

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

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

Subject: RE: FORMAL NOTICE of Office-wide Recusal of Southern District of Florida (GCO File No. REC-11-4159)

Date: Fri, 21 Oct 2011 18:27:48 +0000

Importance: Normal

[REDACTED], we aren't permitted to take our laptops into the FBI's offices, are we?

From: [REDACTED]. (USAFLS)

Sent: Friday, October 21, 2011 2:23 PM

To: [REDACTED] (USAFLS); [REDACTED] (USAFLM)

Cc: [REDACTED] (USAFLS); [REDACTED]. (FBI); [REDACTED] (FBI); [REDACTED]. (FBI); [REDACTED]. (FBI)

Subject: RE: FORMAL NOTICE of Office-wide Recusal of Southern District of Florida (GCO File No. REC-11-4159)

Hi everyone – I am back from court. Sorry about that. [REDACTED], I hope that your trial went well.

On Monday, we will be meeting at the FBI Office in West Palm Beach with Supervisory Special Agent [REDACTED], and case agents [REDACTED] and [REDACTED]. Former case agent [REDACTED] also will be available.

The address for the FBI is [REDACTED]. The office telephone number is [REDACTED].

[REDACTED]. There is plenty of parking.

You said that you would arrive at 9:30, is that right? The agents and I need to get all of my boxes over to the FBI before you arrive, so I just need to reconfirm your arrival time.

[REDACTED]
Assistant U.S. Attorney

Fax [REDACTED]

From: [REDACTED] (USAFLS)

Sent: Friday, October 21, 2011 2:09 PM

To: [REDACTED] (USAFLM); [REDACTED]. (USAFLS)

Cc: [REDACTED] (USAFLS)

Subject: RE: FORMAL NOTICE of Office-wide Recusal of Southern District of Florida (GCO File No. REC-11-4159)

[REDACTED]:

I believe that you and [REDACTED] will be meeting at the FBI's offices in West Palm Beach with the FBI agents who have been working on the matter so that they can all fill you in on the history and facts of the criminal investigation. Assuming that it fits within your travel timetable, I was also planning to drive up from Miami to

meet with you and [REDACTED] in the early afternoon to discuss how our office's continued handling of the Crime Victims' Rights Act litigation brought by two of Epstein's victims impacts upon the criminal investigation and vice versa. (Unfortunately, [REDACTED], who has long been handling the CVRA litigation along with [REDACTED], and who is also our district's Ethics Officer and one of our Professional Responsibility Officers, will not be able to participate.) Will that plan work for you?

[REDACTED]:

Can you provide [REDACTED] and me with directions to the location of the meeting in West Palm Beach?

Thanks,

[REDACTED]

From: [REDACTED] (USAFLM)
Sent: Friday, October 21, 2011 1:55 PM
To: [REDACTED] (USAFLS)
Subject: RE: FORMAL NOTICE of Office-wide Recusal of Southern District of Florida (GCO File No. REC-11-4159)

Can you direct someone to give me directions for our meeting, and please let me know who all will be there.

Thanks,

[REDACTED]

From: [REDACTED] (USAFLS)
Sent: Friday, October 21, 2011 11:44 AM
To: [REDACTED] (USAEO)
Cc: [REDACTED] (USAFLS); [REDACTED]. (USAFLS); [REDACTED] (USAFLS); [REDACTED]. (USAFLS); [REDACTED] (USAFLM)
Subject: RE: FORMAL NOTICE of Office-wide Recusal of Southern District of Florida (GCO File No. REC-11-4159)

[REDACTED]:

I neglected to tell you in my previous email that we are scheduled to meet on Monday with AUSA [REDACTED] [REDACTED] of the MDFL, who has been assigned to the Epstein criminal matter by the MDFL, in furtherance of the transfer of the criminal matter to the MDFL.

