

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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JANE DOE,)	Case No.
)	08-80736-CIV-MARRA
Petitioner,)	
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)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	West Palm Beach, Florida
)	August 14, 2008
_____)	

TRANSCRIPT OF HEARING
BEFORE THE HONORABLE KENNETH A. MARRA
U.S. DISTRICT JUDGE

Appearances:

FOR THE PETITIONER Bradley J. Edwards, ESQ., and
Paul G. Cassell, ESQ.

FOR THE RESPONDENT [REDACTED] AUSA, and
[REDACTED] AUSA

Reporter Stephen W. Franklin, RMR, CRR, CPE
[REDACTED] Official Court Reporter
[REDACTED]

1 (Call to the order of the Court.)

2 THE COURT: Good afternoon.

3 VOICES: Good afternoon, Your Honor.

4 THE COURT: All right. This is the case of In Re:
5 Jane Does 1 and 2, case number 08-80736-CIV-MARRA.

6 May I have counsel state appearances, please, and
7 if you can please try and speak up so we can hear you.

8 MR. EDWARDS: Okay. Brad Edwards, on behalf of
9 Jane Doe 1 and 2.

10 MR. CASSELL: Paul Cassell, along with Mr. Edwards.

11 THE COURT: Good afternoon.

12 MR. LEE: Good afternoon, Your Honor. For the
13 United States Government, [REDACTED], Assistant U.S.
14 Attorney, and [REDACTED]

15 THE COURT: All right. Good afternoon.

16 Mr. -- everyone, we're having trouble hearing you,
17 so if you can try and speak up, and also if you could
18 identify yourself before you begin speaking so the reporter
19 can accurately indicate on the record who is speaking. I
20 appreciate that.

21 I scheduled this for a status conference in order
22 to determine whether I'm going to need additional -- as far
23 as the parties were concerned, whether either of the parties
24 thought that I needed additional information in order to
25 proceed with the pending motion by the Plaintiffs or whether

1 we have a complete record based upon what's already been
2 submitted, and I wasn't quite sure where we were on that
3 since we last met.

4 So if I can hear from Mr. Edwards or Mr. Cassell
5 first what the Plaintiffs' position as far as where we stand
6 on the record in terms of whether I need additional facts,
7 evidence, or there's going to be a stipulation submitted to
8 me upon which I can rely.

9 MR. EDWARDS: Sure.

10 Your Honor, this is Brad Edwards.

11 I believe that you do have a sufficient record, in
12 that I don't think that -- I think that we're in agreement
13 that additional evidence does not need to be taken in the
14 case for Your Honor to make a ruling. We have actually met
15 with the U.S. Attorney, and we've had meaningful discussions
16 in an attempt to resolve our issues. I think the only issue,
17 we can probably agree to this right now, is that the victims
18 are unable at this point in time to go any further with
19 requesting a remedy from the Court without the full and
20 complete plea agreement being produced to us from the U.S.
21 Government, and the U.S. Government's hands are tied in that
22 there's a confidentiality agreement within that plea
23 agreement that prohibits them from turning that over.

24 So at this point in time, we would be asking Your
25 Honor to enter an order compelling them to turn over that

1 agreement, and at that point in time I think we can meet
2 again and probably resolve our disputes amongst ourselves.

3 THE COURT: All right. So do I understand that
4 you're modifying your claim for relief at this point and only
5 seeking me to compel the Government to produce the plea
6 agreement, or are you -- or is this a -- a preliminary step,
7 after which you're then going to evaluate whether you want me
8 to do something further?

9 MR. EDWARDS: I think it's the latter, Your Honor.
10 It is, and it will likely always be, our position that the
11 victims' rights are violated. However, because of the legal
12 consequences of invalidating the current agreement, it is
13 likely not in my clients' best interest to ask for the relief
14 that we initially asked for.

15 So in order to effectively evaluate the situation
16 and ask for the appropriate relief, we would just be asking
17 Your Honor at this point in time to allow us to see the full
18 entire plea agreement that is purportedly drafted to protect
19 my victims. That only seems fair to know, you know, what the
20 plea agreement says, especially in light of the fact that
21 Mr. Epstein knows what the plea agreement says.

