

**FD-448**  
Revised  
10-27-2004

FEDERAL BUREAU OF INVESTIGATION  
**FACSIMILE COVER SHEET**



**PRECEDENCE**

Immediate

Priority

Routine

**CLASSIFICATION**

Top Secret

Secret

Confidential

Sensitive

Unclassified

**TO**

Name of Office: <b>U.S. Attorney's Office - Miami</b>	Facsimile Number: <b>(305) 536-4101</b>	Date: <b>03/16/2010</b>
Attn: <b>Maritza Arbesu</b>	Room:	Telephone Number: <b>(305) 961-9339</b>

**FROM**

Name of Office: <b>FBI Miami, Chief Division Counsel</b>	Number of Pages: (including cover) <b>8</b>
Originator's Name: <b>PLS Deyanira Aponte</b>	Originator's Telephone Number: <b>(305) 787-6727</b>
Approved: <b>FN</b>	Originator's Facsimile Number: <b>(305) 787-6124</b>

**DETAILS**

Subject:  
**Jane Does 2-7 ■ Jeffrey Epstein**

Special Handling Instructions:

**Please let me know which AUSA will be assigned this matter. Thank you.**

Brief Description of Communication Faxed:

**WARNING**

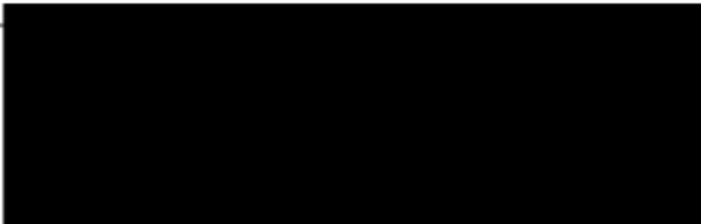
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## U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
File No.



*Sent Via Facsimile & U.S. Mail*

Jessica D. Arbour, Esq.  
Mermelstein & Horowitz, PA  
18205 Biscayne Blvd., Suite 2218  
Miami, Florida 33160

Re: Jane Doe 2-7 █. Jeffrey Epstein

Dear Ms. Arbour:

We are in receipt of your subpoena and letter dated March 12, 2010. Please be advised that the FBI response to this request is governed by the provisions of Title 28, Code of Federal Regulations (CFR), Section 16.21 et seq. and the Privacy Act (Title 5, United States Code, Section 552a). These regulations specify that no employee of the Department of Justice, past or present, shall in response to a demand, produce or disclose information unless there is compliance with the applicable provisions. The procedure is mandatory and governs state and federal proceedings and has been upheld in the United States Supreme Court. See U.S. ex rel, Touhy █. Ragen, 340 U.S. 462 (1951).

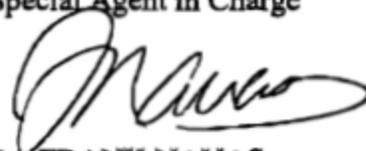
In addition, the Privacy Act (Title 5, U.S.C., Section 552a(b)), prohibits the release of agency records pertaining to an individual, or information from those records, for a non-law enforcement purpose. The FBI may not disclose this information without the notarized written consent of each record subject, or an order from a court of competent jurisdiction authorizing its disclosure by the FBI. In the absence of either the notarized consent of the record subject, or an appropriate court order authorizing disclosure, we are statutorily prohibited from releasing any information to you.

As you noted in your letter you will seek a court order allowing for the release of the records requested. Once the Privacy Act Order is issued, please provide a copy of the order along with a letter complying with the Code of Federal Regulations directed to **Chief Division Counsel Frank Navas** at the above address. In accordance with the above cited law and regulations, we must receive the notarized consent or Privacy Act Order before any documents may be released to you.

Should you require further assistance, please contact Paralegal Specialist Deyanira Aponte at (305) 787-6727.

Very Truly Yours,

JOHN ■ GILLIES  
Special Agent in Charge

A handwritten signature in black ink, appearing to read "Frank Navas", written over the typed name below.

By: FRANK NAVAS  
Chief Division Counsel

# Mermelstein & Horowitz PA

attorneys at law

Jessica D. Arbour  
Tel 305.931.2200  
Fax 305.931.0877  
jarbour@sexabuseattorney.com

18205 Biscayne Blvd.  
Suite 2218  
Miami, Florida 33160  
www.sexabuseattorney.com

March 12, 2010

**VIA PROCESS SERVER**

Federal Bureau of Investigation  
16320 Northwest Second Avenue  
North Miami Beach, FL 33169

Re: *Jane Does 2-7* ■ *Jeffrey Epstein*

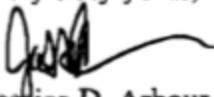
To Whom It May Concern:

Enclosed please find federal subpoenas for the sworn statements of several witnesses taken during the investigation of Jeffrey Edward Epstein between approximately 2006 and 2007. The statements we seek are those given to the FBI by our clients, each of whom has brought suit as a Jane Doe in the Southern District of Florida. The statements given to the FBI investigators are directly relevant because the FBI investigation concerned the factual allegations underlying our clients' claims in their lawsuits.

It is my understanding that you will also require either a signed waiver from each of the women or a court order to release the information. I will move the court for an Order allowing you to release this information to me.

If you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours,



Jessica D. Arbour

JDA/

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Southern District of Florida

03/15/10.  
9:05 am.  
*[Handwritten signature]*

\_\_\_\_\_  
*Michelle [redacted]*  
*Plaintiff*  
v.  
\_\_\_\_\_  
*Defendant*

)  
)  
)  
)  
)  
)

Civil Action No. 08-CV-80119- Marra

(If the action is pending in another district, state where: )

## SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Federal Bureau of Investigation, 16320 Northwest Second Avenue, North Miami Beach, Florida, 33169

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Schedule A as attached.

Place: Mermelstein & Horowitz, P.A. 18205 Biscayne Blvd., Suite 2218 [redacted]	Date and Time: 04/02/2010 10:00 am
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**Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 3/2/10

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

*[Handwritten signature]*  
\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* PLAINTIFF

, who issues or requests this subpoena, are:

Stuart Mermelstein, Adam Horowitz, Jessica Arbour, Mermelstein & Horowitz, P.A., 18205 Biscayne Blvd., Suite 2218, Miami, FL 33160, (305) 931-2200, jarbour@sexabuseattorney.com.

Civil Action No. 08-CV-80119- Marra

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) Those acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**Schedule A**

Sworn statements taken during the investigation of Jeffrey Edward Epstein (358 El Brillo Way, Palm Beach, FL, DOB: 01/20/1953) from the following:

