

**From:** Paul Cassell <[REDACTED]>

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

**Cc:** Brad Edwards <[REDACTED]>

**Subject:** RE: discovery issues in the CVRA case - final production? motion for extra pages?

**Date:** Tue, 28 Apr 2015 20:23:14 +0000

**Importance:** Normal

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Hey [REDACTED]

Thanks for getting back to us on the discovery issues.

1. We would still like to get closure on the previous discovery requests. You mentioned in your emails of more than a week ago that you needed to check with [REDACTED]. What's the status on that check – and when will we have final closure? We hate to push, but it seems to us that we are getting close to the point where we might have to file a motion to compel final production – something we are obviously hoping to avoid. In fact, we would have filed that motion against any other opposing party by now, given that your complete production was due a year ago and not only do we not have everything you were ordered to produce but we are having great difficulty getting a definitive response from you whether you have remaining correspondence to produce or whether you claim to have produced all that the Government has. We ask that you agree to have everything to us by next Tuesday, May 5, including the documents you previously referenced from the DAG's office. If that complete production cannot be made by that date, then we will file a motion to compel. I hope you would agree that we have been extremely patient, but waiting a year for emails and correspondence that was ordered to be compiled several years ago is far beyond the length of time we should have to wait any further.
2. Regarding relevance objections – we understand the Government's substantive position on relevance, although we disagree with it. The issue now is a procedural one: how to litigate that issue. Our understanding of proper procedures may not be different than yours on this, but we want to confirm. We believe that the Government should initially confirm that it has potential material covered by the discovery requests that you object to producing on relevance grounds – otherwise there would be no reason to waste Judge Marra's time litigating a discovery request that is not going to lead anywhere. Assuming that there are potential materials covered, we think that the proper next step would be for the Government to file an objection to producing the materials, as you have done in the past. See, e.g., DE 219. We then respond with our arguments as to why your objections are ill-founded and Judge Marra rules from there. We believe that that your objections would be due on May 14, 2015, in light of your point about the three extra days for service. Are we in agreement on the procedures and timing?
3. As for timing, we are hopeful that you could produce or object by May 14, 2015. If you need additional time, we certainly want to be cooperative. But we are hoping to have the Dershowitz and similar objections raised by May 14, 2015, as we have timing concerns about getting those issues in front of Judge Marra quickly. If you need time to produce other documents apart from those, we are happy to work with you.
4. We are beginning to prepare a motion for partial summary judgment on CVRA violations. As you know, in March 2011 our summary judgment motion was 40 pages. We now have about 100 pages of new emails that we need to include in our new motion. Given the volume of relevant information and the complexity of the case, we plan to file a motion for 60 pages total (including both the statement of material facts and motion/memo for partial summary judgment). What is the government's position on that motion for additional pages? Of course we will reciprocate and agree to your having additional pages.

Looking forward to your response on these issues and working with the Government to resolve these issues smoothly. As always, if a call is easier for y'all, we're happy to set something up.

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

Paul G. Cassell

Ronald N. Boyce Presidential Professor of Criminal Law

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED])  
[REDACTED]

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**From:** [REDACTED] (USAFLS) [mailto:[REDACTED]]  
**Sent:** Monday, April 20, 2015 9:05 AM  
**To:** Paul Cassell; [REDACTED]. (USAFLS); [REDACTED] (USAFLS)  
**Cc:** Brad Edwards  
**Subject:** RE: discovery issues in the CVRA case -- conference call?

Paul and Brad,

After our preliminary review of the Supplemental Request for Production and Second Request for Admissions, we do have objections because the discovery seeks documents/admissions that are not relevant to this CVRA lawsuit. Supplemental Discovery Requests 3, 4, 5, 6, seek documents regarding Jane Doe No. 3's claims regarding sexual abuse by Alan Dershowitz, Jean Luc Brunel, and Prince Andrew. Similarly, request for admissions 23, 24, and 25 seek information on whether the criminal investigation of Epstein also yielded information regarding Dershowtiz. There may be more items that the government finds objectionable, as we proceed to engage in further review of the request for admissions and supplemental request for production.

The Court has denied the petitioners' motion to add Jane Doe No. 3 and Jane Doe No. 4 to this lawsuit. Further, the Court ordered stricken the factual details asserted by Jane Doe No. 3 and Jane Doe No. 4, finding that, "the factual details regarding with whom and where the Jane Does engaged in sexual activities are immaterial and impertinent to this central claim (i.e. that they were known victims of Mr. Epstein and the Government owed them CVRA duties), especially considering that these details involve non-parties who are not related to the respondent government." D.E. 324 at 5. The government is not obligated to expend time and incur expense in searching for responsive documents for factual assertions that are immaterial and impertinent to the litigation.

Also, we believe the government's responses are due on May 14, 2015, since Fed.R.Civ.P. 6(d) allows an additional three (3) days if service was pursuant to Fed.R.Civ.P. 5(b)(2)(E)(electronic means).

I will check with [REDACTED] on whether she has any additional documents to produce. I believe I do not have any additional documents to produce.

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**From:** Paul Cassell [mailto:[REDACTED]]  
**Sent:** Saturday, April 18, 2015 4:01 PM  
**To:** [REDACTED]. (USAFLS); [REDACTED] (USAFLS); [REDACTED] (USAFLS)  
**Cc:** Brad Edwards  
**Subject:** RE: discovery issues in the CVRA case -- conference call?

Hey [REDACTED] and Co.,

Brad and I wanted to follow up with you on the email (below) we sent last Saturday. We haven't heard anything from you and wanted to highlight several issues.

First, we are hoping that you can at least tell us quickly where we stand on the Government certifying that it has made all the production that it is going to make. As you know, we've been discussing this for some time now. When will we have any additional production and final certification?

Second, we wanted to alert you to the fact that we have some time concerns at our end, so that we are hoping to either have production from the Government on our two new discovery requests sent last Saturday by 30 days (May 11) or, in the alternative, have a declination from you on, let's assume, the RFP's so that we would be in a position to move forward with a motion to compel at that time. Of course, we're happy to work with you if you need more time for production of documents. But if the decision is not to produce, of course additional time won't be needed. We wanted to give you a heads up about this, since you have graciously consented to additional time for pleadings in the past (as we have). On this one issue, we're hoping to be able to move forward -- one way or the other -- on May 11. (We think the RFA's won't take much time.)

Finally, since we anticipate that you may not be producing all the documents we are seeking in our new RFP's, we would like to move forward in resolving with Judge Marra the question of whether we are entitled to production in a way that minimizes any procedural wrangling. Would it make sense for us to have a brief conference call to try to work something out on the procedural side of things? We think that might be a quick way to resolve procedural issues, but are happy to discuss this by way of email also. As mentioned in the previous paragraph, we'd like to have things resolved procedurally so we can start preparing for a filing on May 11 ... unless, happily, you're producing the documents requested.

Thanks in advance for considering all this and helping this case to move forward smoothly. Looking forward to discussing this with you soon.

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

Paul G. Cassell  
Ronald N. Boyce Presidential Professor of Criminal Law

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Hi [REDACTED],

In light of recent developments and new information we have learned, attached please find two supplemental discovery requests: (1) a new set of RFA's and (2) a new set of RFP's. We obviously would hope for your voluntary production within 30 days. But if you have objections or concerns, we would request a conference call to discuss with you the best way handle issues procedurally.

Related to these requests, we recalled that you had hoped to be able to certify to us some time ago that the Government has produced everything that was covered by earlier discovery requests. It has been nearly a year since we prevailed on appeal and you were to turn over these documents. Can you update us on when that certification will be made? Thanks for your assistance on all this.

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