

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 08-80736-Civ-Marra/Matthewman

JANE DOE #1 AND JANE DOE #2,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

UNITED STATES' NOTICE OF FILING THIRD SUPPLEMENTAL PRIVILEGE LOG

Pursuant to the Court's June 18, 2013 Omnibus Order (DE 190), the Respondent, United States of America, by and through the undersigned Assistant United States Attorney, hereby gives notice of its filing of its Third Supplemental Privilege Log. The index has been marked with Bates Numbers P-014924 thru P-015267.

The documents referenced in the Third Supplemental Privilege Log will be delivered tomorrow to the Chambers of U.S. District Judge Kenneth A. Marra for *ex parte in camera* review, pursuant to the Court's Omnibus Order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 3, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. According to the Court's website, counsel for all parties are able to receive notice via the CM/ECF system.

s/A. Marie Villafaña
A. MARIE VILLAFANA
Assistant United States Attorney

SERVICE LIST

Jane Does 1 and 2 v. United States,
Case No. 08-80736-CIV-MARRA/MATTHEWMAN
United States District Court, Southern District of Florida

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JANE DOE v. UNITED STATES
COURT FILE NO. 08-80736-CV-MARRA
THIRD SUPPLEMENTAL PRIVILEGE LOG – BOX #5

Bates Range	Description	Privilege(s) Asserted
P-014924	5/27/2008 emails between A.M. Villafaña and K. Atkinson regarding report of new state plea deal for J. Epstein	Work Product Deliberative Process
P-014925 thru P-014927	5/27/2008 emails between A.M. Villafaña, R. Senior, J. Sloman, and K. Atkinson regarding potential renewed plea negotiations for J. Epstein and plans to review and revise updated indictment package	Work Product Deliberative Process Investigative Privilege 6(e)
P-014928	5/23/2008-5/27/2008 emails between A.M. Villafaña, E.N. Kuyrkendall, and J. Richards regarding plans to meet to prepare for indictment presentation, service of grand jury subpoenas, interviews of additional witnesses, and plea negotiation issue	Attorney-Client Privilege Investigative Privilege 6(e) Privacy Act/TVPA/CVRA
P-014929 thru P-014933	5/27/2008-5/28/2008 emails between A.M. Villafaña, E. Nesbitt Kuyrkendall, and J. Richards regarding request for legal analysis of statute of limitations issues under state and federal law	Attorney-Client Privilege Investigative Privilege 6(e) Privacy Act/TVPA/CVRA
P-014934 thru P-014935	5/27/2008-5/28/2008 emails between A.M. Villafaña, J. Sloman, R. Senior, K. Atkinson, and R. Garcia regarding report of new state plea deal for J. Epstein	Work Product Deliberative Process
P-014936 thru P-014940	5/29/2008-5/30/2008 emails between A.M. Villafaña, J. Sloman, R. Senior, K. Atkinson, E. Nesbitt Kuyrkendall, and J. Richards regarding planned grand jury presentation, status of investigation, possible grant of immunity to victim/witness for grand jury testimony	Work Product Attorney-Client Privilege 6(e) Investigative Privilege Deliberative Process Privacy Act/TVPA/CVRA