22 THE COURT: All right. And then if I grant that
23 relief, you will evaluate the agreement and then decide
24 whether to either dismiss your case or go forward and ask for
25 some additional relief?

1 MR. EDWARDS: That's correct, Your Honor.

2 THE COURT: Is it your plan or is there any kind
3 of -- been any kind of discussion between you and the
4 Government as to what you -- if I grant the relief of
5 requiring the Government to at least present you with the
6 agreement and let you view it, has there been any discussion
7 about you keeping it confidential and not letting it go any
8 further than your clients and using it for your
9 decision-making purposes, or do you wish to have it released
10 to you, and you would be able to use it however you wished?

11 MR. EDWARDS: Well, Your Honor, we would prefer
12 that it be produced to us and not have to keep it
13 confidential. I think that that creates an undue hardship on
14 us. However, if it was Your Honor's order that we do
15 maintain some confidentiality of the agreement, we would
16 certainly abide by it.

17 The reason we want it is not so that it's
18 disseminated everywhere; however, there is a public interest
19 in viewing what happens in the court process, and this is
20 just part of it. There's no reason that it should be sealed
21 or kept confidential. Seems to be an overwhelming reason
22 to -- to make it public. However, that's not our intention.
23 Our intention is just to view it, represent my clients and
24 then evaluate it and ask the Court for the appropriate relief
25 after we've seen it.

1 THE COURT: All right. And, again, although I hear
2 you saying you think that it shouldn't be kept confidential
3 because there's some public interest in it, but if you had it
4 to use for whatever, to represent your client either in
5 advising your clients whether to go forward with this case or
6 not, or I guess to use it in connection with any other
7 litigation that you might want to initiate on behalf of your
8 clients where that agreement might have some relevance,
9 what's the interest in using -- having the ability to
10 disclose it beyond those purposes?

11 MR. EDWARDS: Well, certainly if -- if the
12 agreement was designed to protect these victims in a criminal
13 as well as a civil context, and we are going to be filing
14 civil cases against Mr. Epstein, and this agreement,
15 undoubtedly it will play a big role in the amount of
16 protection the victims have been allotted, as well as the
17 course of action in the civil cases. It seems inevitable
18 that it's going to become, you know, more public at that
19 point in time, and I think that's in the very near future.

20 At this point in time, it's not intention to make
21 it public, but I think that inevitably happens as soon as
22 civil litigation begins, and this is at the heart of it,
23 so . . .

24 THE COURT: Well, civil litigation has already
25 begun, hasn't it?

1 MR. EDWARDS: Right.

2 THE COURT: Okay. All right.

3 MR. EDWARDS: At least for some other parties, with
4 other attorneys and other things, so . . .

5 THE COURT: Well, you filed a case yesterday,
6 didn't you?

7 MR. EDWARDS: We filed one of them. It is not on
8 behalf of one of the Jane Does that I'm representing in this
9 action.

10 THE COURT: Okay. All right.

11 MR. EDWARDS: Just so that we're clear.

12 THE COURT: I haven't seen the name, so I didn't
13 know who it was on behalf of.

14 All right. Let me hear from Mr. [REDACTED] or
15 [REDACTED].

16 I understand that you're under a confidentiality
17 agreement, and I understand that you feel restricted in what
18 you can unilaterally do, but I've already entered some
19 rulings in this case that have made portions of that
20 agreement public. Is there any reason to keep the rest of
21 the agreement confidential, other than you're obligated by
22 the agreement and don't want to be in a position where you've
23 unilaterally violated it absent a court order?

24 MR. [REDACTED] Yes, Your Honor. This is [REDACTED].
25 Good afternoon.

1 Your Honor, we do feel bound by the confidentiality
2 provision such that we could not voluntarily disclose this
3 non-prosecution agreement without court order compelling us
4 to do so.

5 The provision in the non-prosecution agreement
6 required us to notify Mr. Epstein and his attorneys of any
7 attempts to have this document disclosed in a public forum,
8 and we have done so. They have expressed their desire that
9 if this document is to be disclosed to the Petitioners in
10 this case, that it be done pursuant to a protective order
11 which would preclude the victims from disseminating it
12 publicly.

