080710 Response to Goldberger ltr re notification.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Thursday, July 10, 2008 5:34 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Proposed response to Goldberger's letter

Looks great! He will try to push u for more but I agree with your stance to provide him with only the info we have agreed to in the NPAgreement(no more no less) as our position is not to be involved in the civil process. Hey and thanks for understanding the position of notification(Jason and I had some extensive debate on the matter). See u tomorrow.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N.; Richards, Jason R.
Sent: Thu Jul 10 17:12:26 2008
Subject: Proposed response to Goldberger's letter

<<080710 Response to Goldberger ltr re notification.wpd>> Please let me know if this is alright to fax out today. I can see no reason for us to disclose any of the additional information that they have requested.

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080710 Response to Goldberger ltr re notification.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Recipient

Acosta, Alex (USAFLS)

Sloman, Jeff (USAFLS)

Read

Read: 7/11/2008 12:01 PM

Read: 7/11/2008 11:51 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 11, 2008 11:25 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Subject: Just got back from Epstein hearing

Importance: High

We need to talk. Dexter, Karen and I are at 561 209-1021

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

Tracking:

540

EFTA00193406

Recipient	Read
'Jack Goldberger'	
Lee, Dexter (USAFLS)	Read: 7/11/2008 2:05 PM
Atkinson, Karen (USAFLS)	
Kuyrkendall, E N. (FBI)	
Acosta, Alex (USAFLS)	Read: 7/11/2008 12:01 PM
Richards, Jason R. (FBI)	
Sloman, Jeff (USAFLS)	Read: 7/11/2008 11:56 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 11, 2008 11:55 AM
To: 'Jack Goldberger'
Cc: Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: Notice of Disclosure

Dear Mr. Goldberger:

Today, Dexter Lee and I appeared before Judge Marra in connection with a suit filed by C.W. and T.M. asserting that their rights as victims were breached by our failure to consult with them before entering into the Non-Prosecution Agreement. In response to their petition, I filed a Declaration under seal that included the victim notification letters provided to their attorney, Brad Edwards. At today's hearing, and over our objection, Judge Marra denied our motion to seal and unsealed the declaration. Accordingly, one piece of the Non-Prosecution Agreement, specifically the paragraph that is quoted in the victim notification letters, has been disclosed.

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

Tracking:

538

EFTA00193408

Recipient

'Jack Goldberger'
Lee, Dexter (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Acosta, Alex (USAFLS)
Richards, Jason R. (FBI)
Sloman, Jeff (USAFLS)

Read

Read: 7/11/2008 2:05 PM
Read: 7/11/2008 11:58 AM

Read: 7/11/2008 12:01 PM

Read: 7/11/2008 11:56 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 11, 2008 11:55 AM
To: 'Jack Goldberger'
Cc: Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: Notice of Disclosure

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

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Friday, July 11, 2008 11:58 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Notice of Disclosure

Marie,

I have another question about today's hearing. Please call me at my desk. Thanks,

Jeff
305-961-9299

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 11, 2008 11:55 AM
To: Jack Goldberger
Cc: Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: Notice of Disclosure

Dear Mr. Goldberger:

Today, Dexter Lee and I appeared before Judge Marra in connection with a suit filed by C.W. and T.M. asserting that their rights as victims were breached by our failure to consult with them before entering into the Non-Prosecution Agreement. In response to their petition, I filed a Declaration under seal that included the victim notification letters provided to their attorney, Brad Edwards. At today's hearing, and over our objection, Judge Marra denied our motion to seal and unsealed the declaration. Accordingly, one piece of the Non-Prosecution Agreement, specifically the paragraph that is quoted in the victim notification letters, has been disclosed.

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

561 209-1047

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 11, 2008 12:17 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE: Notice of Disclosure

No, thanks, I want to spend the next year investigating Matt and Lilly. Did Jason show you the press release that I found?

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: Kuyrkendall, E N. (FBI)
Sent: Friday, July 11, 2008 12:03 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Notice of Disclosure

All Jason and I can say is unbelievable. This is going to be a big mess. Jason and I r taking the next year off want to join us in Cabo?

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Jack Goldberger <jgoldberger@agwpa.com>
Cc: Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Sent: Fri Jul 11 11:55:14 2008
Subject: Notice of Disclosure

Dear Mr. Goldberger:

Today, Dexter Lee and I appeared before Judge Marra in connection with a suit filed by C.W. and T.M. asserting that their rights as victims were breached by our failure to consult with them before entering into the Non-Prosecution Agreement. In response to their petition, I filed a Declaration under seal that included the victim notification letters provided to their attorney, Brad Edwards. At today's hearing, and over our objection, Judge Marra denied our motion to seal and unsealed the declaration. Accordingly, one piece of the Non-Prosecution Agreement, specifically the paragraph that is quoted in the victim notification letters, has been disclosed.

A. Marie Villafaña

Assistant U.S. Attorney

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A. Marie Villafaña

Assistant U.S. Attorney

561 209-1047

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Friday, July 11, 2008 12:25 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Notice of Disclosure

No, but I'll be sure to look in tomorrows Sun Sent for the much deserve praise for our hard work. Hey for the record we can't break up the team now so we will be here for any tar and feathering:)

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.
Sent: Fri Jul 11 12:17:02 2008
Subject: RE: Notice of Disclosure

No, thanks, I want to spend the next year investigating Matt and Lilly. Did Jason show you the press release that I found?

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

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Cc: Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
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Villafana, Ann Marie C. (USAFLS)

From: Jack Goldberger [jgoldberger@agwpa.com]
Sent: Friday, July 11, 2008 1:18 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Notice of Disclosure

Please call me in regard to this
Jack goldberger

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Friday, July 11, 2008 12:01 PM
To: Jack Goldberger
Cc: Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: Notice of Disclosure

Dear Mr. Goldberger:

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A. Marie Villafaña

Assistant U.S. Attorney

561 209-1047

Recipient

Atkinson, Karen (USAFLS)

Lee, Dexter (USAFLS)

Read

Read: 7/11/2008 2:55 PM

Read: 7/11/2008 2:05 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 11, 2008 1:42 PM
To: Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: FW: Notice of Disclosure

I'm not going to call him by myself, so who wants to join me?

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

From: Jack Goldberger [mailto:jgoldberger@agwpa.com]
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A. Marie Villafana
Assistant U.S. Attorney

561 209-1047

Tracking:

561 209-1047

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 11, 2008 2:15 PM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: FW: Notice of Disclosure

Are you sure you are still with me?

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

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Sent: Friday, July 11, 2008 1:42 PM
To: Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: FW: Notice of Disclosure

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To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Notice of Disclosure

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Jack goldberger

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To: Jack Goldberger
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Subject: Notice of Disclosure

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Assistant U.S. Attorney

A. Marie Villafaña

Assistant U.S. Attorney

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A. Marie Villafaña

Assistant U.S. Attorney

561 209-1047

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 11, 2008 2:18 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE: Notice of Disclosure

I am at 209-1021

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

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

From: Kuyrkendall, E N. (FBI)
Sent: Friday, July 11, 2008 2:17 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Notice of Disclosure

We are calling your office.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.; Richards, Jason R.
Sent: Fri Jul 11 14:15:19 2008
Subject: FW: Notice of Disclosure

Are you sure you are still with me?

A. Marie Villafaña

Assistant U.S. Attorney

561 209-1047

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 11, 2008 1:42 PM
To: Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: FW: Notice of Disclosure

I'm not going to call him by myself, so who wants to join me?

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Friday, July 11, 2008 2:33 PM
To: Herd, Kim (USAEO); Neal, Kristina (USAEO); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Jane Doe Hearing

Colleagues,

The hearing this morning lasted 45 minutes. Judge Marra first heard argument from Brad Edwards, who harangued the government for permitting Epstein to get off with a light sentence in state court. He argued that the victims were entitled to be consulted before this agreement was reached, and the court should set the agreement aside. Edwards again argued that the rights in section 3771(a) accrue prior to the filing of any charges.

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There was a reporter from the Sun Sentinel present in the audience.

Dexter

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/14/2008 8:52 AM

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Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 11, 2008 3:04 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Jane Doe Hearing

Hi Dexter – I really think you should be on this call with Jack Goldberger, if you feel a response is required.

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

From: Lee, Dexter (USAFLS)
Sent: Friday, July 11, 2008 2:33 PM
To: Herd, Kim (USAEO); Neal, Kristina (USAEO); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Jane Doe Hearing

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 14, 2008 8:57 AM
To: isidrogarcia@bellsouth.net
Subject: Inquiry regarding one of your clients

Dear Mr. Garcia –

I saw reported in the news that you are representing one or more victims who are filing suit against Jeffrey Epstein. Can you contact me at your earliest convenience with her (or their) name(s). I need to determine if they were identified in the FBI's investigation.

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

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Dexter

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Monday, July 14, 2008 10:20 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Jane Doe Hearing

Marie,

I left early on Friday since I had to take care of some matters before my Air Force reserve duty at Homestead AFB this weekend. If you want me to participate in a conference with Mr. Goldberger, I will be happy to do so.

Dexter

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Sent: Friday, July 11, 2008 3:04 PM
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561 209-1047

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Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
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Recipient

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Atkinson, Karen (USAFLS)

Read

Read: 7/14/2008 12:17 PM
Read: 7/14/2008 12:48 PM

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Dexter

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 14, 2008 12:17 PM
To: Lee, Dexter (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Jane Doe Hearing

Hi Dexter – I haven't heard any more from Jack and I haven't received any faxes, so perhaps the storm has passed. If you would like to call him, his phone number is 561.659.8300.

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: Lee, Dexter (USAFLS)
Sent: Monday, July 14, 2008 10:20 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Jane Doe Hearing

Marie,

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Subject: Jane Doe Hearing

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 14, 2008 2:14 PM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Calls

Hi guys. I am stuck in the rain. If you want to start calling here are my thoughts.

We are calling to inform you about the resolution of the Epstein investigation and to thank you for your help.

Mr Epstein pled guilty to one child sex offense that will require him to register as a sex offender for life and received a sentence of 18 months imprisonment followed by one year of home confinement. Mr Epstein also made a concession regarding the payment of restitution.

All of these terms are set out in a letter that AUSA Villafana is going to send out. Do you have a lawyer? Get name and address. If not where do you want letter sent? If you have questions when you receive the letter, please understand that we cannot provide legal advice but the lawyers at the following victims rights organizations are able to help you at no cost to you. (Provide the names and phone numbers) Also ask about counseling and let them know that counseling is still available even though the investigation is closed.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 14, 2008 4:16 PM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI); Smith, Twiler [REDACTED] (FBI)
Subject: FW: Calls

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On another note, do you guys have an office in Ft Pierce?

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Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Monday, July 14, 2008 4:53 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Conversation with Mike Tein

Marie,

Mike Tein called this afternoon, wanting to confirm details he had read in the newspaper. I told him that Judge Marra had not dismissed the victims' petition, and explained the parties were determining whether an evidentiary hearing was necessary. He asked if both Jane Doe No. 1 and No. 2 were present in court, and I told him yes.

He also asked if the government's response would be available on PACER. I told him that, since the court had denied our motion to seal, the government's response would be unsealed and placed on the docket.

Dexter

Recipient

Lee, Dexter (USAFLS)
Alkinson, Karen (USAFLS)

Read

Read: 7/14/2008 5:02 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 14, 2008 4:54 PM
To: Lee, Dexter (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Conversation with Mike Tein

Thank you, Dexter.

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From: Richards, Jason R. (FBI)
Sent: Tuesday, July 15, 2008 11:12 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Calls

Hi Marie, do you have the names and numbers of the pro bono attorneys available for the victims?

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.; Richards, Jason R.; Smith, Twiler ■.
Sent: Mon Jul 14 16:16:08 2008
Subject: FW: Calls

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Subject: Re: Calls

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 12:01 PM
To: Richards, Jason R. (FBI)
Subject: Re: Calls

Hi jason. I am out of the office right now. It is jason at south carolina victim's action network (www.scvan.org) and pauline mandel at maryland crime victims' services (www.mdcrimevictims.org)

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

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Sent: Tue Jul 15 11:32:17 2008
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From: Richards, Jason R. (FBI)
Sent: Tuesday, July 15, 2008 1:02 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Calls

Are you available to meet with Aris and her mom on Thur. at 3:30. Julia was very uncooperative with Twila today.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
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Sent: Tue Jul 15 12:00:40 2008
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On another note, do you guys have an office in Ft Pierce?

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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: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 14, 2008 2:14 PM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Calls

Hi guys. I am stuck in the rain. If you want to start calling here are my thoughts.

We are calling to inform you about the resolution of the Epstein investigation and to thank you for your help.

Mr Epstein pled guilty to one child sex offense that will require him to register as a sex offender for life and received a sentence of 18 months imprisonment followed by one year of home confinement. Mr Epstein also made a concession regarding the payment of restitution.

All of these terms are set out in a letter that AUSA Villafana is going to send out. Do you have a lawyer? Get name and address. If not where do you want letter sent? If you have questions when you receive the letter, please understand that we cannot provide legal advice but the lawyers at the following victims rights organizations are able to help you at no cost to you. (Provide the names and phone numbers) Also ask about counseling and let them know that counseling is still available even though the investigation is closed.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 1:26 PM
To: Richards, Jason R. (FBI)
Subject: RE: Calls

Hi Jason -- Yes, that is fine, unless I am selected for jury duty, which seems unlikely.

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: Richards, Jason R. (FBI)
Sent: Tuesday, July 15, 2008 1:02 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Calls

Are you available to meet with Aris and her mom on Thur. at 3:30. Julia was very uncooperative with Twila today.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Richards, Jason R.
Sent: Tue Jul 15 12:00:40 2008
Subject: Re: Calls

Hi jason. I am out of the office right now. It is jason at south carolina victim's action network (www.scvan.org) and pauline mandel at maryland crime victims' services (www.mdcrimevictims.org)

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

From: Richards, Jason R. (FBI)
To: Villafana, Ann Marie C. (USAFLS)
Sent: Tue Jul 15 11:32:17 2008
Subject: Re: Calls

Call me when you get a chance. Twila on hold re: notifications. Any word from Marra?

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 15, 2008 2:15 PM
To: Valle, Alicia (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: In Re Jane Doe - Call from Palm Beach Daily News

Alicia,

I just received a phone call from Maggie Kacoha of the Palm Beach Daily News, (561) 820-3850, asking about the Jane Doe case. She told me they were tied up on Friday and unable to attend the hearing before Judge Marra. She said she had read the Sun Sentinel article and wanted to confirm that : (1) the government argued the court had no jurisdiction; and (2) the district court agreed.

I gave her your name and said someone would be calling her back. I told her that the filings had all been unsealed and she could access them through PACER. I did confirm that the government argued the court did not have jurisdiction, but said the case was not over. I declined to make any other comments.

When the hearing concluded last Friday, Judge Marra left it up to the parties to advise the court whether an evidentiary hearing was needed. If the answer is yes, then the court will schedule a hearing. If the answer is no, then I assume the court will go ahead and rule on the papers filed.

If you need copies of what the government filed, please let me know. Thanks.

Dexter

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/15/2008 3:41 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 3:09 PM
To: Lee, Dexter (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Hi Dexter – Have you heard any more from Mr. Edwards? I don't like to keep Judge Marra waiting. He is our nicest judge, so I like to be as responsive as possible.

A. Marie Villafaña
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
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From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 15, 2008 2:15 PM
To: Valle, Alicia (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: In Re Jane Doe - Call from Palm Beach Daily News

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Dexter

Tracking:

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If you need copies of what the government filed, please let me know. Thanks.

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 15, 2008 3:44 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Marie,

I have heard nothing from Edwards. My recollection is that you told him you would prepare a document for joint filing, once we agreed after the hearing that an evidentiary hearing was not necessary for either side. We were going to detail what occurred at the meeting between Nesbitt and Jason at Publix with C.W., and Edwards was going to provide C.W.'s perception of what she was told by Nesbitt and Jason.

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 3:09 PM
To: Lee, Dexter (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Hi Dexter – Have you heard any more from Mr. Edwards? I don't like to keep Judge Marra waiting. He is our nicest judge, so I like to be as responsive as possible.

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: Lee, Dexter (USAFLS)
Sent: Tuesday, July 15, 2008 2:15 PM
To: Valle, Alicia (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: In Re Jane Doe - Call from Palm Beach Daily News

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I gave her your name and said someone would be calling her back. I told her that the filings had all been unsealed and she could access them through PACER. I did confirm that the government argued the court did not have jurisdiction, but said the case was not over. I declined to make any other comments.

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/15/2008 4:36 PM

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 15, 2008 2:15 PM
To: Valle, Alicia (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: In Re Jane Doe - Call from Palm Beach Daily News

Alicia,

I just received a phone call from Maggie Kacoha of the Palm Beach Daily News, (561) 820-3850, asking about the Jane Doe case. She told me they were tied up on Friday and unable to attend the hearing before Judge Marra. She said she had read the Sun Sentinel article and wanted to confirm that : (1) the government argued the court had no jurisdiction; and (2) the district court agreed.

I gave her your name and said someone would be calling her back. I told her that the filings had all been unsealed and she could access them through PACER. I did confirm that the government argued the court did not have jurisdiction, but said the case was not over. I declined to make any other comments.

When the hearing concluded last Friday, Judge Marra left it up to the parties to advise the court whether an evidentiary hearing was needed. If the answer is yes, then the court will schedule a hearing. If the answer is no, then I assume the court will go ahead and rule on the papers filed.

If you need copies of what the government filed, please let me know. Thanks.

Dexter

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 4:21 PM
To: Lee, Dexter (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Hi Dexter – Just got a voicemail from Brad. I will draft something up and will forward it to you before I send it over to him.

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: Lee, Dexter (USAFLS)
Sent: Tuesday, July 15, 2008 3:44 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Marie,

I have heard nothing from Edwards. My recollection is that you told him you would prepare a document for joint filing, once we agreed after the hearing that an evidentiary hearing was not necessary for either side. We were going to detail what occurred at the meeting between Nesbitt and Jason at Publix with C.W., and Edwards was going to provide C.W.'s perception of what she was told by Nesbitt and Jason.

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 3:09 PM
To: Lee, Dexter (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Hi Dexter – Have you heard any more from Mr. Edwards? I don't like to keep Judge Marra waiting. He is our nicest judge, so I like to be as responsive as possible.

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

Recipient

Valle, Alicia (USAFLS)
Lee, Dexter (USAFLS)
Sloman, Jeff (USAFLS)
Acosta, Alex (USAFLS)

Read

Read: 7/15/2008 4:25 PM
Read: 7/15/2008 4:36 PM
Read: 7/15/2008 4:25 PM

When the hearing concluded last Friday, Judge Marra left it up to the parties to advise the court whether an evidentiary hearing was needed. If the answer is yes, then the court will schedule a hearing. If the answer is no, then I assume the court will go ahead and rule on the papers filed.

If you need copies of what the government filed, please let me know. Thanks.

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 4:24 PM
To: Valle, Alicia (USAFLS); Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Here is the scanned file-stamped copies of our filings. Along with the filings of the Jane Does from PACER.



DE2_080707_CeDE1_080707_PetDE9_080711_Re In Re Jane
of Emergency.p ition.pdf ply Brief.pdf Doe001.pdf

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: Valle, Alicia (USAFLS)
Sent: Tuesday, July 15, 2008 4:22 PM
To: Lee, Dexter (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Ok – just got off the phone with her.
Can you send me copies of the docs, which I will forward to her? thanks, aov

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 15, 2008 2:15 PM
To: Valle, Alicia (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: In Re Jane Doe - Call from Palm Beach Daily News

Alicia,

I just received a phone call from Maggie Kacoha of the Palm Beach Daily News, (561) 820-3850, asking about the Jane Doe case. She told me they were tied up on Friday and unable to attend the hearing before Judge Marra. She said she had read the Sun Sentinel article and wanted to confirm that : (1) the government argued the court had no jurisdiction; and (2) the district court agreed.

I gave her your name and said someone would be calling her back. I told her that the filings had all been unsealed and she could access them through PACER. I did confirm that the government argued the court did not have jurisdiction, but said the case was not over. I declined to make any other comments.

Recipient
Valle, Alicia (USAFLS)
Lee, Dexter (USAFLS)

Read
Read: 7/15/2008 4:40 PM
Read: 7/15/2008 4:38 PM

To: Lee, Dexter (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Ok – just got off the phone with her.
Can you send me copies of the docs, which I will forward to her? thanks, aov

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 15, 2008 2:15 PM
To: Valle, Alicia (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: In Re Jane Doe - Call from Palm Beach Daily News

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If you need copies of what the government filed, please let me know. Thanks.

Dexter

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 4:31 PM
To: Valle, Alicia (USAFLS); Lee, Dexter (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

The motion has been taken under advisement. The parties are conferring to determine if an evidentiary hearing is necessary.

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: Valle, Alicia (USAFLS)
Sent: Tuesday, July 15, 2008 4:25 PM
To: Villafana, Ann Marie C. (USAFLS); Lee, Dexter (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Perfect – I will forward to her.
So, in a nutshell, what was the result of the hearing on Friday?

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 4:24 PM
To: Valle, Alicia (USAFLS); Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Here is the scanned file-stamped copies of our filings. Along with the filings of the Jane Does from PACER.

<< File: DE2_080707_Cert of Emergency.pdf >> << File: DE1_080707_Petition.pdf >> << File: DE9_080711_Reply Brief.pdf >> << File: In Re Jane Doe001.pdf >>

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: Valle, Alicia (USAFLS)
Sent: Tuesday, July 15, 2008 4:22 PM

Recipient
Valle, Alicia (USAFLS)

Read
Read: 7/15/2008 4:40 PM

Ok – just got off the phone with her.
Can you send me copies of the docs, which I will forward to her? thanks, aov

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 15, 2008 2:15 PM
To: Valle, Alicia (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: In Re Jane Doe - Call from Palm Beach Daily News

Alicia,

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If you need copies of what the government filed, please let me know. Thanks.

Dexter

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 4:30 PM
To: Valle, Alicia (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

We moved to have them sealed but the Judge denied the motion, so they are all publicly available.

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: Valle, Alicia (USAFLS)
Sent: Tuesday, July 15, 2008 4:27 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

None sealed, correct??

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 4:24 PM
To: Valle, Alicia (USAFLS); Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Here is the scanned file-stamped copies of our filings. Along with the filings of the Jane Does from PACER.

<< File: DE2_080707_Cert of Emergency.pdf >> << File: DE1_080707_Petition.pdf >> << File: DE9_080711_Reply Brief.pdf >> << File: In Re Jane Doe001.pdf >>

A. Marie Villafana
Assistant U.S. Attorney
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Phone 561 209-1047
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Sent: Tuesday, July 15, 2008 4:22 PM
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Cc: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: RE: In Re Jane Doe - Call from Palm Beach Daily News

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 4:35 PM
To: Richards, Jason R. (FBI); Kuyrkendall, E N. (FBI)
Subject: Date you met with C.W.

Hi Jason and Nesbitt – Did you ever find your notes? Do you know what date you met with C.W.? and what city was the meeting in?

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

Recipient

Lee, Dexter (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 7/15/2008 6:17 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 6:17 PM
To: Lee, Dexter (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Stipulation in Jane Doe Case

Hi Nesbitt and Jason – Can you double check the facts and give me the two missing dates?

Dexter – This is my draft. I will wait to hear back from you before I send it to Edwards. Thanks.



Stipulation.pdf

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:

Phone 561 209-1047

Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 6:31 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE: Stipulation in Jane Doe Case

That is fine. Hope all is okay.

I have jury duty tomorrow so can you e-mail Dexter directly?

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: Kuyrkendall, E N. (FBI)
Sent: Tuesday, July 15, 2008 6:20 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Stipulation in Jane Doe Case

Marie, I've been out on another matter. I will get that info to u first thing in the morn if that is ok.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Lee, Dexter (USAFLS); Kuyrkendall, E N.; Richards, Jason R.
Sent: Tue Jul 15 18:16:49 2008
Subject: Stipulation in Jane Doe Case

Hi Nesbitt and Jason - Can you double check the facts and give me the two missing dates?

Dexter - This is my draft. I will wait to hear back from you before I send it to Edwards. Thanks.

<<Stipulation.pdf>>

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

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/15/2008 6:36 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 6:33 PM
To: Lee, Dexter (USAFLS)
Subject: Stipulation in Word Perfect Format

Hi Dexter – I have been called up for jury duty tomorrow (can you believe it?). So here is the stipulation in Word Perfect format. Nesbitt is going to contact you directly tomorrow with any changes and with the two missing dates. I will call Brad Edwards and let him know that you will be in touch tomorrow.

I will bring my Blackberry with me, but don't know how much I will be able to check it.

Thank you.



Stipulation.wpd

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:

475

EFTA00193471

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 15, 2008 6:53 PM
To: Sloman, Jeff (USAFLS); Valle, Alicia (USAFLS); Acosta, Alex (USAFLS); Lee, Dexter (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI); Atkinson, Karen (USAFLS)
Subject: Emailing: webmmkepstein0715.htm

Wow – these guys work fast. Here is the Palm Beach Daily News report re Epstein.



webmmkepstein
0715.htm

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 16, 2008 2:02 PM
To: BE@kubickidraper.com
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: Draft Stipulation

Brad,

Attached please find a draft stipulation of fact regarding our case. Paragraphs 8 and 9 pertain to the meeting that Special Agents Kuyrkendall and Richards had with C.W. in October 2007.

Please let me know if you want to make any changes. Thanks for your assistance.

Dexter
(305) 961-9320



janeDoe_stpFact
.wpd

Here is the draft stipulation in Word format. The signature blocks were scrambled in the conversion, but I can fix those. Thanks.

Dexter

<<janeDoe_stpFact.doc>>

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 16, 2008 4:15 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: In Re Jane Doe

Marie,

Brad does not appear to be in any hurry to get back to the Court.

Dexter

From: Brad Edwards [mailto:be@bradedwardslaw.com]
Sent: Wednesday, July 16, 2008 4:10 PM
To: Lee, Dexter (USAFLS)
Subject: RE: In Re Jane Doe

Dexter,

I got it. Thanks. I will talk with my clients and get back to you next week. I would like to get back to you sooner; however, I am leaving town tomorrow and will not be back in South Florida until Sunday night. Either way, you will hear from me soon.

Sincerely,

Brad Edwards, Esquire
Law Office of Brad Edwards & Associates
2028 [REDACTED] Street
Suite 202
Hollywood, Florida 33020
Telephone: 954-414-8033 (Broward)
305-935-2011 (Miami-Dade)
Facsimile: 954-924-1530(Broward)
305/935-4227 (Miami-Dade)
e-mail: be@bradedwardslaw.com

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From: Lee, Dexter (USAFLS) [mailto:Dexter.Lee@usdoj.gov]
Sent: Wednesday, July 16, 2008 3:41 PM
To: Brad Edwards
Subject: In Re Jane Doe

Brad,

<<janeDoe_stpFact.doc>>

Law Office of Brad Edwards & Associates

2028 [REDACTED] Street

Suite 202

Hollywood, Florida 33020

Telephone: 954-414-8033 (Broward)

305-935-2011 (Miami-Dade)

Facsimile: 954-924-1530(Broward)

305/935-4227 (Miami-Dade)

e-mail: be@bradedwardslaw.com

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message is not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any use, printing,

reproduction, disclosure or dissemination of this communication may be subject to legal restriction or sanction.

From: Lee, Dexter (USAFLS) [mailto:Dexter.Lee@usdoj.gov]
Sent: Wednesday, July 16, 2008 3:41 PM
To: Brad Edwards
Subject: In Re Jane Doe

Brad,

Here is the draft stipulation in Word format. The signature blocks were scrambled in the conversion, but I can fix those. Thanks.

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 16, 2008 4:55 PM
To: Lee, Dexter (USAFLS)
Subject: Re: In Re Jane Doe

Oh well. What can we do?

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

From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Sent: Wed Jul 16 16:15:10 2008
Subject: FW: In Re Jane Doe

Marie,

Brad does not appear to be in any hurry to get back to the Court.

Dexter

From: Brad Edwards [mailto:be@bradedwardslaw.com]
Sent: Wednesday, July 16, 2008 4:10 PM
To: Lee, Dexter (USAFLS)
Subject: RE: In Re Jane Doe

Dexter,

I got it. Thanks. I will talk with my clients and get back to you next week. I would like to get back to you sooner; however, I am leaving town tomorrow and will not be back in South Florida until Sunday night. Either way, you will hear from me soon.

Sincerely,

Brad Edwards, Esquire

Sent: Wednesday, July 16, 2008 3:41 PM
To: Brad Edwards
Subject: In Re Jane Doe

Brad,

Here is the draft stipulation in Word format. The signature blocks were scrambled in the conversion, but I can fix those. Thanks.

Dexter

<<janeDoe_stpFact.doc>>

tomorrow and will not be back in South Florida until Sunday night. Either way, you will hear from me soon.

Sincerely,

Brad Edwards, Esquire

Law Office of Brad Edwards & Associates

2028 [REDACTED] Street

Suite 202

Hollywood, Florida 33020

Telephone: 954-414-8033 (Broward)

305-935-2011 (Miami-Dade)

Facsimile: 954-924-1530(Broward)

305/935-4227 (Miami-Dade)

e-mail: be@bradedwardslaw.com

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addressed and may contain information that is proprietary, privileged, confidential, and exempt from disclosure under applicable laws. If the reader of this

message is not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any use, printing,

reproduction, disclosure or dissemination of this communication may be subject to legal restriction or sanction.

From: Lee, Dexter (USAFLS) [mailto:Dexter.Lee@usdoj.gov]

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 16, 2008 4:57 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: In Re Jane Doe

I'm somewhat humored by the fact that he filed this originally as an emergency, which prompted the court to order the government to respond in 48 hours, and hold a hearing within two days of the filing of the response.

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 16, 2008 4:55 PM
To: Lee, Dexter (USAFLS)
Subject: Re: In Re Jane Doe

Oh well. What can we do?

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

From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Sent: Wed Jul 16 16:15:10 2008
Subject: FW: In Re Jane Doe

Marie,

Brad does not appear to be in any hurry to get back to the Court.

Dexter

From: Brad Edwards [mailto:be@bradedwardslaw.com]
Sent: Wednesday, July 16, 2008 4:10 PM
To: Lee, Dexter (USAFLS)
Subject: RE: In Re Jane Doe

Dexter,

I got it. Thanks. I will talk with my clients and get back to you next week. I would like to get back to you sooner; however, I am leaving town

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 9:39 AM
To: [REDACTED]
Subject: Jane Doe v U.S.

Hi Irene – I didn't want you to think that we had fallen down on the job. Mr. Edwards is away on vacation and will get back to us regarding our draft stipulation when he returns.

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

Recipient

Lee, Dexter (USAFLS)
Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)
Yera, E.J. (USAFLS)

Read

Read: 7/17/2008 9:45 AM
Read: 7/17/2008 9:45 AM
Read: 7/17/2008 9:44 AM

Read: 7/17/2008 10:00 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 9:44 AM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Epstein's Court Filings

Hi all – Here are the documents that Mike Tein filed in connection with one of the civil suits pending against Epstein in the District Court. Note that Judge Marra is assigned to all of the federal civil suits, and also is the judge on the suit filing against the United States.

Tein filed these ex parte and under seal and claims that all of the civil litigation has to be stayed because “the federal criminal action” is still pending. He discloses that a federal indictment had been prepared and that grand jury proceedings had occurred. I am concerned that this contradicts what Dexter told the Court, namely that a federal prosecution was never contemplated.



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tice of Pendency.tn to File Ex Pa..

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: Acosta, Alex (USAFLS)
Sent: Thursday, July 17, 2008 9:49 AM
To: Villafana, Ann Marie C. (USAFLS); Lee, Dexter (USAFLS); Sloman, Jeff (USAFLS); Castillo, Annette (USAFLS)
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Re: Epstein's Court Filings

Let's talk at 10 15.

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

From: Villafana, Ann Marie C. (USAFLS)
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Sent: Thu Jul 17 09:44:08 2008
Subject: Epstein's Court Filings

Hi all - Here are the documents that Mike Tein filed in connection with one of the civil suits pending against Epstein in the District Court. Note that Judge Marra is assigned to all of the federal civil suits, and also is the judge on the suit filing against the United States.

Tein filed these ex parte and under seal and claims that all of the civil litigation has to be stayed because "the federal criminal action" is still pending. He discloses that a federal indictment had been prepared and that grand jury proceedings had occurred. I am concerned that this contradicts what Dexter told the Court, namely that a federal prosecution was never contemplated.

<<DE24_080717_Notice of Pendency of Federal Case.pdf>> <<DE23_080717_Motn to File Ex Parte and Under Seal.pdf>>

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: Lee, Dexter (USAFLS)
Sent: Thursday, July 17, 2008 9:54 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: RE: Epstein's Court Filings

My recollection is that I told the court no federal prosecution was contemplated by either party, in the event an agreement could be reached. We acknowledged at the hearing that the case had been referred to our office, and the FBI had conducted an investigation. I was attempting to distinguish Dean, where both the U.S. Attorney's Office and British Petroleum were negotiating a plea agreement, but it was clear there was going to be a federal prosecution, whether by a plea agreement or a litigated trial.

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 9:44 AM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Epstein's Court Filings

Hi all – Here are the documents that Mike Tein filed in connection with one of the civil suits pending against Epstein in the District Court. Note that Judge Marra is assigned to all of the federal civil suits, and also is the judge on the suit filing against the United States.

Tein filed these ex parte and under seal and claims that all of the civil litigation has to be stayed because “the federal criminal action” is still pending. He discloses that a federal indictment had been prepared and that grand jury proceedings had occurred. I am concerned that this contradicts what Dexter told the Court, namely that a federal prosecution was never contemplated.

<< File: DE24_080717_Notice of Pendency of Federal Case.pdf >> << File: DE23_080717_Motn to File Ex Parte and Under Seal.pdf >>

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

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/17/2008 10:03 AM

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

Tracking:

458

EFTA00193488

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 10:01 AM
To: Lee, Dexter (USAFLS)
Subject: RE: Epstein's Court Filings

Hey Dexter. I told Irene about Mr. Edwards' vacation, so all is well on that front.

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: Lee, Dexter (USAFLS)
Sent: Thursday, July 17, 2008 9:54 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: RE: Epstein's Court Filings

My recollection is that I told the court no federal prosecution was contemplated by either party, in the event an agreement could be reached. We acknowledged at the hearing that the case had been referred to our office, and the FBI had conducted an investigation. I was attempting to distinguish Dean, where both the U.S. Attorney's Office and British Petroleum were negotiating a plea agreement, but it was clear there was going to be a federal prosecution, whether by a plea agreement or a litigated trial.

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 9:44 AM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Epstein's Court Filings

Hi all – Here are the documents that Mike Tein filed in connection with one of the civil suits pending against Epstein in the District Court. Note that Judge Marra is assigned to all of the federal civil suits, and also is the judge on the suit filing against the United States.

Tein filed these ex parte and under seal and claims that all of the civil litigation has to be stayed because “the federal criminal action” is still pending. He discloses that a federal indictment had been prepared and that grand jury proceedings had occurred. I am concerned that this contradicts what Dexter told the Court, namely that a federal prosecution was never contemplated.

<< File: DE24_080717_Notice of Pendency of Federal Case.pdf >> << File: DE23_080717_Motn to File Ex Parte and Under Seal.pdf >>

Recipient
Acosta, Alex (USAFLS)

Read
Read: 7/17/2008 10:21 AM

West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

Tracking:

455

EFTA00193491

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 10:14 AM
To: Acosta, Alex (USAFLS)
Subject: RE: Epstein's Court Filings

Do you want to call me or should I call 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

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

From: Acosta, Alex (USAFLS)
Sent: Thursday, July 17, 2008 9:49 AM
To: Villafana, Ann Marie C. (USAFLS); Lee, Dexter (USAFLS); Sloman, Jeff (USAFLS); Castillo, Annette (USAFLS)
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Re: Epstein's Court Filings

Let's talk at 10 15.

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

From: Villafana, Ann Marie C. (USAFLS)
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Sent: Thu Jul 17 09:44:08 2008
Subject: Epstein's Court Filings

Hi all - Here are the documents that Mike Tein filed in connection with one of the civil suits pending against Epstein in the District Court. Note that Judge Marra is assigned to all of the federal civil suits, and also is the judge on the suit filing against the United States.

Tein filed these ex parte and under seal and claims that all of the civil litigation has to be stayed because "the federal criminal action" is still pending. He discloses that a federal indictment had been prepared and that grand jury proceedings had occurred. I am concerned that this contradicts what Dexter told the Court, namely that a federal prosecution was never contemplated.

<<DE24_080717_Notice of Pendency of Federal Case.pdf>> <<DE23_080717_Motn to File Ex Parte and Under Seal.pdf>>

A. Marie Villafaña
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 11:38 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Emailing: 080717 Tein Ltr.wpd
Attachments: 080717 Tein Ltr.wpd

Here it is. Feel free to revise. I have listed myself as the author, but it may be more powerful coming from someone else.

The message is ready to be sent with the following file or link attachments:

080717 Tein Ltr.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 1:31 PM
To: Sloman, Jeff (USAFLS)
Subject: Funny epstein story

Well, jeff, epstein's pricey lawyers may have cost him \$200 million. I reviewed the docket sheets for the 4 pending federal suits (they are all jeff herman suits) and judge marra has issued orders to show cause why default judgments shouldn't be entered for all 4. Herman asked for \$50 million in each one. Apparently epstein tried to avoid service and ignored the deadline when the complaints were mailed to him (thinking that was ineffective service). All I can say is, so much money, so little skill.

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 3:02 PM
To: Sloman, Jeff (USAFLS)
Subject: Re: Emailing: 080717 Tein Ltr.wpd

Hi jeff. I am still being held hostage at the county courthouse but I will revise and send tonight.
Thanks.

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

From: Sloman, Jeff (USAFLS)
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Sent: Thu Jul 17 14:51:28 2008
Subject: RE: Emailing: 080717 Tein Ltr.wpd

Marie,

Tein may be trying to bait us into declaring the matter closed when it's technically deferred/suspended. As a result, I've revised your draft which you may be able to color in a bit. Let me know what you think. Thanks,

Jeff

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 11:38 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Emailing: 080717 Tein Ltr.wpd

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 11:38 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Emailing: 080717 Tein Ltr.wpd

Here it is. Feel free to revise. I have listed myself as the author, but it may be more powerful coming from someone else.

The message is ready to be sent with the following file or link attachments:

080717 Tein Ltr.wpd

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The message is ready to be sent with the following file or link attachments:

080717 Tein Ltr.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Thursday, July 17, 2008 3:11 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Emailing: 080717 Tein Ltr.wpd

Okey dokey.

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 3:02 PM
To: Sloman, Jeff (USAFLS)
Subject: Re: Emailing: 080717 Tein Ltr.wpd

Hi jeff. I am still being held hostage at the county courthouse but I will revise and send tonight.

Thanks.

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

From: Sloman, Jeff (USAFLS)
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Sent: Thu Jul 17 14:51:28 2008
Subject: RE: Emailing: 080717 Tein Ltr.wpd

Marie,

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Jeff

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 11:38 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Emailing: 080717 Tein Ltr.wpd

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 11:38 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Emailing: 080717 Tein Ltr.wpd

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 6:22 PM
To: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)
Cc: Richards, Jason (BOP); Nesbitt Kuyrkendall (E.Kuyrkendall@ic.fbi.gov)
Subject: Tein Ltr 080717.pdf

Hi all – I just faxed out the letter, here is the electronic version with the fax confirmation sheets.



Tein Ltr
080717.pdf

Recipient

Sloman, Jeff (USAFLS)
Lee, Dexter (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)
Atkinson, Karen (USAFLS)

Read

Read: 7/18/2008 4:53 PM
Read: 7/18/2008 4:51 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 18, 2008 4:49 PM
To: Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI); Atkinson, Karen (USAFLS)
Subject: Well, our victim notification letter has been filed in court

Our victim notification letter has been filed in court in connection with one of the federal civil suits against Epstein.

About 10 letters have gone out so far. The FBI's victim coordinator is updating the addresses on the rest and they will go out on Monday.

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

Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 18, 2008 4:55 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE: Well, our victim notification letter has been filed in court

Thanks, Nesbitt. Whenever you have a chance, can you send the corrected address list to me?

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: Kuyrkendall, E N. (FBI)
Sent: Friday, July 18, 2008 4:51 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Well, our victim notification letter has been filed in court

Thanks for the update. Have a great weekend!

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS); Kuyrkendall, E N.; Richards, Jason R.; Atkinson, Karen (USAFLS)
Sent: Fri Jul 18 16:48:47 2008
Subject: Well, our victim notification letter has been filed in court

Our victim notification letter has been filed in court in connection with one of the federal civil suits against Epstein.

About 10 letters have gone out so far. The FBI's victim coordinator is updating the addresses on the rest and they will go out on Monday.

A. Marie Villafaña

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

Recipient

Lee, Dexter (USAFLS)

Sloman, Jeff (USAFLS)

Read

Read: 7/21/2008 9:40 AM

Read: 7/21/2008 9:40 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 9:37 AM
To: Lee, Dexter (USAFLS); Sloman, Jeff (USAFLS)
Subject: New York Post

FYI. This came out this morning.

http://www.nypost.com/seven/07212008/gossip/pagesix/bid_to_burn_epstein_plea_120770.htm

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

Recipient

Sloman, Jeff (USAFLS)
Atkinson, Karen (USAFLS)
Lee, Dexter (USAFLS)

Read

Read: 7/21/2008 10:03 AM

Read: 7/21/2008 10:22 AM

Tracking:

439

EFTA00193507

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 10:02 AM
To: Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: RE: New York Post

Yes. Sorry, I forgot to scan it in. It went to Tein and Goldberger on Friday.



080717 Tein
Goldberger Ltr.pdf.

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: Monday, July 21, 2008 9:41 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: New York Post

Thanks. Did you finish the letter to Tein?

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 9:37 AM
To: Lee, Dexter (USAFLS); Sloman, Jeff (USAFLS)
Subject: New York Post

FYI. This came out this morning.

http://www.nypost.com/seven/07212008/gossip/pagesix/bid_to_burn_epstein_plea_120770.htm

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 10:36 AM
To: Kuyrkendall, E N. (FBI)
Subject: Victim address list

Hi Nesbitt – Can you e-mail that to me? I would like to send the letters off today.

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: Kuyrkendall, E N. (FBI)
Sent: Monday, July 21, 2008 11:23 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Addresses
Attachments: vlistaddr3

Marie,

Here is a copy of the most up-to-date addresses. Twiler told me that Randy was telling her that Edwards has been talking to some of the victims that she is counseling and that he is encouraging them that 18 months is not long enough of a sentence for Epstein. I am not sure who she is referring to but that Randy is having to provide additional counseling. If you have any questions regarding this you might want to speak directly to Twiler.

Talk to you soon.

Nesbitt

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 12:31 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE: Addresses

Are there any girls who have not been contacted yet?

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: Kuyrkendall, E N. (FBI)
Sent: Monday, July 21, 2008 11:23 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Addresses

Marie,

Here is a copy of the most up-to-date addresses. Twiler told me that Randy was telling her that Edwards has been talking to some of the victims that she is counseling and that he is encouraging them that 18 months is not long enough of a sentence for Epstein. I am not sure who she is referring to but that Randy is having to provide additional counseling. If you have any questions regarding this you might want to speak directly to Twiler.

Talk to you soon.

Nesbitt

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Talk to you soon.

Nesbitt

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Monday, July 21, 2008 12:33 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Addresses

Yes, I will get an update from Twiler and let u know. I am also out this Thur and Fri. Have a good time on your B-Day.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.
Sent: Mon Jul 21 12:31:13 2008
Subject: RE: Addresses

Are there any girls who have not been contacted yet?

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: Kuyrkendall, E N. (FBI)
Sent: Monday, July 21, 2008 11:23 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Addresses

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Talk to you soon.

Nesbitt

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 12:35 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE: Addresses

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

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

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Subject: Re: Addresses

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To: Kuyrkendall, E N.
Sent: Mon Jul 21 12:31:13 2008
Subject: RE: Addresses

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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

Recipient

Sloman, Jeff (USAFLS)
Atkinson, Karen (USAFLS)
Lee, Dexter (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 7/21/2008 3:47 PM

Read: 7/21/2008 4:01 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 3:47 PM
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Epstein

Well, our friend Jack Goldberger (probably really Mike Tein) is trying to be very smart.

They have filed a Motion for Return of Property in State Court. The State Attorney will, no doubt, file a response saying, "we don't have it, the FBI took it pursuant to a federal grand jury subpoena." Then, Epstein's folks will either file that response in federal court to show that the federal criminal action is still pending or they will file a motion for return of property in federal court and when we say, "no," then they will claim that the federal criminal action is still pending.

I plan to ignore it for now.

On another note, I plan to send copies of 11 more victim notifications to Goldberger today. These girls currently are unrepresented. I have redacted their addresses and intend to state in the cover letter that the victims will initiate contact when and if they decide to file a claim. Should I include anything about how Mr. Rubenstein's statement to the New York Post directly contradicts Epstein's agreement?

Epstein's rep, **Howard Ruben stein**, said, "The lawsuit has absolutely no merit. They're just looking for money. These women have lied repeatedly, and in no way shape or form were they victims. They were at his place freely and voluntarily. And one of them showed Epstein a fake ID."

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

Recipient
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)

Read
Read: 7/21/2008 4:02 PM

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Epstein's rep, **Howard Ruben stein**, said, "The lawsuit has absolutely no merit. They're just looking for money. These women have lied repeatedly, and in no way shape or form were they victims. They were at his place freely and voluntarily. And one of them showed Epstein a fake ID."

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: Monday, July 21, 2008 3:53 PM
To: Sloman, Jeff (USAFLS)
Cc: Senior, Robert (USAFLS)
Subject: RE: Epstein

Hi Jeff – Sorry, I wasn't clear. The notice to the victims doesn't say anything about the story, it is just the standard notification letter. Goldberger gets a copy of all the letters and I wondered whether, in my cover letter to him, I should say something.

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: Monday, July 21, 2008 3:52 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Senior, Robert (USAFLS)
Subject: RE: Epstein

I don't think it's necessary to point out the NY Post article to those victims and in the next breath say that Rubenstein's statement contradicts the agreement. I think our notice to them should give them some comfort over a tabloid story.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 3:47 PM
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Epstein

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They have filed a Motion for Return of Property in State Court. The State Attorney will, no doubt, file a response saying, "we don't have it, the FBI took it pursuant to a federal grand jury subpoena." Then, Epstein's folks will either file that response in federal court to show that the federal criminal action is still pending or they will file a motion for return of property in federal court and when we say, "no," then they will claim that the federal criminal action is still pending.

I plan to ignore it for now.

On another note, I plan to send copies of 11 more victim notifications to Goldberger today. These girls currently are unrepresented. I have redacted their addresses and intend to state in the cover letter that the

Phone 561 209-1047

Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Monday, July 21, 2008 3:53 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein

Jason and I think - 2 can play their game. Why don't we try to get those computers and we can charge Epstein with poss of CP

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Cc: Kuyrkendall, E N.; Richards, Jason R.
Sent: Mon Jul 21 15:46:54 2008
Subject: Epstein

Well, our friend Jack Goldberger (probably really Mike Tein) is trying to be very smart.

They have filed a Motion for Return of Property in State Court. The State Attorney will, no doubt, file a response saying, "we don't have it, the FBI took it pursuant to a federal grand jury subpoena." Then, Epstein's folks will either file that response in federal court to show that the federal criminal action is still pending or they will file a motion for return of property in federal court and when we say, "no," then they will claim that the federal criminal action is still pending.

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West Palm Beach, FL 33401

Recipient

Lee, Dexter (USAFLS)
Sloman, Jeff (USAFLS)
Acosta, Alex (USAFLS)
Senior, Robert (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 7/21/2008 4:14 PM
Read: 7/21/2008 4:14 PM
Read: 7/21/2008 4:15 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 4:13 PM
To: Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Subject: Letter from counsel for Jane Does

Hi Dexter – I just received a letter from Brad Edwards, counsel for the two Jane Does. It is extremely problematic, and I thought we should discuss with Jeff and Alex. Do you want me to scan it in, or have you received it (you are listed as a cc)?

He mentions that he now has co-counsel – Jay Howell in Jacksonville (I think this person called Alex or the Justice Department a few weeks ago) and Professor Paul Cassell in Salt Lake City.

Let me know how you want to proceed.

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

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Monday, July 21, 2008 4:26 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Subject: RE: Letter from counsel for Jane Does

Marie,

I have the letter.

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 4:13 PM
To: Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
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Fax 561 820-8777

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/21/2008 4:30 PM

Phone 561 209-1047
Fax 561 820-8777

Tracking:

419

EFTA00193527

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 4:29 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Letter from counsel for Jane Does

Do you want to give me a call?