Bates Range	Description	Privilege(s) Asserted
P-014941 thru P-014954	6/2/2008 draft letter to Deputy Attorney General Mark Filip regarding reasons to approve continued prosecution of J. Epstein (NB: The Court has already determined that final version of this letter is protected by Work Product/Deliberative Process/Attorney-Client Privileges)	Work Product 6(e) Deliberative Process Investigative Privilege
P-014955 thru P-014971	6/3/2008 draft letter to Deputy Attorney General Mark Filip regarding reasons to approve continued prosecution of J. Epstein (NB: The Court has already determined that final version of this letter is protected by Work Product/Deliberative Process/Attorney-Client Privileges)	Work Product 6(e) Deliberative Process Investigative Privilege
P-014972 thru P-014975	6/6/2008 emails between A.M. Villafaña and E. Nesbitt Kuyrkendall regarding victim/witness subpoenaed to the grand jury and need for additional grand jury subpoenas	Attorney-Client Privilege Investigative Privilege 6(e) Privacy Act/TVPA/CVRA
P-014976	6/18/2008 emails between A.M. Villafaña, R. Senior, A. Acosta, J. Sloman, R. Garcia, and K. Atkinson regarding telephone conference with R. Black about allowing J. Epstein to accept state plea to 60 days' imprisonment.	Work Product Deliberative Process
P-014977 thru P-014978	6/19/2008 email forwarding 6/19/2008 email from B. Edwards to E. Nesbitt Kuyrkendall and J. Richards (NB: Asserting privilege only for A.M. Villafaña email. Attorney Edwards presumably has copy of his email to A.M. Villafaña)	Attorney-Client Privilege Investigative Privilege
P-014979 thru P-014980	6/23/2008 emails between A.M. Villafaña, A. Fernandez, and S. Ball (USAO staff) regarding scheduling of grand jury time for indictment presentation and witness testimony (Information regarding unrelated grand jury case redacted)	Work Product Investigative Privilege 6(e)
P-014981	6/23/2008 emails between A.M. Villafaña, E. Nesbitt Kuyrkendall, J. Richards, K. Atkinson, and R. Senior regarding grand jury subpoena to victim/witness, revisions to indictment, planned grand jury presentation, and plans to supersede indictment	Attorney-Client Privilege Work Product 6(e) Investigative Privilege Deliberative Process Privacy Act/TVPA/CVRA

Bates Range	Description	Privilege(s) Asserted
P-014982 thru P-014990	6/25/2008 emails between A.M. Villafaña, J. Sloman, R. Senior, K. Atkinson, and A. Acosta regarding draft of notification of victim list for J. Epstein counsel with attached drafts (NB: Final list, with victim names redacted, has been produced to counsel for Petitioners)	Work Product Deliberative Process
P-014991 thru P-015004	6/23/2008-6/26/2008 emails between A.M. Villafaña and counsel for grand jury witness/victim regarding immunity and travel for grand jury appearance	6(e) Investigative privilege Privacy Act/TVPA/CVRA
P-015005 thru P-015006	6/28/2008 emails between A.M. Villafaña, J. Sloman, A. Acosta, and R. Senior regarding correspondence with J. Goldberger and proposed change to state plea agreement	Work Product Deliberative Process Attorney-Client Privilege
P-015007	7/3/2008 emails between A.M. Villafaña, J. Sloman, and A. Acosta regarding telephone conf. with B. Edwards and regarding meeting with Sheriff's Office about work release program	Work Product Deliberative Process
P-015008 thru P-015024	7/8/2008 emails between D. Lee, K. Neal (Attorney Advisory, Victim Witness Staff, EOUSA), and A.M. Villafaña regarding filing of Petitioners' suit, with attached Draft of Villafaña Declaration and initial Petition (DE1) (NB: Privilege is not being asserted for second attachment (DE1). Attachment was prepared by petitioners and is not being produced because it is within their custody and control.)	Work Product Deliberative Process
P-015025 thru P-015028	7/8/2008 email from A.M. Villafaña to D. Lee, A. Acosta, and J. Sloman regarding victim notification letter provided to counsel for J. Epstein on 11/28/2007 with attachment (NB: The 11/28/2007 email to J. Lefkowitz with attachment will be produced to petitioners' counsel contemporaneously with the filing of this log)	Work Product Deliberative Process
P-015029 thru P-015034	7/7/2008-7/8/2008 emails between A.M. Villafaña and D. Lee regarding background of J. Epstein investigation, negotiations, and victim notifications, and forwarding earlier emails related to Lee questions	Work Product Deliberative Process Attorney-Client Privilege

