

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

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

**Subject:** Status of Outstanding Motions/Discovery issue

**Date:** Fri, 06 Jan 2012 17:36:39 +0000

**Importance:** Normal

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Hi [REDACTED] and [REDACTED]:

There are several motions that are fully briefed but have not been decided:

DE50: Petitioners' Motion for an Order Directing the U.S. Attorney's Office Not to Withhold Relevant Evidence (this was "held in abeyance" while the Court ordered "limited discovery").

DE51: Petitioners' Motion to Use Correspondence to Provide Violations of the CVRA and to Have their Unredacted Pleadings Unsealed.

DE56: Motion to Intervene by Roy Black, Martin Weinberg, and Jay Lefkowitz

DE93: Motion for Limited Intervention by Jeffrey Epstein

The first three were all addressed by the Court at the August 12, 2011 hearing, although the Court allowed supplemental briefing after the hearing on DE56. The last of that supplemental briefing was filed on 10/31/2011.

DE93 was fully briefed on 10/14/2011.

The 90-day mark on DE93 will be January 12<sup>th</sup>. My reading of Rule 7.1(b)(3)(B) is that if there is a hearing, even with supplemental briefing thereafter, one counts from the date of the hearing, and that date has long since passed, so there is nothing to report on DE50, DE51, and DE56.

With regard to the outstanding motions, there are:

DE119: Our motion to dismiss for lack of subject matter jurisdiction was filed on 11/8/2011. The Jane Does' Opposition was filed on 12/5/2011. Our Reply has not yet been filed.

DE121: Our motion to stay discovery was filed on 11/8/2011. The Jane Does' Opposition was filed on 12/5/2011. Our Reply has not yet been filed.

DE128: Petitioners' Protective Motion for Remedies was filed on 12/5/2011. Our Opposition has not yet been filed.

DE130: Petitioners' Protective Motion to Compel was filed on 12/5/2011. We have not yet filed our Opposition.

One does not begin calculating the 90 days on these motions until briefing is completed.

As to the rest of Mr. Cassell's email, I don't recall promising early discovery, I only remember promising that, if the motion to stay was denied, we would be ready with our production. Is my memory off? I was going to recommend that I talk to Brad about some of the requests and ask if they have information that leads them to believe that there is evidence to be found (for example, re Bill Clinton or Prince Andrew) so that they can point us in the right direction. I would hate for us to deny something based on my knowledge and find out later about some obscure contact in DC. Thoughts?

To be ready with our production, though, I really need a legal assistant or attorney from Miami to come up here and sort through all of my boxes with me. And someone needs to order Jeff and Alex's records back from Archives (I don't know if [REDACTED] or [REDACTED] materials are in archives or any closed file rooms). And someone needs to reach out to CEOS and the DAAG and AAG's offices, as well as DOJ Appellate.

This discovery issue is going to be massive if we are ordered to respond, so it would help to have a civil legal assistant assigned.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]