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

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West Palm Beach, FL 33401

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Monday, July 21, 2008 4:44 PM
To: Villafana, Ann Marie C. (USAFLS)

Marie,

Here is a list of the victims Twiler still needs to make contact with:

1. [REDACTED] - (Left Message)
2. [REDACTED] Alvarez - (Will follow-up with VS Smith today with her guardian's information)
3. [REDACTED] (Bad Number)
4. [REDACTED] Gailliardi (Left Message)
5. [REDACTED] (Left Message)
6. [REDACTED] (Bad Number)
7. [REDACTED] (Wrong Number)
8. [REDACTED] (Australia/VS Smith will contact the Legat today)
9. [REDACTED] Sicilano (Wrong Number)
10. [REDACTED] (Bad Number)
11. Shasdy Velasco (Columbia/VS Smith will contact the Legat today)

We will attempt to locate current information and get back with you daily on victims that we speak with so that you can forward letter.

Nesbitt

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Monday, July 21, 2008 5:03 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Letter from Victims' Attorney Brad Edwards

Alex and Jeff,

When we concluded the emergency hearing on July 11, the court wanted to know from the parties whether any further hearings were required, such as a hearing to take evidence. The parties told the court that they would confer to determine if any disputed fact issues existed, or whether the parties could file a stipulation regarding agreed facts. Marie and I provided a draft stipulation to Brad Edwards last Wednesday.

Edwards responded by letter dated July 17, 2008, which is attached. He has enlisted the aid of Jay Howell, who is a victim rights advocate, and Professor Paul Cassell, former U.S. District Judge, who is now a law professor with a strong interest in victims' rights. Edwards makes a number of requests in the letter, including a free transcript, copies of the agreement with Epstein, including the October and December addenda; copies of any FBI 302 prepared after the CW meeting; and the substance of the conversation Marie had with Meg Garvin, Esq., who she asked to assist one of victims who was being harassed by Epstein's attorneys.

Rather than engage in a point by point response to Edwards' letter, I think we should tell him the government does not believe an evidentiary hearing is necessary. We don't dispute that none of the victims were notified of the impending agreement with Epstein. With regard to C.W., FBI Special Agents Kuyrkendall and Richardson met with her in September 2007 to advise her of the agreement reached in state court. C.W. claims she understood them to mean the federal proceeding was still a possibility. I think we have little to gain by trying to reach an agreement on this minor issue. Edwards will never concede that C.W. misunderstood the agents.

If Edwards wants an evidentiary hearing, then he can advise the court and one will be scheduled. I assume he will put his two clients on the witness stand to testify about how no one told them that a federal prosecution would no longer occur given the agreement to allow the State of Florida to proceed. We don't dispute that T.M. was not told anything, since she was hostile to the prosecution of Epstein. With regard to C.W., she can testify that she understood the agents to mean a federal prosecution could still be initiated. This minor point means little insofar as whether the court can do anything to set aside the agreement.

Dexter



edwards-ltr.pdf

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 5:34 PM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Emailing: FINAL VICTIM NOTIFICATION LOG.wpd
Attachments: FINAL VICTIM NOTIFICATION LOG.wpd

Hi guys -- Here is the log with today's letters. Unfortunately, [REDACTED]'s letter had already gone out before I got your e-mail.

The message is ready to be sent with the following file or link attachments:

FINAL VICTIM NOTIFICATION LOG.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 21, 2008 5:38 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE:

I just want to check that the list you e-mailed me has the right contact info for J.P. and A.D. Those are the only two whom Twiler has contacted that I haven't sent letters to yet.

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: Kuyrkendall, E N. (FBI)
Sent: Monday, July 21, 2008 4:44 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject:

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5. [REDACTED] (Left Message)
6. [REDACTED] (Bad Number)
7. [REDACTED] (Wrong Number)
8. [REDACTED] (Australia/VS Smith will contact the Legat today)
9. [REDACTED] Sicilano (Wrong Number)
10. [REDACTED] (Bad Number)
11. Shasy Velasco (Columbia/VS Smith will contact the Legat today)

We will attempt to locate current information and get back with you daily on victims that we speak with so that you can forward letter.

Nesbitt

1. M [REDACTED] [REDACTED] - (Left Message)
2. V [REDACTED] Alvarez - (Will follow-up with VS Smith today with her guardian's information)
3. A [REDACTED] [REDACTED] (Bad Number)
4. I [REDACTED] Gagliardi (Left Message)
5. I [REDACTED] [REDACTED] (Left Message)
6. C [REDACTED] [REDACTED] (Bad Number)
7. I [REDACTED] [REDACTED] (Wrong Number)
8. V [REDACTED] [REDACTED] (Australia/VS Smith will contact the Legat today)
9. I [REDACTED] Sicilano (Wrong Number)
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Nesbitt

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Monday, July 21, 2008 5:45 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re:

Hey u r right. I will have to get JP's new address tomorrow for u. Unsure of AD status will let u know tomorrow AM

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.
Sent: Mon Jul 21 17:37:40 2008
Subject: RE:

I just want to check that the list you e-mailed me has the right contact info for J.P. and A.D. Those are the only two whom Twiler has contacted that I haven't sent letters to yet.

A. Marie Villafaña

Assistant U.S. Attorney

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Fax 561 820-8777

From: Kuyrkendall, E N. (FBI)
Sent: Monday, July 21, 2008 4:44 PM
To: Villafana, Ann Marie C. (USAFLS)
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Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 7/22/2008 9:31 AM
Read: 7/22/2008 9:30 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 9:30 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Letter from Michael Tein

Good morning:

Mike Tein faxed the following letter to our office at 6:30 last night. It shows that Alex received a copy, but I thought I should scan and share with all of you. Tein claims that it is his "ethical duty" to stay the civil litigation. What I don't understand is how Epstein can perform his contractual obligations with respect to the victim litigation if he intends to stay all litigation until the agreement is fully performed. Indicting him would make our lives so much easier. The Jane Doe suit against us would become moot, we now have a guilty plea that can be used against Mr. Epstein, and if they try to raise the civil suits to impeach our witnesses, we can bring in the fact that he promised to pay them and then renege.

Please advise how you would like to proceed.



080721 Tein Ltr
to Villafana.p...

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: Tuesday, July 22, 2008 9:57 AM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Tein and Lewis are representing [REDACTED]

They have removed one of the state cases to federal court. I think it is [REDACTED]'s lawsuit, and they are listed as counsel of record for Epstein, Kellen, and [REDACTED].

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

Recipient
Sloman, Jeff (USAFLS)

Read
Read: 7/22/2008 10:53 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 10:27 AM
To: Sloman, Jeff (USAFLS)
Subject: I know you are on vacation

But do you have a minute to talk? I just found out something very disturbing in the Epstein case.

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: Acosta, Alex (USAFLS)
Sent: Tuesday, July 22, 2008 10:29 AM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Re: Letter from Michael Tein

What is your proposal?

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

From: Villafana, Ann Marie C. (USAFLS)
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Sent: Tue Jul 22 09:29:37 2008
Subject: Letter from Michael Tein

Good morning:

Mike Tein faxed the following letter to our office at 6:30 last night. It shows that Alex received a copy, but I thought I should scan and share with all of you. Tein claims that it is his "ethical duty" to stay the civil litigation. What I don't understand is how Epstein can perform his contractual obligations with respect to the victim litigation if he intends to stay all litigation until the agreement is fully performed. Indicting him would make our lives so much easier. The Jane Doe suit against us would become moot, we now have a guilty plea that can be used against Mr. Epstein, and if they try to raise the civil suits to impeach our witnesses, we can bring in the fact that he promised to pay them and then reneged.

Please advise how you would like to proceed.

<<080721 Tein Ltr to Villafana.pdf>>

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

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Alkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 7/22/2008 10:52 AM
Read: 7/22/2008 11:12 AM

Good morning:

Mike Tein faxed the following letter to our office at 6:30 last night. It shows that Alex received a copy, but I thought I should scan and share with all of you. Tein claims that it is his "ethical duty" to stay the civil litigation. What I don't understand is how Epstein can perform his contractual obligations with respect to the victim litigation if he intends to stay all litigation until the agreement is fully performed. Indicting him would make our lives so much easier. The Jane Doe suit against us would become moot, we now have a guilty plea that can be used against Mr. Epstein, and if they try to raise the civil suits to impeach our witnesses, we can bring in the fact that he promised to pay them and then reneged.

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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: Tuesday, July 22, 2008 10:35 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: RE: Letter from Michael Tein

Right now I am digesting something filed in a new federal civil lawsuit against Epstein. Bruce Reinhart is listed as counsel of record for Sarah Kellen, and a deposition transcript attached to the removal petition includes questions from Mike Tein to [REDACTED] G. implying that Jeff and I both went to her house and promised her compensation after the end of the criminal case.

Karen and I put a call in to Dexter about the Bruce issue and we are waiting to hear back.

I recommend sending a letter telling them that their position makes it impossible for Mr. Epstein to fully perform his contractual obligations and that, coupled with Mr. Rubinstein's denial that C.W. was a victim, places them in breach of the agreement and we intend to proceed.

We may want to use that opportunity to put them on notice that Bruce Reinhart cannot represent Ms. Kellen in connection with the criminal litigation.

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: Acosta, Alex (USAFLS)
Sent: Tuesday, July 22, 2008 10:29 AM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Re: Letter from Michael Tein

What is your proposal?

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

From: Villafana, Ann Marie C. (USAFLS)
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Sent: Tue Jul 22 09:29:37 2008
Subject: Letter from Michael Tein

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Tuesday, July 22, 2008 12:28 PM
To: Villafana, Ann Marie C. (USAFLS)

Marie,

Hey take a deep breath!!!!!! I had not read your latest email or Tein's letter. I'm speechless but we must deal with only one issue at a time. We need to, as u say, digest and dissect. As I write this, the pain in my gut intensifies. I hope it is only something I ate and not an ulcer from Epstein. Anyways, take a deep breath!!!!!!

Our legat has located what we believe to be a good address for Shasyd. I need to come by and get her letter from you so it can be included with the lead to Bogata.

██████████ address is: 13373 Windsong Way, Carrollton, Va 23314 (561)306-9970

Let me know what time to come by and also dont hesitate to call if you need something done. Hang in there(THIS IS CRAZY)!!!!!!!!!!!!!!!!!!!!!!

Nesbitt

Recipient

Senior, Robert (USAFLS)

Kuyrkendall, E N. (FBI)

Richards, Jason R. (FBI)

Atkinson, Karen (USAFLS)

Read

Read: 7/22/2008 2:50 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 2:41 PM
To: Senior, Robert (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI); Atkinson, Karen (USAFLS)
Subject: Emailing: 080722 Tein Ltr.wpd
Attachments: 080722 Tein Ltr.wpd

Hi Bob -- Here is my draft. I thought you should review before it goes to Alex.
Thanks.

The message is ready to be sent with the following file or link attachments:

080722 Tein Ltr.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 2:58 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE:

Hey Nesbitt – What addresses should I put on Shasdy's and [REDACTED] letters?

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: Kuyrkendall, E N. (FBI)
Sent: Tuesday, July 22, 2008 12:28 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject:

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Nesbitt

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Nesbitt

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Tuesday, July 22, 2008 2:58 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re:

Leave them unaddressed they will be hand delivered with Twiler's.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.
Sent: Tue Jul 22 14:57:45 2008
Subject: RE:

Hey Nesbitt - What addresses should I put on Shasdy's and [REDACTED] letters?

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: Kuyrkendall, E N. (FBI)
Sent: Tuesday, July 22, 2008 12:28 PM
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Nesbitt

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 3:01 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE:

Actually, do you have the names of the LegAtts?

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: Kuyrkendall, E N. (FBI)
Sent: Tuesday, July 22, 2008 2:58 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re:

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From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.
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From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 3:01 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE:

Alright, 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: Kuyrkendall, E N. (FBI)
Sent: Tuesday, July 22, 2008 2:58 PM
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Phone 561 209-1047
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Nesbitt

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Tuesday, July 22, 2008 3:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re:

Bogota- ALAT Robert Falero.

Sydney - ALAT Matthew Witt.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.
Sent: Tue Jul 22 15:01:29 2008
Subject: RE:

Actually, do you have the names of the LegAtts?

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-----

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Sent: Tuesday, July 22, 2008 2:58 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re:

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

080722 Tein Ltr.wpd

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Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS)
Sent: Tuesday, July 22, 2008 3:47 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Emailing: 080722 Tein Ltr.wpd

Hate to be a pain but I was thinking more along these lines. I don't know the details and would quote from the agreement and pleadings, etc.

Dear Tein,

1. The agreement called for you to go to jail for x months and to compensate the victims as though you had been convicted of x federal law. You agreed to accept a list of the victims that you were to compensate at the time of the change of plea (?). A list was provided to you so that you could compensate victims on x date. (I would quote this from the agreement)
2. Recently, one (more ?) of the designated victims sought relief pursuant to this agreement. In response, Mr. Epstein sought a stay of those proceedings based on the fact that an ongoing federal investigation exists. This argument was forwarded despite the aforementioned agreement where the USAO has agreed to not prosecute Epstein if he complies with the terms of the agreement.
3. The portion of the agreement concerning compensation to victims is extremely material to the agreement and is not being honored by Epstein. This breach of the agreement is material. (you've done this paragraph already in par. 4 of your letter.
4. I would end it by quoting from the agreement something along the lines that any material breach of the contract permits us to indict (is there something that says that ?)

Call me.

Bob

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 2:41 PM
To: Senior, Robert (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI); Atkinson, Karen (USAFLS)
Subject: Emailing: 080722 Tein Ltr.wpd

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Recipient
Senior, Robert (USAFLS)

Read
Read: 7/22/2008 3:57 PM

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Bob

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To: Senior, Robert (USAFLS)

Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI); Atkinson, Karen (USAFLS)

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Tracking:

385

EFTA00193561

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 3:57 PM
To: Senior, Robert (USAFLS)
Subject: RE: Emailing: 080722 Tein Ltr.wpd

Part of the problem, Bob, is that Alex took it upon himself to modify that part of the agreement related to compensation, so it no longer has any teeth. I will give it a go and send it back to 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

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

From: Senior, Robert (USAFLS)
Sent: Tuesday, July 22, 2008 3:47 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Emailing: 080722 Tein Ltr.wpd

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4. I would end it by quoting from the agreement something along the lines that any material breach of the contract permits us to indict (is there something that says that ?)

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 4:22 PM
To: Senior, Robert (USAFLS)
Subject: Emailing: 080722 Tein Ltr w Bob Senior edits.wpd
Attachments: 080722 Tein Ltr w Bob Senior edits.wpd

Hi Bob -- Here is the revised letter. The language in the first and last paragraphs come from the Agreement.

The message is ready to be sent with the following file or link attachments:

080722 Tein Ltr w Bob Senior edits.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS)
Sent: Tuesday, July 22, 2008 7:42 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Emailing: 080722 Tein Ltr w Bob Senior edits.wpd

I like it. Can I forward to Alex or do you want to tinker some more ?

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 4:22 PM
To: Senior, Robert (USAFLS)
Subject: Emailing: 080722 Tein Ltr w Bob Senior edits.wpd

Hi Bob -- Here is the revised letter. The language in the first and last paragraphs come from the Agreement.

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 9:37 PM
To: Senior, Robert (USAFLS)
Subject: Re: Emailing: 080722 Tein Ltr w Bob Senior edits.wpd

You can forward. Thank you for your help.

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

From: Senior, Robert (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Sent: Tue Jul 22 19:41:40 2008
Subject: RE: Emailing: 080722 Tein Ltr w Bob Senior edits.wpd

I like it. Can I forward to Alex or do you want to tinker some more ?

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 22, 2008 4:22 PM
To: Senior, Robert (USAFLS)
Subject: Emailing: 080722 Tein Ltr w Bob Senior edits.wpd

Hi Bob -- Here is the revised letter. The language in the first and last paragraphs come from the Agreement.

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Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS)
Sent: Wednesday, July 23, 2008 9:19 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Subject: Re: Emailing: 080722 Tein Ltr w Bob Senior edits.wpd

Thx. Forwarding to Alex. We will talk

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

From: Villafana, Ann Marie C. (USAFLS)
To: Senior, Robert (USAFLS)
Sent: Tue Jul 22 16:22:17 2008
Subject: Emailing: 080722 Tein Ltr w Bob Senior edits.wpd

Hi Bob -- Here is the revised letter. The language in the first and last paragraphs come from the Agreement.

The message is ready to be sent with the following file or link attachments:

080722 Tein Ltr w Bob Senior edits.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/23/2008 11:33 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 23, 2008 11:26 AM
To: Lee, Dexter (USAFLS)
Subject: RE: Financial Conflicts of Interest - 2007 Asset Listing - Reply by August 1, 2008

No conflicts that I am aware of.

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: Grill, Helen (USAFLS)
Sent: Wednesday, July 23, 2008 10:33 AM
To: USAFLS-District
Subject: FW: Financial Conflicts of Interest - 2007 Asset Listing - Reply by August 1, 2008

Please read important message from SLC and Ethics Advisor Dexter Lee. Please direct replies to AUSA Lee.

Colleagues,

Attached please find a listing of the assets reported by supervisory and management employees in this office, on their 2007 Executive Branch Personnel Public Financial Disclosure Reports. These individuals include the United States Attorney, First Assistant, Chiefs, Deputy Chiefs, and Senior Litigation Counsel. I need to determine if any of these individuals have a financial conflict of interest which would preclude them from working on a matter which might affect their financial interest.

After reviewing the Asset Listing, please review the cases you are handling and advise me by e-mail if any of your cases may have a potential impact on the entities and interests listed. This could occur if the entity is a target or subject of an investigation or case you are handling, or it is a victim of a crime which you are investigating or prosecuting. In the civil realm, please determine if the actions taken by this Office on a case may affect the financial interests of any of the entities listed.

Please send me your replies by close of business, August 1, 2008. Negative replies are requested.

Dexter Lee
Ethics Advisor

<< File: asset_listing_CY2007_pub.wpd >>

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 23, 2008 1:12 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Draft Letter to Brad Edwards

Alex and Jeff,

Attached please find a draft letter responding to Brad Edwards' July 17, 2008 letter, regarding a stipulation regarding agreed facts in our case. Please feel free to make any changes. Thanks.

Dexter



edwards_ltr.wpd

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Wednesday, July 23, 2008 2:20 PM
To: Lee, Dexter (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Draft Letter to Brad Edwards

I'm ok if you, wendy and marie are.

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 23, 2008 1:12 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
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Dexter

<< File: edwards_ltr.wpd >>

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 23, 2008 2:26 PM
To: Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Subject: Epstein ltr

Hi Bob. I didn't know if you were out. Any word on the Tein ltr? Our grand jury expires on tuesday so we need to do paperwork if we are going to extend it. I will be out Thursday and Friday so I would like to get it out today, if possible. Thank you.

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/23/2008 2:52 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 23, 2008 2:32 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Draft Letter to Brad Edwards

Hi Dexter -- I like it. Just so you know, Bob, Jeff, and I all think that we should give notice of breach to Epstein's counsel and indict Epstein. We are waiting for Alex's approval. If that were to happen, it obviously would moot the Jane Doe case. I will keep you posted.

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 23, 2008 1:12 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Draft Letter to Brad Edwards

Alex and Jeff,

Attached please find a draft letter responding to Brad Edwards' July 17, 2008 letter, regarding a stipulation regarding agreed facts in our case. Please feel free to make any changes. Thanks.

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 24, 2008 9:59 AM
To: Atkinson, Karen (USAFLS); Senior, Robert (USAFLS)
Subject: Epstein

Hi Karen and Bob: flight is about to depart. Can you just let me know the word about Epstein? I will be back on ground around noon. Thanks.

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Friday, July 25, 2008 10:32 AM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Jacobus, Wendy (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Subject: Response to Brad Edwards

Marie,

Attached please find the government's response to Brad Edwards regarding the stipulation of facts. I will be preparing the Notice to the Court regarding the government's position that an evidentiary hearing is not necessary.

I will be at the NAC from July 28-31 to attend the Professional Responsibility Officers' Conference. The next week, I will be at the NAC again to give a presentation at the Office of Immigration Litigation Annual Conference (August 4-6).

If Judge Marra wants to set a hearing, I would prefer to do it after I return on August 7. Thanks.

Dexter



edwards-resp-ltr
.pdf

Villafana, Ann Marie C. (USAFLS)

From: Atkinson, Karen (USAFLS)
Sent: Friday, July 25, 2008 10:34 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Epstein

We are moving (finally) to extend the grand jury. Can you email the main statutes that are in the proposed indictment with everything packed(including my brain) I don't remember. We are filing it today. Did you see the pink birds???? K

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 25, 2008 2:11 PM
To: Atkinson, Karen (USAFLS)
Subject: Re: Epstein

Hi karen. They are 18 usc 2422, 2423, 371, 1581

Good luck. No pink birds but we are having a great time.

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

From: Atkinson, Karen (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Sent: Fri Jul 25 10:34:12 2008
Subject: Epstein

We are moving (finally) to extend the grand jury. Can you email the main statutes that are in the proposed indictment with everything packed(including my brain) I don't remember. We are filing it today. Did you see the pink birds????
K

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Friday, July 25, 2008 4:42 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Draft Notice to Court Regarding Absence of Need for Evidentiary Hearing

Marie,

Attached please find a draft notice to the court regarding the absence of any need for an evidentiary hearing. I will do a separate motion for the court to take judicial notice. Can we have someone obtain certified copies of the state court indictment; judgment, and commitment order? Also, is the state court plea agreement a public record document which we can obtain and have certified?

I will be able to access my e-mails at the NAC next week. My cell phone number is (786) 564-9114. Thanks.

Dexter



notice_evidhrq.
wpd

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 25, 2008 5:34 PM
To: Lee, Dexter (USAFLS)
Subject: Re: Draft Notice to Court Regarding Absence of Need for Evidentiary Hearing

Hi dexter. I had Nesbitt go to the courthouse on tuesday to get certified copies of everything so we already have it, including the state plea agreement.

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

From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Sent: Fri Jul 25 16:42:29 2008
Subject: Draft Notice to Court Regarding Absence of Need for Evidentiary Hearing

Marie,

Attached please find a draft notice to the court regarding the absence of any need for an evidentiary hearing. I will do a separate motion for the court to take judicial notice. Can we have someone obtain certified copies of the state court indictment; judgment, and commitment order? Also, is the state court plea agreement a public record document which we can obtain and have certified?

I will be able to access my e-mails at the NAC next week. My cell phone number is (786) 564-9114. Thanks.

Dexter

<<notice_evidhrg.wpd>>

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 30, 2008 10:58 AM
To: Lee, Dexter (USAFLS)
Subject: Jane Doe [REDACTED]. United States

Hi Dexter – I have received two messages from Brad Edwards this morning telling me that he wants to talk to me TODAY and that he thinks we can resolve this issue without the judge having to make a decision. I don't really know what that means, but I didn't want to call without running this past you first.

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

Recipient
Senior, Robert (USAFLS)
Sloman, Jeff (USAFLS)

Read
Read: 7/30/2008 11:33 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 30, 2008 11:33 AM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Subject: Ltr



080722 Tein Ltr
w Bob Senior e...

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: Wednesday, July 30, 2008 11:44 AM
To: Roy BLACK
Cc: Atkinson, Karen (USAFLS)
Subject: Jeffrey Epstein

Dear Roy: Are you available this afternoon to discuss the Epstein matter? Please let me know what time works best for you.

Thank you.

A. Marie Villafaña
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
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Villafana, Ann Marie C. (USAFLS)

From: Roy BLACK [RBLACK@royblack.com]
Sent: Wednesday, July 30, 2008 1:18 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein

I am out of town. What is it about?

>>> "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
07/30/08 11:44 AM >>>
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From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 30, 2008 1:42 PM
To: Atkinson, Karen (USAFLS)
Subject: FW: Jeffrey Epstein

FYI -- I was going to respond that it relates to the performance of the Non-Prosecution Agreement. What do you think?

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Sent: Wednesday, July 30, 2008 1:53 PM
To: Lee, Dexter (USAFLS)
Subject: Got your message

Hi Dexter – As far as I know, the only place where the agreement has been filed is under seal in the state court. I don't think we could provide it without a subpoena or court order.

I certainly have no objection to meeting with their three clients. Let me know how you would like me to proceed.

Thanks. Hope things are going well at the NAC.

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West Palm Beach, FL 33401
Phone 561 209-1047
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Villafana, Ann Marie C. (USAFLS)

From: Atkinson, Karen (USAFLS)
Sent: Wednesday, July 30, 2008 2:27 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Jeffrey Epstein

Sounds good

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 30, 2008 1:42 PM
To: Atkinson, Karen (USAFLS)
Subject: FW: Jeffrey Epstein

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Phone 561 209-1047
Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Roy BLACK [RBLACK@royblack.com]
Sent: Wednesday, July 30, 2008 2:38 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein

Ok. I am on the road in california and can call in about an hour or so.

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

From: "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
To: Roy BLACK <RBLACK@royblack.com>

Sent: 7/30/2008 2:31:56 PM
Subject: RE: Jeffrey Epstein

Hi Roy -- It relates to the performance of the criminal Non-Prosecution Agreement.

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

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West Palm Beach, FL 33401
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Subject: Re: Jeffrey Epstein

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Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 30, 2008 2:43 PM
To: Roy BLACK
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Jeffrey Epstein

Can Karen and I call you on your cell at 4:00 Florida time? I just need your number. Or you can call us at Karen's desk -- 561 209-1014.

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

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

From: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Wednesday, July 30, 2008 2:38 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein

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

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To: Roy BLACK <RBLACK@royblack.com>

Sent: 7/30/2008 2:31:56 PM
Subject: RE: Jeffrey Epstein

Hi Roy -- It relates to the performance of the criminal Non-Prosecution Agreement.

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: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Wednesday, July 30, 2008 1:18 PM
To: Villafana, Ann Marie C. (USAFLS)

West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

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Sent: Wednesday, July 30, 2008 1:18 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein

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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: Roy BLACK [RBLACK@royblack.com]
Sent: Wednesday, July 30, 2008 2:45 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein

I am in the mountains and the cell doesn't work well. I will get to a landline at 4 and call you.

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

From: "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
To: Roy BLACK <RBLACK@royblack.com>
Cc: Karen (USAFLS) Atkinson <Karen.Atkinson@usdoj.gov>

Sent: 7/30/2008 2:43:11 PM
Subject: RE: Jeffrey Epstein

Can Karen and I call you on your cell at 4:00 Florida time? I just need your number. Or you can call us at Karen's desk -- 561 209-1014.

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

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

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Sent: Wednesday, July 30, 2008 2:38 PM
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Subject: Re: Jeffrey Epstein

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To: Roy BLACK <RBLACK@royblack.com>

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Subject: RE: Jeffrey Epstein

Hi Roy -- It relates to the performance of the criminal Non-Prosecution Agreement.

A. Marie Villafaña
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400

Recipient

Senior, Robert (USAFLS)

Sloman, Jeff (USAFLS)

Atkinson, Karen (USAFLS)

Kuyrkendall, E N. (FBI)

Richards, Jason R. (FBI)

Read

Read: 7/30/2008 4:13 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 30, 2008 4:09 PM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Call with Roy Black

Bob and Jeff – The call seemed to go very well.

Roy told us that he has been out of town for the last month and has been out of touch, and he appreciated us giving him a heads up. We buttered him up and told him that we were reaching out to him to get some “rational thought back into the process” and that all we wanted was to make sure that the letter and spirit of our agreement was performed.

We told him that we were looking at the various factors to determine if there has been a breach, but we wanted to give Roy and his client the opportunity to perform.

Roy said he would look into things and get back to us. Roy is in California, so I recommend that we wait until Tuesday or so and if we don't hear back from him by then, we follow up with a letter.

How does that sound?

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: Senior, Robert (USAFLS)
Sent: Wednesday, July 30, 2008 7:00 PM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Call with Roy Black

Good start.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 30, 2008 4:09 PM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Call with Roy Black

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How does that sound?

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Sent: Wednesday, July 30, 2008 9:29 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Got your message

Marie,

As I understand it, the USAO-Epstein agreement has a confidentiality provision. It was filed under seal in state court. I seem to recall you telling me that Judge Marra ordered Michael Tein to file the agreement in the pending federal court civil actions under 18 U.S.C. 2255. Is that not correct? My impression from speaking with Edwards is that, if he is satisfied the agreement adequately punishes Epstein and protects his clients, then he will withdraw his lawsuit. If we are not in a position to produce the agreement, then we won't be able to adequately address his concerns.

I filed our notice to court on Tuesday night. Edwards is in a real hurry to try to resolve this matter before the court acts on the notice. I wonder if he thinks Judge Marra will not hold another hearing and rule on the papers.

I will call you tomorrow morning. Thanks.

Dexter

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To: Lee, Dexter (USAFLS)
Subject: Got your message

Hi Dexter – As far as I know, the only place where the agreement has been filed is under seal in the state court. I don't think we could provide it without a subpoena or court order.

I certainly have no objection to meeting with their three clients. Let me know how you would like me to proceed.

Thanks. Hope things are going well at the NAC.

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West Palm Beach, FL 33401
Phone 561 209-1047
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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 31, 2008 9:20 AM
To: Lee, Dexter (USAFLS)
Subject: Re: Got your message

Hi Dexter. I thought Judge Marra required it to be filed but it has not been filed so they may have just "produced" it in discovery. Tein filed something under seal a couple of days ago but obviously I don't know what it was. A different plaintiff's attorney called me on Tuesday and asked if he could get a copy and I said no. I would ask Jeff how he wants to handle.

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

From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Sent: Wed Jul 30 21:29:23 2008
Subject: RE: Got your message

Marie,

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Stipulation, # (2) Exhibit July 17, 2008 Letter, # (3) Exhibit July 3, 2008 Letter)(Edwards, Bradley)

9:08-cv-80736 Notice has been electronically mailed to:

Paul G. Cassell cassellp@law.utah.edu

Bradley James Edwards be@bradedwardslaw.com

Dexter Lee dexter.lee@usdoj.gov, giovanni.coutard@usdoj.gov, USAFLS-HQDKT@usdoj.gov

Ann Marie C. Villafana ann.marie.c.villafana@usdoj.gov, shawn.ball@usdoj.gov

9:08-cv-80736 Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-0] [2b5306b93530dfc5af8c7a275dbd5c566875ec3dc16da227805a577da7ae0e2175649a5268a5a2438792473b44b81ff6085fd967a1d94dcc80404f081f0461d3]]

Document description:Exhibit Proposed Stipulation Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-1] [2457ae607b8a32a77d44129471ec05d5d419cd01863ebc78e95eb23369212475e73f77f0edd5fd8a4d3cb1f03e4f1b5a05f90e55d5888c02cc0c023cc29d0c34]]

Document description:Exhibit July 17, 2008 Letter Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-2] [028a1255f1d8569c9c552990d05df60977c8f323394fc172a4471c5752bd8144c3673368f8948f93af83f822d412b8644f5eba8384b5b2ff42ae80fa3333248a]]

Document description:Exhibit July 3, 2008 Letter Original filename:n/a Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-3] [86cb55b1dd7964ba4ce672a90fe250f58bb0e850cad806a13516064217b8353973f9f53ec46d4342ab88d460e63c78793f0ea5191a9756dcbb2e2fd710810ce]]

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 01, 2008 2:58 PM
To: Lee, Dexter (USAFLS)
Subject: Fw: Activity in Case 9:08-cv-80736-KAM Doe [REDACTED]. United States of America Response/Reply (Other)

Dexter, what is with this guy??? Doesn't he understand that negotiations are confidential??

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

From: cmecfautosender@flsd.uscourts.gov <cmecfautosender@flsd.uscourts.gov>
To: flsd_cmecf_notice@flsd.uscourts.gov <flsd_cmecf_notice@flsd.uscourts.gov>
Sent: Fri Aug 01 14:48:09 2008
Subject: Activity in Case 9:08-cv-80736-KAM Doe [REDACTED]. United States of America Response/Reply (Other)

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered by Edwards, Bradley on 8/1/2008 at 2:48 PM EDT and filed on 8/1/2008

Case Name: Doe [REDACTED]. United States of America
Case Number: 9:08-cv-80736 <<https://ecf.flsd.uscourts.gov/cgi-bin/DktRpt.pl?317867>>
Filer: Jane Doe
Document Number: 19
<https://ecf.flsd.uscourts.gov/doc1/05105558239?magic_num=70793128&de_seq_num=55&caseid=317867>

Docket Text:

RESPONSE/REPLY to Government's Notice to Court Regarding Absence of Need for Evidentiary Hearing and Motion for Production of Non-Prosecution Agreement and of Report of Interview filed by Jane Doe. (Attachments: # (1) Exhibit Proposed

Document description:Exhibit July 17, 2008 Letter Original filename:n/a
Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-2]
[028a1255f1d8569c9c552990d05df60977c8f323394fc172a4471c5752bd8144c367
3368f8948f93af83f822d412b8644f5eba8384b5b2ff42ae80fa3333248a]]

Document description:Exhibit July 3, 2008 Letter Original filename:n/a Electronic
document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-3]
[86cb55b1dd7964ba4ce672a90fe250f58bb0e850cad806a13516064217b8353973f
9f53ec46d4342ab88d460e63c78793f0ea5191a9756dcbb2e2fd710810ce]]

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9:08-cv-80736 Notice has been electronically mailed to:

Paul G. Cassell cassellp@law.utah.edu

Bradley James Edwards be@bradedwardslaw.com

Dexter Lee dexter.lee@usdoj.gov, giovanni.coutard@usdoj.gov, USAFLS-HQDKT@usdoj.gov

Ann Marie C. Villafana ann.marie.c.villafana@usdoj.gov, shawn.ball@usdoj.gov

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The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-0] [2b5306b93530dfc5af8c7a275dbd5c566875ec3dc16da227805a577da7ae0e2175649a5268a5a2438792473b44b81ff6085fd967a1d94dcc80404f081f0461d3]]

Document description:Exhibit Proposed Stipulation Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-1] [2457ae607b8a32a77d44129471ec05d5d419cd01863ebc78e95eb23369212475e73f77f0edd5fd8a4d3cb1f03e4f1b5a05f90e55d5888c02cc0c023cc29d0c34]]

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Friday, August 01, 2008 3:04 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Activity in Case 9:08-cv-80736-KAM Doe [REDACTED]. United States of America Response/Reply (Other)

Marie,

His "response/reply" is more like a motion for summary judgment. Not only that, he attaches letters between counsel which should not be done under the local rules. Of course, he omitted the letter that I sent him.

This is going to be fun.

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Sent: Friday, August 01, 2008 2:58 PM
To: Lee, Dexter (USAFLS)
Subject: Fw: Activity in Case 9:08-cv-80736-KAM Doe [REDACTED]. United States of America Response/Reply (Other)

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U.S. District Court

Southern District of Florida

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Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Friday, August 01, 2008 3:54 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Jane Doe Litigation

Alex and Jeff,

On Tuesday evening, July 29, I filed with the Court our notice advising that the government did not believe an evidentiary hearing was necessary, since there were only two facts which were relevant: (1) no federal charges in S.D.Fla. against Jeffrey Epstein; and (2) Epstein plead guilty to state charges on June 30, 2008, was sentenced, and is in jail in Palm Beach County.

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Please let me know your views on whether the agreement can be disclosed to Edwards and his clients, and whether it would be permissible/advisable to meet with Edwards and his clients. Thanks.

Dexter



19 plts resp go
[REDACTED]

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-0]
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9a5268a5a2438792473b44b81ff6085fd967a1d94dcc80404f081f0461d3]]

Document description:Exhibit Proposed Stipulation Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-1]
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Document description:Exhibit July 17, 2008 Letter Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-2]
[028a1255f1d8569c9c552990d05df60977c8f323394fc172a4471c5752bd8144c367
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Document description:Exhibit July 3, 2008 Letter Original filename:n/a Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-3]
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9f53ec46d4342ab88d460e63c78793f0ea5191a9756dcbb2e2fd710810ce]]

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Southern District of Florida

Notice of Electronic Filing

The following transaction was entered by Edwards, Bradley on 8/1/2008 at 2:48 PM EDT and filed on 8/1/2008

Case Name: Doe ■ United States of America
Case Number: 9:08-cv-80736 <<https://ecf.flsd.uscourts.gov/cgi-bin/DktRpt.pl?317867>>
Filer: Jane Doe
Document Number: 19
<https://ecf.flsd.uscourts.gov/doc1/05105558239?magic_num=70793128&de_seq_num=55&caseid=317867>

Docket Text:

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Paul G. Cassell cassellp@law.utah.edu

Bradley James Edwards be@bradedwardslaw.com

Dexter Lee dexter.lee@usdoj.gov, giovanni.coutard@usdoj.gov, USAFLS-HQDKT@usdoj.gov

Ann Marie C. Villafana ann.marie.c.villafana@usdoj.gov, shawn.ball@usdoj.gov

9:08-cv-80736 Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:

The following document(s) are associated with this transaction:

Document description:Main Document

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 01, 2008 4:49 PM
To: Lee, Dexter (USAFLS)
Subject: Re: Activity in Case 9:08-cv-80736-KAM Doe ■ United States of America Response/Reply (Other)

Hi Dexter. Got your email re Tein. Just wanted you to know that we are having huge problems with him on this and other cases. I won't deal directly with him anymore because of his threats and misrepresentations.

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

From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Sent: Fri Aug 01 15:03:32 2008
Subject: RE: Activity in Case 9:08-cv-80736-KAM Doe ■ United States of America Response/Reply (Other)

Marie,

His "response/reply" is more like a motion for summary judgment. Not only that, he attaches letters between counsel which should not be done under the local rules. Of course, he omitted the letter that I sent him.

This is going to be fun.

Dexter

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 01, 2008 2:58 PM
To: Lee, Dexter (USAFLS)
Subject: Fw: Activity in Case 9:08-cv-80736-KAM Doe ■. United States of America Response/Reply (Other)

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

From: cmecfautosender@flsd.uscourts.gov <cmecfautosender@flsd.uscourts.gov>
To: flsd_cmecf_notice@flsd.uscourts.gov <flsd_cmecf_notice@flsd.uscourts.gov>
Sent: Fri Aug 01 14:48:09 2008
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Please let me know your views on whether the agreement can be disclosed to Edwards and his clients, and whether it would be permissible/advisable to meet with Edwards and his clients. Thanks.

Dexter

<< File: 19_plts_resp_gov_notice.pdf >>

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Friday, August 01, 2008 5:16 PM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS); Senior, Robert (USAFLS)
Subject: RE: Jane Doe Litigation

Dexter,

Page 5, paragraph 13 of the Non-Prosecution Agreement states:

"The parties anticipate that this agreement will not be made part of any public record. If the United States receives a Freedom of Information Act request or any compulsory process commanding the disclosure of the agreement, it will provide notice to Epstein before making that disclosure."

Providing the agreement to Edwards, without a FOIA request or Court order *and* notice to Epstein, would place us in breach. Therefore, I do not believe we can disclose it to Edwards at this stage. I don't know whether meeting with Edwards without the agreement would help resolve this matter.

Jeff

From: Lee, Dexter (USAFLS)
Sent: Friday, August 01, 2008 3:54 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Jane Doe Litigation

Alex and Jeff,

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Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Friday, August 01, 2008 8:19 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Subject: Letter from Brad Edwards

Marie,

This is the latest letter from Brad Edwards. They are willing to agree that there are no charges against Epstein in federal court, and he entered pleas of guilty in state court and is incarcerated in Palm Beach County. However, they ask us to also agree to two facts regarding the deferral of prosecution agreement and the reason why the victims were not consulted.

As to the reasons why the victims were not consulted, the confidentiality provision would not seem to be the reason for not consulting, since there was no "agreement" until Epstein and our office reached agreement in September 2007. The confidentiality provision was not binding until there was an actual agreement. My understanding is that the victims were not consulted (with the exception of the FBI agents meeting with C.W. in September 2007), because we did not believe the Crime Victims Rights Act applied.

They also still want a free transcript and any FBI 302's prepared for the meeting with C.W.

I intend to call Edwards on Monday and tell him we cannot produce the agreement due to the confidentiality provision (and not due to a lack of courtesy on our part). I will then ask if he still wants to meet. I will be back from Columbia on Thursday, so I can meet with them on Thursday or Friday. Are you available on those dates Marie? Thanks.

Dexter



edwards-ltr2.pdf

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Saturday, August 02, 2008 12:24 PM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS)
Cc: Sloman, Jeff (USAFLS)
Subject: Re: Letter from Brad Edwards

As I recall, we also believed that contacting the victims would compromise them as potential witnesses. Epstein argued very forcefully that they were doing this for the money, and we did not want to discuss liability with them, which was key part of agree.

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

From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Sent: Fri Aug 01 20:18:55 2008
Subject: Letter from Brad Edwards

Marie,

This is the latest letter from Brad Edwards. They are willing to agree that there are no charges against Epstein in federal court, and he entered pleas of guilty in state court and is incarcerated in Palm Beach County. However, they ask us to also agree to two facts regarding the deferral of prosecution agreement and the reason why the victims were not consulted.

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<<edwards-ltr2.pdf>>

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Saturday, August 02, 2008 5:34 PM
To: 'villafana@hotmail.com'
Subject: Fw: Letter from Brad Edwards
Attachments: edwards-ltr2.pdf

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

From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Sent: Fri Aug 01 20:18:55 2008
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Sent: Saturday, August 02, 2008 5:34 PM
To: 'villafana@hotmail.com'
Subject: Fw: Jane Doe Litigation
Attachments: 19_plts_resp_gov_notice.pdf

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Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Sent: Fri Aug 01 15:53:49 2008
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Ann Marie C. Villafana ann.marie.c.villafana@usdoj.gov, shawn.ball@usdoj.gov

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Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-0] [2b5306b93530dfc5af8c7a275dbd5c566875ec3dc16da227805a577da7ae0e2175649a5268a5a2438792473b44b81ff6085fd967a1d94dcc80404f081f0461d3]]

Document description:Exhibit Proposed Stipulation Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-1] [2457ae607b8a32a77d44129471ec05d5d419cd01863ebc78e95eb23369212475e73f77f0edd5fd8a4d3cb1f03e4f1b5a05f90e55d5888c02cc0c023cc29d0c34]]

Document description:Exhibit July 17, 2008 Letter Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-2] [028a1255f1d8569c9c552990d05df60977c8f323394fc172a4471c5752bd8144c3673368f8948f93af83f822d412b8644f5eba8384b5b2ff42ae80fa3333248a]]

Document description:Exhibit July 3, 2008 Letter Original filename:n/a Electronic

document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=8/1/2008] [FileNumber=5398771-3] [86cb55b1dd7964ba4ce672a90fe250f58bb0e850cad806a13516064217b8353973f9f53ec46d4342ab88d460e63c78793f0ea5191a9756dcbb2e2fd710810ce]]

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Saturday, August 02, 2008 5:35 PM
To: 'villafana@hotmail.com'
Subject: Fw: Activity in Case 9:08-cv-80736-KAM Doe ■ United States of America Response/Reply (Other)

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

From: cmecfautosender@flsd.uscourts.gov <cmecfautosender@flsd.uscourts.gov>
To: flsd_cmecf_notice@flsd.uscourts.gov <flsd_cmecf_notice@flsd.uscourts.gov>
Sent: Fri Aug 01 14:48:09 2008
Subject: Activity in Case 9:08-cv-80736-KAM Doe ■. United States of America Response/Reply (Other)

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered by Edwards, Bradley on 8/1/2008 at 2:48 PM EDT and filed on 8/1/2008

Case Name: Doe ■. United States of America
Case Number: 9:08-cv-80736 <<https://ecf.flsd.uscourts.gov/cgi-bin/DktRpt.pl?317867>>
Filer: Jane Doe
Document Number: 19
<https://ecf.flsd.uscourts.gov/doc1/05105558239?magic_num=70793128&de_seq_num=55&caseid=317867>

Docket Text:

RESPONSE/REPLY to Government's Notice to Court Regarding Absence of Need for Evidentiary Hearing and Motion for Production of Non-Prosecution Agreement and of Report of Interview filed by Jane Doe. (Attachments: # (1) Exhibit Proposed Stipulation, # (2) Exhibit July 17, 2008 Letter, # (3) Exhibit July 3, 2008 Letter)(Edwards, Bradley)

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Jacobus, Wendy (USAFLS)
Lee, Dexter (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 8/4/2008 10:40 AM
Read: 8/4/2008 10:33 AM
Read: 8/4/2008 10:33 AM
Read: 8/4/2008 9:42 PM
Read: 8/4/2008 12:38 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, August 04, 2008 10:31 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Jacobus, Wendy (USAFLS)
Cc: Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Update on Jane Doe v United States

Dexter is en route to the NAC and asked me to update you on this morning's happenings in Jane Doe v United States.

This morning, Judge Marra's clerk contacted Dexter Lee to set a status conference on the matter. You will recall that, last week, Dexter filed a Notice that the United States did not believe that an evidentiary hearing was required and Brad Edwards responded with a virtual summary judgment motion. Dexter provided his availability, but received a second call telling him that Mr. Edwards had advised Judge Marra's clerk that we were trying to set up a meeting and were trying to work things out. So, the status conference has not yet been scheduled.

Dexter also spoke with Mr. Edwards and advised him that we could not give him a copy of the agreement because it had not been filed anywhere except under seal with the state court, so it has not become a public document and, therefore, we could not violate the confidentiality agreement. Edwards was unhappy, but still wants to meet on Thursday. Dexter feels that if Edwards is convinced that his clients' interests are adequately protected, the case will go away.

Before the meeting on Thursday, Dexter and I would like to talk with Jeff and Alex to discuss how much detail we can provide about the agreement.

Dexter should be at the NAC by around 5:00 tonight.

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:

Recipient
Lee, Dexter (USAFLS)

Read
Read: 8/4/2008 9:46 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, August 04, 2008 12:18 PM
To: Lee, Dexter (USAFLS)
Subject: FW: Can you confirm that there is no report of your meeting with CW in October 2007?

Hi Dexter – No report and no notes of the October 2007 conversation with CW

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: Kuyrkendall, E N. (FBI)
Sent: Monday, August 04, 2008 12:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Can you confirm that there is no report of your meeting with CW in October 2007?

No notes.

From: Villafana, Ann Marie C. (USAFLS)
To: Richards, Jason R.; Kuyrkendall, E N.
Sent: Mon Aug 04 09:20:18 2008
Subject: Can you confirm that there is no report of your meeting with CW in October 2007?

Are there any notes?

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: Acosta, Alex (USAFLS)
Sent: Monday, August 04, 2008 6:15 PM
To: USAFLS-AUSAs District
Subject: AUSAs: If you have handled a 1028(a)(4) or (6), please read the attached letter.

AUSAs:

If you have handled a 1028(a)(4) or (6), please read the attached letter.

In short, it appears that in several cases, our Office considered violations of 1028(a)(4) and (a)(6) to be felonies, when in fact they should to be misdemeanors. In those cases, it appears that defense counsel did not object, that the probation office did not spot the problem and that the defendants were sentenced as felons as to that count. In a handful of cases, the 1028 charge was the only charge.

We have contacted defense counsel of record, who will be filing motions as early as Tuesday, August 5 to correct this issue.

If you receive one of these motions, please contact Lynn Kirkpatrick (961-9239). She will have a go-by to help develop a response, which we should file expeditiously.

Finally, I want to thank the Major Crimes attorneys, particularly Lynn Kirkpatrick, who identified this matter. She and a team of individuals in Major Crimes have been working over the last few days to review our 1028 cases and indentify each affected case.

Thanks.

Alex.



1028

idgeMoreno ltr.p

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Lee, Dexter (USAFLS)
Atkinson, Karen (USAFLS)
Jacobus, Wendy (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 8/5/2008 10:37 AM
Read: 8/5/2008 10:14 AM

Read: 8/5/2008 12:55 PM
Read: 8/5/2008 1:04 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 05, 2008 10:13 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Lee, Dexter (USAFLS)
Cc: Atkinson, Karen (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Judge Marra's Rulings in the Jane Doe [REDACTED] Epstein litigation

Good morning. Judge Marra is keeping Mr. Epstein's attorneys on their toes. This morning he issued two rulings in one of the civil suits. First, he denied Epstein's motion to stay the civil litigation, finding that there is no pending "criminal action" based upon the Non-Prosecution Agreement. He includes a wonderful line, "After all, Defendant is in control of his own destiny – it is up to him (and him alone) whether the plea agreement reached with the State of Florida is breached."

Judge Marra also denied Epstein's Motion to Seal his Reply Brief on the Motion to Stay. The Clerk's Office has not yet unsealed those documents, but it is possible that they contain the Non-Prosecution Agreement, which would make tomorrow's meeting much easier. I will check before our conference call.

Thank you.



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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: Tuesday, August 05, 2008 1:01 PM
To: Roy BLACK
Cc: Atkinson, Karen (USAFLS)
Subject: Follow-up on last week's call

Hi Roy – Are you available late this afternoon to do a follow-up on last week's call? If today does not work, can you let us know about your availability tomorrow, as well?

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, August 05, 2008 3:07 PM
To: Acosta, Alex (USAFLS); Senior, Robert (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Emailing: 080805 Superseding Non-Prosecution Agreement.wpd
Attachments: 080805 Superseding Non-Prosecution Agreement.wpd

Hi everyone -- Here is my attempt to integrate all of the documents. All of the additions/changes are highlighted in red. They consist of the title, preamble, typo change in paragraph 1, paragraph 7 rewrite, paragraph 8 is deleted, paragraph 11 added language about date change, added last paragraph (integration clause), and added Roy as attorney of record.

