

From: "[REDACTED] (USAFLS)" <[REDACTED]>

To: "[REDACTED] (USAFLS)" <[REDACTED]>

Subject: RE: Voluntary Production of Materials?!

Date: Wed, 11 Jan 2012 18:17:00 +0000

Importance: Normal

I will be at courthouse. Please call me on my cell. [REDACTED]. I have a plea that starts at 2:00.

[REDACTED]
Assistant U.S. Attorney

From: [REDACTED] (USAFLS)
Sent: Wednesday, January 11, 2012 11:27 AM
To: [REDACTED] (USAFLS); [REDACTED] (USAFLS)
Subject: RE: Voluntary Production of Materials?!

Let's shoot for 1:30. Are you available then, [REDACTED]?

From: [REDACTED] (USAFLS)
Sent: Wednesday, January 11, 2012 11:22 AM
To: [REDACTED] (USAFLS); [REDACTED] (USAFLS)
Subject: RE: Voluntary Production of Materials?!

I have calendar call at 1:00 p.m. I should be back by 1:30.

From: [REDACTED] (USAFLS)
Sent: Wednesday, January 11, 2012 11:20 AM
To: [REDACTED] (USAFLS); [REDACTED] (USAFLS)
Subject: RE: Voluntary Production of Materials?!

Sorry, first thing in the morning did not work out. Do you want to talk briefly now, or perhaps at 1:30? Alternatively, I can also call in after my doctor's appointment. Given the waits I often encounter there, that will likely be around 6:00 pm or so.

From: [REDACTED] (USAFLS)
Sent: Tuesday, January 10, 2012 11:15 AM
To: [REDACTED] (USAFLS); [REDACTED] (USAFLS)
Subject: RE: Voluntary Production of Materials?!

If we could speak first thing in the morning, I would appreciate it. One of the reasons why I don't feel comfortable handling the discovery is because I am not familiar with the privilege defenses that we have to production. Many of the items that they have asked for seem to me to fall within, at the very least, attorney-client privilege and work product doctrine (for example, DRAFT victim notification letters, internal correspondence between AUSAs and DOJ attorneys, etc.) I also have a vague notion that there are "executive privilege" and "investigatory privilege" bars to

production, but I don't have any case law or treatises on those privileges. And there may be others. I don't want to inadvertently waive a privilege on behalf of the entire Justice Department.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] (USAFLS)
Sent: Tuesday, January 10, 2012 10:58 AM
To: [REDACTED] (USAFLS); [REDACTED] (USAFLS)
Subject: Re: Voluntary Production of Materials?

Let's find a time to talk tomorrow. It's a screwy day for me (I have to leave the office by 2:15 for a doctor's appointment and I'm supposed to close on a home refinancing loan), but I'm hopeful we can find a time to talk.

From: [REDACTED] (USAFLS)
Sent: Tuesday, January 10, 2012 09:16 AM
To: [REDACTED] (USAFLS); [REDACTED] (USAFLS)
Subject: RE: Voluntary Production of Materials?

[REDACTED] and [REDACTED],

I will be at the Broward Transitional Center this morning to interview a witness. Then I will be at the ICE offices in Miramar in the afternoon.

I will be in the office tomorrow. The court rescheduled my trial to January 23, 2012. Since these witness interviews were already scheduled, I am going forward with them since the continuance is only for one week.

[REDACTED]

From: [REDACTED] (USAFLS)
Sent: Tuesday, January 10, 2012 8:16 AM
To: [REDACTED] (USAFLS); [REDACTED] (USAFLS)
Subject: Re: Voluntary Production of Materials?

When do you want to talk? I'm at physical therapy now, but should be in the office by about 11:15. We can talk then or any time after lunch.

I'll pull the online state court dockets today. How can we get certified copies of the complaints in the state cases? Does the office have any mechanism for getting those?

From: [REDACTED] (USAFLS)
Sent: Monday, January 09, 2012 05:52 PM
To: [REDACTED] (USAFLS); [REDACTED] (USAFLS)
Subject: RE: Voluntary Production of Materials?

Yes, please.

