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Subject: Conference Call with Paul Cassell and Brad Edwards

Date: Wed, 27 Oct 2010 16:31:04 +0000

Importance: Normal

Willy and Ben,

Marie and I just finished a conference call with Brad Edwards and Paul Cassell, attorneys for the victims. The objective of the victims is to have the Non-Prosecution Agreement set aside, and to have the federal government prosecute Jeffrey Epstein for the sexual exploitation of minors. Cassell agreed that the district court would have no authority to compel the Department of Justice to prosecute Epstein.

Insofar as the victims' response to the order to show cause, which is due today, the victims would not agree to moving for an enlargement of time, because they feared it would make them look bad, in seeking further delay. Cassell said it would be a gesture of good faith for the government to agree not to file a motion to dismiss for lack of prosecution. When I said we would agree to withhold filing such a motion, during the pendency of the extension period(if granted by the court), Cassell said that would not be good enough, he wanted us to promise not to file such a motion at all. I told him I would not agree to that.

Cassell then went on to say that such a motion would be lacking in merit, and would not be granted. I asked him why the victims were so concerned about the government filing such a motion, if it was so ill-founded. Cassell said the filing of such a motion would add to the "atmospherics" of delay by the victims. He even accused the government of "sandbagging" them.

I told Cassell and Edwards that I would have to consult with the Executive Division on whether we would permanently forego filing a motion to dismiss for lack of prosecution. As it stands, the victims will file a joint motion to extend the period for filing the victims' response to the order to show cause (with our concurrence), only if the government agrees never to file a motion to dismiss for lack of prosecution. During this extension period, Edwards and Cassell would want to meet with the U.S. Attorney and Executive Staff regarding resolution of the case, to include a prosecution of Epstein.

The issue is how important it is to our office to keep the victims from filing their documents with the Court today. The price of a joint motion to extend time is our forbearance from filing a motion to dismiss for lack of prosecution. There is no guarantee that any meetings between our office and Cassell and Edwards will resolve this matter, given what they seek. We may be in the same position again thirty days from now.

We told Cassell and Edwards we would get back to them early this afternoon. Marie and I are available to chat about this case. Thank you.

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