Let me know how it all looks. I haven't heard back from Roy yet, so I will keep you posted on that, too.

The message is ready to be sent with the following file or link attachments:

080805 Superseding Non-Prosecution Agreement.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Tuesday, August 05, 2008 3:17 PM
To: Villafana, Ann Marie C. (USAFLS); Senior, Robert (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Emailing: 080805 Superseding Non-Prosecution Agreement.wpd
Attachments: 080805 Superseding Non-Prosecution Agreement.wpd

I would simplify it a bit: What about this:

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 05, 2008 3:07 PM
To: Acosta, Alex (USAFLS); Senior, Robert (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Emailing: 080805 Superseding Non-Prosecution Agreement.wpd

Hi everyone -- Here is my attempt to integrate all of the documents. All of the additions/changes are highlighted in red. They consist of the title, preamble, typo change in paragraph 1, paragraph 7 rewrite, paragraph 8 is deleted, paragraph 11 added language about date change, added last paragraph (integration clause), and added Roy as attorney of record.

Let me know how it all looks. I haven't heard back from Roy yet, so I will keep you posted on that, too.

The message is ready to be sent with the following file or link attachments:

080805 Superseding Non-Prosecution Agreement.wpd

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 05, 2008 3:29 PM
To: Lanna Belohlavek (lbelohla@sa15.state.fl.us)
Subject: Question re Epstein -- Sorry to bother

Hi Lanna – Sorry to bother you, but a question has come up over here. I know that you filed the Non-Prosecution Agreement with the United States. Did you file the version that I emailed to you (the three-part agreement) or a different version?

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

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Atkinson, Karen (USAFLS)

Read

Read: 8/5/2008 6:39 PM
Read: 8/5/2008 6:37 PM

Cc: Atkinson, Karen (USAFLS)
Subject: Jeffrey Epstein Agreement

Dear Roy and Jack:

I am just writing to re-state that it is the Government's position that we have a signed, binding agreement and that there is no need for further modification.

Please keep us informed of the date and time of the change of plea and sentencing.

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

“Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein’s attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less.”

On July 9, 2008, Jack Goldberger wrote me a letter with some objections to the Proposed Notification. Although he had several requests for changes, he stated: “Rather, a simple one page notification directed only to the recipient, *and limited to the information currently on the first page of your draft memorandum would suffice.*”

This, to me, is a written assent that the quoted language is, in fact, one of the conditions to which Epstein has agreed. So, I think that we do have a written, binding agreement comprised of the three documents that, as far as I know, were filed with the state court with Jack Goldberger’s approval. (I am waiting to hear back from the ASA.)

Here again is what I provided to the State Attorney’s Office, for your records.



Epstein
Agrmt001.pdf

I am concerned that we were adamant before Epstein’s plea that we had a complete agreement and nothing more was necessary and now taking the position that we do not have an operative document (or set of documents).

Alex, does the Black and Goldberger correspondence described above allay your concerns? Or would you still like me to raise this issue with Roy whenever he gets back to me?

Thank you, sorry for the lengthy e-mail.

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: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, June 24, 2008 4:05 PM
To: 'Roy BLACK'; 'Jack Goldberger'

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, August 05, 2008 6:35 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Subject: FW: Jeffrey Epstein Agreement

Hi everyone – I still haven't heard from Roy, but in the meantime, I have been looking for correspondence that could be described as an assent to the modification in the December letter.

First, as set forth below, prior to the change of plea, we informed Epstein's counsel that we took the position that we already have a binding agreement and that nothing further was required. (This was a June 24 e-mail)

Dear Roy and Jack:

I am just writing to re-state that it is the Government's position that we have a signed, binding agreement and that there is no need for further modification.

Please keep us informed of the date and time of the change of plea and sentencing.

Thank you.

We took the same position in the e-mails that Jeff and I sent to Jay Lefkowitz notifying him of Epstein's need to promptly perform their obligations following the various DOJ decisions. This was the language we used:

Dear Mr. Lefkowitz:

I understand that the Deputy Attorney General has completed his review of the Epstein matter and has determined that federal prosecution of Mr. Epstein's case is appropriate.

Accordingly, Mr. Epstein has until the close of business on Monday, June 30, 2008, to comply with the terms and conditions of the agreement between the United States and Mr. Epstein (as modified by the U.S. Attorney's December 19th letter to Ms. Sanchez), including entry of a guilty plea, sentencing, and surrendering to begin his sentence of imprisonment.

If you have any questions, please feel free to contact me at the number shown below.

(This was sent on June 23rd to Jay and June 24th to Roy.) Following this correspondence, Epstein entered his guilty plea.

On June 30th, a couple of hours after the change of plea, the agents and I went to Jack Goldberger's office and met with Jack and Mike Tein. We provided them with the proposed Notification of Identified Victims. On the first page of that notice, we wrote the following:

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

Villafana, Ann Marie C. (USAFLS)

From: Roy BLACK [RBLACK@royblack.com]
Sent: Tuesday, August 05, 2008 11:40 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Re: Follow-up on last week's call

Marie I just got back to my computer. Sorry it took awhile to respond. I am available tomorrow to call you. Let me know what time to call. Remember I am 3 hours behind you so email me the time in the am and I will call. Thanks Roy

>>> "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
08/05/08 1:01 PM >>>

Hi Roy - Are you available late this afternoon to do a follow-up on last week's call? If today does not work, can you let us know about your availability tomorrow, as well?

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

Recipient

Roy BLACK
Atkinson, Karen (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Acosta, Alex (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 8/6/2008 1:39 PM
Read: 8/6/2008 3:33 PM
Read: 8/6/2008 1:42 PM

Tracking:

311

EFTA00193635

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 06, 2008 1:38 PM
To: Roy BLACK
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Follow-up on last week's call

Hi Roy -- Hope your trip is going well. Are you available today at 4:30 Eastern (1:30 Pacific)? If so, please call my office at the number below, and Karen and I can both be reached there.

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

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

From: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Tuesday, August 05, 2008 11:40 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Re: Follow-up on last week's call

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>>> "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
08/05/08 1:01 PM >>>

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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

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: Roy BLACK [RBLACK@royblack.com]
Sent: Wednesday, August 06, 2008 1:49 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Follow-up on last week's call

Ok. Will do.

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

From: "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
To: Roy BLACK <RBLACK@royblack.com>
Cc: Karen (USAFLS) Atkinson <Karen.Atkinson@usdoj.gov>

Sent: 8/6/2008 1:38:23 PM
Subject: RE: Follow-up on last week's call

Hi Roy -- Hope your trip is going well. Are you available today at 4:30 Eastern (1:30 Pacific)? If so, please call my office at the number below, and Karen and I can both be reached there.

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

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

From: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Tuesday, August 05, 2008 11:40 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Re: Follow-up on last week's call

Marie I just got back to my computer. Sorry it took awhile to respond. I am available tomorrow to call you. Let me know what time to call. Remember I am 3 hours behind you so email me the time in the am and I will call. Thanks Roy

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08/05/08 1:01 PM >>>
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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: Roy BLACK [RBLACK@royblack.com]
Sent: Wednesday, August 06, 2008 1:49 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Follow-up on last week's call

Ok. Will do.

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

From: "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
To: Roy BLACK <RBLACK@royblack.com>
Cc: Karen (USAFLS) Atkinson <Karen.Atkinson@usdoj.gov>

Sent: 8/6/2008 1:38:23 PM
Subject: RE: Follow-up on last week's call

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Thank you.

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Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
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Fax 561 820-8777

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

From: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Tuesday, August 05, 2008 11:40 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Re: Follow-up on last week's call

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>>> "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
08/05/08 1:01 PM >>>

Hi Roy - Are you available late this afternoon to do a follow-up on last week's call? If today does not work, can you let us know about your availability tomorrow, as well?

Thank you.

Cc: Atkinson, Karen (USAFLS)
Subject: Re: Follow-up on last week's call

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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: Wednesday, August 06, 2008 1:50 PM
To: Atkinson, Karen (USAFLS)
Subject: FW: Follow-up on last week's call

We are on for 4:30.

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: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Wednesday, August 06, 2008 1:49 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Follow-up on last week's call

Ok. Will do.

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

From: "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
To: Roy BLACK <RBLACK@royblack.com>
Cc: Karen (USAFLS) Atkinson <Karen.Atkinson@usdoj.gov>

Sent: 8/6/2008 1:38:23 PM
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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

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

From: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Tuesday, August 05, 2008 11:40 PM
To: Villafana, Ann Marie C. (USAFLS)

Recipient

Acosta, Alex (USAFLS)
Senior, Robert (USAFLS)
Sloman, Jeff (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)
Kirkpatrick, Lynn (USAFLS)

Read

Read: 8/6/2008 5:02 PM

Read: 8/6/2008 5:05 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 06, 2008 4:50 PM
To: Acosta, Alex (USAFLS); Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Conference Call with Roy Black

Karen and I had a good conversation with Roy. Roy said that he had passed along our words of warning from the last conversation to everyone on the Epstein team and that they understood that they need to keep in touch with the government to avoid running afoul of the agreement. Roy said that "Tein is just a bulldog on the civil cases." I said that Judge Marra's ruling seems to taken care of that specific issue. I then re-raised the issue of work release and he said that he told everyone on the defense that we have a deal and we need to stick with the deal. Roy reminded the team that he and Jack had spoken repeatedly with Karen and I about the prison term and that it is clear that 18 months IN JAIL is a material term of the agreement. As Roy put it, he told them that if they try to get around the 18 month term, "Marie will have a nervous breakdown and drop a nuclear bomb." I decided to take that as a compliment.

Roy asked us to call him with any problems so he can mediate the situation.

So, all is well in the Epstein world today. Dexter and I meet with counsel for the Jane Does tomorrow morning and I will let you know how that goes, too. I also am waiting to hear back from the State Attorney's Office regarding what was filed with the state court.

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

Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS)
Sent: Wednesday, August 06, 2008 7:11 PM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Conference Call with Roy Black

Marie, as I understand it based our conversation with Karen today, the state court filing that you mention relates to what Epstein's counsel filed in response to the Court's order requiring Epstein to file his agreement with the government. Therefore, if they filed all three documents they would have represented to the court that the terms of the Dec. 19 letter are part of the agreement. Can you let us know what was filed as soon as you can. Thx. Bob

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 06, 2008 4:50 PM
To: Acosta, Alex (USAFLS); Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Conference Call with Roy Black

Karen and I had a good conversation with Roy. Roy said that he had passed along our words of warning from the last conversation to everyone on the Epstein team and that they understood that they need to keep in touch with the government to avoid running afoul of the agreement. Roy said that "Tein is just a bulldog on the civil cases." I said that Judge Marra's ruling seems to taken care of that specific issue. I then re-raised the issue of work release and he said that he told everyone on the defense that we have a deal and we need to stick with the deal. Roy reminded the team that he and Jack had spoken repeatedly with Karen and I about the prison term and that it is clear that 18 months IN JAIL is a material term of the agreement. As Roy put it, he told them that if they try to get around the 18 month term, "Marie will have a nervous breakdown and drop a nuclear bomb." I decided to take that as a compliment.

Roy asked us to call him with any problems so he can mediate the situation.

So, all is well in the Epstein world today. Dexter and I meet with counsel for the Jane Does tomorrow morning and I will let you know how that goes, too. I also am waiting to hear back from the State Attorney's Office regarding what was filed with the state court.

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

So, all is well in the Epstein world today. Dexter and I meet with counsel for the Jane Does tomorrow morning and I will let you know how that goes, too. I also am waiting to hear back from the State Attorney's Office regarding what was filed with the state court.

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: Wednesday, August 06, 2008 8:52 PM
To: Senior, Robert (USAFLS)
Subject: Re: Conference Call with Roy Black

You are still my hero. I have left two messages with the ASA. I will call again in the morning.
Thanks.

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

From: Senior, Robert (USAFLS)
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Sent: Wed Aug 06 19:10:35 2008
Subject: RE: Conference Call with Roy Black

Marie, as I understand it based our conversation with Karen today, the state court filing that you mention relates to what Epstein's counsel filed in response to the Court's order requiring Epstein to file his agreement with the government. Therefore, if they filed all three documents they would have represented to the court that the terms of the Dec. 19 letter are part of the agreement. Can you let us know what was filed as soon as you can. Thx. Bob

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, August 06, 2008 4:50 PM
To: Acosta, Alex (USAFLS); Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Conference Call with Roy Black

Karen and I had a good conversation with Roy. Roy said that he had passed along our words of warning from the last conversation to everyone on the Epstein team and that they understood that they need to keep in touch with the government to avoid running afoul of the agreement. Roy said that "Tein is just a bulldog on the civil cases." I said that Judge Marra's ruling seems to taken care of that specific issue. I then re-raised the issue of work release and he said that he told everyone on the defense that we have a deal and we need to stick with the deal. Roy reminded the team that he and Jack had spoken repeatedly with Karen and I about the prison term and that it is clear that 18 months IN JAIL is a material term of the agreement. As Roy put it, he told them that if they try to get around the 18 month term, "Marie will have a nervous breakdown and drop a nuclear bomb." I decided to take that as a compliment.

Roy asked us to call him with any problems so he can mediate the situation.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 07, 2008 10:12 AM
To: Lee, Dexter (USAFLS)
Subject: I am waiting in the deli on the ground floor

Recipient

Roy BLACK

Atkinson, Karen (USAFLS)

Lee, Dexter (USAFLS)

Senior, Robert (USAFLS)

Sloman, Jeff (USAFLS)

Acosta, Alex (USAFLS)

Read

Read: 8/7/2008 4:37 PM

Read: 8/7/2008 6:04 PM

Read: 8/7/2008 4:53 PM

Read: 8/7/2008 4:01 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, August 07, 2008 3:58 PM
To: Roy BLACK
Cc: Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Notification of Possible Compelled Disclosure of the Non-Prosecution Agreement

Dear Roy:

In accordance with paragraph 13 of the Non-Prosecution Agreement, I am providing notice of possible compulsory process commanding the disclosure of the Agreement. As I'm sure you know, two of Mr. Epstein's victims have filed suit against the United States alleging that the government violated their rights as victims by not consulting them prior to entering into the Non-Prosecution Agreement.

As part of their response to one of the government's filings, the victims asked the Court to order the production of the Non-Prosecution Agreement. The deadline for the government to respond is August 15th and we intend to oppose the motion based upon the confidentiality provision. I have attached a copy of the victims' pleading for your review.

In connection with this, we want to make certain that we are making consistent representations to the judiciary regarding the contents of the Agreement. I know that Jack Goldberger filed the Agreement under seal in the state court in accordance with the state judge's order. Can you provide us with a copy of what Jack filed, so that, if we are ordered by the federal court to disclose the agreement, it is exactly the same as what has been filed in the state court?

Thank you again for your assistance.

Regards,
Marie



DE19_080801_Vi
tims' Resp to N..

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:

Phone 561 209-1047
Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Roy BLACK [RBLACK@royblack.com]
Sent: Thursday, August 07, 2008 4:34 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Notification of Possible Compelled Disclosure of the Non-Prosecution Agreement

Marie I am working on this and will get back to you.

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

From: "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
To: Roy BLACK <RBLACK@royblack.com>
Cc: Dexter (USAFLS) Lee <Dexter.Lee@usdoj.gov>
Cc: Karen (USAFLS) Atkinson <Karen.Atkinson@usdoj.gov>

Sent: 8/7/2008 3:57:52 PM

Subject: Notification of Possible Compelled Disclosure of the Non-Prosecution Agreement

Dear Roy:

In accordance with paragraph 13 of the Non-Prosecution Agreement, I am providing notice of possible compulsory process commanding the disclosure of the Agreement. As I'm sure you know, two of Mr. Epstein's victims have filed suit against the United States alleging that the government violated their rights as victims by not consulting them prior to entering into the Non-Prosecution Agreement.

As part of their response to one of the government's filings, the victims asked the Court to order the production of the Non-Prosecution Agreement. The deadline for the government to respond is August 15th and we intend to oppose the motion based upon the confidentiality provision. I have attached a copy of the victims' pleading for your review.

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Thank you again for your assistance.

Regards,
Marie

<<DE19_080801_Victims' Resp to Notice.pdf>>

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

Recipient	Read
Roy BLACK	
Atkinson, Karen (USAFLS)	
Lee, Dexter (USAFLS)	Read: 8/7/2008 4:37 PM
Acosta, Alex (USAFLS)	
Sloman, Jeff (USAFLS)	Read: 8/7/2008 4:37 PM
Senior, Robert (USAFLS)	Read: 8/7/2008 4:40 PM

that Jack Goldberger filed the Agreement under seal in the state court in accordance with the state judge's order. Can you provide us with a copy of what Jack filed, so that, if we are ordered by the federal court to disclose the agreement, it is exactly the same as what has been filed in the state court?

Thank you again for your assistance.

Regards,
Marie

<<DE19_080801_Victims' Resp to Notice.pdf>>

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: Thursday, August 07, 2008 4:36 PM
To: Roy BLACK
Subject: RE: Notification of Possible Compelled Disclosure of the Non-Prosecution Agreement

Thank you, Roy. Your help is greatly appreciated.

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: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Thursday, August 07, 2008 4:34 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Notification of Possible Compelled Disclosure of the Non-Prosecution Agreement

Marie I am working on this and will get back to you.

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

From: "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
To: Roy BLACK <RBLACK@royblack.com>
Cc: Dexter (USAFLS) Lee <Dexter.Lee@usdoj.gov>
Cc: Karen (USAFLS) Atkinson <Karen.Atkinson@usdoj.gov>

Sent: 8/7/2008 3:57:52 PM
Subject: Notification of Possible Compelled Disclosure of the Non-Prosecution Agreement

Dear Roy:

In accordance with paragraph 13 of the Non-Prosecution Agreement, I am providing notice of possible compulsory process commanding the disclosure of the Agreement. As I'm sure you know, two of Mr. Epstein's victims have filed suit against the United States alleging that the government violated their rights as victims by not consulting them prior to entering into the Non-Prosecution Agreement.

As part of their response to one of the government's filings, the victims asked the Court to order the production of the Non-Prosecution Agreement. The deadline for the government to respond is August 15th and we intend to oppose the motion based upon the confidentiality provision. I have attached a copy of the victims' pleading for your review.

In connection with this, we want to make certain that we are making consistent representations to the judiciary regarding the contents of the Agreement. I know

Recipient

Lanna Belohlavek
Atkinson, Karen (USAFLS)
Senior, Robert (USAFLS)

Read

Read: 8/8/2008 5:27 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, August 08, 2008 5:25 PM
To: Lanna Belohlavek
Cc: Atkinson, Karen (USAFLS)
Subject: RE: messages

Thank you, Lanna. I think we are going to have to produce a copy of the agreement in a suit pending in the federal court, and I want to make sure that we are using the same document in both courthouses.

Thank you again, and have a good weekend.

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: Lanna Belohlavek [mailto:Lbelohla@sa15.state.fl.us]
Sent: Friday, August 08, 2008 5:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: messages

Marie,

Have gotten your messages but have been swamped and am just getting out of court. I will get with you on Monday.

Have a good weekend.

Lanna

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Monday, August 11, 2008 11:23 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Draft Response to Victims' Motion for Production

Alex and Jeff,

Marie and I had a cordial meeting with Brad Edwards on August 7. The parties agreed that an evidentiary hearing was not necessary, and we advised Edwards that we could not voluntarily disclose the Non-Prosecution Agreement since it contained a confidentiality clause. Edwards had a number of questions regarding the investigation of Epstein, the location of evidence gathered during the investigation, and how the victims might obtain access to such evidence in order to support their civil actions against Epstein.

I have prepared a draft response to the victims' motion for production of the Non-Prosecution Agreement and the Report of Interview with Jane Doe # 1. We cited the confidentiality clause as precluding the government's voluntary production of the Agreement. As to the Report of Interview, FBI Agents Kurykendall and Richardson have advised that no such report was prepared after the late September 2007 meeting with C.W.

Please feel free to make any changes. Thanks.

Dexter



resp_motion_pr
oduce.wpd

Recipient

Lee, Dexter (USAFLS)
Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Jacobus, Wendy (USAFLS)

Read

Read: 8/11/2008 4:42 PM

Read: 8/11/2008 4:44 PM
Read: 8/11/2008 4:37 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, August 11, 2008 4:36 PM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: RE: Draft Response to Victims' Motion for Production

Hi Dexter – On page 2, the agent's name is Jason Richards (not Richardson) and the meeting with Jane Doe #1 was in October 2007, shortly before the original plea date.

I haven't heard back from Roy Black or Lanna Belohlavek, so can you give them until tomorrow before you file this with the Court?

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

From: Lee, Dexter (USAFLS)
Sent: Monday, August 11, 2008 11:23 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Draft Response to Victims' Motion for Production

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I have prepared a draft response to the victims' motion for production of the Non-Prosecution Agreement and the Report of Interview with Jane Doe # 1. We cited the confidentiality clause as precluding the government's voluntary production of the Agreement. As to the Report of Interview, FBI Agents Kurykendall and Richardson have advised that no such report was prepared after the late September 2007 meeting with C.W.

Please feel free to make any changes. Thanks.

Dexter

<< File: resp_motion_produce.wpd >>

Tracking:

286

EFTA00193660

Villafana, Ann Marie C. (USAFLS)

From: Roy BLACK [RBLACK@royblack.com]
Sent: Monday, August 11, 2008 11:40 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Jeffrey Epstein

Marie: I have conferred with the lawyers on the team. They all thank you for agreeing to oppose any disclosure of the 9/24/07 agreement. We firmly believe this document is not discoverable in the civil cases. However if the court rules against you on this we request that you further ask that any disclosure be subject to a strong protective order prohibiting dissemination to anyone except counsel to the petitioners. We are particularly concerned because civil lawyers are more apt to publicize something like this than those of us who litigate on the criminal side of the docket. You may recall one lawyer standing on the bridge to palm beach railing over his misconceptions of the case. This is the typical vehicle they use to get more plaintiffs. You had also asked what documents were disclosed in the state court. As part of counsels obligation to fully disclose any promises or inducements which led to the plea agreement, the 9/24/07 agreement was filed with the court. It was filed under seal. Once again I want to re-assure you that Mr. Epstein and his counsel intend to stand by their agreements. If you or anyone in the USAO have any concern about a possible breach please call or email me again so we can discuss any dispute or misunderstanding and allay any concerns. Thanks again. Roy

Recipient

Roy BLACK

Atkinson, Karen (USAFLS)

Acosta, Alex (USAFLS)

Sloman, Jeff (USAFLS)

Lee, Dexter (USAFLS)

Senior, Robert (USAFLS)

Read

Read: 8/12/2008 10:05 AM

Read: 8/12/2008 9:14 AM

Read: 8/12/2008 9:21 AM

Read: 8/12/2008 9:36 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, June 25, 2008 8:40 AM
To: Sloman, Jeff (USAFLS)
Subject: RE: Jeffrey Epstein Agreement

Hi Jeff -- I think I have designed a solution to the 2255 issue and I will call you to discuss the plea. I am still finishing up these search warrants. As soon as they are done, I will give you a call.

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, June 24, 2008 9:14 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein Agreement

Let's talk about going to the COP

----- Original Message -----
From: Villafana, Ann Marie C. (USAFLS)
To: Roy BLACK <RBLACK@royblack.com>; Jack Goldberger <jgoldberger@agwpa.com>
Cc: Atkinson, Karen (USAFLS)
Sent: Tue Jun 24 16:04:55 2008
Subject: Jeffrey Epstein Agreement

Dear Roy and Jack:

I am just writing to re-state that it is the Government's position that we have a signed, binding agreement and that there is no need for further modification.

Please keep us informed of the date and time of the change of plea and sentencing.

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, June 24, 2008 3:08 PM
To: Roy BLACK
Subject: RE: FW: Jeffrey Epstein

Hi Roy -- Is this the best number to call? (305) 371-6421

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: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Tuesday, June 24, 2008 3:02 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: jack goldberger
Subject: Re: FW: Jeffrey Epstein

Marie that is a good time. I also want to conference Jack Goldberger into the call. This will be a wrap up call. Roy

>>> "Villafana, Ann Marie C. (USAFLS)"
<Ann.Marie.C.Villafana@usdoj.gov> 6/24/2008 12:23 PM >>> Dear Roy:

Jeff Sloman contacted me and asked me to return your call regarding the Epstein matter. I am forwarding to you an e-mail that I sent to Jay Lefkowitz last night.

Karen and I can call you at 3:30 to speak about your list of issues. If that time does not work, please let me know what times you are available.

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 23, 2008 5:55 PM
To: lefkowitz@kirkland.com; Jay Lefkowitz

845

EFTA00193664

Cc: Atkinson, Karen (USAFLS)
Subject: Jeffrey Epstein

Dear Mr. Lefkowitz:

I understand that the Deputy Attorney General has completed his review of the Epstein matter and has determined that federal prosecution of Mr. Epstein's case is appropriate.

Accordingly, Mr. Epstein has until the close of business on Monday, June 30, 2008, to comply with the terms and conditions of the agreement between the United States and Mr. Epstein (as modified by the U.S. Attorney's December 19th letter to Ms. Sanchez), including entry of a guilty plea, sentencing, and surrendering to begin his sentence of imprisonment.

If you have any questions, please feel free to contact me at the number shown below.

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: Senior, Robert (USAFLS)
Sent: Monday, June 23, 2008 10:06 AM
To: Villafana, Ann Marie C. (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Trip to New York, etc.

Ok. Marie, hoping to hear from DAG's office today giving the green light. Let's talk when that decision is made.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 23, 2008 9:15 AM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Cc: Atkinson, Karen (USAFLS); Senior, Robert (USAFLS)
Subject: Trip to New York, etc.

We will not be interviewing Marina in New York. Her attorney gave a copy of the grand jury subpoena to Epstein's lawyers. They, in turn, promptly sent it on to Washington complaining, yet again, about me. So, I do not want to do an interview with him present, and we will have to put her in the grand jury.

Given that, let's take the New York section out of the indictment so we can present the indictment Tuesday morning. Then we can do Marina's interview in the afternoon with plans to supersede. It probably makes sense to wait on the rest of the interviews until we hear what Marina has to say, so let's plan to do the New York trip in a few weeks.

Bob – I will revise everything accordingly and send it down to you. We have another girl from Florida, so I will replace our New York Jane Doe with her.

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: Thursday, June 19, 2008 4:45 PM
To: Krischer, Barry (LEO)
Cc: Atkinson, Karen (USAFLS)
Subject: Epstein Case

Dear Barry:

I just wanted to let you know that Karen and I spoke with Roy Black yesterday regarding the Epstein case. Roy asked whether there was a way to resolve the federal and state litigation simultaneously and mentioned your desire to wrap up the case before you retired. We informed him that the Office's position is that if Epstein promptly abides by the terms of the signed non-prosecution agreement entered into by the Office and Mr. Epstein, we will end our investigation. If Mr. Epstein chooses to go forward with a different plea in the State, that is his prerogative, but we will consider it a breach of the federal non-prosecution agreement and will proceed accordingly.

The federal non-prosecution agreement signed by Mr. Epstein and his counsel requires Mr. Epstein to plead guilty to the current state indictment and also to an information charging a state offense that requires sex offender registration, specifically the charge of procuring minors to engage in prostitution, at least 18 months imprisonment, and an agreement that the victims can pursue damages claims as though Mr. Epstein had been convicted of the federal offenses. Our agreement does not address probationary periods following the term of incarceration. Those are statutorily set on the federal side, so we have left that issue to the defense to negotiate with you.

If you have any questions, please let me 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:

885

EFTA00193667

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, June 19, 2008 1:27 PM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Subject: JE

Hi Bob and Jeff – Two things:

Do you think Karen and I should call Barry Krischer and tell him about our conversation with Roy and the Office's position?

One of our best witnesses has hired an attorney. He is a former state prosecutor and seems like a good guy. He asked me for a status and I told him that all I could say is that it remains my hope that we will charge JE. He would like to advocate on behalf of his client that we move forward. Would the DAG consider hearing from the victims?

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: Brad Edwards [be@bradedwardslaw.com]
Sent: Thursday, June 19, 2008 11:34 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Jeff Epstein

Hi Marie,

I have information and concerns that I would like to share. While I understand that you are limited in what you can discuss, I would like to meet with you and discuss my plans. This would be beneficial to you and me. Let me know if you are interested in meeting and talking. My schedule is free next Monday, Tuesday, and Wednesday, July 23-25. If any of those days are open for you, then I will go to you and can meet you at any time convenient for you. I am scheduling to meet with my client again next week in your area anyway, so it would be no problem for me to meet you on the same day. I look forward to hearing back from you.

Sincerely,

Brad Edwards, Esquire
Law Office of Brad Edwards & Associates
2028 [REDACTED] Street
Suite 202
Hollywood, Florida 33020
Telephone: 954-414-8033 (Broward)
305-935-2011 (Miami-Dade)
Facsimile: 954-924-1530(Broward)
305/935-4227 (Miami-Dade)
e-mail: be@bradedwardslaw.com

PRIVILEGED AND CONFIDENTIAL: The information contained in this e-mail message is intended for the use of the individual or entity to which it is addressed and may contain information that is proprietary, privileged, confidential, and exempt from disclosure under applicable laws. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any use, printing, reproduction, disclosure or dissemination of this communication may be subject to legal restriction or sanction.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, June 18, 2008 1:53 PM
To: Senior, Robert (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Garcia, Rolando (USAFLS); Atkinson, Karen (USAFLS)
Subject: Epstein -- Call with Roy Black

Karen and I spoke with Roy. Roy said that he had called because he had heard that Rolando had discussed the matter with Barry Krischer and Roy wanted to see if there was any way to wrap this up before July 7th. Roy also said that he had seen a letter from Jeff Sloman that said that the matter of incarceration would be left to the State. (I am not certain what letter he is referring to, but I think Jeff wrote a letter about not taking a position on where Epstein would be incarcerated, not the length of time.) So, Roy wondered whether we would go away if Epstein took Barry's 60-day deal.

Karen explained that Rolando had not had substantive discussions with Barry about the case and that all communication regarding the case is being handled by Karen and me. In response to the question of whether there was anything that could "make this go away," we said that our position is that if Epstein stops the process in Washington and pleads in accordance with the terms of the signed agreement, then we will perform pursuant to the agreement. Karen explained that if Epstein pleads to something else or gets sentenced to a lower amount, then we will consider that a breach of our agreement and we will proceed accordingly.

On that note, has there been any word from Washington?

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, June 17, 2008 11:03 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS); Garcia, Rolando (USAFLS)
Subject: Epstein

Hi all – Karen and I just spoke with Barry Krischer. He began with his usual complaint about us not communicating with him. I explained that it was the defense who were blocking the channels of communication.

He then told us that the current deal he has worked out with Jack Goldberger is 60 days in the County Jail, 2 years community confinement, and 3 years probation. He says that Epstein has agreed to plead to “attempted lewd conduct,” which, Barry says, will require registration. We asked Barry to send us the proposed Information so I can look to see whether, in fact, registration will be required. It also sounds like it will not involve a child sex offense.

I told Barry that the defense had told us that Barry objected to Epstein’s plea to the procurement charge and to his having to register as a sex offender. Barry said that the testimony in the grand jury would support the procurement charge and that they have never discussed sex offender registration.

Apparently Jack Goldberger told Barry that the delay was caused by DOJ’s internal investigation into my conduct referring business to my boyfriend’s “law partner.” We explained that the delay is caused by the defense appealing our decisions throughout the Justice Department.

He also said that Jack Goldberger had shown him a letter from Alex Acosta about having to plead in two weeks.

He asked Karen and I to get back to him after we review the Information to tell him if it is okay to go ahead with the plea deal.

Strangely enough, I haven’t heard from Roy Black.

I will let you know when we receive the Information.

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

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 12:28 PM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Subject: RE: Victim Notification

Marie,

DOJ wanted us to hold off sending this out until we get clearance to file our document this afternoon. Will that pose any problems?

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 5:37 PM
To: Acosta, Alex (USAFLS); Lee, Dexter (USAFLS)
Subject: Victim Notification

Hi Alex and Dexter – Here is the proposed notification that was provided to Epstein’s counsel last week.

<< File: Victim Identification and Notification Final with Goldberger sig revised.wpd >>

Assuming that they don’t sign it tomorrow, I would remove the bottom portion that calls for Epstein’s signature and incorporate some instructional language along with notice that Jack Goldberger is the contact person for any civil litigation.

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: Nira Alanis [nalanis@agwpa.com]
Sent: Wednesday, July 09, 2008 12:28 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Jeffrey Epstein
Attachments: Letter to A. Marie Villafana dated 070908.pdf

This attachment has been sent to you on behalf of Jack A. Goldberger, Esquire.

Regards,

Nayanira Alanis,
Legal Assistant
Atterbury, Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401
T#561-659-8300
F#561-835-8691

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)
Lee, Dexter (USAFLS)

Read

Read: 7/9/2008 1:26 PM
Read: 7/9/2008 1:32 PM
Read: 7/10/2008 11:14 AM

Read: 7/9/2008 12:35 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 12:35 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI); Lee, Dexter (USAFLS)
Subject: FW: Jeffrey Epstein -- Response from Jack Goldberger
Attachments: Letter to A. Marie Villafana dated 070908.pdf

Attached please find Jack Goldberger's response to my letter.

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

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

From: Nira Alanis [mailto:nalanis@agwpa.com]
Sent: Wednesday, July 09, 2008 12:28 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Jeffrey Epstein

This attachment has been sent to you on behalf of Jack A. Goldberger, Esquire.

Regards,

Nayanira Alanis,
Legal Assistant
Atterbury, Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401
T#561-659-8300
F#561-835-8691

Tracking:

Recipient

Lee, Dexter (USAFLS)

Acosta, Alex (USAFLS)

Read

Read: 7/9/2008 12:35 PM

Read: 7/9/2008 1:25 PM

Fax 561 820-8777

Tracking:

608

EFTA00193677

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 12:34 PM
To: Lee, Dexter (USAFLS)
Cc: Acosta, Alex (USAFLS)
Subject: RE: Victim Notification

Hi Dexter – Jack Goldberger’s response just arrived – I am sending it in a separate e-mail. I need to revise the letter and make sure Alex and Jeff approve before it goes out, so it won’t be ready until later this afternoon. I just need to make sure that it goes out before I file my Declaration, since I swear that it has gone out to Attorney Edwards.

Thanks.

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 12:28 PM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Subject: RE: Victim Notification

Marie,

DOJ wanted us to hold off sending this out until we get clearance to file our document this afternoon. Will that pose any problems?

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 5:37 PM
To: Acosta, Alex (USAFLS); Lee, Dexter (USAFLS)
Subject: Victim Notification

Hi Alex and Dexter – Here is the proposed notification that was provided to Epstein’s counsel last week.

<< File: Victim Identification and Notification Final with Goldberger sig revised.wpd >>

Assuming that they don’t sign it tomorrow, I would remove the bottom portion that calls for Epstein’s signature and incorporate some instructional language along with notice that Jack Goldberger is the contact person for any civil litigation.

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 12:42 PM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Emailing: Villafana Declaration-v2 final.wpd
Attachments: Villafana Declaration-v2 final.wpd

Hi all -- I think this includes everyone's thoughts. If any changes are needed, please let me know.

The message is ready to be sent with the following file or link attachments:

Villafana Declaration-v2 final.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 7/9/2008 1:26 PM
Read: 7/9/2008 1:05 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 1:04 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Response to Goldberger Letter

Here are my thoughts:

1. **Notification only by mail:** For those girls who are currently not represented (or for whom we do not know of any representation), we intend to contact the victims by telephone to tell them of the resolution and to get mailing addresses to send the written notification or to determine if they have secured counsel to send it to them. For the girls who are represented, contact will be made by telephone followed by the mailing of the notification. I think a "live" thank you is the least that is required at this point and a "check in" to make sure that girls who need counseling are getting it. (FBI has already arranged counseling for several girls.) In any written response to Mr. Goldberger, I would simply ignore this request.
2. **Separate mailings:** I have no objection to this change. The notice was drafted the way it was so that Epstein would only have to sign one document rather than 33. Since he isn't going to sign any, that change is fine with me.
3. **Notification limited to the information on the first page of the draft notification:** In light of Epstein's refusal to sign the acknowledgement, I think some additional explanation is required. I will prepare that revision and send to you shortly.
4. **Eliminate the Acknowledgement portion:** I have no objection to this.
5. **Supplement the notification with our previous statement that we are not vouching for the veracity of any claim:** I would reject this request and, in our response to Goldberger, state that we have limited our list to those whom we were prepared to name in an indictment and, accordingly, we believe that there is proof beyond a reasonable doubt that each was a victim of Epstein's.
6. **Explain why the acknowledgement is required:** In our response to Goldberger, I think we should explain that the acknowledgement language was meant to create a means for proving the existence of the agreement without having to provide copies of the Non-Prosecution Agreement, which contains a confidentiality clause. While I have no objection to revising the language, I think that Epstein's position will lead to litigation regarding the need to disclose the full agreement, which is contrary to the parties' interest in confidentiality. I agree that we cannot force him to sign the acknowledgement, but he must accept the consequences of that decision.
7. **Names of pro bono lawyers and information regarding their communications:** I have already advised Mr. Goldberger that I will provide him with the names and contact information of attorneys who represent the victims, so I have no objection to that. I also have no objection to telling him that they were recommended by the Crime Victims Rights Advocacy Group based upon a referral from the Justice Department. Other than that, I have no intention of disclosing any "communications" that I had with them.

I will take a crack at revising the victim notifications and drafting a response to Goldberger. Any other thoughts I should incorporate?

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

Tracking:

Recipient

Jack Alan Goldberger (jgoldberger@agwpa.com)

Atkinson, Karen (USAFLS)

Kuyrkendall, E N. (FBI)

Richards, Jason R. (FBI)

Read

Read: 7/10/2008 11:17 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 1:12 PM
To: Jack Alan Goldberger (jgoldberger@agwpa.com)
Cc: Atkinson, Karen (USAFLS)
Subject: Epstein contact

Dear Jack: I have received your letter and am considering it now. One of the questions I had asked you last week was whether you are the person whom attorneys for the victims should contact if they decide to file any claim. Are you the person? And, if so, what, if any, contact information would you like me to provide?

Thank you.

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

Recipient

Lee, Dexter (USAFLS)
Herd, Kim (USAEO)
Neal, Kristina (USAEO)
Manning, Katharine (USAEO)

Read

Read: 7/9/2008 1:19 PM
Read: 7/9/2008 1:19 PM
Read: 7/9/2008 1:32 PM
Read: 7/9/2008 1:40 PM

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 5:37 PM
To: Acosta, Alex (USAFLS); Lee, Dexter (USAFLS)
Subject: Victim Notification

Hi Alex and Dexter – Here is the proposed notification that was provided to Epstein’s counsel last week.

<< File: Victim Identification and Notification Final with Goldberger sig revised.wpd >>

Assuming that they don’t sign it tomorrow, I would remove the bottom portion that calls for Epstein’s signature and incorporate some instructional language along with notice that Jack Goldberger is the contact person for any civil litigation.

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: Wednesday, July 09, 2008 1:19 PM
To: Lee, Dexter (USAFLS); Herd, Kim (USAEO); Neal, Kristina (USAEO)
Cc: Manning, Katharine (USAEO)
Subject: RE: Victim Notification

The Notification specifically provided that each victim would receive a copy with the names of all other victims redacted. We also have provided the list only by hand delivery to counsel for Mr. Epstein with a cover sheet advising them that disclosing the names to anyone could violate federal and/or state law. That cover sheet will accompany the victim notification even when it is sent to the victims themselves.

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 1:17 PM
To: Herd, Kim (USAEO); Neal, Kristina (USAEO)
Cc: Manning, Katharine (USAEO); Villafana, Ann Marie C. (USAFLS)
Subject: RE: Victim Notification

Kim,

The consensus is that there's nothing to talk to Edwards about because the agreement has been signed and the federal case is over. We will not be reaching out to Edwards to get an extension.

As to the draft notice, Epstein's lawyers raised a similar concern.

Dexter

From: Herd, Kim (USAEO)
Sent: Wednesday, July 09, 2008 1:07 PM
To: Lee, Dexter (USAFLS); Neal, Kristina (USAEO)
Cc: Manning, Katharine (USAEO)
Subject: RE: Victim Notification

Our concern is that the list of individuals contains the names of minors. Have you thought about just listing initials? Or not providing the entire list to each victim?

Also – any word from victim counsel on an extension?

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 12:29 PM
To: Herd, Kim (USAEO); Neal, Kristina (USAEO)
Subject: FW: Victim Notification

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Lee, Dexter (USAFLS)
Atkinson, Karen (USAFLS)
Richards, Jason R. (FBI)
Kuyrkendall, E N. (FBI)

Read

Read: 7/9/2008 1:27 PM
Read: 7/9/2008 1:35 PM
Read: 7/9/2008 1:35 PM
Read: 7/10/2008 11:18 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 1:24 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Cc: Richards, Jason R. (FBI); Kuyrkendall, E N. (FBI)
Subject: Emailing: Final Victim Notification -- [REDACTED]
Attachments: Final Victim Notification -- [REDACTED]

Attached please find my proposed final victim notification letter. This is addressed to Edwards' client, [REDACTED] (Please note that all of the victims but one is now an adult and all of Mr. Edwards' clients are adults.)

Please let me know if you would like any changes made. Also, Dexter, please let me know when it is safe to send to Mr. Edwards. The letter for S.R. will be identical.

The message is ready to be sent with the following file or link attachments:

Final Victim Notification -- [REDACTED]

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 1:47 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Government's Motion to Seal

Marie,

In preparation for this afternoon's filing, I have prepared a motion to seal, which is attached. I did not include Epstein's name and made general assertions regarding the confidentiality of the negotiations. Please have someone sign both the motion to seal, and the government's response, for me. We then need to prepare a sealed document tracking sheet, to accompany the motion.

An original and one copy of the sealed document should be placed in two separate envelopes, with the case number written on the outside. An original and one copy of the motion to seal should be filed with the Clerk.

Thanks.

Dexter



victim_Mot_seal.
wpd

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 1:48 PM
To: jason@scvan.org; pauline@mdcrimevictims.org
Subject: Representation for Epstein Victims

Dear Jason and Pauline – Sorry to be a bother, but I need to send out Victim Notification letters to our victims today. Can you tell me which victims you represent and just reconfirm that if any unrepresented victims express a desire to speak with an attorney about the victim notification they can call you?

Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Wednesday, July 09, 2008 1:48 PM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: RE: Latest Version

This version states that Edwards "did make the contact." I thought he had NOT made the contact to provide the state with information? (2d to last paragraph)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 12:08 PM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: Latest Version

Colleagues,

Attached please find the latest version of the government's response. I have added a new Section III, which details the efforts made by Marie in maintaining contact with T.M., C.W., and S.R.

Dexter

<< File: victim_resp_USArev corrected (3).wpd >>

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 1:49 PM
To: Acosta, Alex (USAFLS); Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: RE: Latest Version

That was a typographical error, which Marie caught. It has been corrected.

Dexter

From: Acosta, Alex (USAFLS)
Sent: Wednesday, July 09, 2008 1:48 PM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: RE: Latest Version

This version states that Edwards "did make the contact." I thought he had NOT made the contact to provide the state with information? (2d to last paragraph)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 12:08 PM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: Latest Version

Colleagues,

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Dexter

<< File: victim_resp_USArev corrected (3).wpd >>

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/9/2008 2:13 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 2:06 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Government's Motion to Seal

Hi Dexter – You want to seal my declaration as well, right? Please let me know and I will change accordingly.

Thanks.

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 1:47 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Government's Motion to Seal

Marie,

In preparation for this afternoon's filing, I have prepared a motion to seal, which is attached. I did not include Epstein's name and made general assertions regarding the confidentiality of the negotiations. Please have someone sign both the motion to seal, and the government's response, for me. We then need to prepare a sealed document tracking sheet, to accompany the motion.

An original and one copy of the sealed document should be placed in two separate envelopes, with the case number written on the outside. An original and one copy of the motion to seal should be filed with the Clerk.

Thanks.

Dexter

<< File: victim_Mot_seal.wpd >>

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 2:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Government's Motion to Seal

Marie,

Yes, both the response, your declaration, and the attachments to your declaration, are to be sealed.

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 2:06 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Government's Motion to Seal

Hi Dexter – You want to seal my declaration as well, right? Please let me know and I will change accordingly.

Thanks.

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 1:47 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Government's Motion to Seal

Marie,

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An original and one copy of the sealed document should be placed in two separate envelopes, with the case number written on the outside. An original and one copy of the motion to seal should be filed with the Clerk.

Thanks.

Dexter

<< File: victim_Mot_seal.wpd >>

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 2:17 PM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Emailing: Villafana Declaration-v2 final.wpd
Attachments: Villafana Declaration-v2 final.wpd

Sorry if I seem cranky, I am just getting changes from 12 people at once.

The message is ready to be sent with the following file or link attachments:

Villafana Declaration-v2 final.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 2:26 PM
To: Herd, Kim (USAEO); Neal, Kristina (USAEO); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: Revised Draft with DOJ Edits

Colleagues,

Attached please find the latest revision, which includes the edits suggested by EOUSA. I have also incorporated the word "place", per Jeff's suggestion. For our DOJ colleagues, there is a new Section III, which goes into detail regarding the contact Marie had with the three victims.

Also, as to whether Edwards raises the right to fairness being violated, I was referring to paragraph five of the emergency petition, which only alleges violations of the right to consultation, notice of public court proceedings, information regarding right to restitution, and notice of rights under the CVRA.

A motion to seal has been prepared, seeking leave of the Court to seal the government's response, Marie's declaration, and the attachments to the declaration.

Dexter Lee



victim_resp_USA
ev corrected_D..

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Wednesday, July 09, 2008 2:37 PM
To: Lee, Dexter (USAFLS); Herd, Kim (USAEO); Neal, Kristina (USAEO); Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: RE: Revised Draft with DOJ Edits

I am just reading this.

I am very concerned, because I have repeatedly edited the phrase "deferred prosecution" and replaced it with an "agreement to defer federal prosecution in favor of prosecution by the State of Florida." The phrase is now back on page 3.

I send the email only to make clear that there is a difference. This is not a deferred federal prosecution. There was a state case, that case was prosecuted, and in light of state guilty plea federal government has agreed not to pursue a state prosecution as well. This matters, because the victims have the opportunity to have their rights vindicated in state court as well.

Not a big deal, but just want to make sure the distinction remains clear in any subsequent drafts.

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 2:26 PM
To: Herd, Kim (USAEO); Neal, Kristina (USAEO); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: Revised Draft with DOJ Edits

Colleagues,

Attached please find the latest revision, which includes the edits suggested by EOUSA. I have also incorporated the word "place", per Jeff's suggestion. For our DOJ colleagues, there is a new Section III, which goes into detail regarding the contact Marie had with the three victims.

Also, as to whether Edwards raises the right to fairness being violated, I was referring to paragraph five of the emergency petition, which only alleges violations of the right to consultation, notice of public court proceedings, information regarding right to restitution, and notice of rights under the CVRA.

A motion to seal has been prepared, seeking leave of the Court to seal the government's response, Marie's declaration, and the attachments to the declaration.

Dexter Lee

<< File: victim_resp_USArev corrected_DOJedits.wpd >>

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Wednesday, July 09, 2008 2:38 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Emailing: Villafana Declaration-v2 final.wpd

Marie,

Paragraph 7: Should be changed to something similar to this:

.....opening hostile to the prosecution of Epstein. The FBI attempted to interview S.R. in October 2007, at which time she refused to provide any information regarding Jeffrey Epstein.....
(302 of refusal Oct 2, 2007)

Paragraph 8:

.....agreement was signed, four victims were contacted and these provision.....
(we spoke to all four of them in person)

Still readingbut looks good thus far

From: Villafana, Ann Marie C. (USAFLS) [Ann.Marie.C.Villafana@usdoj.gov]
Sent: Wednesday, July 09, 2008 2:17 PM
To: Kuyrkendall, E N.; Richards, Jason R.
Subject: Emailing: Villafana Declaration-v2 final.wpd

<<Villafana Declaration-v2 final.wpd>> Sorry if I seem cranky, I am just getting changes from 12 people at once.

The message is ready to be sent with the following file or link attachments:

Villafana Declaration-v2 final.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Recipient

Lee, Dexter (USAFLS)

Acosta, Alex (USAFLS)

Read

Read: 7/9/2008 2:45 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 2:42 PM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Subject: Emailing: victim_resp_USArev corrected_DOJedits.wpd
Attachments: victim_resp_USArev corrected_DOJedits.wpd

Alex and Dexter -- I caught a couple of typos and made one substantive change. Nesbitt says she can't remember whether she handed [REDACTED] letter to her or if it was mailed after the interview, so I have changed it to say C.W.'s letter was "provided" by the FBI. I will make the same change in my Declaration. I think I made the change that Alex wanted on page 3, but please take a look.

Thanks.

The message is ready to be sent with the following file or link attachments:

victim_resp_USArev corrected_DOJedits.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 2:46 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE: Declaration Looks Great!!!!!!!!!!!!!!
Attachments: Villafana Declaration-v2 final.wpd

Thanks. Here it is with your changes. Can you read through once more. Thank you!