[REDACTED]

From: [REDACTED] (USAFLS)
Sent: Friday, October 21, 2011 11:35 AM
To: [REDACTED] (USAEO)
Cc: [REDACTED] (USAFLS); [REDACTED]. (USAFLS); [REDACTED] (USAFLS); [REDACTED]. (USAFLS)
Subject: RE: FORMAL NOTICE of Office-wide Recusal of Southern District of Florida (GCO File No. REC-11-4159)

[REDACTED]:

In transferring the criminal matter involving Jeffrey Epstein to the MDFL, while retaining responsibility for the related CVRA litigation, our district has encountered a potential problem. The district court has ordered discovery in the CVRA litigation, and the Petitioners have served us with a discovery request. See attached files. The underlying criminal case file is thus pertinent to both the CVRA litigation handled by the SDFL and the criminal investigation that has been transferred to the MDFL. USAP 3-2.170.001, the pertinent USAP, does not appear to contemplate this bifurcated need for the criminal case file:

Transfer of the Matter or Case

Once the recusal has been approved and the matter or case assigned to either a new USAO or the Criminal or Civil Division, the United States Attorney of the recused USAO should take steps to ensure that the matter is closed and management, supervisory and reporting responsibilities, and **all case files for the particular matter or case are transferred to the new USAO or the Criminal or Civil Division**. This includes all administrative, ministerial, and financial litigation actions normally completed by the recused USAO, including input into LIONS and TALON. Thereafter, the recused USAO can only provide limited administrative support to the new USAO or the Criminal or Civil Division, such as furnishing copies of local rules, advising of local practice, assisting with scheduling, providing time before the grand jury, providing local information for grand jury and victim/ witness support services, or providing facilities for depositions. The recused USAO, however, should not make any decisions or take any substantive actions in the matter or case. The intent of this section is to make clear that once recusal of the matter or case has been approved by the ADAG and the matter or case has been transferred to a new USAO or the Criminal or Civil Division, the matter or case no longer belongs in any sense to the recused USAO.

When a new USAO assumes responsibility for the recused case, it should process the case from the investigatory stage through and including any post-judgment actions, including any appellate work or actions required by the Financial Litigation Unit (FLU). The Special Attorney assigned the matter or case should sign any pleadings or documents using the signature block of the newly assigned USAO, with the addition of the Attorney General's name preceding that of the United States Attorney. Any administrative or ministerial support and any decisions should be provided by the Special Attorney's USAO and supervisory chain. In the event that the Special Attorney has substantive questions that the recused USAO is precluded from answering, the Special Attorney should contact EOUSA GCO for consultation and advice.

When the Criminal Division or other litigating component assumes responsibility for the recused case, it should process the case from the investigatory stage through and including any judgment actions. When any post-judgment actions normally conducted by a USAO FLU become necessary, and the Criminal Division or other litigating component is unable to handle such actions, the Trial Attorney handling the matter should contact EOUSA GCO, which will assist the component in obtaining a USAO FLU section to conduct the post-judgment FLU actions.

USAP 3-2.170.001(6)(C)(2)(b)(3).

Can EOUSA provide any guidance on how we are expected to handle the transfer of the case file under these circumstances? Although we will be seeking to dismiss the CVRA proceedings and will seek relief from the discovery that was ordered, the district court is unlikely to look kindly upon a government position that we cannot respond to discovery because we transferred the case file to the MDL after our office was recused from the criminal matter involving Jeffrey Epstein. And the criminal case file will clearly be needed to respond to the contemplated discovery in the CVRA litigation.

Thanks for your help,

[REDACTED]
[REDACTED]
United States Attorney's Office
[REDACTED]

██████████
Telephone: ██████████
E-mail: ██████████

From: ██████████ (USAFLS)
Sent: Monday, August 29, 2011 2:00 PM
To: ██████████. (USAFLS); ██████████ (USAFLS)
Subject: Fw: FORMAL NOTICE of Office-wide Recusal of Southern District of Florida (GCO File No. REC-11-4159)

Re: the Epstein question.

From: ██████████ (USAEO)
Sent: Monday, August 29, 2011 01:57 PM
To: ██████████ (USAFLS)
Subject: RE: FORMAL NOTICE of Office-wide Recusal of Southern District of Florida (GCO File No. REC-11-4159)

Hello ██████████,

Yes, that is correct. The investigations concerning Epstein, personally, are the matters your office is recused.

The CVRA matters, while stemming from matters involving Epstein, are matters brought be other individuals and those matters may remain with your office.

