

From: Jay Lefkowitz <JLefkowitz@kirkland.com>

[REDACTED]

Subject: Follow up to your call last week

Date: Mon, 04 Apr 2011 20:40:19 +0000

Importance: Normal

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It was good to hear from you last week. Following up on our conversation, I looked into the question of the request to unseal various letters written by DOJ to Mr. Epstein's counsel. A review of the correspondence between you and others in the USAO and myself and others representing Mr. Epstein (the very correspondence that is now the subject of both a request to unseal and a request for further discovery filed by counsel for Jane Doe 1 and 2 in the 3771 case currently before Judge Marra (08-80736)), demonstrates that it contains substantial information that would fall within the heartland of Federal Rule of Criminal Procedure 6(e). For instance, some of the letters refer to recipients of grand jury subpoenas, the nature of the offenses for which the grand jury was prepared to indict, the number of victims claimed by the Government, and references to persons who were never indicted by the grand jury. Indeed, given that no federal indictment was issued in connection with this matter, I would suggest that the policies underlying the protections afforded 6(e) material are especially important with respect to these materials. As a matter of public policy and to protect the ongoing work of federal Grand Juries, I urge that confer with the attorneys involved in this matter so that the government may assert the interests of Grand Jury secrecy and object to the unsealing of these letters and any further discovery that would result in plaintiff's counsel or the public receiving additional correspondence that contain references, direct and indirect, to the grand jury investigation.

With respect to the other issue you referenced in our call, please rest assured that your concerns are unfounded and I hope you are not the subject of further media articles such as the one that raised these concerns.

Best,

Jay

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