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

From: Kuyrkendall, E N. (FBI)
Sent: Wednesday, July 09, 2008 2:44 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Declaration Looks Great!!!!!!!!!!!!!!

Jason and I have finished and it looks great!!!!!!!!!!!!!!

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 2:48 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Latest Version

Marie,

We're getting close to game time. Here is my corrected version, which takes out deferred prosecution. Please use this version as the one you will be filing. Make the latest changes to this document. Thanks.

Dexter



victim_resp_USA
ev corrected_D..

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/9/2008 3:00 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 2:52 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Latest Version

Do you anticipate any more changes?

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 2:48 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Latest Version

Marie,

We're getting close to game time. Here is my corrected version, which takes out deferred prosecution. Please use this version as the one you will be filing. Make the latest changes to this document. Thanks.

Dexter

<< File: victim_resp_USArev corrected_DOJedits(1445).wpd >>

A motion to seal has been prepared, seeking leave of the Court to seal the government's response, Marie's declaration, and the attachments to the declaration.

Dexter Lee

<< File: victim_resp_USArev corrected_DOJedits.wpd >>

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 3:04 PM
To: Herd, Kim (USAEO); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS); Rothenberg, Laurence E (SMO); Wood, Seth M (SMO); Neal, Kristina (USAEO); Manning, Katharine (USAEO)
Subject: RE: Revised Draft with DOJ Edits

Kim,

Thanks to you, Kristina and Katherine for all your help. We'll let you know what happens.

Dexter

From: Herd, Kim (USAEO)
Sent: Wednesday, July 09, 2008 3:02 PM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS); Rothenberg, Laurence E (SMO); Wood, Seth M (SMO); Neal, Kristina (USAEO); Manning, Katharine (USAEO)
Subject: RE: Revised Draft with DOJ Edits

All –

We have checked with OLP and they have cleared the language in your latest revision (per your e-mail below).

Please let us know if you have additional questions.

Thank you for your patience on this –

Kim

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 2:26 PM
To: Herd, Kim (USAEO); Neal, Kristina (USAEO); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
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Colleagues,

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Also, as to whether Edwards raises the right to fairness being violated, I was referring to paragraph five of the emergency petition, which only alleges violations of the right to consultation, notice of public court proceedings, information regarding right to restitution, and notice of rights under the CVRA.

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/9/2008 3:06 PM

Cc: Jacobus, Wendy (USAFLS)
Subject: Revised Draft with DOJ Edits

Colleagues,

Attached please find the latest revision, which includes the edits suggested by EOUSA. I have also incorporated the word "place", per Jeff's suggestion. For our DOJ colleagues, there is a new Section III, which goes into detail regarding the contact Marie had with the three victims.

Also, as to whether Edwards raises the right to fairness being violated, I was referring to paragraph five of the emergency petition, which only alleges violations of the right to consultation, notice of public court proceedings, information regarding right to restitution, and notice of rights under the CVRA.

A motion to seal has been prepared, seeking leave of the Court to seal the government's response, Marie's declaration, and the attachments to the declaration.

Dexter Lee

<< File: victim_resp_USArev corrected_DOJedits.wpd >>

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 3:06 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Revised Draft with DOJ Edits

Hi Dexter – Does this mean your response is good to go? On the sealed document tracking form, is there a particular statute or rule that you think gives us the right to file under seal? Thank you.

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 3:04 PM
To: Herd, Kim (USAEO); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS); Rothenberg, Laurence E (SMO); Wood, Seth M (SMO); Neal, Kristina (USAEO); Manning, Katharine (USAEO)
Subject: RE: Revised Draft with DOJ Edits

Kim,

Thanks to you, Kristina and Katherine for all your help. We'll let you know what happens.

Dexter

From: Herd, Kim (USAEO)
Sent: Wednesday, July 09, 2008 3:02 PM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS); Rothenberg, Laurence E (SMO); Wood, Seth M (SMO); Neal, Kristina (USAEO); Manning, Katharine (USAEO)
Subject: RE: Revised Draft with DOJ Edits

All –

We have checked with OLP and they have cleared the language in your latest revision (per your e-mail below).

Please let us know if you have additional questions.

Thank you for your patience on this –

Kim

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 2:26 PM
To: Herd, Kim (USAEO); Neal, Kristina (USAEO); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Lee, Dexter (USAFLS)

Read

Read: 7/10/2008 10:35 AM
Read: 7/9/2008 3:10 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 3:07 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Lee, Dexter (USAFLS)
Subject: Victim Notification Letter

Importance: High

Hi all – We need to get everything ready to go to court by 4:00. It looks like the response and my declaration are ready to go, but I need to send the notification letters to Edwards before everything can be filed. Can you please review and give me your comments? Thank you.



Final Victim
Notification -- C..

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

All –

We have checked with OLP and they have cleared the language in your latest revision (per your e-mail below).

Please let us know if you have additional questions.

Thank you for your patience on this –

Kim

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 2:26 PM
To: Herd, Kim (USAEO); Neal, Kristina (USAEO); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: Revised Draft with DOJ Edits

Colleagues,

Attached please find the latest revision, which includes the edits suggested by EOUSA. I have also incorporated the word "place", per Jeff's suggestion. For our DOJ colleagues, there is a new Section III, which goes into detail regarding the contact Marie had with the three victims.

Also, as to whether Edwards raises the right to fairness being violated, I was referring to paragraph five of the emergency petition, which only alleges violations of the right to consultation, notice of public court proceedings, information regarding right to restitution, and notice of rights under the CVRA.

A motion to seal has been prepared, seeking leave of the Court to seal the government's response, Marie's declaration, and the attachments to the declaration.

Dexter Lee

<< File: victim_resp_USArev corrected_DOJEdits.wpd >>

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 3:10 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Revised Draft with DOJ Edits

Marie,

Yes, we are ready to file. As far as statutory authority, we can cite the Privacy Act, 5 U.S.C. 552a, et. Seq. Also, are there any special victim-witness provisions regarding restrictions on disclosure of victims' names and personal identifying information?

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 3:06 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Revised Draft with DOJ Edits

Hi Dexter – Does this mean your response is good to go? On the sealed document tracking form, is there a particular statute or rule that you think gives us the right to file under seal? Thank you.

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

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Sent: Wednesday, July 09, 2008 3:04 PM
To: Herd, Kim (USAEO); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS); Rothenberg, Laurence E (SMO); Wood, Seth M (SMO); Neal, Kristina (USAEO); Manning, Katharine (USAEO)
Subject: RE: Revised Draft with DOJ Edits

Kim,

Thanks to you, Kristina and Katherine for all your help. We'll let you know what happens.

Dexter

From: Herd, Kim (USAEO)
Sent: Wednesday, July 09, 2008 3:02 PM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS); Rothenberg, Laurence E (SMO); Wood, Seth M (SMO); Neal, Kristina (USAEO); Manning, Katharine (USAEO)
Subject: RE: Revised Draft with DOJ Edits

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 7/10/2008 9:47 AM
Read: 7/10/2008 11:16 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, September 10, 2007 3:52 PM
To: Sloman, Jeff (USAFLS)
Subject: Plea

Hi Jeff – Just talked with Andy. I am sure that he communicated these thoughts, but I wanted to mention a couple of things that I hoped to talk to you about.

There are two things that I think might be tricks up the sleeves of the defense. First, Lilly Ann had mentioned in our Miami meeting with all the defense attorneys that Epstein would be willing to do a split sentence of community control followed by jail time because, in the state system, if you complete community control without a violation, the jail time is converted to probation or more community control. Second, it wasn't clear that Epstein would be pleading to a child sex offense that involves sex offender registration. Third, I mentioned to Andy that the revised indictment references 19 victims, so 15 months is less than 1 month per victim. I agree that this is a reasonable counteroffer in light of our starting position of 24 months, but this is a really low sentence.

So, whatever the U.S. Attorney decides to do, can we please follow with a version of my written non-prosecution agreement? That will allow us to avoid any state shenanigans and will keep the defense on a strict timeline.

Before this counter-offer, I was going to propose that we include in our response to Messrs. Starr and Lefkowitz one page of the draft overt acts section. I have attached the proposed overt acts related to two of the girls, as an example.



Overt acts
insert.wpd

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

Exhibit 46

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, September 11, 2007 12:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Non-Prosecution Agreement

Got your message about the hearing. Alex had some suggested changes to the agreement that shouldn't affect the deal.
Thanks, Jeff

From: Acosta, Alex (USAFLS)
Sent: Monday, September 10, 2007 5:32 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Non-Prosecution Agreement

I did a small rewrite. Shouldn't effect things, but wanted to add the original state charges and a statement that it would be his job to move the state to add the additional charges.

IT APPEARING that the State of Florida has conducted an investigation into the conduct of Jeffrey (hereinafter "Epstein");

IT APPEARING that the State of Florida has charged Epstein with ____;

IT APPEARING that the United States has conducted its own investigation of the offenses and Epstein's background;

IT APPEARING that Epstein has committed offenses against the United States from in or around 2001 through in or around October 2005, including:

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;

- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation of Title 18, United States Code, Section 2423(b); and
- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein has accepted responsibility for his behavior by his signature on this Agreement; and

IT APPEARING, after an investigation of the offenses and Epstein's background, that the interest of the United States pursuant to the petit policy will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

Should Epstein violate any of the conditions of this Agreement, the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with notice specifying the condition(s) of the Agreement that he has violated.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on page 1 of this Agreement will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") charging violations of the following Florida Statutes:
 - (a) lewd and lascivious battery on a child, in violation of Fl. Stat. 800.04(4);
 - (b) solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03; and
 - (c) engaging in sexual activity with minors at least sixteen years of age, in violation of Fl. Stat. 794.05.
2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
 - (a) Epstein shall begin by serving at least twenty (20) months in prison, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
 - (b) following the term of imprisonment, Epstein shall serve ten (10) months of community control.

3. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
4. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
5. Epstein agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423.
6. The United States shall provide Epstein's attorneys with a list of the identified victims, which will not exceed forty, after Epstein has signed this agreement and entered his guilty plea. The United States shall make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and Epstein's counsel may contact the identified victims through that counsel.
7. Epstein shall enter his guilty plea and be sentenced not later than September 28, 2007, and shall begin service of his sentence not later than October 15, 2007.
8. With credit for gain time, Epstein shall serve at least 17 months in a state correctional institution.

Epstein understands that the United States Attorney has no authority to require the State of Florida to abide by any terms of this agreement. Epstein understand that it is his obligation to undertake discussions with the State of Florida to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States interest, pursuant to the petit policy.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted, it

may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, September 10, 2007 5:03 PM
To: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Cc: McMillan, John (USAFLS); Garcia, Rolando (USAFLS); Atkinson, Karen (USAFLS); Lourie, Andrew (USAFLS)
Subject: Non-Prosecution Agreement

Here is my proposed Non-Prosecution Agreement. Since Gerry Lefcourt is the attorney who contacted Andy Lourie with the counter-offer, I have used his name as attorney for Mr. Epstein. If another attorney will be in that role, I can change the signature block. Please let me know if you have any questions or changes.

<< File: OLY Non-Prosecution Agreement v3.wpd >>

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, September 11, 2007 12:06 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Non-Prosecution Agreement

Do you want me to make these and re-send to Gerry Lefcourt?

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: Sloman, Jeff (USAFLS)
Sent: Tuesday, September 11, 2007 12:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Non-Prosecution Agreement

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- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation of Title 18, United States Code, Section 2423(b); and
- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein has accepted responsibility for his behavior by his signature on this Agreement; and

IT APPEARING, after an investigation of the offenses and Epstein's background, that the interest of the United States pursuant to the petit policy will be served by the following procedure;

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- (a) lewd and lascivious battery on a child, in violation of Fl. Stat. 800.04(4);
 - (b) solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03; and
 - (c) engaging in sexual activity with minors at least sixteen years of age, in violation of Fl. Stat. 794.05.
2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
 - (a) Epstein shall begin by serving at least twenty (20) months in prison, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
 - (b) following the term of imprisonment, Epstein shall serve ten (10) months of community control.
3. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
4. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
5. Epstein agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423.
6. The United States shall provide Epstein's attorneys with a list of the identified victims, which will not exceed forty, after Epstein has signed this agreement and entered his guilty plea. The United States shall make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and Epstein's counsel may contact the identified victims through that counsel.
7. Epstein shall enter his guilty plea and be sentenced not later than September 28, 2007, and shall begin service of his sentence not later than October 15, 2007.
8. With credit for gain time, Epstein shall serve at least 17 months in a state correctional institution.

Epstein understands that the United States Attorney has no authority to require the State of Florida to abide by any terms of this agreement. Epstein understand that it is his obligation to undertake discussions with the State of Florida to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States interest, pursuant to the petit policy.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions

allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, September 10, 2007 5:03 PM
To: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Cc: McMillan, John (USAFLS); Garcia, Rolando (USAFLS); Atkinson, Karen (USAFLS); Lourie, Andrew (USAFLS)
Subject: Non-Prosecution Agreement

Here is my proposed Non-Prosecution Agreement. Since Gerry Lefcourt is the attorney who contacted Andy Lourie with the counter-offer, I have used his name as attorney for Mr. Epstein. If another attorney will be in that role, I can change the signature block. Please let me know if you have any questions or changes.

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, September 11, 2007 12:39 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Non-Prosecution Agreement

Yes

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

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, September 11, 2007 12:05 PM Eastern Standard Time
To: Sloman, Jeff (USAFLS)
Subject: RE: Non-Prosecution Agreement

Do you want me to make these and re-send to Gerry Lefcourt?

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: Sloman, Jeff (USAFLS)
Sent: Tuesday, September 11, 2007 12:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Non-Prosecution Agreement

Got your message about the hearing. Alex had some suggested changes to the agreement that shouldn't affect the deal. Thanks, Jeff

From: Acosta, Alex (USAFLS)
Sent: Monday, September 10, 2007 5:32 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Non-Prosecution Agreement

I did a small rewrite. Shouldn't effect things, but wanted to add the original state charges and a statement that it would be his job to move the state to add the additional charges.

IT APPEARING that the State of Florida has conducted an investigation into the conduct of Jeffrey (hereinafter "Epstein");

IT APPEARING that the State of Florida has charged Epstein with ____;

IT APPEARING that the United States has conducted its own investigation of the offenses and Epstein's background;

IT APPEARING that Epstein has committed offenses against the United States from in or around 2001 through in or around October 2005, including:

(1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;

(2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);

(3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;

(4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation of Title 18, United States Code, Section 2423(b); and

(5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein has accepted responsibility for his behavior by his signature on this Agreement; and

IT APPEARING, after an investigation of the offenses and Epstein's background, that the interest of the United States pursuant to the petit policy will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

Should Epstein violate any of the conditions of this Agreement, the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with notice specifying the condition(s) of the Agreement that he has violated.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on page 1 of this Agreement will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County

(hereinafter, the "State Attorney's Office") charging violations of the following Florida Statutes:

(a) lewd and lascivious battery on a child, in violation of Fl. Stat. 800.04(4);

(b) solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03; and

(c) engaging in sexual activity with minors at least sixteen years of age, in violation of Fl. Stat. 794.05.

2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:

(a) Epstein shall begin by serving at least twenty (20) months in prison, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and

(b) following the term of imprisonment, Epstein shall serve ten (10) months of community control.

3. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.

4. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.

5. Epstein agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423.

6. The United States shall provide Epstein's attorneys with a list of the identified victims, which will not exceed forty, after Epstein has signed this agreement and entered his guilty plea. The United States shall make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and Epstein's counsel may contact the identified victims through that counsel.

7. Epstein shall enter his guilty plea and be sentenced not later than September 28, 2007, and shall begin service of his sentence not later than October 15, 2007.

8. With credit for gain time, Epstein shall serve at least 17 months in a state correctional institution.

Epstein understands that the United States Attorney has no authority to require the State of Florida to abide by any terms of this agreement. Epstein understand that it is his obligation to undertake discussions with the State of Florida to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States interest, pursuant to the petit policy.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of

any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, September 10, 2007 5:03 PM
To: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Cc: McMillan, John (USAFLS); Garcia, Rolando (USAFLS); Atkinson, Karen (USAFLS); Lourie, Andrew (USAFLS)
Subject: Non-Prosecution Agreement

Here is my proposed Non-Prosecution Agreement. Since Gerry Lefcourt is the attorney who contacted Andy Lourie with the counter-offer, I have used his name as attorney for Mr. Epstein. If another attorney will be in that role, I can change the signature block. Please let me know if you have any questions or changes.

<< File: OLY Non-Prosecution Agreement v3.wpd >>

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, September 11, 2007 4:52 PM
To: Lourie, Andrew (USAFLS)
Subject: RE: Revised Agreement re Epstein

Plead to the three specified charges, a 30 month sentence, split 20 in jail and 10 in "community control," and agree that the girls are victims for purposes of damages. We also put in deadlines for a plea and sentencing date.

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

-----Original Message-----
From: Lourie, Andrew (USAFLS)
Sent: Tuesday, September 11, 2007 2:17 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Revised Agreement re Epstein

What is our latest offer?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----
From: Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>
To: Gerald Lefcourt <GBL@lefcourtllaw.com>
CC: Acosta, Alex (USAFLS) <AAcosta@usa.doj.gov>; Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>;
Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>
Sent: Tue Sep 11 14:15:25 2007
Subject: Revised Agreement re Epstein

Dear Gerry: I have attached a revised version, as per Mr. Acosta's request. The operative terms have not changed. If you have any questions, please do not hesitate to call. Also, please confirm your receipt of this e-mail.

Thank you.

<<070911 Epstein Non-Prosecution Agreement.pdf>>

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: Lourie, Andrew (USAFLS)
Sent: Tuesday, September 11, 2007 4:54 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Revised Agreement re Epstein

Good. Barry leaves early for jewish holidays any chance u can make 130

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>
Sent: Tue Sep 11 16:52:10 2007
Subject: RE: Revised Agreement re Epstein

Plead to the three specified charges, a 30 month sentence, split 20 in jail and 10 in "community control," and agree that the girls are victims for purposes of damages. We also put in deadlines for a plea and sentencing date.

A. Marie Villafana
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Thank you.

<<070911 Epstein Non-Prosecution Agreement.pdf>>

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, September 11, 2007 5:01 PM
To: Lourie, Andrew (USAFLS)
Subject: RE: Revised Agreement re Epstein

Hi Andy -- I will try to get back as soon as possible. I just don't know how long I will be at the hospital. Is it just us three or is Gerry Lefcourt also attending? What should I be prepared to discuss?

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: Lourie, Andrew (USAFLS)
Sent: Tuesday, September 11, 2007 4:54 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Revised Agreement re Epstein

Good. Barry leaves early for jewish holidays any chance u can make 130

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>
Sent: Tue Sep 11 16:52:10 2007
Subject: RE: Revised Agreement re Epstein

Plead to the three specified charges, a 30 month sentence, split 20 in jail and 10 in "community control," and agree that the girls are victims for purposes of damages. We also put in deadlines for a plea and sentencing date.

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Subject: Re: Revised Agreement re Epstein

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Sent from my BlackBerry Wireless Handheld

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Thank you.

<<070911 Epstein Non-Prosecution Agreement.pdf>>

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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: Thursday, September 13, 2007 6:58 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Garcia, Rolando (USAFLS)
Cc: Atkinson, Karen (USAFLS); Lourie, Andrew (USAFLS)
Subject: Epstein plea

Hi all – I have not heard back from any of Mr. Epstein’s attorneys today about the plea, but I know that they are out for the holiday. I will be out tomorrow, so today I finished the indictment package if we decide to go forward. It currently is with Karen Atkinson.

I then paged through Title 18, and came up with two possibilities. 18 U.S.C. § 403 is a misdemeanor with a one year statutory maximum for violation of the privacy rights of a child victim. We would have to show an intentional disclosure of documents or information concerning a child victim to someone other than a participant in the legal proceedings. When the state prosecution first hit the press, Epstein’s attorneys (especially Roy Black) made statements about the “credibility” of some of the child victims, with specific identifying information, and I would base two charges on information disclosed about two of the victims.

18 U.S.C. § 1512(d) is also a misdemeanor with a one year statutory maximum. We would have to show that Epstein (or someone on his behalf) intentionally harassed another person to hinder, delay, prevent, or dissuade the person from reporting to a law enforcement officer the commission or possible commission of a federal offense, or to dissuade the person from causing a criminal prosecution to be sought or instituted. Three girls have mentioned exertions of pressure to keep them from reporting the offenses or talking to law enforcement.

My guess is that he will object to these charges because he would have to plead to two counts, which would expose him to the potential of a 24-month sentence. If he does so, I recommend that we reconsider the Rule 11 plea rather than try to create violations out of whole cloth.

I also determined that a defendant who receives a prison sentence on a misdemeanor offense is also eligible for one year of supervised release.

Another option is a plea to 47 U.S.C. § 223(a)(1)(B), which prohibits someone “in interstate or foreign communications, by means of a telecommunications device knowingly -- . . . (ii) initiates the transmission of any . . . request, suggestion, proposal, . . . or other communication which is obscene . . . knowing that the recipient of the communication is under 18 years of age, regardless of whether the maker of such communication placed the call or initiated the communication.” This is a felony offense, with a two-year statutory maximum.

To move things along, I have put together an information package assuming a plea to two counts of violating section 403. I will leave that info with Karen as well, in case you want to make any changes tomorrow.

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

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, September 13, 2007 7:10 PM
To: Atkinson, Karen (USAFLS); Ball, Shawn (USAFLS)
Cc: McMillan, John (USAFLS)
Subject: Epstein Information Package

Hi all – Here is the Information and Plea Agreement for the Information Package. Shawn has all of the other forms on her computer.

Thank you!



Information OLY Plea
charging 403.wpement v3 misderr

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: Thursday, September 13, 2007 7:24 PM
To: Lourie, Andrew (USAFLS)
Subject: RE: Epstein plea

Hi Andy -- It would still have to be a conspiracy to commit an assault on a plane. I just want to make sure that we have something that is factually accurate. Just trying to plan ahead.

I just got an e-mail from Jay Lefkowitz asking if I am free to talk tomorrow at 9:00. Will you be in then? I have to report to the hospital at 10:15.

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

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

From: Lourie, Andrew (USAFLS)
Sent: Thursday, September 13, 2007 7:20 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein plea

He is going to give us an assault on the plane or we can do conspiracy

Sent from my BlackBerry Wireless Handheld

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

From: Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>
To: Acosta, Alex (USAFLS) <AAcosta@usa.doj.gov>; Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>; Garcia, Rolando (USAFLS) <RGarcia@usa.doj.gov>
CC: Atkinson, Karen (USAFLS) <KAtkinson@usa.doj.gov>; Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>
Sent: Thu Sep 13 18:58:18 2007
Subject: Epstein plea

Hi all - I have not heard back from any of Mr. Epstein's attorneys today about the plea, but I know that they are out for the holiday. I will be out tomorrow, so today I finished the indictment package if we decide to go forward. It currently is with Karen Atkinson.

I then paged through Title 18, and came up with two possibilities. 18 U.S.C. § 403 is a misdemeanor with a one year statutory maximum for violation of the privacy rights of a child victim. We would have to show an intentional disclosure of documents or information concerning a child victim to someone other than a participant in the legal proceedings. When the state prosecution first hit the press, Epstein's attorneys (especially Roy Black) made statements about the "credibility" of some of the child victims, with specific identifying information, and I would base two charges on information disclosed about two of the victims.

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2

hinder, delay, prevent, or dissuade the person from reporting to a law enforcement officer the commission or possible commission of a federal offense, or to dissuade the person from causing a criminal prosecution to be sought or instituted. Three girls have mentioned exertions of pressure to keep them from reporting the offenses or talking to law enforcement.

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Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, September 13, 2007 7:27 PM
To: Lourie, Andrew (USAFLS)
Subject: RE: Epstein plea

Alright. I will get Rolando and/or Jeff on with me.

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: Lourie, Andrew (USAFLS)
Sent: Thursday, September 13, 2007 7:27 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein plea

I have a 930 hearing in miami.

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>
Sent: Thu Sep 13 19:23:59 2007
Subject: RE: Epstein plea

Hi Andy -- It would still have to be a conspiracy to commit an assault on a plane. I just want to make sure that we have something that is factually accurate. Just trying to plan ahead.

I just got an e-mail from Jay Lefkowitz asking if I am free to talk tomorrow at 9:00. Will you be in then? I have to report to the hospital at 10:15.

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To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein plea

He is going to give us an assault on the plane or we can do conspiracy

23

Sent from my BlackBerry Wireless Handheld

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To: Acosta, Alex (USAFLS) <AAcosta@usa.doj.gov>; Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>;
Garcia, Rolando (USAFLS) <RGarcia@usa.doj.gov>
CC: Atkinson, Karen (USAFLS) <KAtkinson@usa.doj.gov>; Lourie, Andrew (USAFLS)
<ALourie@usa.doj.gov>
Sent: Thu Sep 13 18:58:18 2007
Subject: Epstein plea

Hi all - I have not heard back from any of Mr. Epstein's attorneys today about the plea, but I know that they are out for the holiday. I will be out tomorrow, so today I finished the indictment package if we decide to go forward. It currently is with Karen Atkinson.

I then paged through Title 18, and came up with two possibilities. 18 U.S.C. § 403 is a misdemeanor with a one year statutory maximum for violation of the privacy rights of a child victim. We would have to show an intentional disclosure of documents or information concerning a child victim to someone other than a participant in the legal proceedings. When the state prosecution first hit the press, Epstein's attorneys (especially Roy Black) made statements about the "credibility" of some of the child victims, with specific identifying information, and I would base two charges on information disclosed about two of the victims.

18 U.S.C. § 1512(d) is also a misdemeanor with a one year statutory maximum. We would have to show that Epstein (or someone on his behalf) intentionally harassed another person to hinder, delay, prevent, or dissuade the person from reporting to a law enforcement officer the commission or possible commission of a federal offense, or to dissuade the person from causing a criminal prosecution to be sought or instituted. Three girls have mentioned exertions of pressure to keep them from reporting the offenses or talking to law enforcement.

My guess is that he will object to these charges because he would have to plead to two counts, which would expose him to the potential of a 24-month sentence. If he does so, I recommend that we reconsider the Rule 11 plea rather than try to create violations out of whole cloth.

I also determined that a defendant who receives a prison sentence on a misdemeanor offense is also eligible for one year of supervised release.

Another option is a plea to 47 U.S.C. § 223(a)(1)(B), which prohibits someone "in interstate or foreign communications, by means of a telecommunications device knowingly -- . . . (ii) initiates the transmission of any . . . request, suggestion, proposal, . . . or other communication which is obscene . . . knowing that the recipient of the communication is under 18 years of age, regardless of whether the maker of such communication placed the call or initiated the communication." This is a felony offense, with a two-year statutory maximum.

To move things along, I have put together an information package assuming a plea to two counts of violating section 403. I will leave that info with Karen as well, in case you want to make any changes tomorrow.

Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Lourie, Andrew (USAFLS)
Sent: Thursday, September 13, 2007 7:28 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein plea

U can give him my cell. If he calls me early I will be in car

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>
Sent: Thu Sep 13 19:23:59 2007
Subject: RE: Epstein plea

Hi Andy -- It would still have to be a conspiracy to commit an assault on a plane. I just want to make sure that we have something that is factually accurate. Just trying to plan ahead.

I just got an e-mail from Jay Lefkowitz asking if I am free to talk tomorrow at 9:00. Will you be in then? I have to report to the hospital at 10:15.

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

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

From: Lourie, Andrew (USAFLS)
Sent: Thursday, September 13, 2007 7:20 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein plea

He is going to give us an assault on the plane or we can do conspiracy

Sent from my BlackBerry Wireless Handheld

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

From: Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>
To: Acosta, Alex (USAFLS) <AAcosta@usa.doj.gov>; Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>; Garcia, Rolando (USAFLS) <RGarcia@usa.doj.gov>
CC: Atkinson, Karen (USAFLS) <KAtkinson@usa.doj.gov>; Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>
Sent: Thu Sep 13 18:58:18 2007
Subject: Epstein plea

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Thank you.

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, September 13, 2007 7:29 PM
To: Garcia, Rolando (USAFLS); Sloman, Jeff (USAFLS)
Subject: Telephone Conference with Jay Lefkowitz tomorrow morning

Hi all – I just received an e-mail from Jay Lefkowitz wanting to do a call tomorrow morning. Andy will be on the road, but will be on the conference call. Does anyone else want to join in?

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, September 13, 2007 8:12 PM
To: Atkinson, Karen (USAFLS); Ball, Shawn (USAFLS)
Cc: McMillan, John (USAFLS)
Subject: Epstein Indictment Package

In case Karen has any changes to the indictment package and wants to send it on to Rolando, here are the indictment and pros memo. Shawn has the forms.



070913 revised Pros Memo 2nd Addendum
indictment.wpd 1-07 REVISED.wp Pros Memo.wpd

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28

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, September 14, 2007 9:25 AM
To: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Lourie, Andrew (USAFLS); Garcia, Rolando (USAFLS)
Cc: Atkinson, Karen (USAFLS); McMillan, John (USAFLS); Ball, Shawn (USAFLS)
Subject: Epstein update

Hi all – Jay and I talked through the main issue, which was the charges that Epstein would plead guilty to. He put in a pitch for only 12 months, I put in a pitch that he plead to 24 with a 20-month recommendation, and we decided that we would be stuck with the 18 months. So he will plead to one count of obstructing a witness from reporting a crime based upon Sarah Kellen's call to one of the girls subtly pressuring her not to participate in the investigation and one count of simple assault on an airplane based upon an incident where Epstein "put great pressure" [Jay's words] on Kellen to call the girls to set up appointments.

I will revise the plea agreement accordingly and draft an information for your review. I will be out the rest of the day, but I will be accessible over the weekend. I will give all of the electronic files to Karen and Shawn in case you need to make changes. Jay thinks we will have a signed agreement by Monday and I am hoping that we can convince Judge Marra to use the time on Tuesday that he set aside for the hearing to take the plea instead.

Documents to follow soon.

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, September 14, 2007 9:52 AM
To: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Garcia, Rolando (USAFLS); Lourie, Andrew (USAFLS)
Cc: Atkinson, Karen (USAFLS); Ball, Shawn (USAFLS)
Subject: Epstein Documents

Here are the proposed plea agreement and information. If any changes need to be made, please contact Shawn via e-mail or at 561 209-1037. I will be out the rest of the day, but you can get me at 561 601-2301, and I will be able to access e-mail over the weekend.

Thank you!



Information
arguing 1512 and



OLY Plea
ement v4 1512 a

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

Villafana, Ann Marie C. (USAFLS)

From: Lourie, Andrew (USAFLS)
Sent: Friday, September 14, 2007 11:09 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein update

The assault sounds like a stretch and factually sort of silly

Sent from my BlackBerry Wireless Handheld

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

From: Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>
To: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>; Acosta, Alex (USAFLS) <AAcosta@usa.doj.gov>;
Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>; Garcia, Rolando (USAFLS) <RGarcia@usa.doj.gov>
CC: Atkinson, Karen (USAFLS) <KAtkinson@usa.doj.gov>; McMillan, John (USAFLS)
<JMcMillan@usa.doj.gov>; Ball, Shawn (USAFLS) <SBall@usa.doj.gov>
Sent: Fri Sep 14 09:25:05 2007
Subject: Epstein update

Hi all - Jay and I talked through the main issue, which was the charges that Epstein would plead guilty to. He put in a pitch for only 12 months, I put in a pitch that he plead to 24 with a 20-month recommendation, and we decided that we would be stuck with the 18 months. So he will plead to one count of obstructing a witness from reporting a crime based upon Sarah Kellen's call to one of the girls subtly pressuring her not to participate in the investigation and one count of simple assault on an airplane based upon an incident where Epstein "put great pressure" [Jay's words] on Kellen to call the girls to set up appointments.

I will revise the plea agreement accordingly and draft an information for your review. I will be out the rest of the day, but I will be accessible over the weekend. I will give all of the electronic files to Karen and Shawn in case you need to make changes. Jay thinks we will have a signed agreement by Monday and I am hoping that we can convince Judge Marra to use the time on Tuesday that he set aside for the hearing to take the plea instead.

Documents to follow soon.

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Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Friday, September 14, 2007 1:04 PM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Garcia, Rolando (USAFLS);
Lourie, Andrew (USAFLS)
Cc: Atkinson, Karen (USAFLS); Ball, Shawn (USAFLS)
Subject: RE: Epstein Documents

Andy has agreed to help finalize this. I will be out of town beginning tomorrow.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, September 14, 2007 9:52 AM
To: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Garcia, Rolando (USAFLS); Lourie, Andrew (USAFLS)
Cc: Atkinson, Karen (USAFLS); Ball, Shawn (USAFLS)
Subject: Epstein Documents

Here are the proposed plea agreement and information. If any changes need to be made, please contact Shawn via e-mail or at 561 209-1037. I will be out the rest of the day, but you can get me at 561 601-2301, and I will be able to access e-mail over the weekend.

Thank you!

<< File: Information charging 1512 and 113.wpd >>
<< File: OLY Plea Agreement v4 1512 and 113 violations.wpd >>

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

NS

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

25

EFTA00193750

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

26

EFTA00193751

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, September 17, 2007 11:33 AM
To: Garcia, Rolando (USAFLS); Acosta, Alex (USAFLS); Lourie, Andrew (USAFLS)
Cc: Atkinson, Karen (USAFLS); McMillan, John (USAFLS)
Subject: Latest update

Hi all – Just spoke with Jay Lefkowitz, he reports that, as of now, they are leaning back towards pleading only to state charges with a Non-Prosecution agreement. They are doing some legal research and talking with the state, and Jay thinks that they should have a proposed agreement by late tonight or early tomorrow morning. I am going to send him our last version of the Non-Prosecution Agreement so that he has a template to work from. Jay has my numbers in case I need to go home early and any questions come up.

As soon as I know something, I will pass it along.

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: Acosta, Alex (USAFLS)
Sent: Monday, September 17, 2007 11:43 AM
To: Villafana, Ann Marie C. (USAFLS); Garcia, Rolando (USAFLS); Lourie, Andrew (USAFLS)
Cc: Atkinson, Karen (USAFLS); McMillan, John (USAFLS)
Subject: Re: Latest update

Pls make sure they know its only a draft, and that we still need to approve final. The form and language may need polishing.

Sent from my BlackBerry Wireless Handheld

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

From: Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>
To: Garcia, Rolando (USAFLS) <RGarcia@usa.doj.gov>; Acosta, Alex (USAFLS) <AAcosta@usa.doj.gov>; Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>
CC: Atkinson, Karen (USAFLS) <KAtkinson@usa.doj.gov>; McMillan, John (USAFLS) <JMcMillan@usa.doj.gov>
Sent: Mon Sep 17 11:33:14 2007
Subject: Latest update

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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: Monday, September 17, 2007 11:44 AM
To: Acosta, Alex (USAFLS)
Subject: RE: Latest update

Absolutely. There were a lot of problems with their last attempt. They tried to re-open all the loopholes that I had sewn shut.

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

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Do you concur?

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:

EO

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 ██████ 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

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 Villafana
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 Villafana
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:

3042

EFTA00193762

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

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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.

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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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Recipient

'Lourie, Andrew'

Garcia, Rolando (USAFLS)

Atkinson, Karen (USAFLS)

Read

Read: 9/19/2007 5:10 PM

Read: 9/19/2007 4:36 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, June 20, 2008 3:45 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: JE

I am just reading through all of the new submissions. I don't know which makes me angrier, all of the blatant lies, or Matt Menchel telling them (Lilly, no doubt), that I am "unsupervisable." Jeff, I'm sorry I got you into this.

On another, ironic, note. Today, Epstein's lawyers are filing motions to stay the four federal lawsuits against Epstein, under 18 USC 3509(k), which states: "If, at any time that a cause of action for recovery of compensation for damage or injury to the person of a child exists, a criminal action is pending which arises out of the same occurrence and in which the child is the victim, the civil action shall be stayed until the end of all phases of the criminal action and any mention of the civil action during the criminal proceeding is prohibited."

I guess it saves me the trouble of filing the motion after we indict.

And, for the record, I still haven't met Bert O., and he is neither EJ's "law partner" nor his "law school roommate."

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, June 17, 2008 11:03 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS); Garcia, Rolando (USAFLS)
Subject: Epstein

Hi all – Karen and I just spoke with Barry Krischer. He began with his usual complaint about us not communicating with him. I explained that it was the defense who were blocking the channels of communication.

He then told us that the current deal he has worked out with Jack Goldberger is 60 days in the County Jail, 2 years community confinement, and 3 years probation. He says that Epstein has agreed to plead to “attempted lewd conduct,” which, Barry says, will require registration. We asked Barry to send us the proposed Information so I can look to see whether, in fact, registration will be required. It also sounds like it will not involve a child sex offense.

I told Barry that the defense had told us that Barry objected to Epstein’s plea to the procurement charge and to his having to register as a sex offender. Barry said that the testimony in the grand jury would support the procurement charge and that they have never discussed sex offender registration.

Apparently Jack Goldberger told Barry that the delay was caused by DOJ’s internal investigation into my conduct referring business to my boyfriend’s “law partner.” We explained that the delay is caused by the defense appealing our decisions throughout the Justice Department.

He also said that Jack Goldberger had shown him a letter from Alex Acosta about having to plead in two weeks.

He asked Karen and I to get back to him after we review the Information to tell him if it is okay to go ahead with the plea deal.

Strangely enough, I haven’t heard from Roy Black.

I will let you know when we receive the Information.

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) <AVillafana@usa.doj.gov>
Sent: Thursday, November 20, 2008 11:59 AM
To: Senior, Robert (USAFLS)
Subject: RE: Epstein is out on work release

P.S. – The Saturday before his plea and sentencing Goldberger specifically told me that he would not get work release. So did Roy.

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: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, November 20, 2008 11:58 AM
To: Senior, Robert (USAFLS)
Subject: RE: Epstein is out on work release

He is hanging out at his lawyer's office during the day, eating a lovely lunch, and getting driven back to the campgrounds at night. He is allegedly working for the "Florida Science Foundation" which exists only to employ Epstein. Its offices are conveniently located 3 buildings down from me at Goldberger's office.

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: Senior, Robert (USAFLS)
Sent: Thursday, November 20, 2008 11:56 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein is out on work release

Work release ? What the hell is that ? Where does he sleep at night and what is he doing ?

From: Villafana, Ann Marie C. (USAFLS)

Sent: Thursday, November 20, 2008 11:50 AM

To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)

Cc: Atkinson, Karen (USAFLS); Garcia, Rolando (USAFLS)

Subject: Epstein is out on work release

The Colonel just stopped by to see Karen and told her that Epstein has been out on work release for the past few weeks.

Can I indict him now?

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: Wednesday, June 25, 2008 3:08 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Questions

Hi Jeff – Sorry. I have an indictment going tomorrow so I haven't had a chance to work on the notice yet, but, yes, I planned to use the 12/19 language. I am going to start working on that right now.

As to filing the indictment under seal with the state court, I really think this is walking too close to a 6(e) violation, and since the state judges up here don't like us too much, Judge McSorley would probably order it unsealed which would cause huge problems, both in terms of Rule 6(e) and because the public reaction will be – if the US had the evidence to prosecute all of these counts, which is he skating with 18 months?

I haven't heard anything from Roy or anyone else. Let me think about ways other than contacting the State Attorney's Office to accomplish our goals.

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: Wednesday, June 25, 2008 2:53 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Questions

1. Can we file the proposed indictment under seal with the State Court judge? The agreement states that the parties anticipate that this agreement will not be made part of any public record.
2. Was your suggestion to prepare a notice to victims incorporating the language of the 12/19 letter?

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, June 26, 2008 12:26 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Jeffrey Epstein

I think that is something we should take up with the State Attorney's Office once this is a done deal. Another way we may be able to do this is through the local police detective who investigated the case. He may be given an opportunity to speak if he asks for it. I will find out about that.

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: Thursday, June 26, 2008 11:48 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein

Gr8. BTW what about a factual proffer?

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

From: Villafana, Ann Marie C. (USAFLS)
To: Roy BLACK <RBLACK@royblack.com>; Jack Goldberger <jgoldberger@agwpa.com>
Cc: Atkinson, Karen (USAFLS)
Sent: Thu Jun 26 11:16:04 2008
Subject: Jeffrey Epstein

Dear Roy and Jack:

I have been reviewing the deferred prosecution agreement and wanted to remind you that the agreement states: "Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements." Please provide me with any proposed agreements at your earliest opportunity, and also please provide me with the date and time of the change of plea.

Thank you.

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: Wednesday, June 18, 2008 1:53 PM
To: Senior, Robert (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Garcia, Rolando (USAFLS); Atkinson, Karen (USAFLS)
Subject: Epstein -- Call with Roy Black

Karen and I spoke with Roy. Roy said that he had called because he had heard that Rolando had discussed the matter with Barry Krischer and Roy wanted to see if there was any way to wrap this up before July 7th. Roy also said that he had seen a letter from Jeff Sloman that said that the matter of incarceration would be left to the State. (I am not certain what letter he is referring to, but I think Jeff wrote a letter about not taking a position on where Epstein would be incarcerated, not the length of time.) So, Roy wondered whether we would go away if Epstein took Barry's 60-day deal.

Karen explained that Rolando had not had substantive discussions with Barry about the case and that all communication regarding the case is being handled by Karen and me. In response to the question of whether there was anything that could "make this go away," we said that our position is that if Epstein stops the process in Washington and pleads in accordance with the terms of the signed agreement, then we will perform pursuant to the agreement. Karen explained that if Epstein pleads to something else or gets sentenced to a lower amount, then we will consider that a breach of our agreement and we will proceed accordingly.

On that note, has there been any word from Washington?

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

Villafana, Ann Marie C. (USAFLS)

From: Richards, Jason R. (FBI)
Sent: Tuesday, June 17, 2008 10:45 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Call -- Urgent!

Hi Marie,

I have Mike's support for the New York trip (funding may be an issue though). I have the request prepared but need to add dates of travel when we get them. Talk to you later.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Sent: Fri Jun 13 15:06:07 2008
Subject: FW: Call -- Urgent!

Jeff -- Someone really needs to talk to Barry. I am happy to do so, if you want, and I will be very nice about it.

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

From: Atkinson, Karen (USAFLS)
Sent: Friday, June 13, 2008 3:03 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Call

He got a strange voice mail from Barry K which the deal was 60 days--he was calling him back to say that is not the deal and the defense knows the deal as does his ASA. So they should do what they want and if it is not in accordance with our agreement we will do whatever we have to do.

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, June 13, 2008 2:52 PM
To: Atkinson, Karen (USAFLS)
Subject: RE: Call

Can you give Rolando the heads up so he doesn't do something unexpected?

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

From: Atkinson, Karen (USAFLS)
Sent: Friday, June 13, 2008 2:23 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Call

Are you coming back home?

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

From: Villafana, Ann Marie C. (USAFLS)

Sent: Friday, June 13, 2008 11:56 AM

To: Atkinson, Karen (USAFLS)

Subject: Call

Hi karen. We had a good call with the dag's chief of staff. They seem ready to greenlight us. Strangely, just an hour later roy black called jeff to propose a "final solution" (his words not mine). Jeff told him to call me. (Imagine that). So are you free later for a conf call if he actually calls?

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Friday, June 13, 2008 6:15 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Epstein

Sorry, forgot to cc you.

From: Sloman, Jeff (USAFLS)
Sent: Friday, June 13, 2008 6:09 PM
To: Roth, John (ODAG) (SMO)
Cc: Senior, Robert (USAFLS)
Subject: Epstein

John,

Epstein is facing trial on a felony charge of solicitation of prostitution. This does not resemble the charges that Epstein agreed to plead guilty to in the September 24th Agreement nor what he would face federally. That case is set for trial on Monday July 7.

If we are given the go ahead from the DAG's office, we would give Epstein one final chance to comply with the September 24th Agreement. In that regard, it would be most preferable to have a decision by next week. That would give us the opportunity to seek an indictment on Tuesday July 1st *if* Epstein fails to comply with the September 24th Agreement by Monday June 30th.

The reason this timetable is important is to address our concern that Epstein may continue to keep us in a holding pattern if he pleads to the pending state solicitation of prostitution charge before a federal indictment is returned. In that scenario, I anticipate Epstein's counsel raising petit policy issues, thus throwing another possible monkey wrench in the process. Although I don't believe that the petit policy would be affected, I can imagine someone calling a timeout until the issue is vetted. That's why I would prefer being able to seek an indictment before Epstein pleads to the pending charge and after he has repudiated the September 24th Agreement. Thanks,

Jeff

ROY BLACK
HOWARD M. SREBNICK
SCOTT A. KORNSPAN
LARRY A. STUMPF
MARIA NEYRA
JACKIE PERCZEK
MARK A.J. SHAPIRO
JARED [REDACTED]

BLACK
SREBNICK
KORNSPAN
& STUMPF
P.A.

JESSICA FONSECA-NADER
KATHLEEN P. PHILLIPS
AARON ANTHON
MARCOS BEATON, JR.
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NOAH FOX

E-Mail: RBlack@RoyBlack.com

February 18, 2010

Marie Villafana, Esq.
Assistant United States Attorney
99 N.E. 4th Street
Miami, FL 33132

RE: Jeffrey Epstein

Dear Ms Villafana:

Thank you for your letter of February 11, 2010. We write to update you about ongoing efforts to reach an agreement with Robert Josefsberg regarding the amount of fees and costs properly owed to him by Mr. Epstein pursuant to the NPA.

On February 16, 2010 Mr. Epstein's principal civil counsel Bob Critton advised Mr. Josefsberg in writing that he and Mr. Epstein would meet with Mr. Josefsberg on two occasions between now and March 1, 2010 to review Mr. Josefsberg's outstanding bills on a line-by-line basis and attempt to reach a non-adversarial resolution of all outstanding fee issues. Mr. Critton also transmitted to Mr. Josefsberg an Agreement for Special Master to Determine Amount of Attorneys' Fees and Costs ("Special Master Agreement"), signed by Mr. Epstein, containing terms and conditions previously agreed to by Mr. Josefsberg, which would mandate binding mediation before a neutral third party in the event the proposed settlement discussions did not resolve all outstanding issues in an expeditious manner.

We want to assure you that Mr. Epstein fully intends to fulfill his obligations under the NPA. We regret that issues remain unresolved regarding whether all of the fees and costs being sought by the attorney representative – which now total \$1,947,000 exclusive of the \$526,466 already paid by Mr. Epstein – meet the criteria set forth by the NPA. We assure you that both Mr. Epstein's prior civil counsel, Jay Lefkowitz, who, with you, was a primary negotiator of the NPA language, and Mr. Critton, each strongly believe that significant amounts of the fees and costs billed by Mr. Josefsberg are outside the scope of Mr. Epstein's fee-

Marie Villafana, Esq.
February 18, 2010
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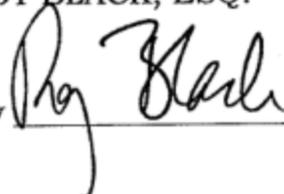
related payment obligations under the NPA. We hope that the fee-related issues can be resolved by further settlement discussions or by relying on the Special Master Agreement signed Tuesday February 16, 2010 by Mr. Epstein. Mr. Epstein and his counsel believe that these options are consistent with the NPA, are good faith alternatives to contested litigation, and are reasonable given the unexpected magnitude of the bills and their inclusion of charges for legal work that was clearly related to the preparation of litigation and thus outside Par 7C of the Addendum as well as for extensive work performed by attorneys from outside Mr. Josefsberg's law firm.

Mr. Josefsberg previously advocated for settling outstanding issues through a Special Master Agreement nearly identical to the one executed Tuesday by Mr. Epstein. In fact, Mr. Josefsberg and Mr. Epstein had each agreed in the past to a specific Master as a third-party neutral to conduct proceedings to resolve the fee issues. However, the selected Master withdrew.

We hope that the Special Master Agreement will provide a basis for a prompt resolution of any issue not resolved by the parties through further discussions.

Respectfully submitted,

MARTIN WEINBERG, ESQ.
ROY BLACK, ESQ.

By  _____

/wg

cc: Jeffrey Sloman, Esq.
Robert Senior, Esq.

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E-Mail: RBlack@RoyBlack.com

December 9, 2009

A. Marie Villafaña, Esq.
Assistant United States Attorney
United States Attorney's Office
Southern District of Florida
500 South Australian Avenue
Suite 400
West Palm Beach, Florida 33401

RE: Jeffrey Epstein

Dear Marie:

You emailed me a letter on November 2, asking whether Jeffrey Epstein's place of employment remained constant. It has. I reviewed a Google map to confirm that the distance between that place of employment and the location where he was stopped by Palm Beach Police is less than 3 miles (and that the location where he was walking was on a direct route to his place of work).

It has taken us a while to respond to your letter because other matters have consumed our time and effort. Over the past five weeks, the massive billion-dollar conspiracy created and run by Scott Rothstein has been exposed. On Monday, Mr. Epstein filed a state civil RICO lawsuit charging Rothstein, his partner Brad Edwards, and others with tortuous and fraudulent abuses of process that resulted in serious injury to Mr. Epstein. A copy of the Complaint is enclosed with this letter.

