

From: "[REDACTED] (USAFLS)" <[REDACTED]>
To: Paul Cassell <[REDACTED]>, "Brad Edwards ([REDACTED])"
<[REDACTED]>
Cc: "[REDACTED] (USAFLS)" <[REDACTED]>, "[REDACTED] (USAFLS)"
<[REDACTED]>

Subject: RE: Motion to Compel and S.J. Briefing Schedule

Date: Fri, 10 Mar 2017 22:56:18 +0000

Importance: Normal

Dear Paul,

As an initial matter, let me assure you that you are not being stonewalled.

As you know, we informed you and Brad early on that we believed that some of your supplemental discovery requests were overbroad and objectionable on various grounds, but that we were willing to search for and believed that we would be able to provide substantive responses to some of the requests. Indeed, after a telephonic discussion in which you and Brad narrowed the scope of some of the requests, we informed you that we would undertake a search for materials responsive to your requests for FBI emails regarding possible business, social, or other relationships between Alex Acosta, [REDACTED], and [REDACTED] on the one hand and Jeffrey Epstein on the other; whether Epstein had offered opportunities, employment prospects, future clients, or other benefits of any kind to any federal prosecutor prior to his plea in June of 2008; and whether federal prosecutors had obtained benefits from Epstein.

As part of that process, the FBI initially gathered emails belonging to Special Agents [REDACTED] and [REDACTED], the case agents in the Epstein investigation, for our review. [REDACTED] then reviewed the more than 2,100 emails that had been gathered by the FBI in a painstaking process that had to be conducted in a secure FBI facility and that took several days over a period spanning several weeks. No emails whatsoever regarding the requests discussed above were located.

We also interviewed Special Agents [REDACTED] and [REDACTED] concerning any communications that they may have had regarding federal prosecutors obtaining benefits from Epstein. They informed us that, at about the time [REDACTED] left the U.S. Attorney's Office, they discussed between themselves that Mr. [REDACTED] had gone to work for a law firm that represented clients engaged in the same industry as Jeffrey Epstein, but they did not recall discussing that observation with anyone else and they did not believe that the observation was ever made part of any email or other written document. They also informed us that they never had any information or reason to believe that Mr. [REDACTED], any other federal prosecutor, or anyone else involved with the federal investigation or potential prosecution of Jeffrey Epstein had a business, social, or other relationship with Epstein, was offered benefits of any kind by Epstein, or obtained any benefits from Epstein.

We have also interviewed [REDACTED] and [REDACTED] ([REDACTED] and [REDACTED] no longer work for the FBI). They similarly reported that they never had any communication about or any information or reason to believe that any federal prosecutor or anyone else involved with the federal investigation or potential prosecution of Jeffrey Epstein had a business, social, or other relationship with Epstein, was offered benefits of any kind by Epstein, or obtained any benefits from Epstein.

Additionally, we spoke to [REDACTED], who is an Assistant United States Attorney, not an FBI agent. Mr. [REDACTED] was not involved with the Epstein matter and was not even working as an AUSA in the Southern District of Florida during most of the pertinent period. (Mr. [REDACTED] was on detail to the Department of Justice in Washington, DC from September 2005 until the end of August 2007). Mr. [REDACTED] has never received nor had any information or reason to believe that any federal prosecutor or anyone else involved with the federal investigation or potential prosecution of Jeffrey Epstein had a business, social, or other relationship with Epstein, was offered benefits of any kind by Epstein, or obtained any benefits from Epstein, and Mr. [REDACTED] did not have any communications with anyone about these subjects.

The investigation and review of emails that we have thus far completed reveal that the likelihood that there are any emails responsive to the supplemental requests discussed above is extraordinarily remote. We believe that any further review will be unduly burdensome and that the discovery sought is not proportional to the needs of the case, particularly because the materials sought do not appear relevant to the CVRA issues raised in this litigation. Nonetheless, if you are able to identify with specificity the particular FBI email account that you have been told contains the email communications that you have requested, we are willing to review the emails in that account, and if any responsive emails are found in that account, we are willing to additionally review the FBI email accounts of any individuals who are recipients or senders of any responsive email that we find. If you have another proposal about how we could address this issue other than through an exhaustive review of all of the email accounts, we are open to discussing that possibility. If we can complete the search for the requested materials in a manner that would be satisfactory to petitioners without that search becoming a disproportionate and unduly burdensome undertaking, we would be willing to entertain such an option. We are not trying to be evasive; we are just not prepared to voluntarily engage in what our investigation has revealed will be a fruitless and unduly burdensome wild goose chase.

With respect to moving forward with the case, I was disappointed to learn that your client is no longer willing to entertain the possibility of a settlement. Nevertheless, the briefing timetable that you have proposed is acceptable. We will file our response to your motion for summary judgment on or before May 8, and we have no objection to you filing your reply on or before July 8.

I look forward to hearing from you and remain hopeful that we can reach a solution that will address your concerns.