Also, [REDACTED], as to your question on the case numbers. Jane Doe #2's case number is 50-2008-CA-028051 XXXX MB AB: [REDACTED] vs. Jeffrey Epstein, In the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County. That case must have been removed to federal court (the Cohn case that you referenced in your email) and was then remanded to state court.

Jane Doe #1 also filed her case in state court – [REDACTED] vs. Jeffrey Epstein, Case No. 50 2008 CA 028058 XXXX MB AD, in the Fifteenth Judicial Circuit in and for Palm Beach County.

[REDACTED]
Assistant U.S. Attorney

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] (USAFLS)
Sent: Monday, January 09, 2012 3:43 PM
To: [REDACTED] (USAFLS); [REDACTED] (USAFLS)
Subject: RE: Voluntary Production of Materials?

Should we talk about this? I really have no idea what we have or don't have that would be responsive to non-objectionable discovery, or what we could do in response to Cassell's request.

From: Paul Cassell [mailto:[REDACTED]]
Sent: Monday, January 09, 2012 3:31 PM
To: [REDACTED] (USAFLS)
Cc: [REDACTED] (USAFLS); [REDACTED] (USAFLS); 'bedwards@pathtojustice.com'
Subject: RE: Voluntary Production of Materials?

Dear [REDACTED],

As mentioned last week, Brad and I wanted to chat with you about where we are on discovery in this case. I spoke with Brad, and while our recollection of what you promised you were going to do may be slightly different than ours, we believe there was at least a general agreement to the spirit of the voluntary production – that is, you were going to cooperate to the extent that you are able.

As we explained on our phone call, we requested the things that we would like produced. While you may believe those requests to be overly broad and may assert that legal objection in your responses, you indicated that you would be willing to produce certain documents that may not be all the documents in your possession responsive to the request but that would amount to some documents or materials that we do not yet have. Without making us go through the unnecessary exercise of narrowing our requests, it would be most helpful if you would just shoot us over whatever documents or materials that you are willing to share with us voluntarily. We will agree that whatever production you make does not constitute a waiver of any legal objection you may have to any discovery request.

So, are you willing to produce anything to us is, I guess, the bottom line. Thanks for any voluntary help you can extend.

Paul Cassell
Co-Counsel for Jane Doe #1 and Jane Doe #2

Paul G. Cassell
Ronald N. Boyce Presidential Professor of Criminal Law

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Email: [REDACTED]

<http://www.law.utah.edu/profiles/default.asp?PersonID=57&name=Cassell,Paul>

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From: [REDACTED] (USAFLS) [mailto:[REDACTED]]
Sent: Saturday, January 07, 2012 8:08 AM
To: Paul Cassell
Cc: [REDACTED]. (USAFLS); [REDACTED] (USAFLS); 'bedwards@pathtojustice.com'
Subject: Re: Replies and Responses Due on January 6, 2012

Thanks. Hope everyone has a great weekend.

■

From: Paul Cassell [mailto:[REDACTED]]
Sent: Friday, January 06, 2012 07:00 PM
To: [REDACTED] (USAFLS)
Cc: [REDACTED]. (USAFLS); [REDACTED] (USAFLS); Brad Edwards
<[REDACTED]>
Subject: RE: Replies and Responses Due on January 6, 2012

Hi [REDACTED],

1. Thanks for the clarification on the 90 day rule.
2. Brad and I need to confer about the discovery issues, but that is not a basis for our withholding consent for an extension. So you may indicate that we consent to the extension. Brad and I have a different recollection about discovery issues than you do. But let's chat about that next week.

Sorry to hear y'all are working at 7 PM on Friday night. Paul

Paul G. Cassell
Ronald N. Boyce Presidential Professor of Criminal Law

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Email: [REDACTED]

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From: [REDACTED] (USAFLS) [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Friday, January 06, 2012 4:07 PM
To: Paul Cassell
Cc: [REDACTED]. (USAFLS); [REDACTED] (USAFLS); Brad Edwards
Subject: RE: Replies and Responses Due on January 6, 2012

Hi, Paul.