As you know, Rothstein's firm represents [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] Wilde, three of the plaintiffs who have brought civil actions against Mr. Epstein. The Rothstein firm was a criminal enterprise that used the litigation against Mr. Epstein to lure investors into its billion-dollar ponzi scheme. We believe that Rothstein and his co-conspirators used the government's criminal investigation as a means to perpetrate and further their fraud. For example:

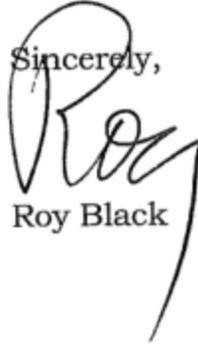
A. Marie Villafaña, Esq.
December 9, 2009
Page 3

our part would constitute a breach of the NPA. So the Rothstein lawyers, once again, are using the power of the federal government to perpetrate and further their fraud. And the expense of litigating these cases has been extreme. For example, Bob Josefsberg, who I do not believe was aware of the Rothstein crimes, is now demanding over \$2 million in legal fees.

As a lawsuit brought by some of the investors' claims, Rothstein and his partner Edwards used Jeffrey Epstein as bait. The litigation strategy, media pronouncements, and investigatory initiatives of Rothstein and Edwards were calculated to support Rothstein's deceptions rather than to advance the position of his clients. I bring these facts to your attention so that if you had contact with Edwards or those associated with him in the past concerning Mr. Epstein, you consider not continuing communications with any of them in the future.

I would like a short conference with you in person to talk about Mr. Epstein's progress through the state criminal justice system, to discuss several outstanding issues that I want to make sure you have accurate information about, and, from my perspective, most importantly, so that I can provide Mr. Epstein with proper counsel going forward. If you email me some dates when you are available this month, we can schedule a short meeting in your office hopefully before the year ends.

Sincerely,


Roy Black

RB/wg

Enclosure

and others. Rothstein and RRA's fraud had no boundary; Rothstein and his co-conspirators forged Federal court orders and opinions. Amongst the violations of law that are the subject of this lawsuit are the marketing of non-existent Epstein settlements and the sanctioning of a series of depositions that were unrelated to any principled litigation purpose but instead designed to discover extraneous private information about Epstein or his personal and business associates (including well-known public figures) in order to defraud investors and support extortionate demands for payment from Epstein. The misconduct featured the filing of legal motions and the pursuit of a civil litigation strategy that was unrelated to the merits or value of their clients' cases and, instead, had as its improper purpose the furthering of Rothstein's misrepresentations and deceit to third party investors. As a result, Epstein was subject to abusive investigatory tactics, unprincipled media attacks, and unsupportable legal filings. This lawsuit is filed and will be vigorously pursued against all these defendants. The Rothstein racketeering enterprise endeavored to compromise the core values of both state and federal justice systems in South Florida and to vindicate the hardworking and honest lawyers and their clients who were adversely affected by the misconduct that is the subject of this Complaint.

Plaintiff reserves the right to add additional defendants – co-conspirators as the facts and evidence is developed.

GENERAL ALLEGATIONS

1. This is an action for damages in excess of \$15,000.00, exclusive costs, interest, and attorneys' fees.

promise of a multi-million dollar recovery relative to the Civil Actions (defined below) involving Epstein, which was completely out of proportion to her alleged damages.

8. Non-party, RRA is a Florida Professional Service Corporation, with a principal address of 401 East Las Olas Blvd., Suite 1650, Fort Lauderdale, FL 33401. In addition to its principal office, RRA also maintained seven offices in Florida, New York, and Venezuela, and employed over 70 attorneys and 200 support staff. RRA also maintains an office at 1109 NE 2d Street, Hallendale Beach, Florida 33009-8515. RRA, through its attorneys, including those named as Defendants herein, conducted business throughout Florida, and relevant to this action, conducted business and filed lawsuits on behalf of clients in Palm Beach County, Florida. (RRA is currently a debtor in bankruptcy. RRA is not named as a Defendant).

FACTUAL ALLEGATIONS

9. The United States in United States of America v. Scott W. Rothstein, Case No. 09-60331CR-Cohn, United States District Court, Southern District of Florida, has brought an action for Racketeering Conspiracy, 18 U.S.C. § 1962(d) against Scott W. Rothstein who was the chief executive officer and chairman of RRA. Within the information which was filed, the United States of America has identified the enterprise as being the law firm, RRA, through which Rothstein in conjunction with "his co-conspirators" (not yet identified by the USA) engaged in the pattern of racketeering through its base of operation at the offices of RRA from sometime in 2005 up through and continuing into November of 2009. Through various criminal activities, including mail fraud, wire fraud and money laundering, the United States of America asserts that

11. Based on media reports, Federal Bureau of Investigation (FBI) press conferences and releases and the information the massive Ponzi scheme and pattern of criminal activity meant to lure investors began sometime in 2005 and continued through the fall of 2009, when the scheme was uncovered by some of the investors and the FBI. As of November of 2009, civil lawsuits were and continue to be filed against various Defendants as result of their massive fraudulent and criminal scheme.

12. This fraudulent and illegal investment scheme is also evidenced by the filing of *Amended Complaint For Dissolution And For Emergency Transfer of Corporate Powers to Stuart A. Rosenfeldt, Or, In The Alternative, For the Appointment of A Custodian or Receiver* by ROSENFELDT, and RRA, against ROTHSTEIN, individually. (Case No. 09 059301, In the Circuit Court of the Seventeenth Judicial Circuit, Broward County, Florida, Complex Business Div.), (hereinafter "RRA dissolution action, and attached hereto as **Exhibit 2**).

13. Plaintiff references the RRA dissolution action for the sole purpose that it acknowledges that RRA and ROTHSTEIN were in fact conducting an illegal and improper investment or Ponzi scheme based on promises of financial returns from settlements or outcomes of supposed legal actions, including the actions brought against Plaintiff EPSTEIN. The RRA dissolution action alleges in part that – "ROTHSTEIN, the managing partner and CEO of the firm (RRA), has, according to assertions of certain investors, allegedly orchestrated a substantial misappropriation of funds from investor trust accounts that made use of the law firm's name (RRA). The investment business created and operated by ROTHSTEIN centered around the sale of

AB), (hereinafter collectively referred to as the "Civil Actions," and L.M is a named Defendant herein). The Civil Actions were all filed in August and September of 2008.

18. What is clear is that a fraudulent and improper investment or Ponzi scheme was in fact conducted and operated by RRA and certain of the named Defendants, which scheme directly impacted EPSTEIN as a named defendant in the Civil Actions.

19. Miami attorney and developer, Alan Sakowitz, was quoted in a November 2009 article as saying that he had met with ROTHSTEIN as a potential investor in August of 2009, but became suspicious. He stated "I was convinced it was all a Ponzi scheme and I notified the FBI in detail how Scotty ROTHSTEIN was hiding behind a legitimate law firm to peddle fake investments." Attorney Sakowitz was also quoted as saying ROTHSTEIN had sophisticated eavesdropping equipment and former law enforcement officers who would sift through a potential defendants' garbage looking for damaging evidence to use with investors to show how potential defendants could be in essence blackmailed into paying settlement that far exceeded the value of any legitimate damage claim.

20. Ft. Lauderdale attorney William Scherer represents multiple Rothstein related investors. He indicated in an article that RRA/Rothstein had used the "Epstein Ploy ... as a showpiece as bait. That's the way he raised all the money. He would use . . . cases as bait for luring investors into fictional cases. All the cases he allegedly structured were fictional. I don't believe there was a real one in there." In fact, on November 20, 2009, William Scherer, on behalf of certain clients, filed a 147 page Complaint against ROTHSTEIN, David Boden, Debra Villegas, Andrew Barnett, TD Bank, N.A., Frank

24. In each of RRA's Civil Actions, the Plaintiffs are or were represented by RRA and its attorneys, including ROTHSTEIN and EDWARDS.

25. In addition, investors were told that in addition to the Civil Actions another fifty (50) plus anonymous females were represented by RRA, with the potential for hundreds of millions of dollars in settlements, and that RRA and its attorneys would sue Epstein unless he paid exorbitant-settlement amounts to protect his high-profile friends.

26. Upon information and belief, EDWARDS knew or should have known that ROTHSTEIN was utilizing RRA as a front for the massive Ponzi scheme and/or were selling an alleged interest or investment in the Civil Actions (and other claims) involving Epstein.

27. Further evidencing that EDWARDS (and possibly other attorneys of RRA) knew or should have known and participated in the continuation of the massive Ponzi scheme, a front-page Palm Beach Post article, dated November 24, 2009, reported on the recent filing of an amended forfeiture complaint by prosecutors against "dozens of ROTHSTEIN's real estate properties, foreign cars, restaurants and other assets - including \$12 million in the lawyer's bank account in Morocco, along with millions more donated to political campaigns and charitable funds." The article further reported that -

Attorney Scott ROTHSTEIN tapped into millions of dollars from his massive investment scam to cover payroll costs at his expanding Fort Lauderdale law firm, federal authorities said in court records released Monday.

ROTHSTEIN's law firm (RRA) generated revenue of \$8 million in one recent year, yet his 70-lawyer law firm had a payroll of \$18 million,

30. By using the Civil Actions against EPSTEIN as "bait" and fabricating settlements regarding same, ROTHSTEIN and others were able to lure investors into ROTHSTEIN'S lair and bilked them of millions of dollars which, in turn, was used to fund the litigation against EPSTEIN for the sole purpose of continuing the massive Ponzi scheme.

31. As part of this scheme, ROTHSTEIN and the Litigation Team, individually and in a concerted effort, may have unethically and illegally:

- a. Sold, allowed to be sold and/or assisted with the sale of an interest in non-settled personal injury lawsuits (which are non-assignable and non-transferable) or sold non-existent structured settlements (including those cases involving Epstein);
- b. Reached agreements to share attorneys fees with non-lawyers;
- c. Used investor money to pay plaintiffs (i.e., L.M., E.W. and Jane Doe) "up front" money such that plaintiffs would refuse to settle the Civil Actions;
- d. Conducted searches, wiretaps or intercepted conversations in violation of state or federal laws and Bar rules; and
- e. Utilized the judicial process including, but not limited to, unreasonable and unnecessary discovery, for the sole purpose of furthering the Ponzi scheme.

32. Any such actions by ROTHSTEIN, and other attorneys, including the Litigation Team, directly or indirectly, would potentially be a violation of various Florida Bar Rules,

transportation on flights of RRA clients on any of EPSTEIN'S planes. But EDWARDS asked many inflammatory and leading irrelevant questions about the pilots' thoughts and beliefs (which will never be admissible at trial) which could only have been asked for the purposes of "pumping" the cases and thus by using the depositions to sell the cases (or a part of them) to third parties.

37. Because of these facts, ROTHSTEIN claimed that Epstein wanted to make certain none of these individuals would be deposed and therefore he had offered \$200,000,000.00 to settle the claims of RRA female clients various potential plaintiffs in actions against EPSTEIN. The offer of a \$200 million dollar settlement by EPSTEIN was completely fabricated; no such offer had ever been made.

38. EDWARDS' office also notified Defendant that he intended to take the depositions of and was subpoenaing:

- (i) Donald Trump (real-estate magnate and business mogul);
- (ii) Alan Dershowitz (noted Harvard Law professor, constitutional attorney and one of EPSTEIN'S criminal defense attorneys);
- (iii) Bill Clinton (Former President of the United States);
- (iv) Tommy Mottola (former President of Sony Record); and
- (v) David Copperfield (illusionist).

39. The above-named individuals were friends and acquaintances of EPSTEIN with whom he knew through business or philanthropic work over the years. None of the above-named individuals had any connection whatsoever with any of the Litigation Team's clients, E.W., L.M. or Jane Doe.

investors or to prejudice Epstein's right to a fair trial in Palm Beach County.

- c) EDWARDS, Berger and Russell Adler (another named partner in RRA) all attended EPSTEIN's deposition. At that time, outrageous questions were asked of EPSTEIN which had no bearing on the case, but so that the video and questions could be shown to investors.
- d) Conducted and attempted to conduct completely irrelevant discovery unrelated to the claims in or subject matter of the Civil Actions for the purpose of harassing and embarrassing witnesses and EPSTEIN and causing EPSTEIN to spend tens of thousands of dollars in unnecessary attorneys' fees and costs defending what appeared to be discovery related to the Civil Actions but was entirely related to the furtherance of the Ponzi scheme.
- e) After EDWARDS was recruited and joined RRA in the spring of 2009, the tone and tenor of rhetoric directed to cases against EPSTEIN used by Attorney EDWARDS and Berger changed dramatically in addressing the court on various motions from being substantive on the facts pled to ridiculously inflammatory and sound-bite rich such as the July 31, 2009, transcript when EDWARDS stated to the Court in E.W./L.M.: "What the evidence is really going to show is that Mr. Epstein - at least dating back as

but that he could settle, confidently, these cases for \$500 million, separate and apart from his legal fees.

h) ROTHSTEIN and the Litigation Team knew or should have known that their three (3) filed cases were weak and had minimal value for the following reasons:

- (i) L.M. – testified she never had any type of sex with Epstein; worked at numerous strip clubs; is an admitted prostitute and call girl; has a history of illegal drug use (pot, painkillers, Xanax, Ecstasy); and continually asserted the 5th Amendment during her depositions in order to avoid answering relevant but problem questions for her;
- (ii) E.W. – testified she worked at eleven (11) separate strip clubs, including Cheetah which RRA represented and in which ROTHSTEIN may have owned an interest; and E.W. also worked at Platinum Showgirls in Boynton Beach, which was the subject of a recent police raid where dancers were allegedly selling prescription painkillers and drugs to customers and prostituting themselves.
- (iii) Jane Doe (federal case) seeks \$50 million from Epstein. She and her attorneys claim severe

intercourse with EPSTEIN and she had never touched his genitalia.

- k) Told investors, as reported in an Associated Press article, that celebrities and other famous people had flown on EPSTEIN'S plane when assaults took place. Therefore, even though none (zero) of RRA's clients claim they flew of EPSTEIN'S planes, the Litigation Team sought pilot and plane logs. Why? Again, to prime the investment "pump" with new money without any relevance to the existing claims made by the RRA clients.
- l) After EDWARDS joined RRA, EDWARDS and former Circuit Judge William Berger filed and argued motion to make the Non-Prosecution Agreement (NPA) between Epstein and USAO public. But, RRA, EDWARDS and Berger, and their three clients, already had a copy of the NPA. They knew what it said and they knew the civil provisions in the agreement had no impact whatsoever on the three pending Civil Actions.

The concept behind certain civil provisions in the NPA was to allow an alleged victim to resolve a civil claim with Epstein, maintain her complete privacy and anonymity and move on with her life. As an assistant United States Attorney stated at a hearing in federal court, the NPA was not designed "to hand them a jackpot or a key to a bank."

included extraordinary damages. However, the actual facts behind her action would never support such extraordinary damages. Therefore, extraordinary measures were undertaken to create an entirely inflated value of her claims against EPSTEIN.

a. Though she held herself out as a "victim" of Epstein, she admitted to having returned over and over again to him despite her current claim of abuse. She has now admitted, under oath, to being a call girl/escort since the age of 15. (in her deposition September 24, 2009 Transcript "DT" 280:16-19). She testified "Well, I lived life as a prostitute," (see DT 156:7) and "I am a prostitute when I make money" (see DT 156:12-13). L.M. admitted her activity with men other than Epstein to making \$1,000 a day from prostitution on maybe more than 20 occasions in one year alone (DT 157:11-158:21). L.M. admitted under oath to keeping a list of amounts she collected from "Johns" in "two or three" lined books including a book of "Psalms" that she obtained from a religious store (DT 152:1-14). Under the circumstances, her claim for damages against EPSTEIN, one of L.M.'s many "Johns" during that same period, would be so incredible and certainly not likely to produce the extraordinary settlements promised to "RRA's investors."

47. In April 2007, before she was represented by EDWARDS, and RRA, L.M. gave sworn taped recorded testimony to the agents of the FBI. She was represented by a lawyer other than EDWARDS at that statement. She spoke of EPSTEIN in a very positive and friendly terms and directly contradicted the central allegations on which L.M.'s civil action against Epstein is now based. However, once in the hands of

"You don't think my whole life I have lived that shitty life because of Jeffrey Epstein?" (DT 222:7-8)

b. In her sworn FBI testimony (pre-EDWARDS and RRA), L.M. was emphatic that her interactions with Epstein involved no inappropriate sexual touching in any way. In fact, it was exactly the opposite:

Q: Did he at any point kiss you, touch you, show any kind of affection towards you?

A: Never, never. (p. 21 – FBI) . . .

Q: So he never pulled you closer to him in a sexual way?

A: I wish. - No, no, never, ever, ever, no, never. Jeffrey is an awesome man, no. (p. 21 - FBI)

Yet, L.M. filed her second amended complaint in April 2009, after EDWARDS joined RRA, the allegations against EPSTEIN in L.M.'s complaint became even more salacious. In paragraph 12 of L.M.'s Second Amended Complaint, L.M. alleges among other things, that:

"Jeffrey Epstein coerced, induced, or enticed . . .the then minor Plaintiff to commit various acts of sexual misconduct. These acts included, but were not limited to, fondling and inappropriate and illegal sexual touching of the then minor Plaintiff, forcing or inducing the then minor plaintiff into oral sex or other sexual misconduct..."

A: No.

(DT 300:5-8)

e. In her FBI statement (pre-EDWARDS and RRA), L.M. testified about others L.M. brought to the Epstein home. L.M. testified that women she brought to EPSTEIN's home were eager for the opportunity and content with their experiences:

A: None of my girls ever had a problem and they'd call me. They'd beg me, you know, for us to go to Jeffrey's house because they love Jeffrey. Jeffrey is a respectful man. He really is. I mean, and he all thought we were of age always. This is what's so sad about it. (p 30 - FBI).

...

Q: Did any of the girls complain about what happened after they left there?

A: No. You asked me that question. No, everybody loved Jeffrey. (p. 44 - FBI)

...

A: Every girl that I brought to Jeffrey, they said they were fine with it. and like for example [E.W. - another of RRA's clients in the Civil Actions], a lot of girls begged me to bring them back for the money. And as far as I know, we all had fun there. (p. 45 - FBI)

Fortunately, their tactics have not been successful. As Magistrate Judge Linnea Johnson wrote in a discovery order dated September 15, 2009 (DE 299 in Federal Case #08-80119) in denying Plaintiffs' Motion for Protective Order:

"This is his [Epstein's] right. The Record in this case is clear that the childhood of many of the Plaintiffs was marred by instances of abuse and neglect, which in turn may have resulted, in whole or in part, in the damages claimed by the Plaintiffs."

In addition, in an Omnibus Order dated October 28, 2009 (DE 377 in Federal Case #08-80119) Magistrate Judge Linnea Johnson wrote:

"Here the request at issue goes to the very heart of the Plaintiff's damage claims, requesting not only general information relating to Plaintiff's sexual history, but inquiring as to specific instances wherein Plaintiff received compensation or consideration for sex acts, claim other males sexually assaulted, battered, or abuses her, and/or claim other males committed lewd or lascivious acts on her. As a global matter, Plaintiffs clearly and unequivocally place their sexual history in issue by their allegations that Epstein's actions in this case has negatively affected their relationships by, among other things, "distrust in men," "sexual intimacy problems," "diminished trust," "social problems," "problems in personal relationships," "feeling of stress around men," "premature teenage pregnancy," "antisocial behaviors," and "hyper-sexuality and promiscuity." Considering these allegation, there simply can be no question that Epstein is entitled to know whether Plaintiffs were molested or the subject of other "sexual activity" or "lewd

EPSTEIN may have been promised to third party investors; incurring significant additional legal fees and costs as result of Defendants refusal to conduct settlement negotiations in a forthright and good faith manner because any monies paid by EPSTEIN is in reality a promised return on an investment; and incurred significant attorneys' fees and costs in defending the discovery that was not relevant, material and/or calculated to lead to the admissibility of evidence, but which was done for the sole purpose of "pumping" the cases to investors.

52. EPSTEIN has also been injured in that the scope of the fraudulent and criminal or racketeering activity so permeated the RRA law firm that EPSTEIN has been prevented from fully and fairly defending the civil actions brought against him. In essence, the very existence of RRA was based on the continuation of the massive Ponzi scheme orchestrated by ROTHSTEIN and other co-conspirators. In order to continue to bring in monies from investors, ROTHSTEIN and other co-conspirators used the Civil Actions against EPSTEIN, along with other manufactured lawsuits, as a means of obtaining massive amounts of money.

53. ROTHSTEIN, EDWARDS and L.M. are liable for damages caused to EPSTEIN – individually, and jointly and severally.

Count I – Violation of §§772.101, et seq., Fla. Stat. –
Florida Civil Remedies for Criminal Practices Act –
Against All Defendants

54. Plaintiff realleges and incorporates paragraphs 1 through 53 as if fully set forth herein.

60. Plaintiff realleges and incorporates paragraphs 1 through 53 as if fully set forth herein.

61. RRA, along with ROTHSTEIN, EDWARDS and L.M., each and collectively, constitute an enterprise pursuant to §895.02(3), Fla. Stat. (2009).

62. During all times relevant hereto, ROTHSTEIN, EDWARDS and L.M. were and are associated with the enterprise, RRA, and each other.

63. Defendants, ROTHSTEIN, EDWARDS and L.M., as persons associated with the enterprise, RRA and each other (as an enterprise), unlawfully conducted or participated, directly or indirectly, in such an enterprise through a pattern of racketeering, § 895.03(3), Fla. Stat., as alleged above herein.

64. The breadth and scope of ROTHSTEIN, EDWARDS and, potentially, L.M.'s racketeering activity continues to be investigated by the FBI, as numerous civil lawsuits against some of the Defendants and others continue to be filed by persons who have been damaged. As of the filing of this Complaint, criminal charges have only been brought against ROTHSTEIN.

65. Substantially more than two predicate acts (i.e., the selling of fabricated settlements outlined herein, including the Civil Actions involving Epstein as well as the improper litigation tactics outlined above) occurred within a five year time period.

66. Pursuant to §895.02, Fla. Stat., ROTHSTEIN and EDWARDS engaged in a pattern of "racketeering activity" through the commission of crimes as defined in § 895.02(1)(a)-(b), Fla. Stat., including Chapter 517, relating to securities; Chapter 817, relating to fraudulent practices, false pretenses, and fraud (including L.M.) generally;

70. After instituting the Civil Actions against EPSTEIN, the actions of Defendants, ROTHSTEIN, EDWARDS and L.M. as alleged in paragraphs 9 through 53 herein, constitute an illegal, improper or perverted use of process.

71. ROTHSTEIN, EDWARDS and L.M. possessed ulterior motives or purposes in exercising such illegal, improper, or perverted use of process.

72. As a result of ROTHSTEIN, EDWARDS and L.M.'s actions, EPSTEIN suffered damages.

WHEREFORE, Plaintiff EPSTEIN respectfully demands the entry of a judgment for damages against all the named Defendants.

Count IV – Fraud
Against All Defendants

73. Plaintiff realleges and incorporates paragraphs 1 through 53 as if fully set forth herein.

74. ROTHSTEIN, by and through Defendant EDWARDS and L.M. made false statements of fact to EPSTEIN and his attorneys and agents, known to be false at the time made, and/or intentionally concealed material information from EPSTEIN and his attorneys and agents, for the purpose of inducing EPSTEIN to act in reliance thereon.

75. EPSTEIN did so act on the misrepresentation and/or concealment by incurring additional attorney's fees, costs, and expenses in aggressively defending the civil actions whereas in reality, because the Civil Actions against Plaintiff were being exploited and over-valued so as to lure additional investors and to attempt to extort as much money as possible from EPSTEIN so as to continue the massive fraud.

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(Attorneys for Plaintiff)

COUNT 1
(Racketeering Conspiracy, 18 U.S.C. §1962(d))

1. The General Allegations of this Information are realleged and expressly incorporated herein as if set forth in full.

THE ENTERPRISE

2. The law firm, Rothstein, Rosenfeldt and Adler, P.A. (hereinafter referred to as RRA) was a legal entity organized under the laws of the State of Florida and constituted an Enterprise as that term is defined in Title 18, United States Code, Section 1961(4). The Enterprise engaged in, and the activities of which affected, interstate and foreign commerce.

THE RACKETEERING CONSPIRACY

3. From in or about 2005 and continuing through in or about November 2009, in the Southern District of Florida and elsewhere, the defendant,

SCOTT W. ROTHSTEIN,

being a person employed by and associated with the Enterprise described above, which was engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly combine, conspire, confederate, and agree, with persons known and unknown to the United States Attorney, to violate Title 18, United States Code, Section 1962(c); that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the Enterprise through a pattern of racketeering activity as that term is defined in Title 18, United States Code, Sections 1961(1) and (5), as set forth herein below at paragraph 4.

are utilized to pay previous investors in the absence of any underlying security, legitimate investment vehicle or other commodity.

THE ROLES AND RESPONSIBILITIES OF THE CONSPIRATORS

7. The roles of the conspirators were as follows:

A. Defendant SCOTT W. ROTHSTEIN was a shareholder, Chairman and CEO of RRA.

Through his position at RRA, defendant ROTHSTEIN promoted, managed, and supervised the administration of the Enterprise by fraudulently inducing investors through the use of false statements, documents, and computer records to (1) loan money to purported borrowers based upon fraudulent promissory notes and fictitious bridge loans, and (2) invest funds based upon anticipated pay-outs from purported confidential settlement agreements which had been reached between and among certain individuals and business entities. These settlement agreements were falsely presented as having been reached between putative plaintiffs in civil cases and putative defendants based upon the forbearance of civil claims in sexual harassment and/or whistle-blower cases.

B. Other conspirators, known and unknown to the United States Attorney, agreed with one another and with defendant ROTHSTEIN to take actions to further the operation and success of the "Ponzi" scheme, including presenting the aforesaid investments to potential investors as legitimate investment vehicles, when in fact they were not; fraudulently inducing investors to place funds into these investment vehicles by making material misstatements of facts as set forth below; assuring potential investors and investors that sufficient funds existed to pay returns on these investments, when in fact such funds did not exist; creating, and transferring funds into and from, various accounts at financial institutions in order to further the unlawful scheme; and realizing

12. Defendant ROTHSTEIN and other co-conspirators utilized the offices of RRA and the offices of other co-conspirators to convince potential investors of the legitimacy and success of the law firm, which enhanced the credibility of the purported investment opportunity.

13. Defendant ROTHSTEIN and other co-conspirators made false and misleading statements and omissions which were intended to fraudulently induce potential investors into purchasing the confidential settlements.

14. Defendant ROTHSTEIN and other co-conspirators made the following fraudulent representations to potential investors in order to induce them to purchase the purported settlements:

- A. That the purported settlements were highly confidential in order to protect the reputation of the company authorizing the settlement and the executives involved;
- B. That the plaintiffs in the purported sexual harassment and/or whistle-blower cases preferred to settle the cases in order to avoid the emotional embarrassment of pursuing a claim in a public forum;
- C. That RRA originated its own cases from reputation, internal staff and outside referrals from other law firms;
- D. That RRA retained a company that owned internet sites and well-placed "800" numbers designed to attract a large volume of high quality cases;
- E. That RRA rigorously screened the purported sexual harassment and/or whistle-blower settlement agreements;

purported settlement payments for a discounted lump sum payment made to the purported plaintiff;

- N. That when RRA received the payment by the investor it immediately disbursed those funds to the purported plaintiff; and
- O. That RRA made payment to the investor pursuant to the purported payment schedule set forth in the purported settlement agreement.

15. Defendant ROTHSTEIN and other co-conspirators falsely informed potential investors that funds were maintained in designated trust accounts for the benefit of the individual investor and that these funds were verified on a regular basis, weekly if not more often, by two independent verification sources, one being an attorney and the other being an independent financial advisor (hereinafter referred to "independent verifiers").

16. Defendant ROTHSTEIN and other co-conspirators falsely informed potential investors that RRA's trust accounts were maintained with a well established international banking institution, in accordance with the rules and regulations of the Florida Bar, and that access to balances in the trust accounts was allegedly monitored by one of the two independent verifiers.

17. Defendant ROTHSTEIN and other co-conspirators falsely informed potential investors that due diligence would be undertaken with the following provisions:

- A. An "independent verifier" would be permitted to ask questions of Defendant ROTHSTEIN and/or other co-conspirators to review the opportunity and structure;
- B. The "independent verifier" would have the opportunity to randomly review selected completed transactions to confirm the veracity of the information;

21. Defendant ROTHSTEIN and other co-conspirators created false and fictitious documents, including confidential settlement agreements, assignment of settlement agreements and proceeds, sale and transfer agreements, and personal guaranties by Defendant ROTHSTEIN, among other documents.

22. Defendant ROTHSTEIN and other co-conspirators facilitated the movement and transfer of funds between and among numerous trust accounts and operating accounts in order to perpetuate the scheme. The movement and transfer of such funds insured that monies were available in the individual trust accounts in order to make scheduled payments to investors.

23. Defendant ROTHSTEIN and other co-conspirators made false statements to current investors in order to convince them to re-invest in additional purported confidential settlement agreements.

24. Defendant ROTHSTEIN and other co-conspirators facilitated the creation of false and fictitious "lock letters" which were issued by an executive at the financial institution where the trust and operating accounts were maintained. Such "lock letters" falsely reflected that the funds maintained in specific trust accounts would only be disbursed to specific investors.

25. Defendant ROTHSTEIN and other co-conspirators utilized funds received from investors to pay the promised "return on investment" to earlier investors.

26. Defendant ROTHSTEIN and other co-conspirators also initiated and conducted a scheme to defraud clients of RRA in order to perpetuate the "Ponzi" scheme. Such clients had retained RRA to institute and file a civil lawsuit. Unknown to the clients, RRA settled the lawsuit and obligated the clients to pay \$500,000 to the defendant. In order to commit the fraud and deceive the clients, defendant ROTHSTEIN and other co-conspirators created a false and fraudulent court

31. Defendant ROTHSTEIN and other co-conspirators utilized funds illegally obtained through the "Ponzi" scheme to make political contributions to local, state and federal political candidates, in a manner designed to conceal the true source of such funds and to circumvent state and federal laws governing the limitations and contribution of such funds.

32. Defendant ROTHSTEIN and other co-conspirators used other corporations in order to launder proceeds generated from the "Ponzi" scheme to conceal the source of the funds utilized to make political contributions in order to promote the "Ponzi" scheme.

33. Defendant ROTHSTEIN and other co-conspirators paid large bonuses to employees of RRA purportedly as an award for exemplary work. Prior to the receipt of the bonuses, the employees were instructed to make large contributions to political candidates in the employees' names. Such conduct was designed to conceal the true source of the contribution and to illegally circumvent campaign finance laws.

34. Defendant ROTHSTEIN and other co-conspirators distributed lavish gifts including exotic cars, jewelry, boats, loans, cash and bonuses to individuals and members of RRA in order to engender goodwill and loyalty and to create the appearance of a successful law firm.

35. Defendant ROTHSTEIN and other co-conspirators made large charitable contributions to public and private charitable institutions, including hospitals and other legitimate charitable and nonprofit organizations using funds derived from the "Ponzi" scheme.

36. Defendant ROTHSTEIN and other co-conspirators utilized funds illegally obtained through the "Ponzi" scheme to hire members of local police departments purportedly to provide security for RRA and defendant ROTHSTEIN's personal residence. "Ponzi" scheme funds were also used to provide gratuities to high ranking members of police agencies in order to curry favor

COUNT 2

(Money Laundering Conspiracy, 18 U.S.C. §1956(h))

1. The General Allegations and paragraphs 5 through 40 of Count 1 of the Information are realleged and incorporated herein by reference.

2. TD Bank, N.A., (hereinafter referred to as TD Bank) was a commercial bank with branch offices in thirteen (13) states, including a branch office in Weston, Florida. The executive offices of TD Bank were located in Portland, Maine and Cherry Hill, New Jersey. Defendant ROTHSTEIN and RRA maintained approximately thirty-eight (38) bank accounts at TD Bank, which were utilized during the course of the "Ponzi" scheme.

3. Gibraltar Private Bank and Trust (hereinafter referred to as Gibraltar Bank) was a commercial bank with seven (7) branch offices, including a branch office in Fort Lauderdale, Florida. Defendant ROTHSTEIN and RRA maintained at least four (4) bank accounts at Gibraltar Bank, which were utilized during the course of the "Ponzi" scheme.

4. From in or about 2005 and continuing thereafter through in or about November 2009, in Broward County, in the Southern District of Florida and elsewhere, the defendant,

SCOTT W. ROTHSTEIN,

did knowingly conspire, confederate, and agree with persons known and unknown to the United States Attorney, to commit offenses against the United States in violation of Title 18, United States Code, Sections 1956 and 1957, that is:

i. to knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, that is, mail fraud and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343, with the intent to promote the carrying on of said specified unlawful activities, and that while conducting and attempting to conduct such financial transactions knew that the property involved in the financial

i. to knowingly and with intent to defraud devise and intend to devise a scheme and artifice to defraud and to obtain money and property from others by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and causing to be delivered certain mail matter by any private and commercial interstate carrier, according to the directions thereon, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1341

ii. to knowingly and with intent to defraud devise and intend to devise a scheme and artifice to defraud and to obtain money and property from others by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and transmitting and causing to be transmitted by means of wire communications in interstate and foreign commerce, certain signs, signals and sounds, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1343.

THE PURPOSE AND OBJECT OF THE CONSPIRACY

3. The purpose and object of the conspiracy was to enrich defendant ROTHSTEIN and his co-conspirators by illegally obtaining money from investors and converting the investors' money to their own use and benefit through the operation of the above-described "Ponzi" scheme.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 4 and 5 (Wire Fraud, 18 U.S.C. §1343)

1. The General Allegations and paragraphs 5 through 40 of Count 1 of the Information are realleged and incorporated herein by reference.

2. On or about the dates enumerated as to each count below, at Broward and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendant,

SCOTT W. ROTHSTEIN,

did knowingly and with intent to defraud devise and intend to devise a scheme and artifice to defraud and to obtain money and property from others by means of materially false and fraudulent pretenses,

enterprise described in the Information which was established, operated, controlled and conducted pursuant to Title 18, United States Code, Section 1962; and

iii. Any property constituting or derived from proceeds obtained directly and indirectly from racketeering activity pursuant to Title 18, United States Code, Section 1962.

3. Upon conviction of the offense of Money Laundering Conspiracy set forth in Count 2 of the Information, the defendant, SCOTT W. ROTHSTEIN, shall forfeit to the United States all property, real or personal, involved in or traceable to the offense which property shall include:

i. all money and other property that was the subject of each transaction, transportation, transmission and transfer in violation of Section 1956(h);

ii. all commissions, fees and other property constituting proceeds obtained as a result of those violations; and

iii. all property used in any manner and part to commit and to facilitate the commission of those violations.

4. Upon conviction of the offense of Conspiracy to Commit Mail Fraud and Wire Fraud and to Commit Wire Fraud as set forth in Counts 3, 4, and 5 of the Information, the defendant, SCOTT W. ROTHSTEIN, shall forfeit to the United States, all property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

5. The property subject to forfeiture, pursuant to Title 18, United States Code, Sections 1963, 982(a)(1) and 981(a)(1)(C), includes but is not limited to:

found therein or thereon, and is more particularly described as: Isla Bahia 47-27 B Lot 35 with a Folio Number of 5042 13 16 0360;

(RP6) 350 SE 2nd Street, Unit 2840, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP6," includes that portion of the condominium, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: 350 Las Olas Place Condo Unit 2840 with a Folio Number of 5042 10 AN 1490;

(RP8) 2133 Imperial Point Drive, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP8," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: Imperial Point 1 Sec 53-44 B Lot 11 Blk 22 with a Folio Number of 4942 12 07 2020;

(RP9) 2627 Castilla Isle, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP9," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: Lauderdale Shores Reamem Plat 15-31 B Lot 22 Blk 5 with a Folio Number of 5042 12 13 0380;

(RP10) 10630 NW 14th Street, Apt. 110, Plantation, Florida, hereafter also referred to as "Defendant RP10," includes that portion of the condominium/townhome, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: OPTIMA VILLAGE 1-"C" CONDO UNIT 201 BLDG 2 with a Folio Number of 4941 31 AC 0110;

(RP11) 227 Garden Court, Lauderdale by the Sea, Florida, hereafter also referred to as "Defendant RP11," includes that portion of the buildings, improvements, fixtures,

(RP15) 350 Las Olas Boulevard, Commercial Unit 2, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP15," includes all portion of that condominium, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: 350 LAS OLAS PLACE COMM CONDO UNIT CU2 with a Folio Number of 5042 10 AP 0020;

(RP16) 361 SE 9 Lane, Boca Raton, Florida hereafter also referred to as "Defendant RP16," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon;

(RP17) 1198 N Old Dixie Highway, Boca Raton, Florida hereafter also referred to as "Defendant RP17," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon;

(RP18) 1299 N Federal Highway, Boca Raton, Florida hereafter also referred to as "Defendant RP18," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon;

(RP19) 151 East 58 Street, Apartment 42D, New York, New York hereafter also referred to as "Defendant RP19," includes all portion of that condominium, improvements, fixtures, attachments and easements found therein or thereon;

(RP20) 11 Bluff Hill Cove Farm, Narragansett, Rhode Island hereafter also referred to as "Defendant RP20," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon;

ROY BLACK
HOWARD M. SREBNICK
SCOTT A. KORNSPAN
LARRY A. STUMPF
MARIA NEYRA
JACKIE PERCZEK
MARK A.J. SHAPIRO
JARED [REDACTED]

BLACK
SREBNICK
KORNSPAN
& STUMPF
P.A.

JESSICA FONSECA-NADER
KATHLEEN P. PHILLIPS
AARON ANTHON
MARCOS BEATON, JR.
MATTHEW P. O'BRIEN
JENIFER J. SOULIKIAS
NOAH FOX

E-Mail: RBlack@RoyBlack.com

December 9, 2009

A. Marie Villafaña, Esq.
Assistant United States Attorney
United States Attorney's Office
Southern District of Florida
500 South Australian Avenue
Suite 400
West Palm Beach, Florida 33401

RE: Jeffrey Epstein

Dear Marie:

You emailed me a letter on November 2, asking whether Jeffrey Epstein's place of employment remained constant. It has. I reviewed a Google map to confirm that the distance between that place of employment and the location where he was stopped by Palm Beach Police is less than 3 miles (and that the location where he was walking was on a direct route to his place of work).

It has taken us a while to respond to your letter because other matters have consumed our time and effort. Over the past five weeks, the massive billion-dollar conspiracy created and run by Scott Rothstein has been exposed. On Monday, Mr. Epstein filed a state civil RICO lawsuit charging Rothstein, his partner Brad Edwards, and others with tortuous and fraudulent abuses of process that resulted in serious injury to Mr. Epstein. A copy of the Complaint is enclosed with this letter.

As you know, Rothstein's firm represents [REDACTED], [REDACTED], [REDACTED] and [REDACTED] Wilde, three of the plaintiffs who have brought civil actions against Mr. Epstein. The Rothstein firm was a criminal enterprise that used the litigation against Mr. Epstein to lure investors into its billion-dollar ponzi scheme. We believe that Rothstein and his co-conspirators used the government's criminal investigation as a means to perpetrate and further their fraud. For example:

A. Marie Villafaña, Esq.
December 9, 2009
Page 3

our part would constitute a breach of the NPA. So the Rothstein lawyers, once again, are using the power of the federal government to perpetrate and further their fraud. And the expense of litigating these cases has been extreme. For example, Bob Josefsberg, who I do not believe was aware of the Rothstein crimes, is now demanding over \$2 million in legal fees.

As a lawsuit brought by some of the investors' claims, Rothstein and his partner Edwards used Jeffrey Epstein as bait. The litigation strategy, media pronouncements, and investigatory initiatives of Rothstein and Edwards were calculated to support Rothstein's deceptions rather than to advance the position of his clients. I bring these facts to your attention so that if you had contact with Edwards or those associated with him in the past concerning Mr. Epstein, you consider not continuing communications with any of them in the future.

I would like a short conference with you in person to talk about Mr. Epstein's progress through the state criminal justice system, to discuss several outstanding issues that I want to make sure you have accurate information about, and, from my perspective, most importantly, so that I can provide Mr. Epstein with proper counsel going forward. If you email me some dates when you are available this month, we can schedule a short meeting in your office hopefully before the year ends.

Sincerely,


Roy Black

RB/wg

Enclosure

and others. Rothstein and RRA's fraud had no boundary; Rothstein and his co-conspirators forged Federal court orders and opinions. Amongst the violations of law that are the subject of this lawsuit are the marketing of non-existent Epstein settlements and the sanctioning of a series of depositions that were unrelated to any principled litigation purpose but instead designed to discover extraneous private information about Epstein or his personal and business associates (including well-known public figures) in order to defraud investors and support extortionate demands for payment from Epstein. The misconduct featured the filing of legal motions and the pursuit of a civil litigation strategy that was unrelated to the merits or value of their clients' cases and, instead, had as its improper purpose the furthering of Rothstein's misrepresentations and deceit to third party investors. As a result, Epstein was subject to abusive investigatory tactics, unprincipled media attacks, and unsupportable legal filings. This lawsuit is filed and will be vigorously pursued against all these defendants. The Rothstein racketeering enterprise endeavored to compromise the core values of both state and federal justice systems in South Florida and to vindicate the hardworking and honest lawyers and their clients who were adversely affected by the misconduct that is the subject of this Complaint.

Plaintiff reserves the right to add additional defendants – co-conspirators as the facts and evidence is developed.

GENERAL ALLEGATIONS

1. This is an action for damages in excess of \$15,000.00, exclusive costs, interest, and attorneys' fees.

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It has taken us a while to respond to your letter because other matters have consumed our time and effort. Over the past five weeks, the massive billion-dollar conspiracy created and run by Scott Rothstein has been exposed. On Monday, Mr. Epstein filed a state civil RICO lawsuit charging Rothstein, his partner Brad Edwards, and others with tortuous and fraudulent abuses of process that resulted in serious injury to Mr. Epstein. A copy of the Complaint is enclosed with this letter.

As you know, Rothstein's firm represents [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] Wilde, three of the plaintiffs who have brought civil actions against Mr. Epstein. The Rothstein firm was a criminal enterprise that used the litigation against Mr. Epstein to lure investors into its billion-dollar ponzi scheme. We believe that Rothstein and his co-conspirators used the government's criminal investigation as a means to perpetrate and further their fraud. For example:

1. The Rothstein lawyers sought disclosure of the NPA to prove who the victims were, and used the NPA to “corroborate” their false claims.

2. Rothstein and his co-conspirators abused the legal process in other cases. They forged the signature of judges, and even forged an Eleventh Circuit opinion.

3. Rothstein lawyers demanded phony protective orders.

4. In our case, they sought discovery of Epstein’s plane logs to fish for celebrities to extort and convince investors that huge amounts of settlement money was available from them.

5. Rothstein lawyers litigated claims using Jane Doe names to make the phony settlements appear plausible to investors, and also to prevent any investigation into the claims by the investors.

6. Rothstein and others told investors that your office directed the women to the Rothstein firm.

7. Rothstein and his co-conspirators gathered information illegally, and shared it with the other plaintiffs’ attorneys in this case.

8. Rothstein deceived investors into believing that he had the confidential victim list you prepared, and that he had a copy of the NPA.

9. Rothstein told investors that his investigators had sophisticated electronic bugging equipment to gather evidence against Epstein.

10. Rothstein told investors that Epstein had offered to settle the cases for \$200 million, when there have been no such discussions about any settlement at any price.

And it does not stop there. Rothstein, his partners, and his employees investigated and litigated the [REDACTED], [REDACTED], and Wilde cases with funds derived from their criminal enterprise and their fraud and misrepresentations to investors. But we have been stymied from debunking fraudulent claims brought by the Rothstein criminal enterprise because you have threatened that such action on

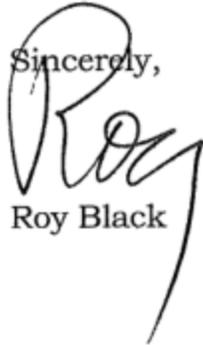
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December 9, 2009
Page 3

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As a lawsuit brought by some of the investors' claims, Rothstein and his partner Edwards used Jeffrey Epstein as bait. The litigation strategy, media pronouncements, and investigatory initiatives of Rothstein and Edwards were calculated to support Rothstein's deceptions rather than to advance the position of his clients. I bring these facts to your attention so that if you had contact with Edwards or those associated with him in the past concerning Mr. Epstein, you consider not continuing communications with any of them in the future.

I would like a short conference with you in person to talk about Mr. Epstein's progress through the state criminal justice system, to discuss several outstanding issues that I want to make sure you have accurate information about, and, from my perspective, most importantly, so that I can provide Mr. Epstein with proper counsel going forward. If you email me some dates when you are available this month, we can schedule a short meeting in your office hopefully before the year ends.

Sincerely,



Roy Black

RB/wg

Enclosure

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

JEFFREY EPSTEIN,

Complex Litigation, Fla. R. Civ. Pro. 1.201
CASE NO.

Plaintiff,

50 2009 CA 04 03 00 XXXX MB

v.

SCOTT ROTHSTEIN, individually,
BRADLEY J. EDWARDS, individually, and
L.M., individually,

Defendants.

COPY
RECEIVED FOR FILING

DEC 07 2008

SHANNON M. BOCK
CLERK & COMPTROLLER
CIRCUIT CIVIL DIVISION

COMPLAINT

Plaintiff, JEFFREY EPSTEIN, (hereinafter "EPSTEIN"), by and through his undersigned attorneys, files this action against Defendants, SCOTT ROTHSTEIN, individually, BRADLEY J. EDWARDS, individually, and L.M., individually. Accordingly, EPSTEIN states:

SUMMARY OF ACTION

Attorney Scott Rothstein aided by other lawyers and employees at the firm of Rothstein, Rosenfeldt, and Adler, P.A. for personal greed and enrichment, in betrayal of the ethical, legal and fiduciary duties to their own clients and professional obligations to the administration of justice, deliberately engaged in a pattern of racketeering that involved a staggering series of gravely serious obstructions of justice, actionable frauds, and the orchestration and conducting of egregious civil litigation abuses that resulted in profoundly serious injury to Jeffrey Epstein one of several targets of their misconduct

and others. Rothstein and RRA's fraud had no boundary; Rothstein and his co-conspirators forged Federal court orders and opinions. Amongst the violations of law that are the subject of this lawsuit are the marketing of non-existent Epstein settlements and the sanctioning of a series of depositions that were unrelated to any principled litigation purpose but instead designed to discover extraneous private information about Epstein or his personal and business associates (including well-known public figures) in order to defraud investors and support extortionate demands for payment from Epstein. The misconduct featured the filing of legal motions and the pursuit of a civil litigation strategy that was unrelated to the merits or value of their clients' cases and, instead, had as its improper purpose the furthering of Rothstein's misrepresentations and deceit to third party investors. As a result, Epstein was subject to abusive investigatory tactics, unprincipled media attacks, and unsupportable legal filings. This lawsuit is filed and will be vigorously pursued against all these defendants. The Rothstein racketeering enterprise endeavored to compromise the core values of both state and federal justice systems in South Florida and to vindicate the hardworking and honest lawyers and their clients who were adversely affected by the misconduct that is the subject of this Complaint.

Plaintiff reserves the right to add additional defendants – co-conspirators as the facts and evidence is developed.

GENERAL ALLEGATIONS

1. This is an action for damages in excess of \$15,000.00, exclusive costs, interest, and attorneys' fees.

2. Plaintiff, EPSTEIN, is an adult and currently is residing and works in Palm Beach County, Florida.

3. Defendant, SCOTT ROTHSTEIN ("ROTHSTEIN"), is an individual residing in Broward County, Florida, and was licensed to practice law in the State of Florida. In November 2009, ROTHSTEIN voluntarily relinquished his law license in the midst of the implosion of Rothstein, Rosenfeldt and Adler, P.A. ("RRA"). He was disbarred by the Florida Supreme Court on November 20, 2009. On December 1, 2009, ROTHSTEIN was arrested and arraigned in Federal Court in Broward County, Florida.

4. At all times relevant hereto, ROTHSTEIN was the managing partner and CEO of RRA.

5. Defendant, ROTHSTEIN and Stuart Rosenfeldt, are and were the principal owners of equity in RRA and each co-founded RRA.

6. Defendant, BRADLEY J. EDWARDS ("EDWARDS"), is an individual residing in Broward County, Florida and is licensed to practice law in the State of Florida. At all times relevant hereto, EDWARDS was an employee, agent, associate, partner, shareholder, and/or other representative of RRA.

7. Defendant, L.M. ("L.M."), is an individual residing in Palm Beach County, Florida. At all times relevant hereto, L.M. was represented by RRA, ROTHSTEIN and EDWARDS in a civil lawsuit against Epstein and was an essential participant in the scheme referenced *infra* by, among other things, substantially changing prior sworn testimony, so as to assist the Defendants in promoting their fraudulent scheme for the

promise of a multi-million dollar recovery relative to the Civil Actions (defined below) involving Epstein, which was completely out of proportion to her alleged damages.