13 We believe that is appropriate in this action. It
14 would allow them access to the document, which they claim
15 they have a need to have, and that's fine. They can review
16 it and determine where they wish to go. We believe there's
17 no public interest in having this disseminated.

18 Now, should there be subsequent litigation between
19 Mr. Edwards' clients and Mr. Epstein, and the subject matter
20 of this agreement should arise, then Mr. Epstein and
21 Mr. Edwards will be in a position to litigate that in
22 whatever forum it is, rather than having that issue disposed
23 of where they're not present to voice their objections.

24 So we would ask the Court to, if it compels us to
25 disclose it, to do so under a protective order which would

1 provide for no public dissemination.

2 THE COURT: All right.

3 [REDACTED] Your Honor this is [REDACTED].

4 Just to add onto what [REDACTED] was saying, one of
5 our concerns is that there are names of individuals in the
6 order who are not currently --

7 THE COURT: Ms. [REDACTED] I'm having trouble
8 hearing you. I apologize.

9 [REDACTED] I'm sorry.

10 Your Honor, one of our concerns is that the
11 agreement contains names of individuals who are not
12 currently -- haven't pled guilty or haven't -- do not have
13 certain obligations. And I think that there may be a Rule
14 6(e) issue if the agreement is made public or available to
15 the press, et cetera.

16 THE COURT: Okay. So, I'm sorry, you say there are
17 names of other individuals that do what?

18 MS. [REDACTED] They were other individuals who are
19 the subject of these -- who are the subject of the
20 Government's investigation but who are not necessarily known
21 to the public in the sense that Mr. Epstein entered the
22 guilty plea and the public is aware of that, but they may not
23 know about these other individuals who haven't been indicted,
24 and therefore I think they have a bit of a privacy interest
25 here.

1 THE COURT: Okay. But they're not parties to the
2 agreement.

3 MS. [REDACTED]: No.

4 THE COURT: Okay. Other than the fact that the
5 Government bound itself in the agreement not to disclose it,
6 and you require a court order to have it disclosed, what
7 would be the public interest, or what would be the
8 justification for denying disclosure of the agreement at
9 least to purported victims of Mr. Epstein's conduct? Why
10 shouldn't the victims who the Government, as I understand it,
11 provided notice of their rights under the Act that they had
12 the status of victims, why shouldn't they have the
13 opportunity to see that agreement?

14 MS. [REDACTED] Your Honor, I guess I will respond.

15 I was prepared to -- I need to highlight an issue
16 for the Court. I was prepared to argue today that we had
17 provided the victims with the portion of the agreement that
18 is relevant to them.

19 Last night and this morning, in conversations with
20 Mr. Epstein's attorneys, they have said for the first time
21 that they do not believe that one portion of the agreement is
22 binding, and that is the portion that has been disclosed to
23 the victims. So I can no longer say that they have the
24 portion that is relevant to them.

25 THE COURT: I'm sorry, I didn't quite follow that,

1 Ms. [REDACTED]

2 You've had discussions with Mr. Epstein's counsel
3 as to what?

4 MS. [REDACTED]: Your Honor, in preparation for
5 today's hearing, I was -- I had been working to confirm with
6 Mr. Epstein's attorney that the agreement that I have
7 described in my declaration is the one that they are
8 performing under. Last night and this morning for the first
9 time, I was told that they believe that a portion of the
10 agreement that is described in my declaration and that was
11 disclosed to the victims does not bind them. So as of this
12 point, the victims have not received at least what
13 Mr. Epstein claims is the portion relevant to them.

14 THE COURT: Okay. Your understanding is that
15 Mr. Epstein's taking the position that the portions of the
16 agreement that have already been disclosed are not -- is not
17 binding on Mr. Epstein?

18 MS. [REDACTED]: Yes.

19 MR. [REDACTED]: Your Honor, this is Dexter Lee. If I
20 may?

21 The agreement initially negotiated was executed in
22 September of 2007. That's part one, I will call it.

23 In October, there was an addendum to the executed
24 agreement which occurred the month before. There was some
25 more discussions, and there was a letter that was submitted

1 to Mr. Epstein's attorneys by the United States Attorney in
2 December. That's part three, I will call it.