As always, we appreciate your efforts to be accommodating. With respect to the conditions that you have placed on your agreement to the requested extension:

(1) No 90-day notice is called for by Local Rule 7.1(b)(4) for the motions/responses/replies connected to the requested extension because none is a "motion or other matter which has been pending and fully briefed" and none is a "motion or other matter as to which the Court has conducted a hearing." In any event, after the recent amendments to the Local Rules, the 90-day notices are only "serve[d] on all parties and any affected non-parties." Court filing of the 90-day notices is no longer contemplated by the Local Rules.

(2) As to our discussion in early December, we have a different recollection. At that time, notwithstanding our motion to stay discovery, we expressed a willingness to work with you and Brad to attempt to identify items that might be producible by the government pursuant to a narrowed and specific request for production that seeks relevant items and where the production by the government would not be burdensome or otherwise objectionable. We remain willing to work toward such a goal, but have been waiting to hear from you or Brad to begin the process of identifying the items that would be the subject of such a narrowed request. In fact, [REDACTED] called Brad several weeks ago to discuss the requests for admissions, but they were unable to connect at that time.

If the government's position on these two points causes you to withhold your agreement to our requested extension, we would be happy to inform the Court that you oppose our motion for extension of time. If we do not hear from you by 7:00 pm Miami time that you agree to the requested extension notwithstanding the government's position on these two points, we will report to the Court that you object to the extension. Please be sure to send any reply concerning your position to [REDACTED] as he will be filing the motion for extension this evening.

Thanks, and have a nice weekend.

[REDACTED]

[REDACTED] *J. Sánchez*
[REDACTED]
United States Attorney's Office
[REDACTED]
[REDACTED]
[REDACTED]
E-mail: [REDACTED]

From: Paul Cassell [mailto: [REDACTED]]
Sent: Friday, January 06, 2012 10:41 AM
To: [REDACTED] (USAFLS); Brad Edwards
Cc: [REDACTED] (USAFLS); [REDACTED]. (USAFLS)
Subject: RE: Replies and Responses Due on January 6, 2012

Hey [REDACTED]

As you know, we're happy to try and be accommodating. We would be glad to consent to additional time, but would ask in exchange for two things:

1. The various delays mean that several motions have now been (or will shortly be) pending for more than 90 days, triggering a 90 day report obligation under the local rules. We would trust you would be willing to file that with Judge Marra.
2. When we finished our telephone call with you some weeks back, Brad and I understood that we would be receiving (a) some initial discovery in the case and (b) a list of additional discovery that we could expect if your motion to dismiss is denied. But we have yet to receive anything at all regarding discovery. We would trust that you will carry through on what we understood you had agreed to in the telephone call.

Again, we are happy to help - but would ask you to help us on these two points. Thanks!

Paul Cassell
Co-counsel for Jane Doe #1 and Jane Doe #2

Paul G. Cassell
Ronald N. Boyce Presidential Professor of Criminal Law

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Fax: 801-581-6897

Email: [REDACTED]

<http://www.law.utah.edu/profiles/default.asp?PersonID=57&name=Cassell,Paul>

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From: [REDACTED] (USAFLS) [mailto: [REDACTED]]
Sent: Thursday, January 05, 2012 5:24 PM
To: Paul Cassell; Brad Edwards
Cc: [REDACTED] (USAFLS); [REDACTED]. (USAFLS)
Subject: Replies and Responses Due on January 6, 2012

Paul and Brad,

Happy New Year. I need to ask if you have an objection to the government seeking a second enlargement of time, up to Tuesday, January 24, 2012, to file replies to the victims' two responses to the government's motion to dismiss and motion to stay discovery, and responses to the victims' protective motion to compel and protective motion for remedies.

██████ is preparing for an evidentiary hearing in a 28 U.S.C. 2255 motion, which is scheduled for January 24, 2012. I am scheduled to go to trial in a tort case sometime during the two week trial period commencing January 17, 2012. I have spent most of the preceding two weeks getting ready for the trial. My colleague ██████████, with sporadic assistance from ████████ and I, will be preparing the responses and replies.

Please let me know if you have any objections. Thanks.

██████