



Subject: Response to Your January 29, 2015 Letter

Date: Thu, 05 Feb 2015 00:49:29 +0000

Importance: Normal

Paul and Brad,

The government opposes your motion to amend the victims' petition. The existence of the non-prosecution agreement was made known to petitioners in August 2008, the month after the CVRA action was filed, yet the petitioners want to amend their petition more than six years into the action. Also, in paragraph 1 of the proposed amended petition, the petitioners presuppose that Jane Doe No. 3 and Jane Doe No. 4 have been added to the action, which has not occurred. More fundamentally, the government believes that the CVRA intended assertions of alleged violations should be done promptly, so the court can resolve the issue expeditiously.

The government opposes the motion to add two new parties, Jane Doe No. 3 and No. 4, for the same reasons stated in the government's opposition to the motion to join. When 28 U.S.C. 2401(a) was enacted in 1948, the "beyond the seas" provision was necessary since residence abroad meant impaired communications and difficulties in accessing the courts in the United States to assert a claim. Such obstacles no longer exist in the 21st century, when there is Internet access and the ability to make international phone calls that are not cost-prohibitive. The statute of limitations in 28 U.S.C. 2401(a) is hardly a "technical objection," as you suggest. It goes to the subject matter jurisdiction of the Court, since section 2401(a) sets the grounds for waiving what would otherwise be the sovereign immunity of the United States.

As to the motion to intervene, the government opposes this motion. The claims of Jane Doe No. 3 and No. 4 are time-barred, whether they seek entry into the case under Rule 15 or 24. Moreover, Jane Doe No. 3 told the FBI in January – February 2007 that she did not want to be bothered again on the Epstein matter. The government honored her request. She cannot claim now that her right to consult with the attorney for the government was violated when she told the government she did not want to be bothered. As to Jane Doe No. 4, her identity was not even known to the government.

The government did not oppose the motions to intervene filed by Bruce Reinhart and Alan Dershowtiz because it believed both individuals should have the opportunity to respond to allegations of improper conduct made in the context of the CVRA litigation. They filed their motions promptly.

You had requested a telephone conference with the United States Attorney if the government was unwilling to agree to any of your three requests. I can speak with you tomorrow and I can check to see if Ed Sanchez and Marie are also available. I will be on business outside the office on Friday. Thanks.



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