

**From:** [REDACTED]  
**To:** "Paul Cassell" [REDACTED] "Brad Edwards" [REDACTED]  
**Cc:** [REDACTED]

**Subject:** RE: Possible Settlement/Other Details for Friday's Meeting

**Date:** Wed, 08 Dec 2010 23:42:36 +0000

**Importance:** Normal

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Paul and Brad,

1. We should have the remaining 302's for you at the meeting on Friday. As far as the exhibits which Brad requested, there is a DVD of an interview of [REDACTED] which is not yet in our possession. We should have it for you at the meeting. Most of the other exhibits are not in our custody, and we believe are not relevant to the resolution of the CVRA case. Consequently, we will not be producing them.
2. I expect the following individuals from our office to be at the meeting: (1) Wifredo A. Ferrer, United States Attorney; (2) [REDACTED] First Assistant U.S. Attorney; (3) [REDACTED] AUSA; and (4) me.
3. Insofar as joining an additional plaintiff, [REDACTED], we oppose such a motion. The parties are close to filing dispositive motions in the case, and [REDACTED]'s status has been known to the petitioners since the inception of the case.
4. As far as the proposed stipulated statement of facts, the government believes many of the facts are not relevant to the legal determination of whether some or any of the rights in 18 U.S.C. 3771(a) attach prior to the filing of a charge in district court. While the government may not dispute that the fact is correct, we do not believe the fact is relevant. Back in October, you asked the government not to file a motion to dismiss for lack of prosecution, maintaining that such a motion would be ill-founded. When I asked why the petitioners were concerned about the government filing an ill-founded motion, your response was the "atmospherics." I took that to mean that such a motion would put the petitioners in a unjust light, which petitioners wanted to avoid. In the same manner, the government does not want to ascribe any import to facts which we believe to be irrelevant, by stipulating to those facts in a signed document, jointly filed with the petitioners. We are concerned that, if we stipulate to those facts, the district court may attribute more significance to those facts than the government believes is warranted. We can discuss this further on Friday.

[REDACTED]

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**From:** Paul Cassell [REDACTED]  
**Sent:** Tuesday, December 07, 2010 12:41 PM  
**To:** [REDACTED] Brad Edwards  
**Cc:** [REDACTED]  
**Subject:** Possible Settlement/Other Details for Friday's Meeting

Hi [REDACTED] and [REDACTED]

Brad and I and our clients are looking forward to the meeting on Friday. We wanted to touch base with you on a couple of points:

1. I took the liberty of drafting what a possible settlement of the factual disputes might look like, along the lines of what Brad and I were discussing with you last week. It is in the attached document. (Note: there are two documents – first one is a "clean" document; the second one is a "redline" document, showing all the changes – but the redlining is getting somewhat cluttered, so I thought a new clean document would be helpful). We wanted to get this proposal to you well in advance of the Friday meeting so that your office could see a very specific settlement proposal from us that would both allow you to litigate the issue of pre-indictment application

of the CVRA while at the same time avoiding the need for us to quarrel with you over specific factual issues. We trust your office will be prepared to meaningfully discuss this good faith proposal from us on Friday – a proposal which we think would allow the US Attorney's Office and the victims to properly become allies again rather than adversaries.

2. Could you tell us who you anticipate attending the meeting Friday from your office? Right now, we anticipate it will be Brad and me and likely [REDACTED] from our side.
3. Thanks for sending the 302 of [REDACTED] to Brad this morning. Are the 302s for our two other clients on the way? And what is the status on our request for other information/materials?
4. [REDACTED] would like to join our other two clients in the CVRA action. We are planning on filing a motion to that effect. We would like to indicate that the motion is not opposed. Do you have any opposition to such a motion?

Thanks for continuing the discussions on all this. We look forward to a productive meeting on Friday.

Paul Cassell  
Co-Counsel for the Victims

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