3 There is now a dispute between the Government and
4 Mr. Epstein's attorneys about whether certain portions after
5 the original agreement are effective and binding. I just
6 need to make the Court aware of that and also Mr. Edwards and
7 Judge Cassell.

8 MR. EDWARDS: This is the first time --

9 This is Brad Edwards speaking.

10 This is the first time we're hearing any of this.
11 This is obviously even further evidence that the victims were
12 unaware of the plea agreement that was being worked out.

13 But, nonetheless, I don't think that it changes our
14 position, in that we believe we're entitled to not only the
15 plea agreement, but all of the addenda that have been
16 attached to that plea agreement and have become part of that
17 plea agreement, just so that what we're asking for is clear.

18 MR. [REDACTED] Your Honor, this is [REDACTED]

19 We are prepared to give all three hopefully, in our
20 view, pursuant to a protective order preventing public
21 disclosure, but we just want the Court and the Petitioners'
22 counsel to know that there is a dispute ongoing right now
23 about which portions are effective and which are not. And we
24 can discuss that with them at the conclusion of the hearing.

25 THE COURT: All right. But again, as far as my

1 earlier question, even though there's a dispute now
2 apparently between Mr. Epstein and the Government as to what
3 portions of the agreement are or are not binding, does the
4 Government have any reason why the victims should not have
5 the benefit of seeing these -- the agreement, whether, you
6 know, it's going to be held binding down the road or not,
7 other than you agreed in a confidentiality order not to
8 disclose it? But beyond that, is there any justification
9 that the Government can provide to me as to why the victims,
10 people who have been identified by the Government as victims
11 of Mr. Epstein, should not have the benefit of seeing this
12 plea agreement, or non-prosecution agreement, whatever you
13 want to term it?

14 MR. [REDACTED] Your Honor, this is [REDACTED]. When you
15 refer to victims, do you mean victims beyond the three that
16 are parties to the instant litigation?

17 THE COURT: I mean -- yes, I'm talking about anyone
18 who the Government may have disclosed as a -- as a -- or sent
19 notice to based upon your understanding of who might have
20 been a potential or an alleged victim of Mr. Epstein's
21 conduct, whether they're part of this lawsuit or not.

22 MR. [REDACTED] Well, if the Court is asking whether we
23 could expand the protective order such that it would permit
24 disclosure to those other victims identified that have
25 received notification already, I believe that would be

1 appropriate.

2 THE COURT: Okay. But I guess my real question is
3 do you have any reason that you could advance why they should
4 not get it?

5 Let's just limit ourselves to the victims who are
6 the Jane Does in this case before we go beyond that. Is
7 there any reason that the Government can advance why the two
8 Jane Does 1 and 2 in this case should not have the
9 opportunity to view the plea agreement, or the deferral
10 agreement or the addenda to it? Can anyone justify not
11 letting them see it?

12 MR. [REDACTED] Your Honor, this is [REDACTED].
13 No, we cannot.

14 THE COURT: Okay. All right. Now, Mr. Edwards.

15 MR. EDWARDS: Yes.

16 THE COURT: Is there any reason why I shouldn't,
17 assuming I'm going to allow or require the Government to
18 produce the agreement and the addenda to your clients in this
19 case -- and we'll talk about other victims in a minute -- is
20 there any reason why, at least initially, it shouldn't be
21 subject to a protective order so that in the case, for
22 example, that you filed yesterday on behalf of an alleged
23 victim under a Jane Doe, where you specifically reference
24 this agreement in your -- in one the counts, that it
25 shouldn't remain subject to a protective order at least until

1 Mr. Epstein has the opportunity to litigate whether or not it
2 should be disclosed beyond -- beyond your clients or other
3 victims?

4 MR. EDWARDS: At this point, Your Honor, I think
5 that that would probably be fair.

6 My only real concern is that if there's an order
7 out there where anybody can access on PACER and it says,
8 "okay, at this point I'm ordering the Government to disclose
9 this plea agreement," I just want to make sure if anybody
10 else feels entitled to that agreement, whether it's other
11 victims, or counsel, or what have you, that they be required
12 to request it from the Government or these attorneys rather
13 than try to subpoena or request it from my office, knowing
14 that I have access to this confidential agreement.