Bates Range	Description	Privilege(s) Asserted
P-015035 thru P-015062	7/8/2008-7/9/2008 emails between A.M. Villafaña, J. Sloman, D. Lee, A. Acosta, K. Atkinson, K. Herd, K. Neal, K. Manning, and W. Jacobus regarding response to Jane Doe suit, procedure for filing, and internal office policies	Work Product Deliberative Process
P-015063 thru P-015069	7/11/2008-7/14/2008 emails between D. Lee, A.M. Villafaña, K. Herd, K. Neal, A. Acosta, J. Sloman, and W. Jacobus re outcome of hearing in Jane Doe v. U.S. suit and contact from counsel for J. Epstein	Attorney-Client Privilege Work Product Deliberative Process
P-015070 thru P-015071	7/14/2008-7/15/2008 emails between A.M. Villafaña, E. Nesbitt Kuyrkendall, J. Richards, and T. Smith regarding FBI victim notifications and guidance regarding language to use and information to provide	Attorney-Client Privilege
P-015072 thru P-015074	7/17/2008 email from J. Sloman to A. Acosta, A.M. Villafaña, K. Atkinson, and Dexter Lee with attached draft of letter to M. Tein regarding misrepresentations in filings on behalf of J. Epstein in civil suits	Work Product Deliberative Process
P-015075 thru P-015081	7/18/2008-7/21/2008 emails between A.M. Villafaña, J. Sloman, E. Nesbitt Kuyrkendall, J. Richards, D. Lee, and K. Atkinson regarding preparation of victim notification letters, victim contact list, filing of victim notification letter in a civil proceeding, and contact by B. Edwards with one victim opining that sentence imposed was insufficient	Attorney-Client Privilege Work Product Investigative Privilege
P-015082 thru P-015084	7/21/2008 emails between A.M. Villafaña, J. Sloman, R. Senior, D. Lee, K. Atkinson, E. Nesbitt Kuyrkendall, and J. Richards regarding ongoing victim notification process and Epstein filings in state court litigation related to federal grand jury investigation	Work Product Attorney-Client Privilege Deliberative Process 6(e)
P-015085 thru P-015090	7/22/2008 emails between A.M. Villafaña, A. Acosta, J. Sloman, R. Senior, K. Atkinson, E. Nesbitt Kuyrkendall, and J. Richards regarding 7/21/2008 letter from M. Tein announcing plan to stay the civil suits against J. Epstein and notification that B. Reinhart is counsel of record for S. Kellen in civil suits (NB: Tein letter is being produced to petitioners' counsel concurrently with production of this privilege log)	Work Product Attorney-Client Privilege Deliberative Process

Bates Range	Description	Privilege(s) Asserted
P-015091 thru P-015092	7/22/2008 emails between A.M. Villafaña and E. Nesbitt Kuyrkendall regarding ongoing victim notification process	Attorney-Client Privilege 6(e) Investigative Privilege Privacy Act/TVPA/CVRA
P-015093 thru P-015097	7/22/2008 emails between A.M. Villafaña, R. Senior, E. Nesbitt Kuyrkendall, J. Richards, and K. Atkinson regarding correspondence from J. Epstein counsel with attached draft response (NB: A final version of the letter has been produced.)	Attorney-Client Privilege Work Product 6(e) Deliberative Process
P-015098	7/23/2008 emails between A.M. Villafaña and D. Lee regarding correspondence with counsel for J. Epstein and notice of breach	Work Product Deliberative Process 6(e)
P-015099	7/25/2008 emails between A.M. Villafaña and K. Atkinson regarding extension of grand jury to allow for continued presentation of J. Epstein case	6(e) Work Product Deliberative Process
P-015100 thru P-015116	8/2/2008 email from D. Lee to A. Acosta, J. Sloman, W. Jacobus, and A.M. Villafaña summarizing status of <i>Jane Doe</i> v. <i>United States</i> litigation and requesting views on making certain disclosures to counsel for petitioners with attached pleading filed by petitioners (DE19) (NB: Privilege is not being asserted for attachment. Attachment was prepared by petitioners and is not being produced because it is within their custody and control.)	Work Product 6(e) Deliberative Process
P-015117 thru P-015135	8/5/2008 email from A.M. Villafaña to A. Acosta, J. Sloman, R. Senior, and K. Atkinson regarding analysis of Jeffrey Epstein agreement, with attached 6/24/2008 email from A.M. Villafaña to R. Black and J. Goldberger and attached Epstein agreement. (NB: Privilege is not being asserted for the two attachments. The 6/24/2008 email will be produced to petitioners' counsel contemporaneously with the filing of this log, and the Agreement has previously been produced to petitioners pursuant to an earlier Court order.)	Work Product Deliberative Process

