

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA/MATTHEWMAN

JANE DOE 1 and JANE DOE 2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

_____ /

SETTLEMENT AGREEMENT

WHEREAS, Jane Doe 1 and Jane Doe 2 (“Petitioners”) and the United States of America (“Respondent”) (jointly referred to as “the parties”) have agreed that a fair, efficient, and cost effective resolution of this dispute would avoid the unnecessary expenditure of substantial resources to litigate the dispute and hereby stipulate to the adequacy of consideration exchanged; and

WHEREAS, the parties have negotiated in good faith and agreed that the best interests of all parties will be served by a settlement of this proceeding;

NOW, THEREFORE, in consideration of the mutual promises and recitals herein, the parties have agreed to settle the above-captioned case upon the following terms and conditions, intending to be legally bound, and agree as follows:

1. For purposes of this Agreement, the parties agree that the terms “Victim” and “Victims” refer to the persons listed in Sealed Appendix A, which is attached hereto. The

parties further agree that they shall take appropriate steps to keep Appendix A sealed and the identities of the Victims confidential in accordance with governing laws protecting the Victims' privacy.

2. Petitioners agree to dismiss with prejudice both the Petition (Docket Entry No. 1 in *Jane Doe 1, et al. v. United States*, Case No. 08-80736-CIV-MARRA (S.D. Fla.), as may have been amended) and Case No. 08-80736-CIV-MARRA (S.D. Fla.) itself. Petitioners further agree to execute the Joint Stipulation of Dismissal with Prejudice that is attached hereto as Appendix B and which Petitioners herein agree that Respondent may file in Case No. 08-80736-CIV-MARRA (S.D. Fla.) as a joint filing of the parties. The Parties agree that the case shall be dismissed with prejudice, with each party bearing its own costs, fees, and expenses. Petitioners further agree that dismissal with prejudice of their claims is a final judgment on the merits.

3. Respondent agrees that the U.S. Attorney's Office for the Southern District of Florida ("the USAO-SDFL") and the Miami Field Office of the Federal Bureau of Investigation ("FBI-Miami"), will maintain, until December 31, 2018, the criminal investigative files and original evidence related to the investigation conducted by them in the Southern District of Florida of Jeffrey Epstein and his co-conspirators, notwithstanding any general rule or regulation allowing earlier destruction of evidence in closed matters. Should the USAO-SDFL or the FBI-Miami receive any properly served federal grand jury

subpoena, other appropriate law enforcement request, or federal court order to provide such evidence to a law enforcement agency, that evidence will be processed in accordance with governing federal laws and regulations.

4. Respondent advises that any Victim may file a Freedom of Information Act (“FOIA”) and/or Privacy Act (“PA”) request with the FBI per 5 U.S.C. §§ 552, 552a and Department of Justice implementing regulations at 28 C.F.R. Part 16, Subparts A and D. Detailed information about making requests for FBI records under the FOIA and PA is located at www.fbi.gov/foia/. Petitioners acknowledge that, for purposes of responding to any FOIA or Privacy Act requests, FBI-Miami may transfer any files that it maintains pursuant to paragraph 3 to the applicable FBI section responsible for handling FOIA and Privacy Act requests. If counsel for Jane Doe #1 file a FOIA request with the FBI seeking investigative recordings of Alfredo Rodriguez, the defendant named in Southern District of Florida Case No. 10-80015-Cr-Marra, counsel for Jane Doe #1 may represent within that FOIA request that the USAO-SDFL will not be asking the FBI to assert any objection pursuant to 5 U.S.C. § 552(b)(7)(A) on behalf of the USAO-SDFL.

5. Following the filing of the stipulation of dismissal and the Court’s entry of an order of dismissal, Petitioners and any Victim will have the opportunity to attend a joint meeting with the current U.S. Attorney for the Southern District of Florida to express their concerns about the Epstein investigation and its resolution. The current U.S. Attorney

also will provide Jane Doe #1 with a signed copy of the letter attached hereto as Appendix C.

6. Respondent agrees not to oppose a motion filed by Petitioners seeking a hearing before United States District Judge Kenneth A. Marra in which Petitioners and any Victim may address the Court regarding the Epstein investigation and its resolution. Should any Petitioner or Victim wish to submit a written statement to be read into the record by Petitioners' counsel at such hearing, Respondent agrees not to object to the use of a written statement in lieu of live testimony before the Court. Respondent agrees not to oppose motions to file such written statements with the Victims' names redacted and to redact from the hearing transcript the names of any Victims who may elect to address the Court in person, so long as an unredacted transcript is filed under seal.

7. The USAO-SDFL agrees to forward the Petitioners' written proposed amendments to the "Attorney General Guidelines for Victim and Witness Assistance" and to the procedures for filing complaints with the Justice Department's Crime Victims' Rights Ombudsman (attached hereto as Appendix D) to the Office of the Deputy Attorney General at the U.S. Department of Justice and to forward Petitioners' written proposed amendments to the "U.S. Attorney's Manual" (attached hereto as Appendix E) to the Executive Office for U.S. Attorneys, all for consideration in revising and updating those documents and procedures. The USAO-SDFL also agrees to facilitate a possible meeting

between Jane Doe #1, her counsel, and the Director (or Acting Director) of the Office of Policy and Legislation, Department of Justice, Criminal Division, where Jane Doe #1 and her counsel can present these proposed amendments.

8. The parties will file a joint motion asking the Court to return to Respondent all documents previously submitted for *in camera* review.

9. The USAO-SDFL agrees to work with the National Advocacy Center to produce a taped training session on the Crime Victims Rights Act, which will include a taped segment involving the participation of Jane Doe #1. Transmission format and final content will be determined by the Justice Department's Office of Legal Education.

10. Petitioners agree to release and hold harmless Respondent and its agents, employers, representatives and other persons acting in or on its behalf, from any and all claims, actions, demands, damages, causes of action, suits and proceedings of whatever kind or description, that might now or hereafter exist on account of and in connection with any matters relating directly or indirectly to the Petition and above-captioned litigation. Each party shall bear its own costs, fees, and expenses incurred at all stages of these proceedings.

11. This Settlement Agreement is not, is in no way intended to be, and should not be construed as, an admission of liability or fault on the part of the United States, its agents, servants, or employees, and it is specifically denied that they are liable to Petitioners.

12. This is the entire agreement and understanding between Petitioners and Respondent. There are no other agreements, promises, representations, or understandings. This Agreement may not be amended except in writing.

EXECUTED this ____ day of June, 2016.

FOR PETITIONERS:

FARMER, JAFFE, WEISSING,
EDWARDS, FISTOS & LEHRMAN, P.L.

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Salt Lake City, UT 84112

_____, Individually
Petitioner Jane Doe 1

_____, Individually
Petitioner Jane Doe 2

FOR RESPONDENT:

WIFREDO A. FERRER
UNITED STATES ATTORNEY

By: _____

Assistant U.S. Attorney

Miami, Florida 33132