8. Non-party, RRA is a Florida Professional Service Corporation, with a principal address of 401 East Las Olas Blvd., Suite 1650, Fort Lauderdale, FL 33401. In addition to its principal office, RRA also maintained seven offices in Florida, New York, and Venezuela, and employed over 70 attorneys and 200 support staff. RRA also maintains an office at 1109 NE 2d Street, Hallendale Beach, Florida 33009-8515. RRA, through its attorneys, including those named as Defendants herein, conducted business throughout Florida, and relevant to this action, conducted business and filed lawsuits on behalf of clients in Palm Beach County, Florida. (RRA is currently a debtor in bankruptcy. RRA is not named as a Defendant).

FACTUAL ALLEGATIONS

9. The United States in United States of America ■. Scott W. Rothstein, Case No. 09-60331CR-Cohn, United States District Court, Southern District of Florida, has brought an action for Racketeering Conspiracy, 18 U.S.C. § 1962(d) against Scott W. Rothstein who was the chief executive officer and chairman of RRA. Within the information which was filed, the United States of America has identified the enterprise as being the law firm, RRA, through which Rothstein in conjunction with "his co-conspirators" (not yet identified by the USA) engaged in the pattern of racketeering through its base of operation at the offices of RRA from sometime in 2005 up through and continuing into November of 2009. Through various criminal activities, including mail fraud, wire fraud and money laundering, the United States of America asserts that

Rothstein and his co-conspirators unlawfully obtained approximately \$1.2 billion from investors by fraud in connection with a Ponzi scheme. The USA further alleges that "Rothstein and co-conspirators initiated the criminal conduct alleged in the instant Information in order to personally enrich themselves and to supplement the income and sustain the daily operation of RRA." In essence, in the absence of Rothstein and his co-conspirators conducting the Ponzi scheme, the daily operation of RRA, which included payroll (compensation to lawyers, staff, investigators, etc.), accounts payable including unlimited improper, harassing and potential illegal investigation on cases, including Epstein-related matters, would in all likelihood would not have been sustainable. A copy of the information is attached as **Exhibit 1** to this action.

10. As more fully set forth herein, RRA held itself out as legitimately and properly engaging in the practice of law. In reality, ROTHSTEIN and others in RRA were using RRA to market investments, as described below, so as to bilk investors out of hundreds of millions of dollars. ROTHSTEIN and others in RRA devised an elaborate plan through which were sold purported confidential assignments of a structured pay-out settlements, supposedly reached on behalf of RRA for clients, in exchange for immediate payments to these clients of a discounted lump sum amount. Investors were being promised in excess of a 30% return on their investment which was to be paid out to the investors over time. While some of the cases relied upon to induce investor funding were existing filed cases, it is believed that the confidential, structured pay-out settlements were all fabricated.

11. Based on media reports, Federal Bureau of Investigation (FBI) press conferences and releases and the information the massive Ponzi scheme and pattern of criminal activity meant to lure investors began sometime in 2005 and continued through the fall of 2009, when the scheme was uncovered by some of the investors and the FBI. As of November of 2009, civil lawsuits were and continue to be filed against various Defendants as result of their massive fraudulent and criminal scheme.

12. This fraudulent and illegal investment scheme is also evidenced by the filing of *Amended Complaint For Dissolution And For Emergency Transfer of Corporate Powers to Stuart A. Rosenfeldt, Or, In The Alternative, For the Appointment of A Custodian or Receiver* by ROSENFELDT, and RRA, against ROTHSTEIN, individually. (Case No. 09 059301, In the Circuit Court of the Seventeenth Judicial Circuit, Broward County, Florida, Complex Business Div.), (hereinafter "RRA dissolution action, and attached hereto as **Exhibit 2**).

13. Plaintiff references the RRA dissolution action for the sole purpose that it acknowledges that RRA and ROTHSTEIN were in fact conducting an illegal and improper investment or Ponzi scheme based on promises of financial returns from settlements or outcomes of supposed legal actions, including the actions brought against Plaintiff EPSTEIN. The RRA dissolution action alleges in part that – "ROTHSTEIN, the managing partner and CEO of the firm (RRA), has, according to assertions of certain investors, allegedly orchestrated a substantial misappropriation of funds from investor trust accounts that made use of the law firm's name (RRA). The investment business created and operated by ROTHSTEIN centered around the sale of

interests in structured settlements." See *Preliminary Statement* of RRA dissolution action, **Exhibit 2** hereto.

14. In furtherance of the scheme, RRA's letterhead was used in communications regarding investment opportunities in purported structured settlements. RRA's trust account was used to deposit hundreds of millions of dollars or wire transfer of monies from duped investors and other victims. RRA personally guaranteed payments.

15. Rothstein's scheme went so far as to manufacture false and fraudulent Court opinions/orders including forging the signatures of U.S. District Judge, Kenneth A. Marra and U.S. Circuit Court Judge, Susan H. Black, 11th Circuit in other cases. It is not yet known if he forged similar documents in Epstein related matters. See **Composite Exhibit 3** hereto.

16. The details of this fraudulent scheme are being revealed on a daily basis through various media reports and court documents. The most recent estimate of the financial scope of the scheme is that it exceeds \$1.2 billion dollars.

17. Relevant to this action, EPSTEIN is currently named as a defendant in three civil actions alleging, inter alia, sexual assault and battery that were handled by RRA and its attorneys including EDWARDS prior to its implosion – one of which is filed in federal court (Jane Doe ■. Epstein, Case No. 08-CIV-80893, U.S.D.C. S.D. Fla.)(Jane Doe is a named Defendant herein), and two of which have been filed in state court in the 15th Judicial Circuit Court, Palm Beach County, State of Florida, (L.M. ■. Epstein, Case No. 502008CA028051XXXXMB AB; E.W. ■. Epstein, Case No. 502008CA028058XXXXMB

AB), (hereinafter collectively referred to as the "Civil Actions," and L.M is a named Defendant herein). The Civil Actions were all filed in August and September of 2008.

18. What is clear is that a fraudulent and improper investment or Ponzi scheme was in fact conducted and operated by RRA and certain of the named Defendants, which scheme directly impacted EPSTEIN as a named defendant in the Civil Actions.

19. Miami attorney and developer, Alan Sakowitz, was quoted in a November 2009 article as saying that he had met with ROTHSTEIN as a potential investor in August of 2009, but became suspicious. He stated "I was convinced it was all a Ponzi scheme and I notified the FBI in detail how Scotty ROTHSTEIN was hiding behind a legitimate law firm to peddle fake investments." Attorney Sakowitz was also quoted as saying ROTHSTEIN had sophisticated eavesdropping equipment and former law enforcement officers who would sift through a potential defendants' garbage looking for damaging evidence to use with investors to show how potential defendants could be in essence blackmailed into paying settlement that far exceeded the value of any legitimate damage claim.

20. Ft. Lauderdale attorney William Scherer represents multiple Rothstein related investors. He indicated in an article that RRA/Rothstein had used the "Epstein Ploy ... as a showpiece as bait. That's the way he raised all the money. He would use . . . cases as bait for luring investors into fictional cases. All the cases he allegedly structured were fictional. I don't believe there was a real one in there." In fact, on November 20, 2009, William Scherer, on behalf of certain clients, filed a 147 page Complaint against ROTHSTEIN, David Boden, Debra Villegas, Andrew Barnett, TD Bank, N.A., Frank

Spinosa, ■ Kerstetter, Rosanne Caretsky and Frank Preve asserting various allegations that further prove the massive Ponzi scheme behind the RRA façade; and as of November 25, 2009, a 249 page Amended Complaint naming additional Defendants was filed.

21. In addition, and upon information and belief, ROTHSTEIN, David Boden, Debbie Villegas, Andrew Barnett, Michael Fisten and Kenneth Jenne (all employees of RRA) through brokers or middlemen would stage regular meetings during which false statements were made about the number of cases/clients that existed or RRA had against EPSTEIN and the value thereof. They would show and share actual case files from the EPSTEIN actions with hedge fund managers. Thus, the attorneys and clients have waived any attorney-client or work-product privileges that otherwise may have existed.

22. Because potential investors were given access to some of the actual Civil Action files, investor-third parties may have become aware of a name of an existing Plaintiff who had filed anonymously against Epstein and had opposed disclosure of her legal name.

23. In all other instances, by RRA, ROTHSTEIN and EDWARDS claiming the need for anonymity with regard to existing or fabricated clients, they were able to effectively use initials, Jane Doe or other anonymous designations which was a key element in the fraudulent scheme. Fictitious names could be created to make the investors believe many other cases existed against Epstein.

24. In each of RRA's Civil Actions, the Plaintiffs are or were represented by RRA and its attorneys, including ROTHSTEIN and EDWARDS.

25. In addition, investors were told that in addition to the Civil Actions another fifty (50) plus anonymous females were represented by RRA, with the potential for hundreds of millions of dollars in settlements, and that RRA and its attorneys would sue Epstein unless he paid exorbitant-settlement amounts to protect his high-profile friends.

26. Upon information and belief, EDWARDS knew or should have known that ROTHSTEIN was utilizing RRA as a front for the massive Ponzi scheme and/or were selling an alleged interest or investment in the Civil Actions (and other claims) involving Epstein.

27. Further evidencing that EDWARDS (and possibly other attorneys of RRA) knew or should have known and participated in the continuation of the massive Ponzi scheme, a front-page Palm Beach Post article, dated November 24, 2009, reported on the recent filing of an amended forfeiture complaint by prosecutors against "dozens of ROTHSTEIN's real estate properties, foreign cars, restaurants and other assets – including \$12 million in the lawyer's bank account in Morocco, along with millions more donated to political campaigns and charitable funds." The article further reported that –

Attorney Scott ROTHSTEIN tapped into millions of dollars from his massive investment scam to cover payroll costs at his expanding Fort Lauderdale law firm, federal authorities said in court records released Monday.

ROTHSTEIN's law firm (RRA) generated revenue of \$8 million in one recent year, yet his 70-lawyer law firm had a payroll of \$18 million,

prosecutors said. ROTHSTEIN, who owned half of RRA used investors' money from his Ponzi scheme to make up the shortfall, they said.

Subsequent articles and court filings have reflected ROTHSTEIN received compensation in excess of \$35.7 million in 2008 and \$10.5 million in 2009, while his partner Rosenfeldt received greater than \$6 million in 2008.

28. ROTHSTEIN attempted to lure the entity known as D3 Capital Club, LLC, ("D3"), by offering D3 "the opportunity" to invest in a pre-suit \$30,000,000.00 court settlement against EPSTEIN; yet this supposed settlement never existed and was entirely fabricated. To augment his concocted story, ROTHSTEIN, upon information and belief, invited D3 to his office to view thirteen (13) banker's boxes of case files in Jane Doe (one of the Civil Actions)¹ in an attempt to substantiate that the claims against EPSTEIN were legitimate and that the evidence obtained against him by RRA, ROTHSTEIN, and EDWARDS (the "Litigation Team") was real.

29. Upon information and belief, ROTHSTEIN and others offered other investors like the entity D3 fabricated investment opportunities in the Civil Actions involving EPSTEIN. Fisten (a former Dade County police officer with a questionable police record and RRA investigator) and Jenne (a former attorney, Broward County Sheriff and felon) assisted ROTHSTEIN in making these offers by providing confidential, privileged and work-product information to prospective third-party investors.

¹ It appears that 13 out of the 40 boxes seized by the FBI as part of its investigation at RRA consisted of files relating to the Civil Actions involving EPSTEIN, as reported by counsel for the Bankruptcy Trustee. Until those boxes can be reviewed, as well as other discovery, Epstein will not know the depth of the fraud and those involved.

30. By using the Civil Actions against EPSTEIN as "bait" and fabricating settlements regarding same, ROTHSTEIN and others were able to lure investors into ROTHSTEIN'S lair and bilked them of millions of dollars which, in turn, was used to fund the litigation against EPSTEIN for the sole purpose of continuing the massive Ponzi scheme.

31. As part of this scheme, ROTHSTEIN and the Litigation Team, individually and in a concerted effort, may have unethically and illegally:

- a. Sold, allowed to be sold and/or assisted with the sale of an interest in non-settled personal injury lawsuits (which are non-assignable and non-transferable) or sold non-existent structured settlements (including those cases involving Epstein);
- b. Reached agreements to share attorneys fees with non-lawyers;
- c. Used investor money to pay plaintiffs (i.e., L.M., E.W. and Jane Doe) "up front" money such that plaintiffs would refuse to settle the Civil Actions;
- d. Conducted searches, wiretaps or intercepted conversations in violation of state or federal laws and Bar rules; and
- e. Utilized the judicial process including, but not limited to, unreasonable and unnecessary discovery, for the sole purpose of furthering the Ponzi scheme.

32. Any such actions by ROTHSTEIN, and other attorneys, including the Litigation Team, directly or indirectly, would potentially be a violation of various Florida Bar Rules,

including prohibiting the improper sharing of fees or costs and various conflicts of issues rules.

33. Evidencing that the Litigation Team knew or should have known of the improper purpose that ROTHSTEIN was pursuing in the continuation of the scheme, ROTHSTEIN used RRA's Litigation Team in the EPSTEIN cases to pursue issues and evidence unrelated to and unnecessary to the claims pled in the Civil Actions, but significantly beneficial to lure investors into the Ponzi scheme orchestrated by ROTHSTEIN and other co-conspirators.

34. Upon information and belief, ROTHSTEIN and others claimed their investigators discovered that there were high-profile individuals onboard Epstein's private jet where sexual assaults took place and showed D3 (and possibly others) copies of a flight log purportedly containing names of celebrities, dignitaries, and international figures.

35. For instance, the Litigation Team relentlessly and knowingly pursued flight data and passenger manifests regarding flights EPSTEIN took with these famous individuals knowing full well that no underage women were onboard and no illicit activities took place. ROTHSTEIN and the Litigation Team also inappropriately attempted to take the depositions of these celebrities in a calculated effort to bolster the marketing scam that was taking place.

36. One of Plaintiffs' counsel, EDWARDS, deposed three of EPSTEIN'S pilots, and sought the deposition of a fourth pilot (currently serving in Iraq). The pilots were deposed by EDWARDS for over twelve (12) hours, and EDWARDS never asked one question relating to or about E.W., L.M., and Jane Doe (RRA clients) as it related to

transportation on flights of RRA clients on any of EPSTEIN'S planes. But EDWARDS asked many inflammatory and leading irrelevant questions about the pilots' thoughts and beliefs (which will never be admissible at trial) which could only have been asked for the purposes of "pumping" the cases and thus by using the depositions to sell the cases (or a part of them) to third parties.

37. Because of these facts, ROTHSTEIN claimed that Epstein wanted to make certain none of these individuals would be deposed and therefore he had offered \$200,000,000.00 to settle the claims of RRA female clients various potential plaintiffs in actions against EPSTEIN. The offer of a \$200 million dollar settlement by EPSTEIN was completely fabricated; no such offer had ever been made.

38. EDWARDS' office also notified Defendant that he intended to take the depositions of and was subpoenaing:

- (i) Donald Trump (real-estate magnate and business mogul);
- (ii) Alan Dershowitz (noted Harvard Law professor, constitutional attorney and one of EPSTEIN'S criminal defense attorneys);
- (iii) Bill Clinton (Former President of the United States);
- (iv) Tommy Mottola (former President of Sony Record); and
- (v) David Copperfield (illusionist).

39. The above-named individuals were friends and acquaintances of EPSTEIN with whom he knew through business or philanthropic work over the years. None of the above-named individuals had any connection whatsoever with any of the Litigation Team's clients, E.W., L.M. or Jane Doe.

40. EDWARDS filed amended answers to interrogatories in the state court matters, E.W. and L.M., and listed additional high profile witnesses that would allegedly be called at trial, including, but not limited to:

- (i) Bill Richardson (Governor of New Mexico, formerly U.S. Representative and Ambassador to the United Nations); and
- (ii) Any and all persons having knowledge of EPSTEIN'S charitable, political or other donations;²

41. The sole purpose of the scheduling of these depositions or listing high profile friends/acquaintances as potential witnesses was, again, to "pump" the cases to investors. There is no evidence to date that any of these individuals had or have any knowledge regarding RRA's Civil Actions.

42. In furtherance of their illegal and fraudulent scheme against EPSTEIN, ROTHSTEIN, EDWARDS (who either know or should have known) and, at times, L.M. in her Civil Action against EPSTEIN:

- a) Included claims for damages in Jane Doe's federal action in excess of \$50,000,000.00 rather than simply alleging the jurisdictional limits.
- b) Organized a Jane Doe TV media interview without any legitimate legal purpose other than to "pump" the federal case for potential

² These high-profile celebrity "purported" witnesses have no personal knowledge regarding the facts on these "Three Cases", but were being contacted, subpoenaed or listed to harass and intimidate them and Epstein, and to add "star" appeal to the marketing effort of the Ponzi scheme.

investors or to prejudice Epstein's right to a fair trial in Palm Beach County.

- c) EDWARDS, Berger and Russell Adler (another named partner in RRA) all attended EPSTEIN's deposition. At that time, outrageous questions were asked of EPSTEIN which had no bearing on the case, but so that the video and questions could be shown to investors.
- d) Conducted and attempted to conduct completely irrelevant discovery unrelated to the claims in or subject matter of the Civil Actions for the purpose of harassing and embarrassing witnesses and EPSTEIN and causing EPSTEIN to spend tens of thousands of dollars in unnecessary attorneys' fees and costs defending what appeared to be discovery related to the Civil Actions but was entirely related to the furtherance of the Ponzi scheme.
- e) After EDWARDS was recruited and joined RRA in the spring of 2009, the tone and tenor of rhetoric directed to cases against EPSTEIN used by Attorney EDWARDS and Berger changed dramatically in addressing the court on various motions from being substantive on the facts pled to ridiculously inflammatory and sound-bite rich such as the July 31, 2009, transcript when EDWARDS stated to the Court in E.W./L.M.: "What the evidence is really going to show is that Mr. Epstein – at least dating back as

far as our investigation and resources have permitted, back to 1997 or '98 – has every single day of his life, made an attempt to sexually abuse children. We're not talking about five, we're not talking about 20, we're not talking about 100, we're not talking about 400, which, I believe, is the number known to law enforcement, we are talking about thousands of children. . . and it is through a very intricate and complicated system that he devised where he has as many as 20 people working underneath him that he is paying well to schedule these appointments, to locate these girls."

- f) As an example, EDWARDS filed an unsupportable and legally deficient Motion for Injunction Restraining Fraudulent Transfer of Assets, Appointment of a Receiver to Take Charge of Property of Epstein, and to Post a \$15 million Bond to Secure Potential Judgment, in Jane Doe v Epstein, Case No. 08-CV-80893-Marra/Johnson. The motion was reported in the press as was the ultimate goal (i.e., to "pump" the cases for investor following). However, the Court found "Plaintiff's motion entirely devoid of evidence . . .", and denied the motion *in toto*.
- g) ROTHSTEIN told investors he had another 52 females that he represented, and that Epstein had offered \$200 million to resolve,

but that he could settle, confidentially, these cases for \$500 million, separate and apart from his legal fees.

h) ROTHSTEIN and the Litigation Team knew or should have known that their three (3) filed cases were weak and had minimal value for the following reasons:

- (i) L.M. – testified she never had any type of sex with Epstein; worked at numerous strip clubs; is an admitted prostitute and call girl; has a history of illegal drug use (pot, painkillers, Xanax, Ecstasy); and continually asserted the 5th Amendment during her depositions in order to avoid answering relevant but problem questions for her;
- (ii) E.W. – testified she worked at eleven (11) separate strip clubs, including Cheetah which RRA represented and in which ROTHSTEIN may have owned an interest; and E.W. also worked at Platinum Showgirls in Boynton Beach, which was the subject of a recent police raid where dancers were allegedly selling prescription painkillers and drugs to customers and prostituting themselves.
- (iii) Jane Doe (federal case) seeks \$50 million from Epstein. She and her attorneys claim severe

emotional distress as a result of her having voluntarily gone to Epstein's home. She testified that there was never oral, and or sexual intercourse; nor did she ever touch his genitalia. Yet, Jane Doe suffered extreme emotional distress well prior to meeting Epstein as a result of having witnessed her father murder his girlfriend's son. She was required to give sworn testimony in that matter and has admitted that she has lied in sworn testimony. Jane Doe worked at two different strip clubs, including Platinum Showgirls in Boynton Beach.

- i) Conducted ridiculous and irrelevant discovery such as subpoenaing records from an alleged sex therapist, Dr. Leonard Bard in Massachusetts, when the alleged police report reflected that EPSTEIN had only seen a chiropractor in Palm Beach named Dr. Bard. No records relating to EPSTEIN existed for this alleged sex therapist, Dr. Bard, and the alleged subpoena for records was just another mechanism to "pump" the cases for investor appeal;
- j) Allowed a Second Amended Complaint to be filed on behalf of L.M. alleging that EPSTEIN forced the minor into "oral sex," yet L.M. testified that she never engaged in oral, anal, or vaginal

intercourse with EPSTEIN and she had never touched his genitalia.

- k) Told investors, as reported in an Associated Press article, that celebrities and other famous people had flown on EPSTEIN'S plane when assaults took place. Therefore, even though none (zero) of RRA's clients claim they flew of EPSTEIN'S planes, the Litigation Team sought pilot and plane logs. Why? Again, to prime the investment "pump" with new money without any relevance to the existing claims made by the RRA clients.
- l) After EDWARDS joined RRA, EDWARDS and former Circuit Judge William Berger filed and argued motion to make the Non-Prosecution Agreement (NPA) between Epstein and USAO public. But, RRA, EDWARDS and Berger, and their three clients, already had a copy of the NPA. They knew what it said and they knew the civil provisions in the agreement had no impact whatsoever on the three pending Civil Actions.

The concept behind certain civil provisions in the NPA was to allow an alleged victim to resolve a civil claim with Epstein, maintain her complete privacy and anonymity and move on with her life. As an assistant United States Attorney stated at a hearing in federal court, the NPA was not designed "to hand them a jackpot or a key to a bank."

43. ROTHSTEIN, with the intent and improper motive to magnify his financial gain so continue to fund the fraudulent and illegal investment and/or Ponzi scheme, had EDWARDS demand excessive money from EPSTEIN in the Civil Actions.

44. The actions described in paragraph 42 above herein had no legitimate purpose in pursuing the Civil Actions against EPSTEIN, but rather were meant to further the fraudulent scheme and criminal activity of ROTHSTEIN so that he and others could fraudulently overvalue the settlement value of the existing and non-existent claims against EPSTEIN to potential investors.

45. As a result of the fraudulent investment or (Ponzi) scheme, RRA and its attorneys in the Civil Actions against EPSTEIN may have compromised their clients' interests. ROTHSTEIN and the Litigation Team would have been unable to give unbiased legal counsel because outside investor(s) had been promised a financial interest in the outcome of the actions. Additionally, if a plaintiff received payments from investment monies while her action is pending, this clearly could impact the plaintiff's decision of whether or not to settle the current litigation or shade their testimony (i.e. commit perjury) to gain the greatest return on the investment and to further promote the Ponzi Scheme.

46. The truthfulness of L.M.'s allegations and testimony in L.M.'s state civil action have been severely compromised by the need to seek a multi-million dollar payout to help maintain RRA's massive fraud. Because fictitious settlements of tens of millions of dollars in cases relating to EPSTEIN were represented to "investors" in this Ponzi scheme, RRA and the attorneys in the Civil Actions needed to create a fiction that

included extraordinary damages. However, the actual facts behind her action would never support such extraordinary damages. Therefore, extraordinary measures were undertaken to create an entirely inflated value of her claims against EPSTEIN.

- a. Though she held herself out as a "victim" of Epstein, she admitted to having returned over and over again to him despite her current claim of abuse. She has now admitted, under oath, to being a call girl/escort since the age of 15. (in her deposition September 24, 2009 Transcript "DT" 280:16-19). She testified "Well, I lived life as a prostitute," (see DT 156:7) and "I am a prostitute when I make money" (see DT 156:12-13). L.M. admitted her activity with men other than Epstein to making \$1,000 a day from prostitution on maybe more than 20 occasions in one year alone (DT 157:11-158:21). L.M. admitted under oath to keeping a list of amounts she collected from "Johns" in "two or three" lined books including a book of "Psalms" that she obtained from a religious store (DT 152:1-14). Under the circumstances, her claim for damages against EPSTEIN, one of L.M.'s many "Johns" during that same period, would be so incredible and certainly not likely to produce the extraordinary settlements promised to "RRA's investors."

47. In April 2007, before she was represented by EDWARDS, and RRA, L.M. gave sworn taped recorded testimony to the agents of the FBI. She was represented by a lawyer other than EDWARDS at that statement. She spoke of EPSTEIN in a very positive and friendly terms and directly contradicted the central allegations on which L.M.'s civil action against Epstein is now based. However, once in the hands of

EDWARDS and RRA, L.M.'s story changed dramatically. All of a sudden she wanted to sue EPSTEIN and like other RRA clients, sought tens of millions of dollars.

- a. For example, in her sworn statement to the FBI, L.M. was insistent that "Jeffrey is an awesome man." (p. 21 – FBI); At the conclusion of she stated: "I hope Jeffrey, nothing happens to Jeffrey because he's an awesome man and it really would be a shame. It's a shame that he has to go through this because he's an awesome guy and he didn't do nothing wrong, nothing." (pp. 57-58 - FBI). In fact, L.M. spoke so highly of EPSTEIN and her interactions with him that the US Attorney's office informed a federal court in July 2008 that the US Attorney could not consider L.M. a victim.

Yet, by September 24, 2009, the date on which L.M. began her deposition in her civil action and now represented by RRA and EDWARDS, L.M.'s new and very different tale about purported sexual misconduct under the supposed influence of EPSTEIN had been thoroughly rehearsed and her role into the ROTHSTEIN scam was complete. In her deposition in her civil action, L.M. declared that:

"I, I don't really care about money." (DT 206:8)

"He needs time in jail. He doesn't want to be – this is not right for him to be on the streets living daily . . ." (DT 219:21-23)

"You don't think my whole life I have lived that shitty life because of Jeffrey Epstein?" (DT 222:7-8)

b. In her sworn FBI testimony (pre-EDWARDS and RRA), L.M. was emphatic that her interactions with Epstein involved no inappropriate sexual touching in any way. In fact, it was exactly the opposite:

Q: Did he at any point kiss you, touch you, show any kind of affection towards you?

A: Never, never. (p. 21 – FBI) . . .

Q: So he never pulled you closer to him in a sexual way?

A: I wish. No, no, never, ever, ever, no, never. Jeffrey is an awesome man, no. (p. 21 - FBI)

Yet, L.M. filed her second amended complaint in April 2009, after EDWARDS joined RRA, the allegations against EPSTEIN in L.M.'s complaint became even more salacious. In paragraph 12 of L.M.'s Second Amended Complaint, L.M. alleges among other things, that:

"Jeffrey Epstein coerced, induced, or enticed . . . the then minor Plaintiff to commit various acts of sexual misconduct. These acts included, but were not limited to, fondling and inappropriate and illegal sexual touching of the then minor Plaintiff, forcing or inducing the then minor plaintiff into oral sex or other sexual misconduct..."

- c. In her sworn FBI statement (pre-EDWARDS and RRA), L.M. testified that [REDACTED] [REDACTED], the individual who first brought L.M. to EPSTEIN's home, told L.M. "make sure you're 18 because Jeffrey doesn't want any underage girls." (p. 8 - FBI).

Yet at her September, 2009 deposition now represented by EDWARDS and RRA, L.M. told a very different story:

Q: My question was what did [REDACTED] tell you to tell Mr. Epstein about your age?

A: She said it didn't matter.

Q: That's your recollection about what she said?

A: Yes, she said – I remember her saying it doesn't matter. Don't worry about it.

(DT 199:20-25)

- d. Pre-EDWARDS and RRA, L.M. testified to the FBI : "I always made sure – I had a fake ID, anyways saying that I was 18." (p. 8 - FBI).

Yet, when questioned about her fake ID at her September 2009 depo, she stated:

Q: And did you have a fake ID?

A: No.

Q: Have you ever had a fake ID?

A: No.

(DT 300:5-8)

e. In her FBI statement (pre-EDWARDS and RRA), L.M. testified about others L.M. brought to the Epstein home. L.M. testified that women she brought to EPSTEIN's home were eager for the opportunity and content with their experiences:

A: None of my girls ever had a problem and they'd call me. They'd beg me, you know, for us to go to Jeffrey's house because they love Jeffrey. Jeffrey is a respectful man. He really is. I mean, and he all thought we were of age always. This is what's so sad about it. (p 30 - FBI).

...

Q: Did any of the girls complain about what happened after they left there?

A: No. You asked me that question. No, everybody loved Jeffrey. (p. 44 - FBI)

...

A: Every girl that I brought to Jeffrey, they said they were fine with it. and like for example [E.W. - another of RRA's clients in the Civil Actions], a lot of girls begged me to bring them back for the money. And as far as I know, we all had fun there. (p. 45 - FBI)

Yet, with EDWARDS and RRA as her attorneys, L.M. did a "180" at her September, 2009 deposition in saying:

A: . . . Once they were there, they were scared out of their mind. They did it anyways and some of them walked out and said L.M. don't ever do this to me again. That was the worst thing that ever happened to me. (DT 170:6-11)

. . . A: And then, a lot of girls weren't comfortable. (DT 171:13)

f. The above represent only a few of the dramatic changes L.M. made in her testimony prior to her representation by EDWARDS/RRA and after she hired ROTHSTEIN, EDWARDS and RRA.

48. As a result of the fraudulent investment or (Ponzi) scheme, L.M. may knowingly have compromised her alleged interests in her Civil Action, or committed a fraud on the court.

49. RRA and the Litigation Team took an emotionally driven set of facts involving alleged innocent, unsuspecting, underage females and a Palm Beach Billionaire and sought to turn it into a gold mine. Rather than evaluating and resolving the cases based on the merits (i.e. facts) which included knowledgeable, voluntary and consensual actions by each of the claimants and substantial pre-Epstein psychological and emotional conditions of each of the claimants and substantial sexual experiences pre-Epstein, RRA and the Litigation Team sought through protective orders and objections to block relevant discovery regarding their claimants. They instead forged ahead with discovery the main purpose of which was to pressure Epstein into settling the cases.

Fortunately, their tactics have not been successful. As Magistrate Judge Linnea Johnson wrote in a discovery order dated September 15, 2009 (DE 299 in Federal Case #08-80119) in denying Plaintiffs' Motion for Protective Order:

"This is his [Epstein's] right. The Record in this case is clear that the childhood of many of the Plaintiffs was marred by instances of abuse and neglect, which in turn may have resulted, in whole or in part, in the damages claimed by the Plaintiffs."

In addition, in an Omnibus Order dated October 28, 2009 (DE 377 in Federal Case #08-80119) Magistrate Judge Linnea Johnson wrote:

"Here the request at issue goes to the very heart of the Plaintiff's damage claims, requesting not only general information relating to Plaintiff's sexual history, but inquiring as to specific instances wherein Plaintiff received compensation or consideration for sex acts, claim other males sexually assaulted, battered, or abuses her, and/or claim other males committed lewd or lascivious acts on her. As a global matter, Plaintiffs clearly and unequivocally place their sexual history in issue by their allegations that Epstein's actions in this case has negatively affected their relationships by, among other things, "distrust in men," "sexual intimacy problems," "diminished trust," "social problems," "problems in personal relationships," "feeling of stress around men," "premature teenage pregnancy," "antisocial behaviors," and "hyper-sexuality and promiscuity." Considering these allegation, there simply can be no question that Epstein is entitled to know whether Plaintiffs were molested or the subject of other "sexual activity" or "lewd

and lascivious conduct" in order to determine whether there is an alternative basis for the psychological disorders Plaintiffs claim to have sustained, whether Plaintiffs engaged in prostitution or other similar type acts and how certain acts alleged in the Complaint materially affected Plaintiffs' relationships with others or how those acts did not have such an affect on those relationships and/or whether Plaintiffs suffered from the alleged emotional and psychological disorders as a result of other sexual acts prior to the acts alleged in the Complaint. To deny Epstein this discovery, would be tantamount to barring him from mounting a defense."

50. ROTHSTEIN, EDWARDS and L.M.'s actions constitute a fraud upon EPSTEIN as RRA, ROTHSTEIN and the Litigation Team represented themselves to be acting in good faith and with the best interests of their clients in mind at all times when in reality, they were acting in furtherance of the investment or Ponzi scheme described herein. EPSTEIN justifiably relied to his detriment on the representations of RRA, and Defendants, ROTHSTEIN, EDWARDS and L.M. as to how he conducted and defended the Civil Actions brought against him.

51. As a direct and proximate result of the fraudulent and illegal investment or Ponzi scheme orchestrated by ROTHSTEIN and as yet other unknown co-conspirators and as a result of the litigation tactics undertaken by the Litigation Team and L.M. as set forth herein, Plaintiff EPSTEIN has incurred and continues to incur the monetary damages including, but not limited to, having to pay an amount in excess of the Civil Actions' true value as a result of them refusing to settle in that a percentage of any payment by

EPSTEIN may have been promised to third party investors; incurring significant additional legal fees and costs as result of Defendants refusal to conduct settlement negotiations in a forthright and good faith manner because any monies paid by EPSTEIN is in reality a promised return on an investment; and incurred significant attorneys' fees and costs in defending the discovery that was not relevant, material and/or calculated to lead to the admissibility of evidence, but which was done for the sole purpose of "pumping" the cases to investors.

52. EPSTEIN has also been injured in that the scope of the fraudulent and criminal or racketeering activity so permeated the RRA law firm that EPSTEIN has been prevented from fully and fairly defending the civil actions brought against him. In essence, the very existence of RRA was based on the continuation of the massive Ponzi scheme orchestrated by ROTHSTEIN and other co-conspirators. In order to continue to bring in monies from investors, ROTHSTEIN and other co-conspirators used the Civil Actions against EPSTEIN, along with other manufactured lawsuits, as a means of obtaining massive amounts of money.

53. ROTHSTEIN, EDWARDS and L.M. are liable for damages caused to EPSTEIN – individually, and jointly and severally.

Count I – Violation of §§772.101, et seq., Fla. Stat. -
Florida Civil Remedies for Criminal Practices Act –
Against All Defendants

54. Plaintiff realleges and incorporates paragraphs 1 through 53 as if fully set forth herein.

55. RRA, ROTHSTEIN, EDWARDS and L.M. each and collectively constitute an enterprise pursuant to §772.102(3), Fla. Stat. (2009).

56. ROTHSTEIN, EDWARDS and L.M. engaged in a pattern of criminal activity as defined in §772.102(3) and (4), Fla. Stat. (2009).

57. As alleged herein, ROTHSTEIN and EDWARDS committed multiple predicate acts in violation of §772.103(1), (2), (3) and (4), Fla. Stat., including violations of Florida Statutes - Chapter 517, relating to securities transactions; Chapter 817, relating to fraudulent practices, false pretenses, and fraud generally (which includes L.M.); Chapter 831, relating to forgery; §836.05, relating to extortion (which includes L.M.); and Chapter 837, relating to perjury (which includes L.M.). Substantially more than two predicate acts (i.e., the selling of or participation of the sale of fabricated settlements outlined herein, including the Civil Actions involving Epstein as well as the improper litigation tactics outlined above) occurred within a five-year time period.

58. As a direct and proximate result of ROTHSTEIN, EDWARDS and L.M.'s violations of §772.103, Fla. Stat., EPSTEIN has been injured.

59. Pursuant to §772.104(1), Fla. Stat., Plaintiff EPSTEIN is entitled to threefold of his actual damages sustained, reasonable attorney's fees and court costs, and such other damages as allowed by law.

WHEREFORE, Plaintiff EPSTEIN respectfully demands the entry of a judgment for damages against all the named Defendants.

Count II – Florida RICO -
“Racketeer Influenced and Corrupt Organization Act”
Pursuant to §§895.01, et seq., Fla. Stat. (2009),
Against All Defendants

60. Plaintiff realleges and incorporates paragraphs 1 through 53 as if fully set forth herein.

61. RRA, along with ROTHSTEIN, EDWARDS and L.M., each and collectively, constitute an enterprise pursuant to §895.02(3), Fla. Stat. (2009).

62. During all times relevant hereto, ROTHSTEIN, EDWARDS and L.M. were and are associated with the enterprise, RRA, and each other.

63. Defendants, ROTHSTEIN, EDWARDS and L.M., as persons associated with the enterprise, RRA and each other (as an enterprise), unlawfully conducted or participated, directly or indirectly, in such an enterprise through a pattern of racketeering, § 895.03(3), Fla. Stat., as alleged above herein.

64. The breadth and scope of ROTHSTEIN, EDWARDS and, potentially, L.M.'s racketeering activity continues to be investigated by the FBI, as numerous civil lawsuits against some of the Defendants and others continue to be filed by persons who have been damaged. As of the filing of this Complaint, criminal charges have only been brought against ROTHSTEIN.

65. Substantially more than two predicate acts (i.e., the selling of fabricated settlements outlined herein, including the Civil Actions involving Epstein as well as the improper litigation tactics outlined above) occurred within a five year time period.

66. Pursuant to §895.02, Fla. Stat., ROTHSTEIN and EDWARDS engaged in a pattern of "racketeering activity" through the commission of crimes as defined in § 895.02(1)(a)-(b), Fla. Stat., including Chapter 517, relating to securities; Chapter 817, relating to fraudulent practices, false pretenses, and fraud (including L.M.) generally;

Chapter 813, relating to forgery; §836.05, relating to extortion (including L.M.); Chapter 837, relating to perjury (including L.M.).

67. Pursuant to §895.05, Fla. Stat., Plaintiff seeks the following relief against Defendants, ROTHSTEIN, EDWARDS and L.M.:

- a) Ordering ROTHSTEIN and EDWARDS to divest themselves of any interest in the enterprise, RRA;
- b) Enjoin all Defendants from engaging in the same type of conduct and activities as described herein; and
- c) Temporarily enjoining ROTHSTEIN, EDWARDS and L.M., from the continuation of the Civil Actions brought against EPSTEIN until criminal charges have been formally brought against RRA and/or any of the Defendants, such that EPSTEIN may be allowed to evaluate whether a stay or dismissal of all Civil Actions against him is merited.

68. EPSTEIN further seeks an award of his reasonable attorney's fees and costs, and such other relief that this Court deems appropriate.

WHEREFORE, Plaintiff EPSTEIN respectfully demands the entry of a judgment for the relief sought and damages against the named Defendants.

Count III – Abuse of Process –
Against All Defendants

69. Plaintiff realleges and incorporates paragraphs 1 through 53 as if fully set forth herein.

70. After instituting the Civil Actions against EPSTEIN, the actions of Defendants, ROTHSTEIN, EDWARDS and L.M. as alleged in paragraphs 9 through 53 herein, constitute an illegal, improper or perverted use of process.

71. ROTHSTEIN, EDWARDS and L.M. possessed ulterior motives or purposes in exercising such illegal, improper, or perverted use of process.

72. As a result of ROTHSTEIN, EDWARDS and L.M.'s actions, EPSTEIN suffered damages.

WHEREFORE, Plaintiff EPSTEIN respectfully demands the entry of a judgment for damages against all the named Defendants.

Count IV – Fraud
Against All Defendants

73. Plaintiff realleges and incorporates paragraphs 1 through 53 as if fully set forth herein.

74. ROTHSTEIN, by and through Defendant EDWARDS and L.M. made false statements of fact to EPSTEIN and his attorneys and agents, known to be false at the time made, and/or intentionally concealed material information from EPSTEIN and his attorneys and agents, for the purpose of inducing EPSTEIN to act in reliance thereon.

75. EPSTEIN did so act on the misrepresentation and/or concealment by incurring additional attorney's fees, costs, and expenses in aggressively defending the civil actions whereas in reality, because the Civil Actions against Plaintiff were being exploited and over-valued so as to lure additional investors and to attempt to extort as much money as possible from EPSTEIN so as to continue the massive fraud.

WHEREFORE Plaintiff EPSTEIN demands judgment against Defendants for damages incurred and for any other relief to which he is entitled under the law.

Conspiracy to Commit Fraud
Against All Defendants

76. Plaintiff realleges and incorporates paragraphs 1 through 53, and 74 and 75 as if fully set forth herein.

77. ROTHSTEIN, EDWARDS and L.M. conspired to commit a fraud upon EPSTEIN.

78. ROTHSTEIN, EDWARDS and L.M. combined by and through concerted action as detailed herein to accomplish an unlawful purpose or accomplish some purpose by unlawful means. The unlawful purpose was, among other things, the orchestrating and continuation of the massive fraudulent Ponzi scheme and receipt of monies for the continuation of the scheme. The unlawful means includes, but is not limited to, the use of the Civil Actions against EPSTEIN in an unlawful, improper, and fraudulent manner.

79. As a direct and proximate result of ROTHSTEIN, EDWARDS and L.M.'s conspiracy to defraud EPSTEIN, EPSTEIN suffered damages.

WHEREFORE Plaintiff EPSTEIN demands judgment against Defendants for damages incurred and for any other relief to which he is entitled under the law.

Jury Trial

Plaintiff demands Jury Trial on all issues so triable.

By: 
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **09-60331**

CR-COHN
MAGISTRATE JUDGE
~~SELTZER~~

- 18 U.S.C. §1962(d)
- 18 U.S.C. §1956(h)
- 18 U.S.C. §1349
- 18 U.S.C. §1343
- 18 U.S.C. § 2
- 18 U.S.C. §1963
- 18 U.S.C. §982(a)(1)
- 18 U.S.C. §981(a)(1)(C)

UNITED STATES OF AMERICA,

Plaintiff,

SCOTT W. ROTHSTEIN,

Defendant.

FILED by _____ D.C.
DEC 01 2009
STEVEN M. LARIMORE CLERK U. S. DIST. CT. S. D. of FLA. - FT. LAUD.

INFORMATION

The United States Attorney charges that, at all times relevant to this Information:

GENERAL ALLEGATIONS

1. Scott W. Rothstein was an attorney admitted to practice law in Florida. Defendant Rothstein was the Chief Executive Officer (CEO) and Chairman of Rothstein, Rosenfeldt and Adler, P.A.
2. Rothstein, Rosenfeldt and Adler, P.A. was a law firm with offices located at 401 East Las Olas Boulevard, Fort Lauderdale, Florida and elsewhere. The law firm employed approximately seventy (70) attorneys and engaged in the practice of law involving a wide range of specialties, including labor and employment law.

EXHIBIT 1

SCANNED

COUNT 1

(Racketeering Conspiracy, 18 U.S.C. §1962(d))

1. The General Allegations of this Information are realleged and expressly incorporated herein as if set forth in full.

THE ENTERPRISE

2. The law firm, Rothstein, Rosenfeldt and Adler, P.A. (hereinafter referred to as RRA) was a legal entity organized under the laws of the State of Florida and constituted an Enterprise as that term is defined in Title 18, United States Code, Section 1961(4). The Enterprise engaged in, and the activities of which affected, interstate and foreign commerce.

THE RACKETEERING CONSPIRACY

3. From in or about 2005 and continuing through in or about November 2009, in the Southern District of Florida and elsewhere, the defendant,

SCOTT W. ROTHSTEIN,

being a person employed by and associated with the Enterprise described above, which was engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly combine, conspire, confederate, and agree, with persons known and unknown to the United States Attorney, to violate Title 18, United States Code, Section 1962(c); that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the Enterprise through a pattern of racketeering activity as that term is defined in Title 18, United States Code, Sections 1961(1) and (5), as set forth herein below at paragraph 4.

THE PATTERN OF RACKETEERING ACTIVITY

4. The pattern of racketeering activity as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), through which the defendant and his co-conspirators agreed to conduct and participate, directly and indirectly, in the conduct of the affairs of the Enterprise consisted of multiple acts indictable under the laws of the United States, namely:

- i. Title 18, United States Code, Section 1341 (mail fraud);
- ii. Title 18, United States Code, Section 1343 (wire fraud);
- iii. Title 18, United States Code, Section 1956(a)(1) (laundering of monetary instruments);
- iv. Title 18, United States Code, Section 1957 (engaging in monetary transactions); and
- v. Title 18, United States Code, Section 1956(h) (conspiracy to launder monetary instruments and engage in monetary transactions).

THE PURPOSE AND OBJECT OF THE RACKETEERING ACTIVITY

5. The principal purpose of the racketeering conspiracy was to generate money for the defendant and his co-conspirators through the operation of the Enterprise and through various criminal activities, including mail fraud, wire fraud, and money laundering.

6. The defendant and his co-conspirators agreed to engage in a pattern of racketeering activity through its base of operation at the offices of RRA. The conspirators also utilized other locations to further the objectives of the Enterprise. RRA was utilized by the defendant and his co-conspirators to unlawfully obtain approximately \$1.2 billion from investors by fraud in connection with an investment scheme commonly known as a "Ponzi" scheme, in which new investors' funds

are utilized to pay previous investors in the absence of any underlying security, legitimate investment vehicle or other commodity.

THE ROLES AND RESPONSIBILITIES OF THE CONSPIRATORS

7. The roles of the conspirators were as follows:

A. Defendant SCOTT W. ROTHSTEIN was a shareholder, Chairman and CEO of RRA.

Through his position at RRA, defendant ROTHSTEIN promoted, managed, and supervised the administration of the Enterprise by fraudulently inducing investors through the use of false statements, documents, and computer records to (1) loan money to purported borrowers based upon fraudulent promissory notes and fictitious bridge loans, and (2) invest funds based upon anticipated pay-outs from purported confidential settlement agreements which had been reached between and among certain individuals and business entities. These settlement agreements were falsely presented as having been reached between putative plaintiffs in civil cases and putative defendants based upon the forbearance of civil claims in sexual harassment and/or whistle-blower cases.

B. Other conspirators, known and unknown to the United States Attorney, agreed with one another and with defendant ROTHSTEIN to take actions to further the operation and success of the "Ponzi" scheme, including presenting the aforesaid investments to potential investors as legitimate investment vehicles, when in fact they were not; fraudulently inducing investors to place funds into these investment vehicles by making material misstatements of facts as set forth below; assuring potential investors and investors that sufficient funds existed to pay returns on these investments, when in fact such funds did not exist; creating, and transferring funds into and from, various accounts at financial institutions in order to further the unlawful scheme; and realizing

profits from the operation of the Ponzi scheme through the acquisition of money generated as proceeds from the scheme and through the acquisition of real and personal property.

MANNER AND MEANS OF THE RACKETEERING CONSPIRACY

8. It was part of the conspiracy that the defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

9. Defendant ROTHSTEIN and other co-conspirators initiated the criminal conduct alleged in the instant Information in order to personally enrich themselves and to supplement the income and sustain the daily operation of RRA.

10. Defendant ROTHSTEIN and other co-conspirators fraudulently solicited investors to loan money based upon promissory notes and bridge loans to and from purported clients of RRA. Defendant ROTHSTEIN falsely alleged that clients of RRA requested short-term financing for undisclosed business deals. Defendant ROTHSTEIN falsely alleged that the purported clients were willing to pay high rates of return on loans negotiated by Defendant ROTHSTEIN. In fact, defendant ROTHSTEIN was aware that no such clients or requests for business financing actually existed.

11. Defendant ROTHSTEIN and other co-conspirators participated in an investment scheme commonly known as a "Ponzi" scheme. The "Ponzi" scheme involved the sale of purported confidential settlement agreements in sexual harassment and/or whistle-blower cases. The potential investors were told by defendant ROTHSTEIN and other co-conspirators that confidential settlement agreements were available for purchase. The purported settlements were allegedly available in amounts ranging from hundreds of thousands of dollars to millions of dollars and could be purchased at a discount and repaid to the investors at face value over time.

12. Defendant ROTHSTEIN and other co-conspirators utilized the offices of RRA and the offices of other co-conspirators to convince potential investors of the legitimacy and success of the law firm, which enhanced the credibility of the purported investment opportunity.

13. Defendant ROTHSTEIN and other co-conspirators made false and misleading statements and omissions which were intended to fraudulently induce potential investors into purchasing the confidential settlements.

