

[REDACTED]  
(b) (5) - [REDACTED]  
**Subject:** FW: Pending Discovery Requests - narrowing request to 4 RFPs - further request to meet

**Date:** Wed, 27 Jul 2016 20:37:44 +0000

**Importance:** Normal

**Embedded:** RE: \_Pending\_Discovery\_Requests\_-\_narrowed,\_amended\_discovery\_request

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[REDACTED]

In light of the government's withdrawal of the Wellcare argument, petitioners withdrew the December 2 and December 29, 2015 requests for admissions. As to the two requests for production served on those same dates, petitioners withdrew the RFP's, and consolidated them into a single amended supplemental request for production, which seeks four (4) categories of documents. This is the email where Cassell withdrew the requests for admissions. I am attaching the previous email, which contains the amended supplemental request.

[REDACTED]

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**From:** Paul Cassell [mailto:cassellp@law.utah.edu]

**Sent:** Friday, January 29, 2016 1:11 PM

[REDACTED]

**Subject:** RE: Pending Discovery Requests - narrowing request to 4 RFPs - further request to meet

[REDACTED]

Thank you for working on these discovery issues with us. As we have always tried to indicate, we are happy to work with the Government to avoid any undue burden.

We appreciate your stipulations, and understand your caveat that you are not waiving your right to argue the points you identify. In view of those stipulations, we withdraw our December 2 and December 29 Requests for Admissions.

With regard to the Requests for Production, as we indicated earlier, there are four particular requests that are still quite important to us for a variety of reasons. To avoid any confusion, we have sent you by earlier email an "amended" Request for Production that contains only those four requests for production -- in identical form to what was sent to you earlier. However, this amended RFP elucidates in the "background" section of the RFP the multiple purposes for which this previously-sought information is still being sought. Accordingly, this Amended RFP significantly narrows our requests to the Government. We hope that you will agree to voluntarily provide that information without the need for intervention by the Court.

We regard to meeting with the U.S. Attorney, we reiterate our request to meet with him personally at the earliest opportunity. We are about to file a summary judgment motion, which will necessitate a response from his Office. We would like to discuss narrowing the range of disputes that will occur in that response -- as well as other ways that we believe the Office can help treat our clients with fairness. Thank you in advance for communicating this request to the U.S. Attorney.

As always, please feel free to stay in close touch with use to avoid any undue burden in answering any of the discovery requests or responding on other issues. We are also always happy to work closely with on any accommodations for scheduling.

Paul Cassell and Brad Edwards for Jane Does 1, 2, 3, 4, and 5

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

EFTA00211283

[REDACTED]

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State

day, but not the bars of other states. Thank you.

**Sent:** Friday, January 29, 2016 7:57 AM  
**To:** Paul Cassell; Brad Edwards ([brad@pathtojustice.com](mailto:brad@pathtojustice.com))

**Subject:** Pending Discovery Requests

Paul and Brad,

The government agrees that, based upon the Court's ruling that the CVRA applies prior to the arrest or formal charge of a defendant, Jane Does 1-33 are "crime victims" as defined in 18 U.S.C. 3771(e)(2)(A). We also will not argue that Jane Does 1-33 are barred from obtaining relief under the CVRA based on the provision in 18 U.S.C. 3771(d)(1) providing that "[a] person accused of the crime may not obtain any form of relief under this chapter." In order to avoid any misunderstanding, we want to make clear our position that, just because petitioners qualify as "crime victims" does not mean that they were not appropriately afforded the rights listed in section 3771(a) under the factual circumstances, as well as to make clear that we are not waiving or abandoning the position that the CVRA does not apply, and did not apply in this matter prior to the arrest or formal charge of a defendant for a federal offense.

The government does not intend to introduce evidence as to Jane Doe No. 1 or Jane Doe No. 2's engaging in prostitution or referring underage girls to Epstein, for compensation, as a basis for divesting either Jane Doe No. 1 or Jane Doe No. 2 from rights provided in section 3771(a). As to the discovery requests outstanding from December 2, 2015, and December 29, 2015, you mention still needing responses to the requests for production propounded on those two dates, despite the stipulations you requested from the government, which we have now provided, and despite petitioners' representations that the additional discovery was being sought because the government had stated that it might be raising the 3771(d)(1) argument. Since you do not mention the requests for admissions served on December 2 and December 29, 2015, does that mean those at least are being withdrawn?

In the event you remain unwilling to withdraw petitioners' December 2015 discovery requests notwithstanding the representations regarding the section 3771(d)(1) argument that the government has made in good faith in response to petitioners' requests, the government will respond to the discovery, noting its objections where appropriate, or seek a protective order from the Court.

I understand that petitioners still want to conduct the six depositions. The government will file its response on February 1, 2016.

As to the request for a meeting with the U.S. Attorney, that request was based on the government potentially raising the section 3771(d)(1) argument. Since the government has now indicated it will not raise that argument, we do not see any reason to have a meeting with the U.S. Attorney. Thank you.

[REDACTED]