

**From:** Paul Cassell [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED], "Brad Edwards"  
[REDACTED]

**Subject:** RE: thanks very much ...  
**Date:** Tue, 30 Jun 2015 15:45:48 +0000  
**Importance:** Normal

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Hi [REDACTED]

1. Thanks very much for letting us know that you have at least some Dershowitz documents. As mentioned, that is very helpful for my personal schedule. Brad and I will now be drafting a motion to compel production of those documents, as discussed in an earlier email. We will loop in Dershowitz's counsel (and perhaps Epstein's) on whether they agree with us that this is the proper procedure.
2. On the certification – as you can imagine, Brad and I just want to know when we've gotten everything that you're going to give us. That final step is what we're looking for from you, so a partial certification now makes no sense. Please provide a final certification. We're happy to work with you on schedule, but trust you will agree this is taking a very long time. Is a final certification by the end of the week feasible with your schedules?

Thanks again for the assist on the Dershowitz documents – greatly appreciated and please keep in touch with us as to when we can be of help to you on scheduling issues. Paul

Paul G. Cassell  
Ronald N. Boyce Presidential Professor of Criminal Law  
S.J. Quinney College of Law at the University of Utah



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**From:** [REDACTED]  
**Sent:** Tuesday, June 30, 2015 9:36 AM  
**To:** Paul Cassell  
**Cc:** [REDACTED], Brad Edwards ([REDACTED])  
**Subject:** RE: a favor ...

Paul,

We do appreciate the courtesies you and Brad have extended us in giving more time to respond to various discovery requests and motions.

The government does have some responsive materials to Supplement Discovery Request 3, pertaining to Alan Dershowitz. We have not examined some of the materials which we believe may be responsive, but believe that, if there is responsive information, it would likely be located in those documents.

On the issue of the certification regarding the petitioners' First Request for Production to The Government Regarding Information Relevant to Their Pending Action Concern (sic) The Crime Victims Rights Act (October 3, 2011), and petitioners' Supplemental Request for Production to The Government Regarding New Information Concerning Investigation of Handling of Epstein Non-Prosecution Agreement (June 24, 2013), the U.S. Attorney's Office, Southern District of Florida has produced documents, via mail or electronic mail, on the following dates:

July 19, 2013  
August 6, 2013  
July 30, 2013 (email)  
May 2, 2014 (email)  
May 8, 2014 (email)  
May 20, 2014  
June 25, 2014 (email)  
August 5, 2014 (email)  
August 25, 2014  
June 23, 2015

█████ noticed a small gap in the emails she was reviewing recently, which resulted in her production to you on June 23, 2015. This gap was created when her hard drive crashed, and she lost emails pertaining to the Epstein case, which she had saved to the hard drive. █████ has gone to our Tech Support and has recovered the missing emails, which are in 2008, prior to the initiation of the CVRA lawsuit. She is now reviewing those emails to determine if any are responsive. Since the government's production is not yet complete, I cannot provide you a certification that it is. Do you want a certification as to the documents we have already produced, being the product of reasonably diligent searches in the locations where we reasonably believed the responsive documents to exist, or shall we wait until all responsive materials are produced?

Thanks.

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**From:** Paul Cassell [<mailto:cassellp@law.utah.edu>]  
**Sent:** Monday, June 29, 2015 9:07 PM  
**To:** Lee, Dexter (USAFLS)  
**Cc:** Villafana, Ann Marie C. (USAFLS); Sanchez, Eduardo (USAFLS); Brad Edwards ([brad@pathtojustice.com](mailto:brad@pathtojustice.com))  
**Subject:** RE: a favor ...

Hi █████

I trust you agree that we have tried to work with your (and █████) schedule on various issues. I'm writing to request a parallel favor regarding mine.

I had assumed that by last week we would hear back from you on whether you had documents responsive to our request for materials related to Dershowitz. And, indeed, when we heard back from you last week, I understood that was an indication that you had one or more documents responsive to our RFP for Dershowitz.

Now it appears you are still conducting further investigation on that.

I have organized my summer schedule to permit me to work on a motion to compel production of Dershowitz documents over the next few days. After that, I have various conflicting obligations.

Can you at least do me the favor of confirming that the Government has one or more documents responsive to our RFP for Dershowitz materials so I can begin working on our motion to compel? Brad and I don't believe that you can really argue you have NO documents whatsoever.

Thanks in advance for your help on this -- see our email below for further discussion. Hoping to get a quick response from you to our email sent Friday. Paul

Paul G. Cassell  
Ronald N. Boyce Presidential Professor of Criminal Law  
S.J. Quinney College of Law at the University of Utah

[REDACTED]

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**From:** Paul Cassell  
**Sent:** Friday, June 26, 2015 12:16 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED] Brad Edwards ([REDACTED])  
**Subject:** RE: RFP issues - proposal to save you some time

Dear [REDACTED]

Thanks for getting back to us on the issue of the RFPs.