Sincerely,

[REDACTED]

[REDACTED]
[REDACTED]
United States Attorney's Office
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Paul Cassell [mailto:[REDACTED]]
Sent: Friday, March 10, 2017 4:01 PM
To: Brad Edwards ([REDACTED]) <[REDACTED]>; [REDACTED] (USAFLS) <[REDACTED]>
Cc: [REDACTED] (USAFLS) <[REDACTED]>; [REDACTED] (USAFLS) <[REDACTED]>
Subject: RE: Motion to Compel and S.J. Briefing Schedule

Dear [REDACTED],

Hoping to hear back from you on the MTC and briefing schedule, per email below. Thanks in advance for your response – would like to know the Government's thoughts on these two issues.

Paul Cassell for Jane Doe 1 and Jane Doe 2

Paul G. Cassell

Ronald N. Boyce Presidential Professor of Criminal Law and University Distinguished Professor of Law
S.J. Quinney College of Law at the University of Utah

[REDACTED]
[REDACTED]
[REDACTED]
You can access my publications on <http://ssrn.com/author=30160>

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From: Paul Cassell

Sent: Wednesday, March 8, 2017 6:51 AM

To: Brad Edwards ([REDACTED]) <[REDACTED]>; [REDACTED] (USAFLS)

<[REDACTED]>

Cc: [REDACTED] (USAFLS) <[REDACTED]>; [REDACTED] (USAFLS) <[REDACTED]>

Subject: RE: Motion to Compel and S.J. Briefing Schedule

Dear [REDACTED],

I'm writing to express some concerns about the Government's recent response to our most recent discovery requests and to request a stipulated briefing schedule for the summary judgment response and reply.

As you know, on or about August 31, 2016, Brad and I served you with a supplemental discovery request on various issues. Without repeating all those requests here, I would highlight one of them:

Supplemental Discovery Request 3. Any emails to or from FBI employees [REDACTED], [REDACTED], [REDACTED], Jason [REDACTED], [REDACTED], [REDACTED], [REDACTED] regarding the prosecution (or non-prosecution) of the Epstein case, any of the Epstein victims, or federal prosecutors obtaining benefits from Epstein.

I later met with you and your team on the phone and gave very specific guidance about where the responsive emails would be, specifically, in the accounts for the FBI agents mentioned above. After taking months, and after promising us (in exchange for our agreement to extend deadlines) that we would be getting something substantive, we not only received nothing at all, but it appears obvious that no search for the requested information was accomplished. For example, despite all the names listed above the email we received from [REDACTED] stated: "I asked the FBI to conduct a search of the e-mail accounts of Special Agents [REDACTED] [REDACTED] and Jason [REDACTED] ..."

Given the nature of the materials that we are seeking, it appears that the U.S. Attorney's Office is intent on not locating the materials that we are seeking.

We intend to file a motion to compel production of these materials on or about Tuesday, March 14 – making all of these points clearly for Judge Marra, so that he can draw his own conclusions about what is happening. We wanted to make one last effort to resolve this issue without the need for litigation before moving forward with this motion.

We also need briefing to move forward on the summary judgment that has been pending for nearly a year. Unfortunately we are not able to reach a settlement, but this case cannot remain stagnant any longer, especially since we are being stonewalled with the production we requested. I suggest a reasonable time line for responding to our motion for summary Judgment is that it should be filed by May 8, which gives you two months. I also suggest the reply be due July 8. Please let me know if that is acceptable.

Paul Cassell for Jane Doe #1 and Jane Doe #2

Paul G. Cassell

Ronald N. Boyce Presidential Professor of Criminal Law and University Distinguished Professor of Law
S.J. Quinney College of Law at the University of Utah

[REDACTED]
[REDACTED]
[REDACTED]
You can access my publications on <http://ssrn.com/author=30160>

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From: [REDACTED] (USAFLS) [mailto:[REDACTED]]

Sent: Friday, November 4, 2016 9:25 AM

To: Brad Edwards ([REDACTED]) <[REDACTED]>; Paul Cassell <[REDACTED]>

Cc: [REDACTED] (USAFLS) <[REDACTED]>; [REDACTED] (USAFLS)

<[REDACTED]>

Subject: Responses to Supplemental Requests for Admissions and Supplemental Request for Production

Brad and Paul,

[REDACTED], [REDACTED], and I have made progress in preparing our responses to the petitioners' Supplemental Request for Production and Supplemental Request for Admissions. We have contacted individuals who may have knowledge about the subjects encompassed in the request for admissions. Since some of the requests pertain to information possibly received by individuals within large organizations, such as the United States Attorney's Office, or "other components of the Department of Justice," or "the FBI," more time has been required to determine the appropriate response to the request for admission.

Similarly, the supplemental request for production seeks "emails or other documents" in nearly each request, from email systems maintained by other agencies within the DOJ, such as the FBI. I have inquired of the FBI whether emails from the period can be indexed and retrieved. My contact at the FBI Miami field office forwarded the request to the FBI information technology office several weeks ago. I will be speaking with the FBI Information Technology official on Monday, November 7, 2016, to see what emails can be retrieved from the 2006 - 2008 time period.

May the government have an additional thirty (30) days to respond to the supplemental request for production and supplemental request for admissions? Thanks.

[REDACTED]
[REDACTED]