

From: Paul Cassell <[REDACTED]>

To: "[REDACTED] (USAFLS)" <[REDACTED]>, Brad Edwards <[REDACTED]>

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

Subject: RE: Revised Joint Statement of Facts

Date: Wed, 24 Nov 2010 17:27:51 +0000

Importance: Normal

Dear [REDACTED]

Thanks for giving us a proposed statement of facts from the Government. It immediately raises many question for us, including:

1. We notice that you have objected to a number of our facts that are based -- word-for-word -- on e-mails prepared by the Government. You mention that you would like tosee these e-mails. [REDACTED] has a full copy of what we were sent by Epstein's counsel. And, of course, these are all the Governmen't e-mails to begin with.

2. Given that you have copies all of these emails, can you agree to all the facts reflected by the e-mails? We really don't understand the basis for your objection to our facts quoting THE GOVERNMENT'S e-mails? Is there really some dispute about these facts?

3. As you and [REDACTED] know, the emails in our possession were, improperly, redacted by Epstein's attronehys to include only the government's half of the conversation. Will you provide us with the other half of these converations?

4. Our previous e-mail to you, we requested a copy of various documents in your possession, including (for example) the reports of interviews of our clients. Your responsive e-mail did not reply to that question at all. Will you provide a copy of these materials?

5. Our previous message to you -- indeed, our messages dating back to October -- requested that you provide an outline of what you believe is the proper procedure for resolving our client's claims. In your view, do we need to file a new civil complaint? Can we file in the nature of our summary judgment motion in our existing case -- the procedure I have followed in our courts around the country? You have not responded -- just we needed to take two years to get you to respond regarding your statement of facts. (We understood, as you recounted in your previous e-mail, that in about August 2008 you reversed your position on working with us to draft a statement of facts and have, for the last two years (until October 2010) taken the view that you would not work with us to get a statement of facts put together.) What is your position on the appropriate procedural device?

6. It appears that we are going to have a number of things to hammer out. We would like to set up a conference call to work through some of the points of disagreement. Good days for us are Nov. 30, Dec. 1, and Dec. 2 -- what times those dahys are good for you (and [REDACTED]?) to discuss.

We look forward to discussing all these issues with you soon. Paul Cassell, Co-Counsel for Jane Doe, [REDACTED]

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EFTA00206928

From: [REDACTED] (USAFLS) [REDACTED]
Sent: Monday, November 22, 2010 9:24 AM
To: Paul Cassell; Brad Edwards
Cc: [REDACTED]. (USAFLS)
Subject: Revised Joint Statement of Facts

Paul and Brad,

Attached please find a revised Joint Statement of Facts, which indicates what the government agrees is factually correct and relevant to the resolution of this case. I switched the first two paragraphs, to indicate that the FBI was investigating Epstein for various offenses. We deleted the reference to Epstein "committing" the offenses because he was neither convicted or charged, with any violation of federal law. Even when the DOJ publicly announces an indictment being returned, we note that the accused enjoys the presumption of innocence.

We are also checking the hearing transcript to determine whether what you claim was said by the government is accurate.

There are a number of inaccuracies in your November 21, 2010 e-mail that I need to address. You claim that "more than two years since we proposed a set of facts to you ... all without any answers." Paragraph 1. This is not correct. After Brad provided the proposed statement of facts on July 17 and 21, 2008, I sent him a letter on July 25, 2008, explaining that the government believed 18 U.S.C. 3771(a)(5) was not triggered until an offense was charged in United States District Court. We also stated that, in the government's view, the relevant facts were: (1) there are no charges in district court filed against Jeffrey Epstein; and (2) Epstein entered pleas of guilty in Florida State Court on June 30, 2008, was sentenced, and is now imprisoned in Palm Beach County. On July 29, 2008, the government filed a Notice to Court Regarding Absence of Need for Evidentiary Hearing, explaining the government's position that only two relevant facts were necessary to decide whether the government had any obligation under 18 U.S.C. 3771(a)(5). I think this constitutes an answer to the proposed statement of facts offered by the petitioners in July 2008.

You claim that most of your proposed facts are based upon e-mails written by the U.S. Attorney's Office e-mails. Rather than include dueling reasonable interpretations in a Statement of Facts, perhaps you can show us the e-mails and we can agree that they are authentic. Each party can argue what is a reasonable interpretation/inference in their respective legal memoranda.

The government was prepared to meet with you as early as November 16, 2010, after [REDACTED] returned from her annual leave on November 13, and I returned from Columbia, South Carolina, on November 12. However, you wanted to have an agreed statement of facts before having a meeting with the Executive Division, so the meeting was postponed.

Your e-mail states that you and Brad are available between December 9 and 17. I will schedule a meeting here in Miami during that period. Thank you.

[REDACTED]
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