Bates Range	Description	Privilege(s) Asserted
P-015136 thru P-015172	8/13/2008-8/15/2008 emails between A. Acosta, K. Atkinson, R. Senior, J. Sloman, D. Lee, and A.M. Villafaña regarding scope of Epstein agreement and correspondence and telephone conference with J. Lefkowitz (NB: Emails to and from J. Lefkowitz and R. Black have been produced to Petitioners' counsel)	Work Product Deliberative Process Attorney-Client Privilege
P-015173 thru P-015186	8/25/2008 emails between A.M. Villafaña, A. Acosta, J. Sloman, R. Senior, K. Atkinson, and D. Lee regarding letter received from J. Lefkowitz (NB: Lefkowitz letter has been produced to Petitioners' counsel)	Work Product Deliberative Process Attorney-Client Privilege
P-015187 thru P-015194	8/20/2008-8/26/2008 emails between A.M. Villafaña, A. Acosta, J. Sloman, R. Senior, and K. Atkinson re draft response to J. Lefkowitz and draft amended victim notification letter (NB: Final version of letter to Lefkotiz and Black has been produced to Petitioners' counsel)	Work Product Deliberative Process
P-015195 thru P-015198	9/2/2008 emails between A.M. Villafaña, D. Lee, R. Senior, and J. Sloman regarding revised victim notification	Work Product Deliberative Process Attorney-Client Privilege
P-015199 thru P-015206	9/17/2008 emails between A.M. Villafaña, A. Acosta, J. Sloman, R. Senior, D. Lee, K. Atkinson, and R. Garcia regarding efforts by Palm Beach Daily News to unseal NonProsecution Agreement that had been filed in state court (NB: Emails from Counsel for Daily News and from State Attorney's Office have been produced to Petitioners' counsel)	Work Product Deliberative Process Attorney-Client Privilege
P-015207 thru P-015213	9/17/2008 email from A.M. Villafaña to A. Acosta, J. Sloman, R. Senior, D. Lee, and K. Atkinson regarding attached letters from J. Herman alleging that victim notifications violated Bar ethics rules (NB: Redacted versions of the letters have been produced to Petitioners' counsel)	Work Product Deliberative Process Privacy Act/TVPA/CVRA
P-015214 thru P-015226	9/29/2008 correspondence to Florida Bar Ethics Counsel regarding victim notification letters and allegation of ethics violation for distribution of letters with attached proposed victim notification letters	Work Product Relevance Florida Bar Privacy Rules

Bates Range	Description	Privilege(s) Asserted
P-015227 thru P-015233	10/18/2008-10/20/2008 emails between D. Lee, A. Acosta, J. Sloman, and A.M. Villafaña regarding correspondence with B. Edwards discussing changes to understanding of portions of Non-Prosecution agreement and victim notifications	Work Product Deliberative Process
P-015234 thru P-015238	11/4/2008 correspondence from Florida Bar Ethics Counsel regarding Florida Ethics Rules involved in distributing victim notification letters.	Work Product Relevance Florida Bar Privacy Rules
P-015239 thru P-015263	11/26/2008 emails between A.M. Villafaña, J. Sloman, and R. Senior regarding email from R. Black about work release (NB: Email from R. Black has been produced to Petitioners' counsel)	Work Product Deliberative Process
P-015264 thru P-015267	12/4/2008 emails between E. Nesbitt Kuyrkendall and A.M. Villafaña regarding attempts to send victim notification letters overseas via Legal Attaches and unrelated Epstein financial issue	Attorney-Client Privilege Work Product Investigative Privilege Privacy Act/TVPA/CVRA