14. Defendant ROTHSTEIN and other co-conspirators made the following fraudulent representations to potential investors in order to induce them to purchase the purported settlements:

- A. That the purported settlements were highly confidential in order to protect the reputation of the company authorizing the settlement and the executives involved;
- B. That the plaintiffs in the purported sexual harassment and/or whistle-blower cases preferred to settle the cases in order to avoid the emotional embarrassment of pursuing a claim in a public forum;
- C. That RRA originated its own cases from reputation, internal staff and outside referrals from other law firms;
- D. That RRA retained a company that owned internet sites and well-placed "800" numbers designed to attract a large volume of high quality cases;
- E. That RRA rigorously screened the purported sexual harassment and/or whistle-blower settlement agreements;

- F. That RRA utilized former law enforcement personnel and employed highly sophisticated investigative methods in selecting and pursuing claims against purported defendants;
- G. That RRA or other law firms pursued purported settlements with defendant companies prior to the initiation of litigation;
- H. That RRA or other law firms negotiated with the purported defendant company after such company was made aware of the alleged claim by the plaintiff;
- I. That RRA or other law firms purportedly negotiated with the defendant company and reached an agreement which contained the settlement amount and the payment terms;
- J. That because the purported settlements occurred prior to the initiation of litigation, there was no court or governmental entity involved in the transaction;
- K. That the alleged defendant companies sent by wire transfer to RRA or other law firms' trust accounts the full proceeds of the purported settlements;
- L. That during the settlement conference or other settlement negotiations when a purported plaintiff protested the extended payment schedule, RRA or other law firms presented the purported plaintiff with the option of receiving a discounted lump sum payment from an unrelated confidential funding source;
- M. That RRA or other co-conspirators prepared a purported Assignment of Settlement Agreement in which the investor agreed to acquire the right to the

purported settlement payments for a discounted lump sum payment made to the purported plaintiff;

N. That when RRA received the payment by the investor it immediately disbursed those funds to the purported plaintiff; and

O. That RRA made payment to the investor pursuant to the purported payment schedule set forth in the purported settlement agreement.

15. Defendant ROTHSTEIN and other co-conspirators falsely informed potential investors that funds were maintained in designated trust accounts for the benefit of the individual investor and that these funds were verified on a regular basis, weekly if not more often, by two independent verification sources, one being an attorney and the other being an independent financial advisor (hereinafter referred to "independent verifiers").

16. Defendant ROTHSTEIN and other co-conspirators falsely informed potential investors that RRA's trust accounts were maintained with a well established international banking institution, in accordance with the rules and regulations of the Florida Bar, and that access to balances in the trust accounts was allegedly monitored by one of the two independent verifiers.

17. Defendant ROTHSTEIN and other co-conspirators falsely informed potential investors that due diligence would be undertaken with the following provisions:

A. An "independent verifier" would be permitted to ask questions of Defendant ROTHSTEIN and/or other co-conspirators to review the opportunity and structure;

B. The "independent verifier" would have the opportunity to randomly review selected completed transactions to confirm the veracity of the information;

- C. The "independent verifier" had already reviewed current transactions, including wire transfers received from defendants and payments made to plaintiffs;
- D. The "independent verifier" would have the opportunity to visit and speak with a senior banking officer at the local branch of the financial institution to confirm current trust account bank balances through bank statements provided on line; and
- E. The "independent verifier" had the opportunity to meet with a senior banking officer to verify that the trust accounts were "locked" and to verify the strength of RRA's financial position and relationship with the bank.

18. Defendant ROTHSTEIN and other co-conspirators established numerous trust accounts in the name of RRA in order to convince potential and current investors of the legitimacy of the confidential settlement agreements and the security of such investments.

19. Defendant ROTHSTEIN and other co-conspirators prepared and used altered bank statements, purportedly issued from a well-established international financial institution, to fraudulently convince potential and current investors that funds had been received from the purported defendant companies and were maintained in trust accounts.

20. In order to deceive investors, defendant ROTHSTEIN and other co-conspirators created, altered and/or maintained fictitious online banking information regarding the purported trust accounts which falsely reflected the amount of funds maintained in such accounts, the receipt of funds wired from the alleged defendant companies and the transmission of funds by wire to the alleged plaintiffs,

21. Defendant ROTHSTEIN and other co-conspirators created false and fictitious documents, including confidential settlement agreements, assignment of settlement agreements and proceeds, sale and transfer agreements, and personal guaranties by Defendant ROTHSTEIN, among other documents.

22. Defendant ROTHSTEIN and other co-conspirators facilitated the movement and transfer of funds between and among numerous trust accounts and operating accounts in order to perpetuate the scheme. The movement and transfer of such funds insured that monies were available in the individual trust accounts in order to make scheduled payments to investors.

23. Defendant ROTHSTEIN and other co-conspirators made false statements to current investors in order to convince them to re-invest in additional purported confidential settlement agreements.

24. Defendant ROTHSTEIN and other co-conspirators facilitated the creation of false and fictitious "lock letters" which were issued by an executive at the financial institution where the trust and operating accounts were maintained. Such "lock letters" falsely reflected that the funds maintained in specific trust accounts would only be disbursed to specific investors.

25. Defendant ROTHSTEIN and other co-conspirators utilized funds received from investors to pay the promised "return on investment" to earlier investors.

26. Defendant ROTHSTEIN and other co-conspirators also initiated and conducted a scheme to defraud clients of RRA in order to perpetuate the "Ponzi" scheme. Such clients had retained RRA to institute and file a civil lawsuit. Unknown to the clients, RRA settled the lawsuit and obligated the clients to pay \$500,000 to the defendant. In order to commit the fraud and deceive the clients, defendant ROTHSTEIN and other co-conspirators created a false and fraudulent court

order purportedly signed by a Federal District Court Judge which falsely alleged that the clients had prevailed in the lawsuit and were owed a judgement of approximately \$23 million. The fraudulent court order also falsely stated that the defendant had transferred funds to the Cayman Islands in order to avoid paying the judgement.

27. Defendant ROTHSTEIN and other co-conspirators falsely advised the clients on several occasions that in order to recover the defendant's funds, they had to post bonds to be held in the RRA trust account. Defendant ROTHSTEIN and other co-conspirators fraudulently caused the clients to wire transfer approximately \$57 million over several years to a trust account controlled by defendant ROTHSTEIN, purportedly to satisfy the bonds.

28. Defendant ROTHSTEIN and other co-conspirators caused the funds transmitted by the clients to be transferred to other RRA trust accounts in order to perpetuate the "Ponzi" scheme and to enrich those co-conspirators who were associated with the Enterprise.

29. Defendant ROTHSTEIN and other co-conspirators were questioned by the clients as to the progress of the alleged lawsuit. In order to delay the return of funds to the clients, defendant ROTHSTEIN fraudulently created a false Federal court order purportedly issued by a United States Magistrate Judge allegedly ordering RRA to return the transmitted funds by a later date.

30. Defendant ROTHSTEIN and other co-conspirators utilized funds obtained through the "Ponzi" scheme to supplement and support the operation and activities of RRA, to expand RRA by the hiring of additional attorneys and support staff, to fund salaries and bonuses, and to acquire larger and more elaborate office space and equipment in order to enrich the personal wealth of persons employed by and associated with the Enterprise.

31. Defendant ROTHSTEIN and other co-conspirators utilized funds illegally obtained through the "Ponzi" scheme to make political contributions to local, state and federal political candidates, in a manner designed to conceal the true source of such funds and to circumvent state and federal laws governing the limitations and contribution of such funds.

32. Defendant ROTHSTEIN and other co-conspirators used other corporations in order to launder proceeds generated from the "Ponzi" scheme to conceal the source of the funds utilized to make political contributions in order to promote the "Ponzi" scheme.

33. Defendant ROTHSTEIN and other co-conspirators paid large bonuses to employees of RRA purportedly as an award for exemplary work. Prior to the receipt of the bonuses, the employees were instructed to make large contributions to political candidates in the employees' names. Such conduct was designed to conceal the true source of the contribution and to illegally circumvent campaign finance laws.

34. Defendant ROTHSTEIN and other co-conspirators distributed lavish gifts including exotic cars, jewelry, boats, loans, cash and bonuses to individuals and members of RRA in order to engender goodwill and loyalty and to create the appearance of a successful law firm.

35. Defendant ROTHSTEIN and other co-conspirators made large charitable contributions to public and private charitable institutions, including hospitals and other legitimate charitable and nonprofit organizations using funds derived from the "Ponzi" scheme.

36. Defendant ROTHSTEIN and other co-conspirators utilized funds illegally obtained through the "Ponzi" scheme to hire members of local police departments purportedly to provide security for RRA and defendant ROTHSTEIN's personal residence. "Ponzi" scheme funds were also used to provide gratuities to high ranking members of police agencies in order to curry favor

with such police personnel and to deflect law enforcement scrutiny of the activities of RRA and defendant ROTHSTEIN.

37. Defendant ROTHSTEIN and other co-conspirators utilized funds obtained through the "Ponzi" scheme in order to purchase controlling interests in restaurants located in the Southern District of Florida. Such restaurants were used in part as a mechanism to give gratuities to individuals, including politicians, business associates and attorneys, in order to foster goodwill and loyalty, as a location to solicit potential investors and as a secure location for conspiratorial meetings.

38. Defendant ROTHSTEIN and other co-conspirators associated with affluent and politically connected individuals in order to lure wealthy investors into the "Ponzi" scheme.

39. Defendant ROTHSTEIN and other co-conspirators associated with well known sports figures and politicians, in public forums and elsewhere, in order to gain greater notoriety and to create the appearance of wealth and legitimacy. Such acts were calculated in part to enhance defendant ROTHSTEIN's ability to solicit potential investors in the "Ponzi" scheme.

40. Defendant ROTHSTEIN and other co-conspirators used funds derived from the "Ponzi" scheme to maintain the appearance of affluence and wealth, by purchasing expensive real and personal property, in order to convince potential investors of the legitimacy of RRA and of the purported investment opportunities. Defendant ROTHSTEIN purchased expensive real property, personal property, business interests, vessels, vehicles and other indicia of success and wealth.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT 2

(Money Laundering Conspiracy, 18 U.S.C. §1956(h))

1. The General Allegations and paragraphs 5 through 40 of Count 1 of the Information are realleged and incorporated herein by reference.

2. TD Bank, N.A., (hereinafter referred to as TD Bank) was a commercial bank with branch offices in thirteen (13) states, including a branch office in Weston, Florida. The executive offices of TD Bank were located in Portland, Maine and Cherry Hill, New Jersey. Defendant ROTHSTEIN and RRA maintained approximately thirty-eight (38) bank accounts at TD Bank, which were utilized during the course of the "Ponzi" scheme.

3. Gibraltar Private Bank and Trust (hereinafter referred to as Gibraltar Bank) was a commercial bank with seven (7) branch offices, including a branch office in Fort Lauderdale, Florida. Defendant ROTHSTEIN and RRA maintained at least four (4) bank accounts at Gibraltar Bank, which were utilized during the course of the "Ponzi" scheme.

4. From in or about 2005 and continuing thereafter through in or about November 2009, in Broward County, in the Southern District of Florida and elsewhere, the defendant,

SCOTT W. ROTHSTEIN,

did knowingly conspire, confederate, and agree with persons known and unknown to the United States Attorney, to commit offenses against the United States in violation of Title 18, United States Code, Sections 1956 and 1957, that is:

i. to knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, that is, mail fraud and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343, with the intent to promote the carrying on of said specified unlawful activities, and that while conducting and attempting to conduct such financial transactions knew that the property involved in the financial

transaction represented the proceeds of some form of unlawful activity in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i);

ii. to knowingly conduct and attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions involved the proceeds of specified unlawful activity, that is, mail fraud and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and that while conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and

iii. to knowingly engage and attempt to engage, in monetary transactions by, through or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, which property having been derived from a specified unlawful activity, that is, mail fraud and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343, in violation of Title 18, United States Code, Section 1957.

All in violation of Title 18, United States Code, Section 1956(h).

COUNT 3

(Mail and Wire Fraud Conspiracy, 18 U.S.C. §1349)

1. The General Allegations and paragraphs 5 through 40 of Count 1 of the Information are realleged and incorporated herein by reference.

2. From in or about 2005 and continuing thereafter through in or about November 2009, in Broward County, in the Southern District of Florida and elsewhere, the defendant,

SCOTT W. ROTHSTEIN,

did knowingly combine, conspire, confederate, and agree with other persons known and unknown to the United States Attorney to commit offenses against the United States in violation of Title 18, United States Code, Sections 1341 and 1343, that is:

i. to knowingly and with intent to defraud devise and intend to devise a scheme and artifice to defraud and to obtain money and property from others by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and causing to be delivered certain mail matter by any private and commercial interstate carrier, according to the directions thereon, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1341

ii. to knowingly and with intent to defraud devise and intend to devise a scheme and artifice to defraud and to obtain money and property from others by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and transmitting and causing to be transmitted by means of wire communications in interstate and foreign commerce, certain signs, signals and sounds, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1343.

THE PURPOSE AND OBJECT OF THE CONSPIRACY

3. The purpose and object of the conspiracy was to enrich defendant ROTHSTEIN and his co-conspirators by illegally obtaining money from investors and converting the investors' money to their own use and benefit through the operation of the above-described "Ponzi" scheme.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 4 and 5 (Wire Fraud, 18 U.S.C. §1343)

1. The General Allegations and paragraphs 5 through 40 of Count 1 of the Information are realleged and incorporated herein by reference.

2. On or about the dates enumerated as to each count below, at Broward and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendant,

SCOTT W. ROTHSTEIN,

did knowingly and with intent to defraud devise and intend to devise a scheme and artifice to defraud and to obtain money and property from others by means of materially false and fraudulent pretenses,

representations, and promises, knowing that such pretenses, representations, and promises were false and fraudulent when made, and for the purpose of executing the scheme, transmitted and caused to be transmitted certain wire communications in interstate and foreign commerce, as more particularly described below:

COUNT	DATE	WIRE COMMUNICATION
4	December 2, 2008	Interstate wire transfer sent from TD Bank to Gibraltar Bank
5	October 16, 2009	Interstate wire transfer sent to TD Bank from JP Morgan Chase

All in violation of Title 18, United States Code, Sections 1343 and 2.

FORFEITURE ALLEGATIONS

1. The allegations of this Information are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of certain property in which the defendant has an interest pursuant to 7(c)(2) and 32.2(a), Federal Rules of Criminal Procedure. Forfeiture is being sought pursuant to the provisions of Title 18, United States Code, Sections 1963(a), 982(a) and 981(a)(1)(C), as made applicable hereto by Title 28, United States Code, Section 2461.

2. Upon conviction of the offense of RICO Conspiracy set forth in Count 1 of the Information, the defendant, SCOTT W. ROTHSTEIN, shall forfeit to the United States the following property:

- i. Any interest acquired or maintained pursuant to Section 1962;
- ii. Any interest in, security of, claim against, or property or contractual rights of any kind affording a source of influence over, the

enterprise described in the Information which was established, operated, controlled and conducted pursuant to Title 18, United States Code, Section 1962; and

iii. Any property constituting or derived from proceeds obtained directly and indirectly from racketeering activity pursuant to Title 18, United States Code, Section 1962.

3. Upon conviction of the offense of Money Laundering Conspiracy set forth in Count 2 of the Information, the defendant, SCOTT W. ROTHSTEIN, shall forfeit to the United States all property, real or personal, involved in or traceable to the offense which property shall include:

i. all money and other property that was the subject of each transaction, transportation, transmission and transfer in violation of Section 1956(h);

ii. all commissions, fees and other property constituting proceeds obtained as a result of those violations; and

iii. all property used in any manner and part to commit and to facilitate the commission of those violations.

4. Upon conviction of the offense of Conspiracy to Commit Mail Fraud and Wire Fraud and to Commit Wire Fraud as set forth in Counts 3, 4, and 5 of the Information, the defendant, SCOTT W. ROTHSTEIN, shall forfeit to the United States, all property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

5. The property subject to forfeiture, pursuant to Title 18, United States Code, Sections 1963, 982(a)(1) and 981(a)(1)(C), includes but is not limited to:

A. A sum of money equal to \$1,200,000,000 in United States currency.

B. **Real Properties ("RP"):**

- (RP1) 2307 Castilla Isle, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP1," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as Lauderdale Shores Reamen Plat 15-31 B Lot 2 Blk 5 with a Folio Number of 5042 12 13 0210;
- (RP2) 2308 Castilla Isle, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP2," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: Lauderdale Shores Reamen Plat 15-31 B Lot 2 Blk 4 with a Folio Number of 5042 12 13 0020;
- (RP3) 2316 Castilla Isle, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP3," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: Lauderdale Shores Reamen Plat 15-31 B Lot 3 & Lot 4 W ½ Blk 4 with a Folio Number of 5042 12 13 0030;
- (RP4) 30 Isla Bahia Drive, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP4," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: Isla Bahia 47-27 B Lot 63 with a Folio Number of 5042 13 16 0640;
- (RP5) 29 Isla Bahia Drive, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP5," includes all buildings, improvements, fixtures, attachments and easements

found therein or thereon, and is more particularly described as: Isla Bahia 47-27 B Lot 35 with a Folio Number of 5042 13 16 0360;

(RP6) 350 SE 2nd Street, Unit 2840, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP6," includes that portion of the condominium, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: 350 Las Olas Place Condo Unit 2840 with a Folio Number of 5042 10 AN 1490;

(RP8) 2133 Imperial Point Drive, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP8," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: Imperial Point 1 Sec 53-44 B Lot 11 Blk 22 with a Folio Number of 4942 12 07 2020;

(RP9) 2627 Castilla Isle, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP9," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: Lauderdale Shores Reamem Plat 15-31 B Lot 22 Blk 5 with a Folio Number of 5042 12 13 0380;

(RP10) 10630 NW 14th Street, Apt. 110, Plantation, Florida, hereafter also referred to as "Defendant RP10," includes that portion of the condominium/townhome, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: OPTIMA VILLAGE 1-"C" CONDO UNIT 201 BLDG 2 with a Folio Number of 4941 31 AC 0110;

(RP11) 227 Garden Court, Lauderdale by the Sea, Florida, hereafter also referred to as "Defendant RP11," includes that portion of the buildings, improvements, fixtures,

attachments and easements found therein or thereon, and is more particularly described as: SILVER SHORES UNIT A 28-39 B POR of Lot 4, BLK 5 DESC AS TO BEG AT SE COR SAID LOT 4, N 79.37 W 37.75, S 79.37, E 35.75 TO POB AKA: UNIT E MARINA VILLAGE TOWNHOMES 227GARDEN with a Folio Number of 4943 18 24 0050;

(RP12) 708 Spangler Boulevard, Bay 1, Hollywood, Florida, hereafter also referred to as "Defendant RP12," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: HARBOR VIEW 10-5 B PORTION OF LOTS 1 & 2 BLK 2 DESC AS COMM 25 S OF NE COR OF LOT 2 ON E/L, W 20.52 ALG S/R/W/L OF ST RD 84, S 15.72 TO POB, S 7.25, E 12.59, S 24.40, W 29.92, N 7.66, W 31.74, N 24.00, E 49.07 TO POB AKA: BAY 1 PORTSIDE with a Folio Number of 5042 23 28 0010;

(RP13) 1012 East Broward Boulevard, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP13," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: BEVERLY HEIGHTS 1-30 B LOT 1 W 100, LOT 2 W 100 BLK 17 with a Folio Number of 5042 11 07 0540;

(RP14) 950 N Federal Highway, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP14," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: 31-48-43 S 150 OD FOL DESC, BEG INTER E R/W/L ST RD 5, N TO POB with a Folio Number of 4843 31 00 0401;

(RP15) 350 Las Olas Boulevard, Commercial Unit 2, Fort Lauderdale, Florida, hereafter also referred to as "Defendant RP15," includes all portion of that condominium, improvements, fixtures, attachments and easements found therein or thereon, and is more particularly described as: 350 LAS OLAS PLACE COMM CONDO UNIT CU2 with a Folio Number of 5042 10 AP 0020;

(RP16) 361 SE 9 Lane, Boca Raton, Florida hereafter also referred to as "Defendant RP16," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon;

(RP17) 1198 N Old Dixie Highway, Boca Raton, Florida hereafter also referred to as "Defendant RP17," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon;

(RP18) 1299 N Federal Highway, Boca Raton, Florida hereafter also referred to as "Defendant RP18," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon;

(RP19) 151 East 58 Street, Apartment 42D, New York, New York hereafter also referred to as "Defendant RP19," includes all portion of that condominium, improvements, fixtures, attachments and easements found therein or thereon;

(RP20) 11 Bluff Hill Cove Farm, Narragansett, Rhode Island hereafter also referred to as "Defendant RP20," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon;

(RP21) 15 Bluff Hill Cove Farm, Narragansett, Rhode Island hereafter also referred to as "Defendant RP21," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon;

(RP22) 353 4 Ave., Unit 12-H, Brooklyn, NY hereafter also referred to as "Defendant RP22," includes all portion of that condominium, improvements, fixtures, attachments and easements found therein or thereon;

(RP23) 290W 11th St #1C, NY, NY hereafter also referred to as "Defendant RP23," includes all portion of that condominium, improvements, fixtures, attachments and easements found therein or thereon; and

(RP24) Versace Mansion/Casa Casuarina-10% Ownership hereafter also referred to as "Defendant RP24," includes all buildings, improvements, fixtures, attachments and easements found therein or thereon;

C. Vehicles and Vessels ("VV"):

(VV1) 1990 Red Ferrari F40 Coupe, VIN: ZFFMN34A5L0087066;

(VV2) 2009 White Bentley Convertible, VIN: SCBDR33W29C059672;

(VV3) 2008 Yellow McLaren Mercedes Benz SLR, VIN: WDDAK76F98M001788;

(VV4) 2007 Black Limousine Ford Expedition, VIN: 1F1FK15557LA59223;

(VV5) 2009 Red Ferrari 430 Spider, VIN: ZFFEW59A380163011;

(VV6) 2007 Silver Rolls Royce Convertible, VIN: SCA1L68557UX23044;

(VV7) 2006 Silver Hummer H1, VIN: 137PH84396E220665;

(VV8) 2008 Cadillac Escalade, VIN: 1GYEC63858R234458;

(VV9) 1967 Red Convertible Corvette, VIN: 194677S104745;

- (VV10) 2009 Black Bugatti Veyron EB 16.4, VIN: VF9SA25C28M795153;
- (VV11) 2008 Blue Rolls Royce Drophead Convertible, VIN: SCA2D68528UX16071;
- (VV17) 2007 87' Warren, Hull # WAR87777B707;
- (VV18) 33' Aquariva, Hull # XFA33R74G405;
- (VV19) 2009 11' Yamaha Jet Ski, Hull # YAMA3661I809;
- (VV20) 2009 11' Yamaha VS, Hull # YAMA3626I809;
- (VV21) 2009 11' Yamaha VS, Hull # YAMA2679G809;
- (VV22) 1999 55' Sea Ray 540 Sundancer, SER Y001899;
- (VV23) 2009 Yamaha Jet Ski, Hull # YAMA4288K809; and
- (VV 24) 2010 White Lamborghini lp-670sv, VIN: ZHWBU8AHXALA03837.

D. Tangibles ("T")

- (T1) 304 pieces of jewelry, watches, necklaces and earrings seized on or about Monday, November 9, 2009 from the residence of Scott and Kimberly Rothstein;
- (T2) 16 DuPont Lighters seized on or about Monday, November 9, 2009 from the residence of Scott and Kimberly Rothstein;
- (T3) 3 pieces sports memorabilia seized on or about Monday, November 9, 2009 from the residence of Scott and Kimberly Rothstein;
- (T4) \$271,160 in United States currency seized on or about Monday, November 9, 2009 from the residence of Scott and Kimberly Rothstein;
- (T5) \$1,500 in United States currency, seized on about Wednesday, November 4, 2009, from the office of Scott W. Rothstein at the law firm of Rothstein, Rosenfeldt and Adler, P.A.;

- (T6) \$30,000 in American Express Gift Cards to the attention of Scott Rothstein, obtained from UPS on or about November 12, 2009;
- (T7) \$50,000 in American Express Gift Cards to the attention of Scott Rothstein, obtained from UPS on or about November 13, 2009;
- (T8) 5 additional watches being voluntarily turned over to the United States; and
- (T9) Guitar collection of Scott W. Rothstein, located at the residence of Scott and Kimberley Rothstein, valued between \$10,000 and \$20,000.

E. Bank Accounts ("BA")

- (BA1) Fidelity Investments Stock Account, in the name of Scott W. Rothstein, valued at approximately \$1,263,780;
- (BA2) Gibraltar Bank account 50010085, in the approximate amount of \$484,900.68;
- (BA3) Gibraltar Bank account 50010093, in the approximate amount of \$53,448.51;
- (BA4) Gibraltar Bank account 50012053, in the approximate amount of \$71,793.06;
- (BA5) Gibraltar Bank account 50015214, in the approximate amount of \$995,521.42;
- (BA6) Bank account 178780211819923220000187 at Banque Populaire, Morocco, in the name of Scott Rothstein, in the approximate amount of \$12,000,000;
- (BA7) Bank account at Banque Populaire, Morocco, in the name of Ahnick Khalid, up to the amount of \$2,000,000;
- (BA8) Bank account at Banque Populaire, Morocco, in the name of Steve Caputi, up to the amount of \$1,000,000;

- (BA9) Toronto Dominion Bank, N.A. account 6860291266 in the name of Rothstein Rosenfeldt Adler, P.A. which, on or about November 11, 2009, contained the approximate amount of \$54,021.27;
- (BA10) Toronto Dominion Bank, N.A. account 6861011556 in the name of Rothstein Rosenfeldt Adler, P.A. which, on or about November 11, 2009, contained the approximate amount of \$10,085.00;
- (BA11) Toronto Dominion Bank, N.A. account 6860420923 in the name of Rothstein Rosenfeldt Adler, P.A., Attorney Trust Account 3, which, on or about November 11, 2009, contained the approximate amount of \$720,892.08;
- (BA12) Toronto Dominion Bank, N.A. account 6860422200 in the name of DJB Financial Holding, which, on or about November 11, 2009, contained the approximate amount of \$64,970.00;
- (BA13) Toronto Dominion Bank, N.A. account 6860755757 the name of RRA Sports and Entertainment LLC, which, on or about November 11, 2009, contained the approximate amount of \$10,490.10;
- (BA14) Toronto Dominion Bank, N.A. account 6860755781 in the name of RRA Goal Line Management, LLC, which, on or about November 11, 2009, contained the approximate amount of \$25,216.27;
- (BA15) Toronto Dominion Bank, N.A. account 6861077714 in the name of Rothstein Rosenfeldt Adler, P.A., which, on or about November 11, 2009, contained the approximate amount of \$20,080.00.

F. Business Interests ("BI")

- (BI1) Stock certificates, if issued, or the beneficial interest in such shares, of 50,000 shares of capital stock, in Gibraltar Private Bank & Trust, a federally chartered stock savings association, purchased in or about September 2009 by GBPT, LLC, a Delaware Limited Liability Company, by its manager, Bahia Property Management, LLC, a Delaware Limited Liability Company, by its co-manager, Scott W. Rothstein;
- (BI2) Scott W. Rothstein's equity interest in QTask;
- (BI3) Scott W. Rothstein's equity interest in Broward Bank of Commerce;
- (BI4) Scott W. Rothstein's equity interest in Bova Ristorante;
- (BI5) Scott W. Rothstein's equity interest in Bova Cucina;
- (BI6) Scott W. Rothstein's equity interest in Bova Prime;
- (BI7) Scott W. Rothstein's equity interest in Café Iguana, Pembroke Pines, Florida;
- (BI8) Scott W. Rothstein's equity interest in Cart Shield USA, LLC;
- (BI9) Scott W. Rothstein's equity interest in Renato Watches;
- (BI10) Scott W. Rothstein's equity interest in Edify LLC;
- (BI11) Scott W. Rothstein's equity interest in ■ Georgio Vodka;
- (BI12) Scott W. Rothstein's equity interest in Sea Club;
- (BI13) Scott W. Rothstein's equity interest in North Star Mortgage;
- (BI14) Scott W. Rothstein's equity interest in Kip Hunter Marketing;
- (BI15) Scott W. Rothstein's equity interest in RRA Sports and Entertainment, LLC;
- (BI16) Scott W. Rothstein's equity interest in Versace Mansion/Casa Casuarina, including 10 year Operating Agreement with 2 ten year options;

(BI17) Scott W. Rothstein's equity interest, and licensing rights, in Alternative Biofuel Company;

(BI18) Scott W. Rothstein's equity interest in RRA Goal Line Management;

(BI19) Scott W. Rothstein's equity interest in Iron Street Management, LLC;

(BI20) Scott W. Rothstein's equity interest in, and loan to, Africat Equity IG Decide;

(BI21) Scott W. Rothstein's equity interest in, and rents derived from 1198 Dixie LLC;

(BI22) Scott W. Rothstein's equity interest in, and rents derived from 1299 Federal LLC;

(BI23) Promissory Note by Uniglobe in favor of Scott W. Rothstein; and

(BI24) All equity interest held by or on behalf of Scott W. Rothstein, in the following corporations and entities:

- a. 29 Bahia LLC;
- b. 235 GC LLC;
- c. 350 LOP#2840 LLC;
- d. 353 BR LLC;
- e. 10630 #110 LLC;
- f. 708 Spangler LLC;
- g. 1012 Broward LLC;
- h. 1198 Dixie LLC;
- i. 1299 Federal LLC;
- j. 2133 IP LLC;
- k. 15158 LLC;
- l. AANG LLC;

- m. AAMG1 LLC;
- n. AAMM Holdings;
- o. ABT Investments LLC;
- p. Advanced Solutions;
- q. Bahia Property Management LLC;
- r. Boat Management LLC;
- s. BOSM Holdings LLC;
- t. BOVA Prime LLC;
- u. BOVA Restaurant Group LLC;
- v. The BOVA Group LLC;
- w. BOVA Smoke LLC;
- x. BOVCU LLC;
- y. BOVRI LLC;
- z. Broward Financial Holdings, Inc.;
- aa. CI07 LLC;
- ab. CI08 LLC;
- ac. CI16 LLC;
- ad. CI27 LLC;
- ae. CSU LLC;
- af. D & D Management & Investment LLC;
- ag. D & S Management and Investment LLC;
- ah. DJB Financial Holdings LLC;

- ai. DYMMU LLC;
- aj. Full Circle Fort Lauderdale LLC;
- ak. Full Circle Trademark Holdings LLC;
- al. GHW1 LLC;
- am. IDNL GEAH LLC;
- an. ILK3 LLC;
- ao. IS Management LLC;
- ap. JRCL LLC;
- aq. Judah LLC;
- ar. Kendall Sports Bar;
- as. Kip Hunter Marketing LLC;
- at. NF Servicing LLC;
- au. NRI 11 LLC;
- av. NRI 15 LLC;
- aw. NS Holdings LLC;
- ax. PRCH LLC;
- ay. PK Adventures LLC;
- az. PK's ██████ Ride Ltd;
- ba. Rothstein Family Foundation;
- bb. RRA Consulting Inc.;
- bc. RRA Goal Line Management LLC;
- bd. RRA Sports and Entertainment LLC;

- be. RSA 11th Street LLC;
- bf. RW Collections LLC;
- bg. S & KEA LLC;
- bh. Scorh LLC;
- bi. Tipp LLC;
- bj. VGS LLC;
- bk. The Walter Family LLC;
- bl. Walter Industries LLC;
- bm. WPBRS LLC;
- bn. WAWW;
- bo. WAWW 2 LLC;
- bp. WAWW 3 LLC;
- bq. WAWW 4 LLC;
- br. WAWW 5 LLC;
- bs. WAWW 6 LLC;
- bt. WAWW 7 LLC;
- bu. WAWW 8 LLC;
- bv. WAWW 9 LLC;
- bw. WAWW 10 LLC;
- bx. WAWW 11 LLC;
- by. WAWW 12 LLC;
- bz. WAWW 14 LLC;

- ca. WAWW 15 LLC;
- cb. WAWW 16 LLC;
- cc. WAWW 17 LLC;
- cd. WAWW 18 LLC;
- ce. WAWW 19 LLC;
- cf. WAWW 20 LLC;
- cg. WAWW 21 LLC;
- ch. WAWW 22 LLC;
- ci. JB Boca M Holdings LLC;

and

G. Contributions ("C"), hereinafter collectively referred to as "the defendant contributions:"

- (C1) \$6,000 in campaign contributions made to Alex Sink and voluntarily offered, and turned over, to the United States on behalf of Alex Sink;
- (C2) \$40,000 in campaign contributions to Republican Party of Florida, "Florida" account and voluntarily offered, and turned over, to the United States by the Republican Party of Florida;
- (C3) \$10,000 in campaign contributions to Republican Party of Florida, "Federal" account and voluntarily offered, and turned over, to the United States by the Republican Party of Florida;
- (C4) \$90,000 in campaign contributions to Republican Party of Florida and voluntarily offered, and turned over, to the United States by the Republican Party of Florida;

- (C5) \$5,000 in campaign contributions to Republican Party of Florida by Rothstein business entity known as WAWW and voluntarily offered, and turned over, to the United States by the Republican Party of Florida;
- (C6) \$800,000 Charitable Donation to Joe DiMaggio Children's Hospital, which hospital voluntarily advised the United States of the donation from the Rothstein Family Foundation, for the purpose of facilitating forfeiture;
- (C7) \$1,000,000 Charitable Donation to Holy Cross Hospital, which hospital voluntarily advised the United States of the donation from the Rothstein Family Foundation, for the purpose of facilitating forfeiture;
- (C8) \$9,600 in campaign contributions to Governor Charlie Crist, voluntarily offered, and turned over, to the United States by the office of Charlie Crist; and
- (C9) All funds voluntarily turned over to the United States (IRS/FBI), since in or about October 28, 2009, in response to publicity regarding Scott W. Rothstein.

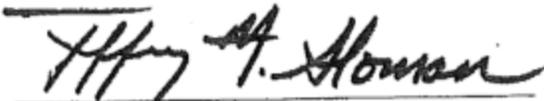
6. If any of the property described above as being subject to forfeiture, as a result of any act and omission of the defendant -

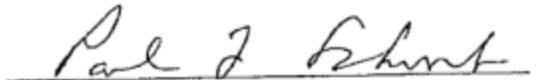
- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third party;
- iii. has been placed beyond the jurisdiction of the court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 1963(m), and pursuant to Title 21, United States Code, Section 853(p), made applicable hereto by Title 18, United

States Code, Section 982(b), and pursuant to Rule 32.2 Fed. R. Crim. P., to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

All pursuant to Title 18, United States Code, Section 1963, Title 18, United States Code, Section 982(a)(1) and Title 18, United States Code, Section 981(a)(1)(C) made applicable through Title 28, United States Code, Section 2461; and the procedures outlined at Title 21, United States Code, Section 853.


JEFFREY H. SLOMAN
ACTING UNITED STATES ATTORNEY


PAUL F. SCHWARTZ
ASSISTANT UNITED STATES ATTORNEY


JEFFREY N. KAPLAN
ASSISTANT UNITED STATES ATTORNEY


LAWRENCE D. LaVECCHIO
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

SCOTT W. ROTHSTEIN

Defendant.

Superseding Case Information:

Court Division: (Select One)

Miami Key West
 FTL WPB FTP

New Defendant(s) Yes No
 Number of New Defendants _____
 Total number of counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) _____
 List language and/or dialect _____

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	<input checked="" type="checkbox"/>	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	_____
	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes: Judge: _____ Case No. _____

(Attach copy of dispositive order)
 Has a complaint been filed in this matter? (Yes or No) No

If yes: Magistrate Case No. _____
 Related Miscellaneous numbers: _____
 Defendant(s) in federal custody as of _____
 Defendant(s) in state custody as of _____
 Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? Yes No

8. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes No
 If yes, was it pending in the Central Region? Yes No

9. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes No

10. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? Yes No

11. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes No



 Lawrence D. LaVecchio
 ASSISTANT UNITED STATES ATTORNEY
 Florida Bar No. A005500030

*Denial Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: SCOTT W. ROTHSTEIN

Count #: 1 18 U.S.C. § 1962(d); RICO Conspiracy;

* Max. Penalty: 20 years imprisonment, \$250,000 fine

Count #: 2 18 U.S.C. § 1956(h); Conspiracy to Commit Money Laundering;

* Max. Penalty: 20 years imprisonment, \$500,000 fine or twice the value of the property involved in the transaction.

Count #: 3 18 U.S.C. § 1349; Conspiracy to Commit Mail Fraud and Wire Fraud;

* Max. Penalty: 20 years imprisonment, \$250,000 fine

Counts #: 4-5 18 U.S.C. §§ 2; 1343; Wire Fraud

* Max. Penalty: 20 years imprisonment, \$250,000 fine

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY, FLORIDA

COMPLEX BUSINESS DIVISION

CASE NO. 09 059301

STUART A. ROSENFELDT, individually,
and ROTHSTEIN ROSENFELDT ADLER, P.A.,
a Florida Professional Service Corporation,

Plaintiffs,

SCOTT W. ROTHSTEIN, individually,

Defendant.

**AMENDED COMPLAINT FOR DISSOLUTION
AND FOR EMERGENCY TRANSFER OF CORPORATE POWERS TO STUART A.
ROSENFELDT, OR, IN THE ALTERNATIVE, FOR APPOINTMENT OF A
CUSTODIAN OR RECEIVER**

Plaintiffs, Stuart A. Rosenfeldt, individually, and Rothstein Rosenfeldt Adler, P.A. (sometimes referred to as the "firm"), file this action against Scott W. Rothstein, and allege as follows:

PRELIMINARY STATEMENT

It is with surprise and sorrow that the attorneys of Rothstein Rosenfeldt Adler, P.A. have learned that Scott W. Rothstein, the managing partner and CEO of the firm, has, according to assertions of certain investors, allegedly orchestrated a substantial misappropriation of funds from investor trust accounts that made use of the law firm's name. The investment business created and operated by Mr. Rothstein centered around the sale of interests in structured settlements. Immediate judicial action is being sought to facilitate the investigation and

EXHIBIT 2

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EFTA00193887

accounting of investor funds and to address the ongoing affairs of the firm in an appropriate manner through the transfer of all corporate powers to Stuart A. Rosenfeldt. Mr. Rosenfeldt, as the firm's President and only other equity holder in the firm besides Mr. Rothstein, is uniquely positioned to wind down the affairs of the firm, to account for all funds in the firm's trust accounts, and, most importantly, to protect the interests of the firm's clients. In the alternative, Plaintiffs request that the Court appoint Mr. Rosenfeldt as custodian of the firm during its dissolution or appoint a receiver. In the event that the Court appoints a receiver, there is no necessity for the receiver to assume any control of the firm's law practice because the dedicated attorneys and staff are continuing to assure that the interests of the firm's clients will remain paramount and will be fully protected.

Mr. Rosenfeldt and the firm have filed this action to minimize any further damage caused by Mr. Rothstein, to emphasize that the innocent attorneys and staff of the firm are not implicated in this controversy, and, most importantly, to protect the best interests of their clients.

NATURE OF ACTION

1. This is an action for judicial dissolution of the firm and an accounting pursuant to Florida Statutes Section 607.1430(3). Additionally, Plaintiffs seek transfer of all corporate powers to Plaintiff Rosenfeldt, or, in the alternative, the appointment of Plaintiff Rosenfeldt as custodian of the firm or the appointment of a receiver, pursuant to Florida Statutes Sections 607.1431 and 607.1432.
2. Plaintiff Rosenfeldt is the firm's president. He has the inherent authority to initiate this emergency litigation.
3. Defendant Rothstein is the firm's managing partner and CEO. Rothstein, a charismatic and talented lawyer, has controlled firm management, especially financial matters,

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and has not extended access to core financial matters and records to any other attorney at the firm.

4. Plaintiff Rosenfeldt and Defendant Rothstein are the sole owners of the equity in the firm.

5. The firm's principal office is located at 401 East Las Olas Blvd, Suite 1650, Fort Lauderdale, FL 33301.

6. Venue properly lies with this Court because the firm's principal office is in Broward County.

BACKGROUND AND GROUNDS FOR DISSOLUTION

The Firm

7. The firm was founded by Plaintiff Rosenfeldt and Defendant Rothstein in 2002.

8. The firm's practice was originally focused on labor and employment law, but the firm grew rapidly and its practice areas expanded to include intellectual property, corporate law, mergers and acquisitions, real estate, criminal defense, class actions, mass torts and personal injury claims, among others.

9. The firm currently has seven offices, with locations in Florida, New York, and Venezuela, and employs over 70 lawyers.

10. The firm has an outstanding group of attorneys, staff members, including distinguished former judges, many of whom have statewide, even national reputations, for professional excellence.

The Settlement Funding Scheme

11. Firm lawyers learned in the past few days about irregularities surrounding a settlement funding business operated by Rothstein. The settlement funding business involved

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the purchase of structured legal settlements and the sale of these settlements to investors. Various investors have informed the firm that they believe that substantial funds are not properly accounted for and are missing. A review of the firm's records undertaken over this past weekend indicates that various funds unrelated to the direct practice of law cannot be accounted for, circumstances suggesting that investor money may have been misused by Rothstein who controlled all such accounts. Some investors allege that Defendant Rothstein may have been fabricating non-existent structured legal settlements for sale to investors.

12. Defendant Rothstein's allegedly improper activities were done without any knowledge of the other attorneys at the firm, and, in fact, Rothstein actively endeavored to hide the existence of the scheme. It was not until several days ago that Plaintiff Rosenfeldt or any of the other lawyers at the firm discovered some of the circumstances concerning Defendant Rothstein's actions and the alleged improprieties.

13. The firm's attorneys still have extremely limited knowledge concerning the allegations, and yet, recognize the importance of proceeding expeditiously to undercover the truth. Thus, the emergency transfer of all corporate powers to Plaintiff Rosenfeldt, or, in the alternative, the emergency appointment of Plaintiff Rosenfeldt as the firm's custodian or the appointment of a receiver, is critical to undertake at least a preliminary inquiry concerning Defendant Rothstein's conduct, and to make appropriate recommendations to the Court concerning any further investigation.

Misuse of the Investor Trust Accounts

14. With respect to the settlement funding scenario, Plaintiffs only recently discovered troubling information concerning Defendant Rothstein's investor trust accounts and details surrounding the transactions are still emerging. However, it appears that Defendant

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Rothstein may have transferred substantial sums out of the investor trust accounts, and that the emergency transfer of all corporate powers to Plaintiff Rosenfeldt, or, in the alternative, the emergency appointment of Plaintiff Rosenfeldt as the firm's custodian or the appointment of a receiver, is necessary to account for and, if appropriate, consider taking action to recover the missing investor trust account funds.

Shareholder Deadlock

15. Defendant Rothstein has declined to resign despite the asserted and substantial irregularities because he purports to hold a 50% share of the law firm. For this reason, among others, there is a substantial shareholder deadlock, making management of the firm as it currently stands impossible.

COUNT I **(DISSOLUTION)**

16. Plaintiffs adopt, incorporate, and reallege paragraphs 1-15.

17. Under Florida Statute 607.1430, a circuit court may dissolve a corporation in a proceeding by a shareholder if the management of corporate affairs is deadlocked and irreparable injury to the corporation is threatened or being suffered. Additionally, a circuit court may dissolve a corporation having 35 or fewer shareholders if a sufficient showing is made with respect to improper or irregular conduct that materially injures the corporation.

18. For the reasons stated herein, Plaintiffs have demonstrated these two grounds for dissolving the firm.

WHEREFORE, Plaintiffs demand judgment of dissolution and all other such remedies that the Court finds appropriate.

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COUNT II
(TRANSFER OF CORPORATE POWER TO PLAINTIFF ROSENFELDT)

19. Plaintiffs adopt, incorporate, and reallege paragraphs 1-18.

20. Florida Statute 607.1431(3) permits a court in dissolution proceedings to take any action required to preserve the corporate assets wherever located, and carry on the business of the corporation.

21. For the reasons stated herein, Plaintiffs submit that the Court's exercise of this discretionary power is appropriate to transfer all corporate power over the firm to Plaintiff Rosenfeldt to effect the dissolution request in Count I, to perform an accounting of the firm's assets and liabilities, to undertake all actions necessary to uncover the extent of Defendant Rothstein's activities, to wind down the firm's client engagements, to appoint a chief restructuring officer and an inventory attorney pursuant to Florida Bar Rule 1-3.8, to institute federal bankruptcy proceedings or other related state law proceedings, to file assignments for the benefits of creditors, and to undertake all such other actions as may be necessary and appropriate under law.

WHEREFORE, Plaintiffs demand that the Court transfer all corporate power over the firm to Plaintiff Rosenfeldt.

COUNT III
(IN THE ALTERNATIVE, APPOINTMENT OF
PLAINTIFF ROSENFELDT AS CUSTODIAN OF THE FIRM)

22. Plaintiffs adopt, incorporate, and reallege paragraphs 1-18.

23. Florida Statutes 607.1431(3) and 607.1432 permit a circuit court in a judicial dissolution to appoint a custodian to manage the business and affairs of the dissolving corporation.

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24. For the reasons stated herein, Plaintiffs request, in the alternative to Counts II and IV, that the Court appoint Plaintiff Rosenfeldt, the President of the firm and sole shareholder besides Defendant Rothstein, as custodian of the Firm to effect the dissolution requested in Count I, to perform an accounting of the firm's assets and liabilities, to undertake all actions necessary to uncover the extent of Defendant Rothstein's activities, to wind down the firm's client engagements, to appoint a chief restructuring officer and an inventory attorney pursuant to Florida Bar Rule 1-3.8, to institute federal bankruptcy proceedings or other related state law proceedings, to file assignments for the benefits of creditors, and to undertake all such other actions as may be necessary and appropriate under law.

WHEREFORE, Plaintiffs demand, in the alternative, that the Court appoint

COUNT IV
(IN THE ALTERNATIVE, APPOINTMENT OF A RECEIVER)

25. Plaintiffs adopt, incorporate, and reallege paragraphs 1-18.

26. Florida Statutes 607.1431(3) and 607.1432 permit a circuit court in a judicial dissolution to appoint a receiver to wind up and liquidate the business and affairs of the dissolving corporation.

27. For the reasons stated herein, Plaintiffs request, in the alternative to Counts II and III, that the Court appoint a receiver to effect the dissolution requested in Count I, perform an accounting of the firm's assets and liabilities, undertake all actions necessary to uncover the extent of Defendant Rothstein's activities, and to undertake all such other actions as may be necessary and appropriate under law.

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CONCLUSION

28. Defendant Rothstein's conduct in connection with the settlement funding and the investor trust accounts appears at this point to be extensive. Dissolution and the emergency transfer of all corporate powers to Plaintiff Rosenfeldt, or, in the alternative, the emergency appointment of Plaintiff Rosenfeldt as the firm's custodian or the appointment of receiver, are critical to uncover the full extent of Defendant Rothstein's activities, to consider any appropriate action to recover missing proceeds, to protect the firm's clients, and to preserve, protect and review the firm's accounts and financial records.¹

Dated this 3rd day of November, 2009.

Respectfully submitted,

COFFEY BURLINGTON
Counsel for Plaintiffs
2699 South Bayshore Drive, Penthouse
Miami, Florida 33133
(305) 858-2900

By: 
KENDALL COFFEY
Florida Bar No. 259861
kcoffey@coffeyburlington.com

¹ Annexed hereto as Exhibit A is an affidavit from Plaintiff Rosenfeldt attesting to the truthfulness of the allegations contained herein.

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CERTIFICATE OF SERVICE

I certify that on this 3rd day of November, 2009, with the agreement and consent of Defendant Scott W. Rothstein's counsel, Mark Nurik, Esq., a true and correct copy of the above and foregoing was served via email on Mr. Nurik, at meeko51@yahoo.com.

This 3rd day of November, 2009.

/s/ Paul S. S. V.
Fla Bar No.
823244

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. UNDER SEAL -CIV-MARRA

EDWARD MORSE and CAROL
MORSE,

Plaintiffs,

vs.

JAN JONES INTERNATIONAL,
INC. a/k/a ICON BY JAN JONES,

Defendant.