Please let me know if you would like to further discuss or if you have any questions,

Thank you,

██████████ ██████████
████████████████████

General Counsel's Office
Executive Office for United States Attorneys

████████████████████
████████████████████

Phone: ██████████ - New Phone Number
Fax: ██████████ - New Fax Number
Email: ██████████

From: ██████████ (USAFLS)
Sent: Monday, August 29, 2011 12:26 PM
To: ██████████ (USAEO)
Subject: RE: FORMAL NOTICE of Office-wide Recusal of Southern District of Florida (GCO File No. REC-11-4159)

Hi ██████████,

I hope the storms and Irene haven't affected you too badly. I wanted to make sure I am correct that this recusal from any new criminal investigation into Epstein does not affect SDFL's handling of the CVRA civil case pending before Judge Marra. I believe that [REDACTED] had discussed the potential for recusal in the CVRA matter with GC a while back and I am fairly certain that I discussed this with Jay earlier this year at the NAC. In both instances, the resolution was that our Office could and should handle the CVRA matter. I wanted to make sure that is still the case. Thanks [REDACTED].

From: [REDACTED] (USAEO)

Sent: Wednesday, August 24, 2011 3:32 PM

To: [REDACTED] (USAFLS); [REDACTED] (USAFLM); [REDACTED] (USAFLS); [REDACTED] (USAFLM)

Cc: [REDACTED] (ODAG) (JMD); [REDACTED] (USAEO); [REDACTED] (USAEO); [REDACTED] (USAEO); [REDACTED] (USAEO)

Subject: FORMAL NOTICE of Office-wide Recusal of Southern District of Florida (GCO File No. REC-11-4159)

MEMORANDUM FOR:

Wifredo A. Ferrer

United States Attorney

Southern District of Florida

[REDACTED]

First Assistant United States Attorney

Southern District of Florida

Robert E. O'Neill

United States Attorney

Middle District of Florida

[REDACTED]

First Assistance United States Attorney

Middle District of Florida

THROUGH: [REDACTED]

General Counsel

Executive Office for United States Attorneys

FROM: [REDACTED]

Executive Office for United States Attorneys

RE: Office-Wide Recusal of Southern District of Florida from the Investigation

THIS IS FORMAL NOTICE that David [REDACTED], Associate Deputy Attorney General (ADAG), approved the office-wide recusal of the United States Attorney's Office for the Southern District of Florida (SDFL) from all matters, to include the investigation and potential prosecution, relating to Jeffrey Epstein's alleged sexual activities with minor females. The ADAG authorized this recusal in accordance with [United States Attorney's Manual \(USAM\) 3-2.170](#) and [United States Attorney's Procedures \(USAP\) 3-2.170.001](#) based upon existing conflicts of interest or the appearance of conflicts of interest pertaining to the matter.

ADAG [REDACTED] has assigned this matter to the United States Attorney's Office for the Middle District of Florida and, pursuant to [28 U.S.C. ' 515\(a\)](#), has directed and authorized United States Attorney Robert E. O'Neill to conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrate judges, which the United States Attorney for the Southern District of Florida is authorized by law to conduct regarding this matter. See [USAP 3-2.170.001\(6\)\(C\)\(2\)\(b\)](#).

Each office should communicate directly with each other concerning the investigations related to this matter in accordance with the procedures outlined in [USAP 3-2.170.001\(6\)\(C\)\(2\)\(b\)\(3\)](#). The point of contact for the Middle District of Florida is Criminal Chief [REDACTED], who can be contacted at [REDACTED]. The point of contact for the Southern District of Florida is First Assistant United States Attorney [REDACTED], who can be reached at [REDACTED].

All Assistant United States Attorneys subsequently assigned to this matter must be appointed as Special Attorneys in order to appear on behalf of the government in the Southern District of Florida. See [USAM, 3-2.300](#) and [USAP 3-2.170.001\(6\)\(C\)\(2\)\(b\)](#). Please contact [REDACTED], EOUSA Personnel Staff, Policy and Special Programs Division, at [REDACTED] to obtain the appointments.

In accordance with [USAP 3-2.170.001\(6\)\(C\)\(2\)\(b\)\(3\)](#), any Special Attorney assigned the matter or case should sign any pleadings or documents using the signature block of the Middle District of Florida, with the addition of the Attorney General's name preceding that of the United States Attorney.

If you have any questions relating to this recusal matter, please contact [REDACTED] [REDACTED], General Counsel's Office, EOUSA, at [REDACTED]. Thank you.

Thank you,

[REDACTED]

[REDACTED]

General Counsel's Office

Executive Office for United States Attorneys

[REDACTED]

[REDACTED]

Phone: [REDACTED] - New Phone Number

Fax: [REDACTED] - New Fax Number

Email: [REDACTED]