

[REDACTED]

Subject: RE: Pending Discovery Requests - narrowed, amended discovery request

Date: Fri, 29 Jan 2016 18:06:53 +0000

Importance: Normal

Attachments: Victim-RFPs-Amended1.pdf

[REDACTED]

Attached is an "amended" discovery request, that will help to narrow the disputes in the case. I will be sending a second email on this subject shortly.

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

Paul G. Cassell

[REDACTED]

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

[REDACTED]

Sent: Friday, January 29, 2016 7:57 AM

To: Paul Cassell; Brad Edwards (brad@pathtojustice.com)

[REDACTED]

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mention the requests for admissions served on December 2 and December 29, 2015, does that mean those at least are being withdrawn?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.

