

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]

**Subject:** Re: Government's Position on Page Limits

**Date:** Fri, 18 Mar 2011 01:46:34 +0000

**Importance:** Normal

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Paul,  
You are welcome. The Southern District of Florida Local Rules do not distinguish between civil and criminal proceedings when it comes to the page length of a memorandum of law. S.D.Fla.L.R. 7.1(c)(2) limits a legal memorandum to twenty pages.

The government has no objection to petitioners seeking leave to file a legal memorandum exceeding the page limitation by approximately fifteen pages.

[REDACTED]

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**From:** Paul Cassell [REDACTED]  
**Sent:** Thursday, March 17, 2011 08:40 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Brad Edwards [REDACTED]  
**Subject:** RE: Government's Position on Page Limits

Dear [REDACTED]

1. Thank you for the information sent today.
2. What is the Government's position on the page limits applicable to our "summary judgment" pleading – do you believe we are under the civil rules? Or under the criminal rules? Do you believe that we need to file a separate motion for a roughly 35 page pleading with roughly 19 pages of facts? If so, what is your position on such a motion?

Thank you in advance for your position. Paul Cassell, Co-Counsel for Jane Doe #1 and Jane Doe #2

Paul G. Cassell  
Ronald N. Boyce Presidential Professor of Criminal Law  
[REDACTED]  
Salt Lake City, UT 84112-0730

<http://www.law.utah.edu/profiles/default.asp?PersonID=57&name=Cassell,Paul>

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**From:** [REDACTED]  
**Sent:** Thursday, March 17, 2011 10:56 AM

**To:** Paul Cassell

**Cc:** [REDACTED] Brad Edwards

**Subject:** RE: Government's Position on Several Pending Issues? Still Waiting for Answer

Paul,

1. Yesterday, I provided you with the name and phone number for [REDACTED] OPR Acting Associate Counsel, who received your December 10, 2010 letter to Mr. Ferrer, asking for an investigation of the Jeffrey Epstein prosecution.
2. The government will not be making initial disclosures to plaintiffs, because we do not believe Fed.R.Civ.P. 26 applies to this matter.
3. The CVRA applies to the criminal case which has been filed in district court, where an individual is deemed to be a "victim," not any civil litigation which may be initiated to enforce those claimed rights. We do not believe there is any right to discovery in this case. Moreover, we do not believe that whatever Kenneth Starr or Lilly Ann Sanchez may have said to this office, or what this office said to Kenneth Starr or Lilly Ann Sanchez, has any bearing on whether a duty existed under 18 U.S.C. 3771(a) to consult with plaintiffs prior to entering into a non-prosecution agreement, where no charges were filed in the district court. We will respond to your motion seeking access to this information.
4. As I understand the Magistrate Judge's order in Jane Doe No. 2 v. Jeffrey Epstein (D.E. 226), you must give notice to Epstein, prior to making certain correspondence public by either filing the correspondence in a court file, attaching it to a deposition, releasing it to the media, or publically disseminating it in any other fashion. D.E. 226 at 4. Presumably, Epstein will raise any objections he believes are appropriate, and the court will resolve the matter.

The U.S. Attorney's Office has no independent objection to the filing of "an unsealed, unredacted pleading reciting the U.S. Attorney's correspondence." In stating that the U.S. Attorney's Office has no independent objections, we wish to make clear that we are not, and cannot, relieve the plaintiffs of their obligation to comply with the Magistrate Judge's order by giving the appropriate notice to Epstein (D.E. 226). Thank you.

[REDACTED]

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**From:** Paul Cassell [REDACTED]

**Sent:** Tuesday, March 15, 2011 7:21 PM

**To:** [REDACTED]

**Cc:** [REDACTED] Brad Edwards

**Subject:** RE: Government's Position on Several Pending Issues? Still Waiting for Answer

Dear [REDACTED]

Brad and I have received Mr. Ferrer's letter of today. We are deeply disappointed. We will file our court pleadings on Friday.

Mr. Ferrer's letter still leaves unanswered a number of questions, which I am writing to raise with you -- again.

1. You still have not provided, as you promised you would, the name of the person coordinating the OPR investigation. As a result we have not been able to obtain any information about the status of the investigation. Just to be clear, we intend to include in our filing information that OPR has begun an

investigation and to include the information that we currently have about Bruce Reinhart – we assume that making that information public will not compromise OPR’s work.

2. We will be making initial disclosures to you under the Federal Rules of Civil Procedure shortly. We have not heard back from you on whether you will be making parallel disclosures. Accordingly, we understand your position to be that you are not obligated to provide to us any documents under Rule 26.
3. We understand your position to be that, despite the “best efforts” clause in the CVRA and your obligation to treat victims with fairness, you can withhold evidence from the victims that will help them prove CVRA violations. For example, we understand you to take the position that you can withhold the other half of the U.S. Attorney’s correspondence, correspondence between the Department and Ken Starr and Lillian Sanchez on behalf of Epstein, and information about Bruce Reinhart’s role in the Epstein case. In short, we understand you to be asserting a blanket position that you can withhold information that will help prove the victims’ CVRA case. If this is incorrect, please advise us promptly. If we have misunderstood you and you are willing to provide us relevant information, we will promptly provide you with a list of such information. If we have understood you correctly, we will be filing a motion with the Court shortly to block the Justice Department from suppressing such highly relevant information.
4. You still have not given us your position on the victims’ motion to file an unsealed, unredacted pleading reciting the U.S. Attorney’s correspondence. What is your position on that motion: We have been asking for your position on this motion for some time now. If we have not heard back from you by c.o.b. Wednesday, March 16, 2011, we will include in our pleadings the following statement: “The Justice Department attorneys handling this case have been contacted several times for their position on this issue but have refused to respond to give their position.”

Thanks you in advance for your assistance. Sincerely, Paul Cassell, Co-Counsel for Jane Doe

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

[REDACTED]

Salt Lake City, UT 84112-0730

[REDACTED]

<http://www.law.utah.edu/profiles/default.asp?PersonID=57&name=Cassell,Paul>

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