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Subject: RE: two questions

Date: Mon, 29 Jul 2013 20:46:10 +0000

Importance: Normal

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We are writing in connection with the Government's recent production of various materials pursuant to the Court's order granting Jane Doe No. 1 and Jane Doe No. 2's motion to compel. We have two questions:

1. We notice, on first review of the materials provided, that it does not appear that any materials from the Middle District of Florida are included. Given that, as we understand it, the U.S. Attorney's Office for the Southern District of Florida recused on various aspects of this case some time ago, we find it surprising that there are no such responsive documents. For example, if the Middle District of Florida had correspondence on the victims issues or conducted any kind of investigation into the allegations related to this case or to Epstein, that would have been included in our requests. We can follow up with the Middle District of Florida or in other ways. But before we did so, we wanted to give you an opportunity to confirm whether your production includes the Middle District of Florida. As you know, our discovery requests specifically included that district, so we were expecting to see such materials. We note production is now due not only for the initial requests sent back in 2011, but also our single, supplemental request sent on June 24, 2013. Under this supplemental request, for example, all investigations or grand juries that convened in the Middle District of Florida would be specifically covered.
2. We are preparing to contest many of the Government's assertions of privilege with regard to the materials submitted to Judge Marra. Under the court's order (doc. #190), we have thirty days to do and are limited, currently, to seven pages followed by a response of seven pages from you. We are preparing a motion asking for the conventional briefing limits to be in place for our motion to reject the government's assertion of privileges. In particular, we think that we should be able to file a 20 page motion, you should then be able to file a 20 page response, and we should be able to file a 10 page reply. (Of course, if in preparing the brief, you were to find that the 20 page limit was too short, you could seek more pages, just as we could do so as well for our reply brief, although right now we do not anticipate any need to do so). We believe that such an approach is appropriate because we do not have any description of the Government's basis for asserting privilege other than the cryptic notations like "investigative privilege" or "attorney-client" and so forth. Accordingly, the first time that we will have a full understanding (we hope) of the basis for the Government's assertion of privilege is in its response brief. Therefore, we need the opportunity to reply. To avoid any delay in the proceedings, we will propose that we file our motion on 8/16; the Government would then have 14 days to respond (the same as the current order, doc. #190); we would then have 7 days to reply. Since our 8/16 motion date is earlier than the current schedule contemplates (7/26 was the date on which your last privilege log was filed, so we would have 30 days from that date to object under the current order), this proposed schedule would not delay the case by extending the time in which the Court would have full briefing on the issue. If you could provide the Government's position on this motion, we would appreciate it. (Also, if you would like to discuss ways to accommodate our concerns, we would be happy to chat.) We need to file our motion quickly, so if you could provide your position by noon tomorrow (Tuesday, 7/30), we would appreciate it.

Thanks as always for your assistance.

Brad Edwards and Paul Cassell for Jane Doe No. 1 and Jane Doe No. 2

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