

From: Paul Cassell <[REDACTED]>
To: Paul Cassell <[REDACTED]>
Cc: [REDACTED], Brad Edwards

Subject: RE: CVRA Case -- Epstein -- Moving Things Along

Date: Sun, 21 Nov 2010 20:27:00 +0000

Importance: Normal

Dear [REDACTED] and [REDACTED],

Brad and I are writing to express our serious concern about how things are progressing on this CVRA case. This note is prompted by the fact that it has now been nearly a month since we proposed a new, specific statement of facts to you (a full draft was e-mail to you on October 23) – and, indeed, more than two years since we proposed a set of facts to you ... all without any answers.

This latest letter is also required by the fact that I hadn't heard from [REDACTED] for some time about how the Government's response to our proposed statement of facts was coming. We had hoped to reach agreement with you on the facts in advance of the October 27 filing date. We were advised, at the last minute, that was not possible. We have continued the last several weeks to try and achieve a statement of facts, all the while being put off. Finally, I called [REDACTED] on the morning on November 15, and [REDACTED] told me that I should have something by the end of that day. But here we are – six days later – no statement of facts ... and, more troubling, not even the courtesy of a call letting Brad and me know what the status is or what the plans are and what caused the delay. (And remember that you were prepared to argue back in October – before Judge Marra peremptorily struck down the argument – that we had somehow delayed too long in moving the case forward!)

In the mean time, our clients continue to be very eager to move forward with this case and reach a resolution. One of our clients is constantly asking for the status on this case and we have had to tell her that the U.S. Attorney's Office is putting us off and has not given us any roadmap or time table for a resolution.

In light of all this, Brad and I cannot have this case delayed any further. Accordingly, we are writing to give you notice now that we will be filing our motion for finding of a violation of the CVRA no later than **Friday, December 17, 2010**.

Before we are forced to file, we would like to meet with someone there who has the authority to try and reach a resolution – specifically the U.S. Attorney. Brad and I are free between December 9 and December 17. However, as indicated repeatedly before, we do not believe a meeting would be productive if we are still haggling over the details of what happened. Therefore, before we would take the time for a meeting (and I would fly across the country), we need to have the statement of facts nailed down.

Most of our proposed facts are now supported by hard, documentary evidence – specifically e-mails written by the U.S. Attorney's Office. We continue to ask you to simply stipulate to all those facts. In a few instances, we have proposed our interpretation of the facts. If you disagree, we propose proceeding as follows: "The victims believe the reasonable inference is xxxxx; the Government believes the reasonable inference is yyyy."

We are also wondering about the best way to get access to any documents that you are reviewing in connection with preparing the facts. Given the length of time it has taken you to get back to us, we assume that you are reviewing many documents. We would like to see all those documents, and are prepared to enter any appropriate protective order or other agreement that would facilitate this. In particular, we would like to see all documents regarding our three clients (Jane Doe, [REDACTED], and [REDACTED]), any discussion of providing victim notification to them specifically or all victims collectively, and all documents regarding the underlying criminal case against Epstein and the Government's decision to enter into a non-prosecution agreement three years ago. These events took place several years ago. Our understanding is that there

is no pending criminal case against Epstein – at least with regard to our three clients – so there should be no basis for resisting production of these documents at this time.

Finally, as you know, back in October, there was the suggestion that we had to file some kind of civil complaint to move our case forward. I have been involved in CVRA litigation around the country, and have not seen that device used before. But – again – it has been more than a month now and we have not heard back from you on our request to be told precisely what procedures you think should be put in place to resolve our dispute.

This case has been pending for far too long. Brad and I believe an expeditious resolution would be best for all concerned. We would like to work with you to achieve this. But if we have to go it alone, our obligation to zealously represent our clients requires us to do no less.

Thank you for your prompt attention to these issues.

Sincerely,

/s/ Paul Cassell

Paul G. Cassell, Esq.
Counsel for Jane Doe, [REDACTED], and [REDACTED].

[REDACTED]
University of Utah College of Law

Brad Edwards
Civil Justice Attorney
**Farmer, Jaffe, Weissing,
Edwards, Fistos & Lehrman, P.L.**

[REDACTED]
Fort Lauderdale, Florida 33301