**ORDER ON PLAINTIFFS' ORE TENUS
MOTION TO SEIZE FURTHER ASSETS AND FOR OTHER RELIEF**

This cause came before the Court at hearing on March 17, 18, 19 & 20 2009, upon Plaintiffs', EDWARD MORSE and CAROL MORSE (collectively "MORSE"), *ore tenus* Motion to Seize Further Assets and *ore tenus* and subsequent written motions for other relief. The Court has carefully considered the oral argument of counsel, considered the evidence and witnesses presented at the hearings and being otherwise fully advised in the premises;

The COURT FINDS AND ORDERS AS FOLLOWS:

1. Defendant, JAN JONES INTERNATIONAL, INC. a/k/a ICON BY JAN JONES and any and all other companies and/or other entities owned or controlled by JONES ("JONES"), are liable for compensatory damages to MORSE in an amount in excess of \$2,000,000.00;
- 2 That JONES is liable to MORSE for punitive damages for fraud, in the amount of 21,000,000.00 modified from prior order of this court finding liability of \$3,000,000.00 in punitive damages;

3. The Court specifically finds that JONES' flagrant fraudulent activity as demonstrated by clear and convincing evidence by counsel for Morse provides sufficient legal basis for an award of such punitive damages. The record on this matter shall be sealed but the record upon which this Court has relied shall be attached hereto for appellate purposes;
4. That there is currently in excess of \$10,000,000.00 of funds clearly belonging to JONES frozen in various banks in South Florida pursuant to prior orders of this and other courts;
5. That these funds are not to be moved under any circumstances absent further order of this Court. That movement of these funds shall be punishable by civil and criminal penalties;
6. That these funds are specifically being held, pursuant to order of this Court, to fund the award of damages to MORSE;
7. That these courts have jurisdiction to order same;
8. That in addition to the funds set forth in paragraph 4 above, based upon clear and convincing evidence presented by counsel for MORSE and counsel's expert witnesses, JONES has illegally moved funds from the United States to the Cayman Islands in violation of federal law, for the purpose of secreting these assets;
9. That the IRS has provided competent testimony in this regard clearly establishing ownership of these funds by JONES and clearly establishing a partial right of entitlement by the IRS to a portion of these funds. Such liability shall be less than \$5,000,000.00;
10. That this Court has jurisdiction over said assets as they originated in the United States;
11. That the treaties between the United States and the Cayman Islands and related governments clearly establishes the right of the United States to seize such assets. That counsel for MORSE has facilitated the contact between the relative governments and as a

result, this Court has received clear and convincing evidence that such funds will be immediately transferred to the United States;

12. That the Clerk of Court is hereby directed to immediately submit the proper documentation to the appropriate bank of the Cayman Islands to facilitate immediate transfer of these funds. That any issue arising from such transfer shall be immediately reported to this Court;
13. That the evidence presented by counsel for JONES was inadequate to overcome the findings made by this court based upon the evidence presented by counsel for MORSE. That counsel for JONES is hereby found to have acted in contumacious disregard for prior orders of this and other courts and thus, is found to be in contempt thereof. Further order regarding same shall follow the evidentiary hearing in this regard to be set by this Court;
14. That MORSE shall be entitled to one-third of any monies collected from counsel for JONES pursuant to said contempt order, if monies are assessed;
15. That this Court has entered an order freezing said assets and has the authority to do so;
16. That JONES' counsel's arguments that this Court lacks such jurisdiction is without merit and frivolous;
17. That the presentation of such evidence by counsel for JONES demonstrates a lack of a good faith basis to prevent same in violation of Federal Rule of Civil Procedure, 11;
18. That MORSE has demonstrated by clear and convincing evidence, ownership of these funds by JONES, that said funds are hereby frozen and not subject to any activity by JONES or any agent of JONES whether situated here or in the United States;

19. That these funds shall be frozen for the purpose of satisfying the judgment of this Court against JONES and in MORSE's favor;
20. That MORSE shall be required to deposit to their attorney's trust account the sum of \$15,000,000.00 no later than 10:00 a.m. tomorrow morning, the 20th day of March, 2009, to secure JONES in the event of an illegal seizure of said funds. If such funds are not so posted, this order shall be null and void in its entirety and the case shall proceed according to further order of this Court;
21. That counsel for MORSE shall appear before this Court and testify, under oath, as to his receipt of these funds, under penalty of perjury and subject to action by the Florida Bar;
22. That based upon argument and representations of MORSE's counsel, made under oath, MORSE is suffering from significant financial distress due to the economy and that such a posting could cause severe and irreparable harm to MORSE; thus, as swiftly as possible, in a manner that does not interfere with the mission of the federal agencies now herewith involved, however, with the full and unfettered cooperation of the federal agencies now involved in this matter, following the posting by Morse of \$15,000,000.00 associated with the seizure of the funds located in the Caymans. all other bond amounts shall be returned to MORSE as follows: \$15,000,000.00 previously posted by MORSE, \$4,118,757.00 previously posted by MORSE, and the \$18,500,000.00 posted in two separate postings by MORSE. MORSE's counsel shall act as liason between his clients and the federal agencies to expedite return of the funds. Should there be any unnecessary delay in such return of funds, Counsel for MORSE shall appear before this Court on an emergency basis to seek whatever assistance is required, and such assistance shall not be unreasonably withheld. The Clerk of the Courts is ordered to take all steps necessary to

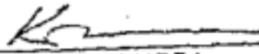
assist counsel in expediting return of the funds to MORSE in a timely and expedited fashion;

23. Further, within three (3) business days of the Clerk's receipt of said funds herewith being transferred from the Cayman Islands in compliance with this order, said amount being approximately \$20,000,000.00, shall notify this Court of same so that this Court can issue an order as to the division of said funds. Within five (5) business days of such order dividing same, that portion belonging to MORSE shall be delivered to them via their counsel;
24. The Court finds that JONES has waived its right to appeal the order of interest and penalties based upon the doctrine of fraud in the inducement. The court finds that JONES is not entitled to equitable relief of any kind based upon the fact the doctrine that he who seeks equity must do equity. JONES has unclean hands and thus can not recover anything from MORSE;
25. That this Court has jurisdiction over the Court currently hearing the matter known as MIZNER, referred to in the Court record by number and hereafter referred to as MIZNER;
26. That this Court orders the Court below (MIZNER) to release any and all bond funds held pursuant to prior order of that court within three (3) business days of the entry of this order. Counsel for MORSE shall facilitate same and insure that same occurs. Should there be a delay, counsel for MORSE shall appear before this Court on an emergency basis and seek whatever assistance is needed to achieve the established objectives;
- Counsel for the parties are instructed to insure that all deadlines in this Order are satisfied in a timely fashion, subject to further order of this Court;

28. That both the Federal Court of the Southern District of Florida and this Court have concurrent jurisdiction over these matters and same may be enforced in either venue; and

29. That pursuant to the Bank Secrecy Act as amended on October 21, 2008, The Freedom of Information Act, The United States Patriot Act II, The Currency and Foreign Transaction Reporting Act of 1970 as amended on November 11, 2006, USC 5311-5300, the USA Patriot Act, Title III and the judgment of this Court based upon information received under oath, this Order, the facts of and amounts contained herein, the findings hereof, and any and all other matters surrounding same shall be held in strict confidence so as not to jeopardize any potential investigation by the appropriate governmental agencies. Violation of this portion of this order shall result in civil and criminal penalties.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida this 25th day of March, 2009.


KENNETH A. MARRA
United States District Judge

Copies to:
All counsel of record
IRS, Plantation Office
FBI, Miami Office

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. UNDER SEAL -CIV-MARRA

EDWARD MORSE and CAROL
MORSE,

Plaintiffs,

vs.

JAN JONES INTERNATIONAL,
INC. a/k/a ICON BY JAN JONES,

Defendant.

STIPULATED CONFIDENTIALITY ORDER

1. On March 24, 2009, this Court entered a detailed Order with regard to its Final Findings in this matter ("Final Order").
2. As a direct result of the nature of a significant amount of the evidence presented to this Court prior to the Court entering its Final Order, and as a result of the contents of that Final Order, this Court has made a determination that the Final Order itself as well as the evidence leading to same shall be sealed and shall remain confidential, in perpetuity, unless otherwise ordered by this Court or another court of competent jurisdiction as detailed in this Confidentiality Order.
3. All parties to this matter, including all witnesses thereto, are hereby bound by this Confidentiality Order.
4. Any failure to comply with this Confidentiality Order by any party or witness shall result in severe consequences, including, without limitation, civil and criminal penalties.

- 5 Any breach of this Confidentiality Order must be reported to the Court, immediately by the discovering party. Failure to so report same shall result in severe consequences, including, without limitation, civil and criminal penalties.
6. The Final Order of this court dated March 24, 2009 shall be made a part hereof, and shall be incorporated by reference herein.
7. Any failure to comply with this Confidentiality Order or Final Order, must be reported to this court, under seal, and such non compliance shall result in severe consequences to the breaching party.
8. All information relating this Court's Final Order to which any party is given access or which is made available to any party is hereinafter referred to as "Confidential Information." Confidential Information shall include, without limitation, all methods and systems used in this case, names and addresses of customers, technical memoranda, research reports, investigative reports, analyses of any part of this case, all data, documents, and technology, contracts, depositions, notes of depositions, clients notes, clients diaries, lawyers notes, court notes, court orders preceding this order, pleading, all discovery, all email or other electronic communications between any and all parties, witnesses, lawyers, and/or other participating in any way in this matter, proprietary information, historical and projected financial information, acts of fraud, information relating to transfer of funds fraudulent or otherwise, posting of bonds, return of bonds, attorneys fees. operating data and organizational structures, now or hereafter existing or previously developed or acquired, regardless of whether any such information. data or documents qualify as "trade secrets" under applicable law, any and all other information related to this or any other related matter (collectively, the "Confidential Information").

Because the secrecy of the Confidential Information is critical to this court and its further proceedings which shall also remain confidential until brought public, the parties and witnesses hereto acknowledge and agree that the Confidential Information shall, at all times, be kept in strict confidence by the party and/or witness and same shall not, directly or indirectly, during or after the entry of this order and its execution, except as required by law, with the prior written consent of this court, (a) disclose to any person or entity any Confidential Information without the express written consent of this court which may be withheld in its sole discretion, or (b) use any Confidential Information for the parties own benefit or any other purposes, for the benefit or purposes of any other person or entity or in any manner, whatsoever. If the party or witness is required in any civil or criminal legal proceeding, regulatory proceeding or any similar process to disclose any part of the Confidential Information, such party shall give prompt notice of such request to the Court and the Court shall enter an order as it deems appropriate. Nothing shall be disclosed without same.

9. All Confidential Information, including, without limitation, all copies of all documents and other materials which the parties have received or reviewed or otherwise have knowledge of, shall, at all times, be kept in strict confidence by the party.
10. The parties have been advised and fully understand the heightened confidentiality requirements relative to this matter, including, among other things, the legal obligations of lawyers to maintain their confidentiality obligations to clients and the parties legal obligation to maintain the confidentiality set forth in this order. Clients are restricted from discussing this matter with any individual or entity other than their respective counsel of record in this matter. The parties have indicated that they, as a result of this action, have

access to certain Confidential Information as defined herein. By execution of this order, the parties recognize, acknowledge and confirm their understanding of the confidential nature of the Confidential Information and the damage that would result if any of the Confidential Information is disclosed to any Person and the parties understand their obligation to this court and the fact that this court has jurisdiction over them upon execution of this document by their consent thereto.

11. Further, because disclosure of any Confidential Information as defined herein would result in severe damage as contemplated by this Court, which would be difficult to quantify, the parties agree that liquidated damages would be a reasonable basis to calculate civil damages caused by a breach and that damages of \$1,000,000.00 per each incident of disclosure of Confidential Information by the parties and/or their representatives is agreed to under this Confidentiality Order. Such liquidated damages shall not prevent this Court from assessing additional damages and from moving forward in a criminal proceeding against the party so breaching this Confidentiality Order.
12. Each party hereby represents and warrants that they are not bound by the terms of a confidentiality agreement or other agreement with any third party that would conflict with any of the parties' obligations under this Confidentiality Order.
13. The Parties stipulate that this Stipulated Confidentiality Order is intended to strictly limit and prevent disclosure of information and production of documents compromising the Confidential Information set forth herein and in the Final Order dated March 24 2009.
14. It is further acknowledged that each party may be held responsible for any failure on his or her part to comply with the provisions of the Confidentiality Order, and agrees to

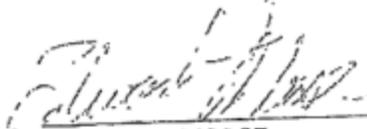
subject himself or herself to the jurisdiction of this court for the purpose of enforcing this Confidentiality Order.

15. The restrictions set forth in this Confidentiality Order shall apply to any and all documents or other information, whatsoever, designated as "CONFIDENTIAL" by this Court. All information shall be deemed confidential and the parties agree to exercise extreme discretion in protecting same. The Court hereby warns all parties hereto to err on the side of protecting such data. Violation of this order will be dealt with immediately and subject the violator to severe sanctions and penalties.
16. This Agreement shall be binding upon the parties hereto and their respective agents, successors and assigns, and inure to the benefit of the parties and their respective successors and assigns.
17. The parties warrant to each other that they each have full power and authority to execute this Agreement for and on behalf of themselves and/or their respective companies. Parties, as used herein, shall include all persons executing this document as well as their representatives, agents and assigns.
18. Each party placing their signature hereon makes the following attestation:

I certify and acknowledge, under penalty of perjury, that I have received a copy of the Stipulated Confidentiality Order (the "Confidentiality Order") which governs the production and use of confidential documents and information produced by the Parties (as defined in the Order) or third parties in this case. I have read and understand the Order and I hereby acknowledge that I am bound by it and agree to abide by it. I further understand that information designated as "CONFIDENTIAL" in this case, and any notes, memoranda or other form of information derived from it.

may not be used, copied or disclosed by me to anyone else except in strict accordance with the order and then only for the prosecution and defense of this litigation upon proper court order.

[SIGNATURES ON FOLLOWING PAGES]


EDWARD J. MORSE

STATE OF Florida)

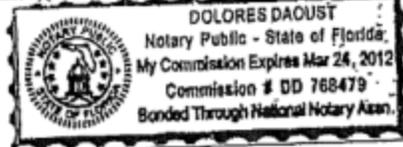
COUNTY OF Broward)

BEFORE ME, the undersigned authority, personally appeared EDWARD J. MORSE who, after being duly sworn according to law, deposes and says that he has read the foregoing document and that it is true and correct under penalty of perjury.

SWORN AND SUBSCRIBED before me this 17 day of March, 2009.


(Signature of Notary Public)

Dolores Daoust
(Print, Type, or Stamp Commissioned Name of Notary Public)



COMMISSION NUMBER/EXPIRATION/SEAL

United States Court of Appeals,

Eleventh Circuit.

Under Seal-Civ-Marra.

EDWARD MORSE and CAROL MORSE, Plaintiffs-Appellants,

■

JAN JONES INTERNATIONAL, INC. a/k/a ICON BY JAN JONES, Defendant-Appellee.

In re EDWARD MORSE and CAROL MORSE, Petitioners.

Appeal from the United States District Court for the Southern District of Florida (Under Seal-Civ-Marra), Kenneth A. Marra, Judge.

PETITIONERS' MOTION FOR EMERGENCY WRIT OF MANDAMUS

Petitioners, EDWARD MORSE and CAROL MORSE, by and through their undersigned counsel, file this, their Motion for Emergency Writ of Mandamus and would state as follows:

1. This matter is before this Honorable Court on an Emergency Writ of Mandamus.
2. This matter and the entire file below have been presented to the court as SEALED pursuant to prior order of the Court below.
3. This matter is pending before the Honorable United States District Court Judge, Kenneth Marra.
4. On March 25, 2009 and on April 23, 2009, Judge Marra entered detailed orders in this matter, copies of which are attached hereto and incorporated by reference herein.
5. As set forth in the Orders, Judge Marra ordered that certain specific acts take place on certain specific dates. Many of these acts involved return of a large sum of money to the Plaintiffs.

6. Upon receipt of the orders, the undersigned began to put into place all actions necessary to timely comply with said orders.

7. In hearings held subsequent to the entry of these orders, it became abundantly clear to the undersigned that Judge Marra was in some way uncomfortable with his orders and was either staying the orders or reversing his prior decisions by vacating the orders.

8. However, despite continuous inquiry by the undersigned, counsel was unable to determine what Judge Marra intended to do and how he intended to proceed.

9. A thorough review of the record below which is available to this Court under seal clearly indicates that the undersigned, as counsel for the plaintiff had significant basis for concern based upon comments and ore tenus rulings made by Judge Marra in the court below.

10. Most importantly, as can be seen by the sealed record now before this court, when the undersigned specifically inquired of the Court as to whether he was permitted to move forward with the orders entered on March 25th and April 23rd, the courts responses to the undersigned are non-descriptive and completely without guidance at best.

11. When the undersigned inquired of the court below further and specifically asked the court whether the orders were stayed, vacated, reversed or in full force and effect, the court clearly replied that the court believes it had made itself clear.

12. Not wanting to violate a court order of a respected district court judge, the undersigned determined that the only course of conduct remaining in order to protect his clients' rights was to file an Emergency Writ of Mandamus with this court.

13. It is the position of the Plaintiffs that they have a clear and unwavering legal right to the relief awarded them in the courts orders as set forth herein.

14. Moreover, it is without doubt that the undersigned had every right to be concerned with the ore tenus rulings of the court below which post dated the orders in question.

15. As an officer of the court, the undersigned has a direct responsibility to zealously protect the rights of his client. And, as an officer of the court, the undersigned has a direct responsibility to fully and completely obey the orders of court and when, he is given reason to doubt the efficacy of subsequent orders of court that appear to taint the order in question, to attempt to ascertain the validity of said order. That is exactly what the undersigned has done here.

16. Upon determining that the validity of the orders in question were in doubt, and upon determining that he could not proceed without further order of a higher court, this Emergency Writ was filed.

17. Plaintiffs have a clear legal right to the relief specifically set forth in the orders in question.

18. The court below had an indisputable duty to act but failed to do so and failed to given the undersigned any guidance.

19. At this stage in the proceedings, the Plaintiffs have no other remedy at law other than this Writ.

20. If this writ is not entered in Plaintiffs favor, the Plaintiffs will suffer unfair prejudice as a matter of law.

Dated this 9th day of July, 2009.

Respectfully submitted,

ROTHSTEIN ROSENFELDT ADLER

Counsel for Petitioners

Las Olas City Centre

401 E. Las Olas Boulevard

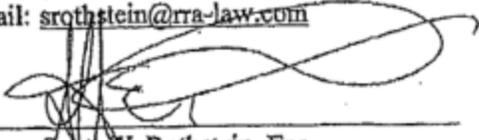
Suite 1650

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By: 

Scott W. Rothstein, Esq.

Florida Bar No.: 765880

FOR THE FIRM

United States Court of Appeals,

Eleventh Circuit.

Under Seal-Civ-Marra.

EDWARD MORSE and CAROL MORSE, Plaintiffs-Appellants,

•

JAN JONES INTERNATIONAL, INC. a/k/a ICON BY JAN JONES, Defendant-Appellee.

In re EDWARD MORSE and CAROL MORSE, Petitioners.

August 13, 2009.

Appeal from the United States District Court for the Southern District of Florida (Under Seal-Civ-Marra), Kenneth A. Marra, Judge.

On Petition for Writ of Mandamus.

Before Susan H. Black, Circuit Judge:

ORDER ON EMERGENCY WRIT OF MANDAMUS

Having reviewed the sealed court file as provided by the Clerk of the Court below (Judge Marra), and having heard argument of counsel in closed proceedings to maintain the integrity of the confidentiality order issued in this matter by the Court below, as well as having heard directly from Judge Marra and Judge Gerber, we find as follows:

Findings of Fact

1. The Court below entered orders on March 25, 2009 and April 23, 2009, specifying that certain specific acts were to take place on certain specific dates. Many of these actions involved return of funds rightfully belonging to the Plaintiffs.

2. Subsequent to the entry of same, Judge Marra, despite his rulings to the contrary, made multiple ore tenus rulings on the record which gave counsel for Plaintiff clear room for pause in following said orders.

3. In multiple subsequent hearings, Plaintiffs counsel clearly attempted to ascertain whether the orders stood as entered or whether they had been reversed or stayed. Based upon our full and complete review of the record it became clear that Judge Marra had no intention of proceeding as he previously ordered and was either reversing or staying his prior orders as set forth above. Whichever his intention is not for this Court to decide. We simply review this matter as it is presented to us, to wit: lawful orders were entered and then vacated or stayed for no clear and convincing reason and without a stated basis in law or fact. We make no finding whether Judge Marra was correct in his conclusion, but simply that the record lacked the thoroughness and completeness that is mandated when reversing orders of this magnitude.

4. Thus, we find that counsel for Plaintiff properly and timely filed a sealed Emergency Writ of Mandamus with this Court in an attempt to properly protect his clients rights under the order.

Conclusions of Law

1. This Court has jurisdiction over this matter pursuant to the laws controlling Writs of Mandamus

2. This matter is properly before this court

3. The findings of Judge Marra in the court below, in the orders dated March 25 and April 23, 2009, are well based in fact and law.

4. The subsequent ore tenus rulings of Judge Marra are without basis in law or fact.

5. The subsequent ore tenus rulings by Judge Marra fail to provide a sufficient record, as mandated by the rules of court, to allow this court to enter a ruling as to whether Judge Marra had the legal right to stay or reverse his prior order.

6. Plaintiffs writ of mandamus is legally sufficient to allow this court to rule in full on all matters pending before it.

Thus, we as a Court with jurisdiction over this matter find as follows:

7. Judge Marra's prior orders are hereby reinstated and remain in full force and effect. To the extent that the later order conflicts with the earlier order, the later order shall prevail and control.

8. Judge Marra's concerns regarding protection of the Government's role in this matter are well founded in both law and fact. We specifically defer further comment on this portion of this matter to maintain the integrity of the government's investigation.

9. As a matter of procedure we note that a confidentiality order remains in full force and effect in this matter. We specifically mandate that our rulings herein shall have no effect, whatsoever, on said order and that same shall remain in full force and effect in perpetuity. We again strongly caution all counsel and mandate that they caution and counsel their respective clients that this matter is governed by a strict confidentiality order that this court hereby holds shall remain in full force and effect and which this court strongly cautions, contains severe penalties for any violation of same.

10. This order and the complete sealed record shall be forwarded to the Department of Treasury, forthwith. The clerk of this court is ordered to expedite same. Sealed instructions shall be provided by this court to the Clerk.

11. The Department of Treasury is ordered to expeditiously review the materials and then, upon completion of same, shall immediately send a letter to this court advising that such review is complete and that they require nothing further from this court. Upon receipt of same, the clerk of this court shall advise Plaintiffs counsel that his Writ has been granted in full and that he is free to comply fully and completely with Judge Marra's orders. A copy of this order shall then be provided to all counsel of record.

12. This order shall not be furnished to any counsel of record until such time as the Department of Treasury has completed its review of the sealed record and has forwarded said letter as mandated above this court. This order is self executing and thus, nothing need be brought back before this court on any of these issues.

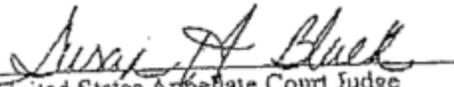
13. Plaintiffs have a clear legal right to the remedies they are seeking.

14. The court below had an indisputable duty to act but failed to do so.

15. The plaintiffs have no other remedy available to them in law or equity.

16. If this court does not act, the plaintiffs will suffer irreparable harm and unfair prejudice.

DONE AND ORDERED in Chambers, at Atlanta, Georgia, this 13 day of August, 2009.


United States Appellate Court Judge
United States Court of Appeals
Eleventh Circuit

Copies to:
IRS, Plantation Office

FBI, Miami Office
U.S. Dept of Treasury, Washington, D.C.
Clerk of Court, United States District Court

ROY BLACK
HOWARD M. SREBNICK
SCOTT A. KORNSPAN
LARRY A. STUMPF
MARIA NEYRA
JACKIE PERCZEK
MARK A.J. SHAPIRO
JARED [REDACTED]

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NOAH FOX

E-Mail: RBlack@RoyBlack.com

October 21, 2009

Maria Villifaña, Esq.
U.S. Attorney's Office
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401

RE: Jeffrey Epstein

Dear Maria:

I am in receipt of your letter dated Sept 18, 2009, and believe it is necessary to correct certain inaccuracies contained in that communication.

First, you state that the Non-Prosecution Agreement "called for Mr. Epstein to serve eighteen months in county jail followed by twelve months of community control." In fact, the Non-Prosecution Agreement, at ¶ 2 (a) and (b) required, instead, that Mr. Epstein "shall be sentenced," as in fact he was, to consecutive sentences of 12 and 6 months followed by a 12- month community control probation sentence. Additionally, ¶ 12 of the Non-Prosecution Agreement specifically states that Epstein is entitled to "eligibility for gain time credit based on standard rules and regulations that apply in the state of Florida," thus clearly contemplating that the 18-month jail sentence would be reduced by standard gain time credit. In short, the Agreement expressly contemplated gain time and in no respect contained a requirement that Epstein "serve" 18 months in county jail. As in the federal system, there is no day-to-day conformity between the length of an imposed sentence and the number of days that such a sentence obligates a defendant to serve.

Second, you state that Mr. Epstein's gain time was "based upon Mr. Epstein's 'work release.'" Mr. Epstein's gain time was not in any way tied to or dependent upon his work release; instead, it was calculated according to the same state law and procedures applicable to each sentenced state prisoner as contemplated by the Non-Prosecution Agreement, ¶ 12 quoted above.

Maria Villifaña, Esq.
October 21, 2009
Page 2

Third, the facts that you recite regarding the single occasion where Mr. Epstein "was found . . . walking to work" are at odds with what actually occurred. Epstein had specific authorization to walk to work, this authorization was verified by the police with Epstein's probation officer, and the street on which Epstein was actually stopped was in a direct route to Epstein's office. Epstein was stopped on the sidewalk at the intersection of South Ocean Boulevard and Clarke Avenue. In order to avoid walking through town, Epstein took a street that was one block east, in what is generally a less populated route. The matter was fully investigated, and Epstein was found to be in total compliance with his community control probation restrictions. Moreover, the distance to Epstein's office from the location where he was stopped is, according to our calculations, less than three miles, not the eight miles as you allege.

Finally, it is important to stress that my letter to you of September 1, 2009, was another example of Epstein (and his counsel's) commitment to conform to the requirements of the Non-Prosecution Agreement. Agreements between the government and its citizens "are generally construed according to the principles of contract law, and the government, as drafter, must be held to an agreement's literal terms," *United States v. Anglin*, 215 F.3d 1064, 1066 (9th Cir, 2000). We believe Epstein has conformed to the Agreement's requirements and would welcome the opportunity to meet with you to make sure each party has a common view of its obligations and rights.

Very truly yours,



Roy Black

RB/wg

cc: Jeff Sloman, Esq., Acting U.S. Attorney

IN THE FOURTH DISTRICT COURT OF APPEAL
FOR THE STATE OF FLORIDA

JEFFREY EPSTEIN,

CASE NO: 4D09-2554

Petitioner,

vs.

L.T. No. 20098CF009381A (Palm
Beach)

STATE OF FLORIDA,

Respondent.

RESPONDENT B.B.'S MOTION TO SUPPLEMENT THE RECORD

Respondent B.B. moves to supplement the record before the Court on Petitioner Jeffrey Epstein's petition for writ of certiorari and states as follows:

1. Petitioner Epstein filed an emergency petition for writ of certiorari requesting that this Court quash the order of Fifteenth Judicial Circuit Judge Jeffrey Colbath unsealing a nonprosecution agreement between Petitioner Epstein and the United States Attorney's Office.
2. One of Petitioner Epstein's arguments for quashing the lower court order is that Respondent B.B. is able to obtain the sealed nonprosecution agreement from the United States Attorney's Office pursuant to the terms of a federal order issued by Judge Marra of the Southern District of Florida:

As Mr. Epstein's counsel stated at the June 25, 2009 hearing in front of Judge Colbath, B.B., as an alleged victim, is entitled to production of the document subject to the conditions in Judge Marra's orders (A-18:41).

Reply Brief, p. 21, ¶ 3.

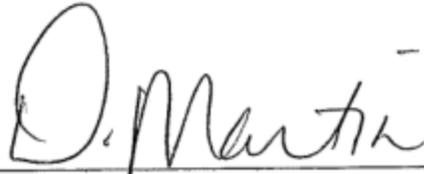
3. Respondent B.B., in fact, is not able to obtain the nonprosecution agreement from the United States Attorney's Office. Late yesterday afternoon, counsel for B.B. received the attached letter from the United States Attorney advising that he cannot disclose the nonprosecution agreement to B.B. because she was not identified by the USAO as one of Epstein's victims.
4. Although this letter was not before the trial court prior to the issuance of the order unsealing the agreement, it directly bears on the proceedings before this Court. It should also be noted that Petitioner Epstein submitted a supplemental appendix with his reply brief that includes documents created after the order under review here and were not, therefore, considered by Judge Colbath when unsealing the nonprosecution agreement.
5. The undersigned counsel for Respondent B.B. has conferred with Jane Kreuzler-Walsh, counsel for Petitioner Epstein, regarding this motion to supplement. Ms. Walsh advised that she is on vacation and would refer the matter to trial counsel. Undersigned counsel has not yet heard from trial counsel regarding Petitioner Epstein's position on this motion to supplement. As briefing in this case has been completed and the Court might rule at any time, Respondent B.B. is filing this motion without knowledge of whether opposing counsel opposes the relief requested. Respondent will file an

amended motion upon opposing counsel advising of the Petitioner's position on this motion.

WHEREFORE, Respondent B.B. respectfully requests the Court supplement the record before the Court on Petitioner Epstein's petition for writ of certiorari with the attached letter to Respondent B.B. from the United States Attorney's Office.

Dated: August 5, 2009

By:



Diana L. Martin
Florida Bar No. 624489
LEOPOLD~KUVIN, P.A.
2925 PGA Blvd., Suite 200
Palm Beach Gardens, FL 33410
Telephone: 561-515-1400
Facsimile: 561-515-1401
skuvin@leopoldkuvin.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail on August 5, 2009, on the following:

Jack A. Goldberger, Esq.
Attorney For: Jeffrey Epstein
250 Australian Avenue
Suite 1400
West Palm Beach, FL 334101
Phone: (561) 659-8300
Fax: (561) 835-8691

Jane Kreuzler-Walsh, Esq.
Barbara J. Compiani, Esq.
Attorneys For: Jeffrey Epstein
Kreuzler-Walsh, Compiani & Vargas,
P.A.
501 S. Flagler Drive, Suite 503
West Palm Beach, FL 33401-5913
Phone: (561) 659-5455

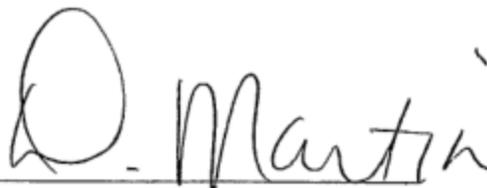
Robert D. Critton, Jr., Michael J. Pike
Attorney For: Jeffrey Epstein
515 North Flagler Drive
Suite 400
West Palm Beach, FL 33401
Phone: (561) 842-2820
Fax: (561) 844-6929

Jeffrey H. Sloman, Esq.
U.S. Attorney's Office-Southern District
500 S. Australian Ave., Suite 400
West Palm Beach, FL 33401

Judith Stevenson Arco, Esq.
State Attorney's Office-West Palm
Beach
401 N. Dixie Highway
West Palm Beach, FL 33401

William Berger, Esq.
Attorney For: E.W.
Rothstein Rosenfeldt Adler
401 E. Las Olas Blvd., Suite 1650
Ft. Lauderdale, FL 33394

Deanna K. Shullman
Attorney For: Palm Beach Post
400 N. [REDACTED] Dr., Suite 1100
P.O. Box 2602 (33601)
Tampa, FL 33602



Diana L. Martin
Florida Bar No. 624489



U.S. Department of Justice

United States Attorney
Southern District of Florida

500 South Australian Ave., Suite 400
West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777

August 4, 2009

VIA ELECTRONIC MAIL

Spencer T. Kuvin, Esq.
Leopold~Kuvin, P.A.
2925 PGA Boulevard
Suite 200
Palm Beach Gardens, FL 33410

Re: Jeffrey Epstein/B.B. – Requested Disclosure of Non-Prosecution Agreement

Dear Mr. Kuvin:

Thank you for your letter regarding the disclosure of the Non-Prosecution Agreement signed by Jeffrey Epstein. I understand that you are asking for a copy of that Agreement in connection with your representation of "B.B." As you are aware, the Agreement contains a confidentiality provision. Based upon a lawsuit filed by some of Mr. Epstein's victims, U.S. District Judge Kenneth Marra has issued a Protective Order requiring the U.S. Attorney's Office to provide copies of the Agreement to certain individuals under certain circumstances. The Order states:

If any individuals who have been identified by the USAO [U.S. Attorney's Office] as victims of Epstein and/or any attorney(s) for those individuals request the opportunity to review the Agreement, then the USAO shall produce the Agreement to those individuals, so long as those individuals also agree that they shall not disclose the Agreement or its terms to any third party absent further court order, following notice to and an opportunity for Epstein's counsel to be heard . . .

(Court File No. 08-CV-80737-MARRA, DE 26, ¶ (e).)

The language "individuals who have been identified by the USAO as victims of Epstein" refers to a specific list of individuals who were the subject of the federal investigation. A list of those individuals was provided to Mr. Epstein's attorney. Your client, B.B., was not identified during that investigation, and, therefore was not on the list. By stating this I am not, in any way, denigrating any harm that your client may have suffered. I am simply stating that, given time and resource limitations that we faced during the investigation, B.B. was not a person who was positively identified, such that she would have been the subject of charges within a

SPENCER T. KUVIN, ESQ.
AUGUST 4, 2009
PAGE 2

possible federal indictment.

For this reason, your client is not covered by the Court's Protective Order and the Agreement's confidentiality provision remains intact. If you are unable to get a copy of the Agreement via the civil discovery process in the lawsuit that you have filed against Mr. Epstein, please ask his counsel if they will consent to my production of the Agreement to you and I will send a copy to you.

Sincerely,

Jeffrey H. Sloman
Acting United States Attorney

By: *s/A. Marie Villafaña*
A. Marie Villafaña
Assistant U.S. Attorney

cc: Karen Atkinson, Esq.

MERMELSTEIN & HOROWITZ PA

ATTORNEYS AT LAW

Adam D. Horowitz
Tel 305.931.2200
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18205 Biscayne Blvd.
Suite 2218
Miami, Florida 33160
www.sexabuseattorney.com

September 29, 2009

Via U.S. Mail

Hon. Jeffrey Colbath
Palm Beach County Circuit Court
Criminal Division W
205 North Dixie Highway, Room 11.2213
West Palm Beach, FL 33401

Re: State of Florida v. Jeffrey Epstein

Dear Judge Colbath:

I am writing to you regarding Jeffrey Epstein as I understand you may be the presiding judge in his criminal case.

My client, [REDACTED], is one of Jeffrey Epstein's alleged victims. She has asked me to report to you that Jeffrey Epstein violated the terms of his probation, including his No-Contact Order, during an incident on September 16, 2009 in which Mr. Epstein came within approximately ten (10) feet of her, stared her down, and intimidated her to tears. This occurred at a time and place where Jeffrey Epstein knew he might come into contact with [REDACTED]. An affidavit setting forth the facts is attached hereto. My client can testify to these events as well.

If you require additional information from my client, please do not hesitate to ask.

Respectfully submitted,


Adam Horowitz

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

Related Cases:

08-80232, 08-80380, 08-80381, 08-80994,
08-80993, 08-80811, 08-80893, 09-80469,
09-80591, 09-80656, 09-80802, 09-81092,

DECLARATION OF ADAM D. HOROWITZ

1. My name is Adam D. Horowitz. I am an attorney for Jane Doe No. 4.
2. The deposition of Jane Doe No. 4 was scheduled for September 16, 2009 at 1:00 p.m. at 350 Australian Ave. South, Suite 115, West Palm Beach, Florida. On the day before the deposition, the undersigned and counsel for Jeffrey Epstein entered into a written stipulation in which it was agreed that "Jeffrey Epstein will not attend tomorrow's deposition of Jane Doe No. 4 (in the absence of a court order permitting him to attend)." It was further agreed that Jeffrey Epstein may listen in to the deposition by telephone or view a videofeed of the deposition, but under no circumstances would he "be seen by our client."
3. While Jane Doe No. 4 and I were in the lobby of 350 Australian Ave South at approximately 1:00 p.m. for her deposition on September 16, 2009, we crossed paths with Jeffrey Epstein and someone who appeared to be his bodyguard. Jeffrey Epstein stopped

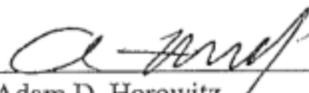


walking and began to stare at and intimidate Jane Doe No. 4. Jane Doe No. 4 was terrified, began crying and ran outside the building. Jeffrey Epstein smirked at her and walked away.

4. As a result of this incident, Jane Doe began crying uncontrollably and was unable to proceed with her deposition.

Under penalties of perjury I declare that I have read the foregoing Declaration and the facts stated in it are true.

Dated: September 17, 2009


Adam D. Horowitz

Jeffrey J. Colbath
Circuit Court Judge
205 North Dixie Highway
West Palm Beach, FL 33401

R. Alexander Acosta, U.S. Attorney's Office - Southern District
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401



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ROY BLACK
HOWARD M. SREBNICK
SCOTT A. KORNSPAN
LARRY A. STUMPF
MARIA NEYRA
JACKIE PERCZEK
MARK A.J. SHAPIRO
JARED [REDACTED]

BLACK
SREBNICK
KORNSPAN
STUMPF
— PA. —

JESSICA FONSECA-NADER
KATHLEEN P. PHILLIPS
AARON ANTHON
MARCOS BEATON, JR.
MATTHEW P. O'BRIEN
JENIFER J. SOULIKIAS
NOAH FOX

E-Mail: RBlack@RoyBlack.com

September 1, 2009

Jeffrey Sloman, Esq.
Assistant U.S. Attorney
United States Attorney's Office
99 N.E. 4th Street
Miami, Florida 33132

RE: Jeffrey Epstein

Dear Jeff:

Once again I need to send you a note about Jeffrey Epstein, mainly to keep you in the loop so we don't inadvertently violate any provision of his agreement with your office. As I am sure you are aware, Mr. Epstein has finished the incarceration portion of his sentence and is now serving the one year of community control as mandated by both his state plea and the terms of the non-prosecution agreement with the United States Attorney's Office for the Southern District of Florida.

Mr. Epstein is in compliance with all terms of his community control and is applying for transfer of his supervision from the State of Florida to his primary residence, the Virgin Islands. This transfer is being requested through the Intrastate Compact for Transfer of Adult Supervision (ICAOS). The ICAOS is the mechanism for which transfers of probation and community control are effectuated. The process requires the offender to seek the approval of the sending state (in this case Florida) and, if they agree, the receiving state (in this case the United States Virgin Islands) and the United States Virgin Islands after investigation has pre-approved the transfer under the same exact conditions of supervision as imposed in Mr. Epstein's community control sentence in the State of Florida.

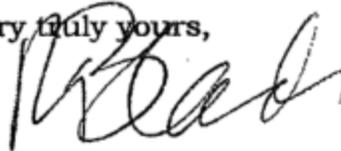
Even though Mr. Epstein is requesting the transfer he is still at the home

Jeffrey Sloman, Esq.
September 1, 2009
Page 2

in Palm Beach following the rules of state community control. As Mr. Epstein's lawyers, we believe that his request to administratively transfer his community control is in full compliance with both his state plea agreement and the non-prosecution agreement with the United States Attorney's Office. Nonetheless we have taken to heart your previous suggestion of erring on the side of caution and thus we are advising you of this request.

I am happy to discuss this with you at any time. I did not want to set an appointment to see you on this issue since I imagine you have more pressing matters to deal with than a transfer of a state community control matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Roy Black", written over the closing text.

Roy Black

RB/wg

IN THE DISTRICT COURT OF
APPEAL OF THE STATE OF
FLORIDA, FOURTH DISTRICT

JEFFREY EPSTEIN,

Petitioner,

CASE NO. 4D09-2554

PALM BEACH COUNTY

L.T. CASE NO. 2008 CF 009381A

STATE OF FLORIDA,

Respondent.

RESPONSE TO MOTION TO SUPPLEMENT THE RECORD

Petitioner, JEFFREY EPSTEIN, files this response to the Motion to Supplement the Record filed by Respondent, B.B. on August 5, 2009. Mr. Epstein has no objection to the motion.

I HEREBY CERTIFY that a copy of the foregoing has been sent by mail this 20th day of August, 2009, to:

JEFFREY H. SLOMAN
U.S. Attorney's Office-Southern District
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401

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State Attorney's Office-West Palm Beach
401 North Dixie Highway
West Palm Beach, FL 33401

WILLIAM J. BERGER
ROTHSTEIN ROSENFELDT ADLER
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Counsel for E.W.

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Counsel for The Palm Beach Post

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DIANA L. MARTIN
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Counsel for B.B.

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and

JACK A. GOLDBERGER of
ATTERBURY, GOLDBERGER & WEISS, P.A.
250 Australian Avenue South, Suite 1400
West Palm Beach, FL 33401
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and

JANE KREUSLER-WALSH and
REBECCA MERCIER VARGAS of
KREUSLER-WALSH, COMPIANI & VARGAS, P.A.
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(561) 659-5455

janelwalsh@jkwpa.com

Counsel for Petitioner

By: Rebecca Mercier Vargas FL Bar No. 0150037
FOR: JANE KREUSLER-WALSH
Florida Bar No. 272371

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COMPANI & VARGAS, P.A.
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WEST PALM BEACH, FLORIDA 33401-5913

JEFFREY H. SLOMAN
U.S. Attorney's Office-Southern District
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401



33401+6295





U.S. Department of Justice

*United States Attorney
Southern District of Florida*

*500 S. Australian Ave, Ste 400
West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777*

June 12, 2009

DELIVERY BY HAND

Jack A. Goldberger, Esq.
Atterbury, Goldberger & Weiss, P.A.
One Clearlake Centre, Suite 1400
250 Australian Ave S.
West Palm Beach, FL 33401-5015

Re: Jeffrey Epstein

Dear Mr. Goldberger:

Pursuant to the terms of the Non-Prosecution Agreement, the United States Attorney's Office for the Southern District of Florida hereby provides you with notice that the United States Attorney has determined, based on reliable evidence, that Jeffrey Epstein has willfully violated one of the conditions of the Non-Prosecution Agreement. Specifically, on May 26, 2009, Jeffrey Epstein, through his counsel, filed a "Motion to Dismiss the First Amended Complaint or, in the Alternative, for a More Definite Statement," in the matter of *Jane Doe No. 101* ■ *Jeffrey Epstein*, Court File No. 09-CV-80591-KAM. "Jane Doe No. 101" was on the list provided to Mr. Epstein's attorneys of individuals whom the United States had identified as victims, as defined in 18 U.S.C. § 2255, and "Jane Doe No. 101" has elected to proceed exclusively under 18 U.S.C. § 2255. By filing the Motion to Dismiss, Mr. Epstein is contesting liability and, therefore, has violated Term 8 of the Non-Prosecution Agreement.

Based upon Mr. Epstein's breach of that term, the U.S. Attorney's Office will pursue its remedies. The U.S. Attorney's Office also is continuing its review of Mr. Epstein's filings in the civil suits to determine whether additional breaches have occurred. If any are

JACK GOLDBERGER, ESQ.
JUNE 12, 2009
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identified, they will be communicated to you in accordance with the terms of the Non-Prosecution Agreement.

Sincerely,

Jeffrey H. Sloman
Acting United States Attorney

By:



A. Marie Villafañá
Assistant United States Attorney

cc: Karen Atkinson, Chief, Northern Division
Roy Black, Esq.

KIRKLAND & ELLIS LLP***Fax Transmittal***

300 North LaSalle Street
 Chicago, Illinois 60654
 Phone: (312) 862-2000
 Fax: (312) 862-2200

Please notify us immediately if any pages are not received.

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 PLEASE NOTIFY US IMMEDIATELY AT:
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To:	Company:	Fax #:	Direct #:	
A. Marie Villafañã	United States Attorney, Southern District of Florida	(561) 820-8777	(561) 820-8711	
CC:	Company:	Fax #:	Direct #:	
Martin G. Weinberg, Esq.				
From:	Date:	Pages w/cover:	Fax #:	Direct #:
Sandra Musumeci for Jay P. Lefkowitz, P.C.	July 29, 2011	4	[REDACTED]	[REDACTED]
Message:				

Please see the attached letter, in response to your letter to Martin Weinberg of July 27, 2011, concerning Jeffrey Epstein. Thank you.

KIRKLAND & ELLIS LLP
AND AFFILIATED PARTNERSHIPS

601 Lexington Avenue
New York, New York 10022

Jay P. Lefkowitz, P.C.
To Call Writer Directly:

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July 29, 2011

Delivery by Facsimile

CONFIDENTIAL

A. Marie Villafañá
Assistant United States Attorney
United States Attorney, Southern District of Florida
500 S. Australian Avenue
Suite 400
West Palm Beach, FL 33401

Re: Jeffrey Epstein

Dear Ms. Villafañá:

Thank you for your letter of July 27, 2011 to my co-counsel Martin Weinberg concerning the request by the New York District Attorney for copies of the Non-Prosecution Agreement ("NPA") and the "victim list" in regards to Mr. Epstein. We continue for the reasons stated herein to believe that any such disclosure would violate the confidentiality agreement between your Office and Mr. Epstein as well as the provisions of Fed. R. Crim. P. 6(e).

As to the NPA, you have repeatedly asserted in Doe v. United States, No. 9:08-cv-80736-KAM, that the NPA was a *confidential document*. For instance, in paragraph 6 of Document 14, your own Declaration, you stated that the NPA contained "an express confidentiality provision." In opposing the Motion to Unseal the NPA that was filed by Jane Doe, you stated that you had informed Judge Marra of the confidentiality provision during an earlier telephonic status conference occurring on August 14, 2008 which "the United States was obligated to honor," Document 29 at 1, and that "the parties who negotiated the Agreement, the United States Attorney's Office and Jeffrey Epstein, determined that the Agreement should remain confidential," Document 29 at 2. Further, you deemed the NPA "confidential," for understandable purposes, in your September 3, 2008 letter to Robert Josefsberg in which you informed him that Judge Marra had set forth procedures for providing the NPA only to those counsel and "victims" who executed a Protective Order preventing its subsequent disclosure.

The New York Assistant District Attorney, Ms. Morse, is representing the prosecution in an appeal regarding a sex offender registration determination, and any disclosure of the NPA to her has the potential to result in its use in that appeal and the real risk that the appellate court will unseal it. We believe it to violate both the spirit and the most logical interpretation of the NPA,

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paragraph 13, for you to disclose it absent a subpoena -- which we could oppose in the jurisdiction from which it emanated. We further believe that when parol evidence supplements the text of paragraph 13 of the NPA, it is perfectly apparent from your prior submissions that you as well as we believed the NPA to contain "an express confidentiality provision" that your current willingness to disclose absent court process violates.

As to the "victim list," again, not only is it confidential given its nexus to the NPA, but your own prior letters tie the list to the Federal Grand Jury investigation and thus to the non-disclosure provisions of Fed. R. Crim. P. 6(e). On July 8, 2008, you wrote to Jack A. Goldberger, Esq., and informed him that on June 30, 2008, "the United States Attorney's Office provided [him] with a list of thirty-one individuals '*whom it was prepared to name in an Indictment* as victims of an enumerated offense by Mr. Epstein.'" (emphasis added). On July 9, 2008, you wrote in a follow-up letter to Mr. Goldberger that "the U.S. Attorney's modification of the 2255 portion of the Agreement now limits our victim list to those persons *whom the United States was prepared to include in an indictment*. This means that, pursuant to Justice Department policy, these are individuals for whom the United States believes it has proof beyond a reasonable doubt that each of them was a victim of an enumerated offense." (emphasis added). First Assistant United States Attorney Jeffrey Sloman used similar language in tying the names of the "victims" to the basis for a potential indictment, see December 6, 2007 letter from Mr. Sloman to Mr. Lefkowitz at 2, 3; see also your email to Mr. Lefkowitz and Mr. Black on August 14, 2008 at 3:27 p.m., where you state that the list contains "only those 'individuals whom [the United States] was prepared to name in an Indictment...,'" thus clearly providing the nexus between the list and the Grand Jury investigation and its corollary, the protections from non-disclosure enumerated in Fed. R. Crim. P. 6(e).

In terms of case law, the names of witnesses that either testified or were identified during Grand Jury proceedings are subject to the secrecy provisions of Fed. R. Crim. P. 6(e). See, e.g., In re Grand Jury Subpoena, Judith [REDACTED], 438 F.3d 1138, 1140 (D.C. Cir. 2006) ("Consistent with these purposes, we have recognized that grand jury secrecy covers 'the identities of witnesses or jurors, the substance of testimony as well as actual transcripts, the strategy or direction of the investigation, the deliberations or questions of jurors, and the like.'" (citing In re Dow Jones & Co., Inc., 142 F.3d 496, 500 (D.C. Cir. 1998)); see also SEC v. Dresser Industr. Inc., 628 F.2d 1368, 1382 (D.C. Cir. 1980); Fund for Constitutional Gov't v. Nat'l Archives & Records Serv., 656 F.2d 856, 869 (D.C. Cir. 1981). Indeed, it is generally recognized that the scope of protection accorded to Grand Jury proceedings under Rule 6(e) is broad and encompasses, among other things, information such as the "victim list" at issue here:

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We construe the secrecy provisions of Rule 6(e) to apply not only to disclosures of events which have already occurred before the grand jury, such as a witness's testimony, but also to disclosures of matters which will occur, such as statements which reveal the identity of persons who will be called to testify or which report when the grand jury will return an indictment.

In re Grand Jury Investigation, 610 F.2d 202, 216-17 (5th Cir. 1980).¹

We believe that confidentiality applies to the requested information. We believe that any non-compulsory handover of the list or NPA is inconsistent with the positions you have previously taken in related litigation. Accordingly, we request that you reconsider and decline the request of the New York District Attorney.

Sincerely,



Jay P. Lefkowitz, P.C.

Cc: Martin G. Weinberg

JPL/slm

¹ Decisions of the United States Court of Appeals for the Fifth Circuit handed down prior to September 30, 1981, are binding as precedent in the Eleventh Circuit. See Bonner v. City of Prichard, Ala., 661 F.2d 1206, 1207 (11th Cir. 1981).