In the interest of saving you time and energy, we'd like to propose the following approach on the requests for production (RFPs) related to Mr. Dershowitz – i.e., RFP 3. We think the question that needs to be litigated in front of Judge Marra is whether such documents are generally discoverable (reasonably calculated to lead to the discovery of admissible evidence, etc.). That general principle does not require you, at this point, to try and pinpoint exactly which documents you may have and which of our discovery requests cover them.

We think it is clear that you have at least some documents that fall within RFP 3 (for example, Epstein's little black book entries on Dershowitz and materials/reports associated with that). So why don't you just tell us (as I think you already have) that you have at least some materials covered by RFP 3, but think we're not entitled to get them – for reasons you laid out in your RFP answers. We can then file our objection and litigate the general issue in front of Marra and take things from there, depending on who prevails. We think you can do that immediately without any further work on your part – and, just as we have accommodated your schedule, our schedule is such that we want to begin drafting and litigating on this particular issue immediately, because we both have some other things scheduled into July.

On RFP 4 (Jane Doe's interview in [REDACTED]), you've already admitted you collected some documents there, so we can just litigate that one right now – no need for you to dig further at this time, at least as we see things.

On RFP 6 – we realize that this might take some time. We are happy to provide more time on this one, if we could get your cooperation on RFP 3 to begin litigating that quickly.

Thanks for considering this idea, which is advanced in the interest of simplifying things for you. Please let us know quickly if this works at your end.

Paul and Brad for Jane Does 1, 2, 3 and 4

Paul G. Cassell  
Ronald N. Boyce Presidential Professor of Criminal Law  
S.J. Quinney College of Law at the University of Utah

[REDACTED]

[REDACTED]  
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**From:** [REDACTED]  
**Sent:** Friday, June 26, 2015 8:43 AM  
**To:** Paul Cassell  
**Cc:** [REDACTED] Brad Edwards [REDACTED]  
**Subject:** RE: two questions: (1) certification re completion of 2013 production; (2) procedures for litigating objections to 2015 production

Paul and Brad,

I agree with your procedure in filing a motion to compel on those requests for which the government has lodged an objection. As to the request for production, I will confirm whether there are any responsive materials to requests where we objected, to ensure we are not arguing over nothing. On Supplemental Discovery Request No. 5, we did not have any surveillance videos of Jane Doe No. 1, 2, 3, or 4. I will double-check on Supplemental Discovery Request numbers 3, 4, and 6, and let you know by June 30, 2015.

I will have a certification on the petitioners' First Request for Production and First Request for Admission by June 30, 2015. I am in the middle of several other projects right now. Thank you.

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**From:** Paul Cassell [REDACTED]  
**Sent:** Thursday, June 25, 2015 4:14 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED] Brad Edwards [REDACTED]  
**Subject:** RE: two questions: (1) certification re completion of 2013 production; (2) procedures for litigating objections to 2015 production

Dear [REDACTED]

Thank you for your (and [REDACTED] recent production of some emails and associated privilege log. I trust that you will note our patience and willingness to work with you on your schedules. We write with two issues:

First, with regard to our 2013 discovery requests, as you know, we have been asking for some time now for the Government to certify that it has produced everything that it is going to produce on these requests. Will you please now send that certification? We understood that you were going to do that.

Second, we also have a question about 2015 discovery requests, concerning Mr. Dershowitz and other subjects. We've seen your response to our Request for Admissions (RFAs) and Request for Production (RFPs), raising relevance and privilege objections to answering. We understand your position, although I am sure that you can also understand that we disagree and wish to have Judge Marra make a ruling on who is right.

The question now is a procedural one. We have previously thought that you would raise these objections in the public court file, as you have done in the past. See, e.g., DE219-1. But instead, you raised the objections just with us. Accordingly, it seems like the next proper step for us to pursue would be to file a motion to compel answers to the unanswered RFAs and RFPs in the open court file, attaching the relevant parts of the RFAs and RFPs, as well as our supporting arguments and factual materials. You would then respond and we would then reply on the ordinary time frame – in other words, an ordinary motion schedule.

Do you agree that is the proper procedure? Or would you propose another procedure? We hope you will agree that this is the proper procedure. If so, we would then plan to communicate our procedural approach to defense counsel for Mr. Dershowitz to see if they think it is the proper procedure. We emphasize that we are only writing with regard to a PROCEDURAL issue: How to have the substantive disagreement between us litigated. Hopefully we can get that piece agreed between us, and then other relevant defense counsel, so that Judge Marra can just decide the remaining legal issues.

Thanks in advance for your prompt response on how best to proceed on these two questions. If you would like to have a conference call on this issue, we are of course happy to do that as well.

Paul Cassell and Brad Edwards for Jane Doe 1 and Jane Doe 2

Paul G. Cassell  
Ronald N. Boyce Presidential Professor of Criminal Law  
S.J. Quinney College of Law at the University of Utah



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