15 Other than that, no, I don't have any other reasons
16 why that's not a reasonable order.

17 THE COURT: All right. And let's assume I think it
18 should be available to any person that the Government has
19 identified as an alleged victim of Mr. Epstein's conduct, and
20 they've sent notice of their rights under the statute as a
21 victim to this -- these individuals, and I permit disclose to
22 your clients, or anyone else who fits into the category of
23 victim as described by the Government, and require -- you
24 know, again, impose a protective order that it shouldn't go
25 to anyone beyond that until such time as, in a pending

1 lawsuit, I conclude that the protective order should be
2 lifted after Mr. Epstein has an opportunity to be heard on
3 that issue, is there anything else that you would need at
4 this point?

5 MR. EDWARDS: No, Your Honor.

6 This is Brad Edwards.

7 At this point in time that's all we're requesting.

8 THE COURT: And M ██████████, if I
9 conclude that anyone that you've identified as a victim and
10 notified as a victim of their rights with respect to the
11 investigation of Mr. Epstein is entitled to view the
12 agreements, subject to a protective order until such other
13 time that I say it should be released beyond that, do you --
14 is there any reason why I shouldn't make it available to all
15 of the people who have been identified by you as a victim?

16 MR. ██████████ This is ██████████ Your Honor.

17 The answer is no, there's no problem, with the
18 exception of the grand jury issue that my colleague,
19 Ms. ██████████ mentioned earlier. I may have to defer to her
20 right now on that issue to see if that would preclude what
21 the Court is asking.

22 THE COURT: All right. Hold on one second.

23 (Brief pause in proceedings.)

24 THE COURT: Mr. Edwards, is there any reason why
25 you would need to see the names of others that the Government

1 may have been investigating that might appear -- whose names
2 might appear in these agreements? Is there any interest that
3 you would have in that or need to see that information?

4 MR. EDWARDS: Well, the primary interest would be
5 that those are obviously important witnesses for any case
6 that my clients have against Mr. Epstein, witnesses that
7 Mr. Epstein is clearly aware of, since he has access to the
8 complete full agreement, and it seems inherently unfair that
9 he would have access to the names -- to a witness list that
10 my clients would not be privy to.

11 THE COURT: Well, why wouldn't you be able to get
12 those through discovery in the civil litigation?

13 MR. EDWARDS: And that may be an appropriate time
14 to get it. But that would be my primary objection for not
15 getting the names of the victims, whether now or eventually.

16 THE COURT: No, as I understand it, this is not the
17 names of other victims, this is the names of other
18 individuals that the Government may have been investigating
19 in connection with their investigation of Mr. Epstein, and
20 they're concerned about grand jury secrecy and information
21 that may have been brought before the grand jury that should
22 not be made public at this point, as I understood the
23 Government's position.

24 Is that correct, Ms. [REDACTED]

25 MS. [REDACTED] Yes, Your Honor.

1 MR. EDWARDS: Well, Your Honor, as I understand
2 this -- and correct me if I'm wrong, anybody -- this
3 non-prosecution agreement provides for a dismissal or
4 immunity for other individuals, and I think these are the
5 individuals that we are talking about. But all of that is
6 inextricably intertwined within this agreement, and it is
7 this agreement in its total form that is supposed to protect
8 the victims. I think that the victims have a right to know
9 of these other individuals, who my clients were also familiar
10 with during the course of this conduct, and how it protects
11 them in this case. And I don't see why they should, once
12 again, get an incomplete version of this. Because these are
13 characters that are very intertwined with the -- the -- with
14 Mr. Epstein's conduct. This is not completely and wholly
15 indifferent or irrelevant conduct for some other people.
16 This is all part of the same conduct, and I think that's
17 probably necessary for us to evaluate the effect of this
18 agreement and whether or not we're going to continue to
19 pursue this case.

20 THE COURT: All right. So you're assuming that the
21 agreement also provides that the Government will not
22 prosecute these other individuals? That's what your
23 assumption is?

24 MR. EDWARDS: Yes, Your Honor.

25 THE COURT: Do you have any information to -- upon

1 which you make that conclusion, or is that just an
2 assumption?

3 MR. EDWARDS: That is all just, you know, the
4 discussions that we've had with various individuals, law
5 enforcement, clients, things like that. And putting it
6 together, that's what we believe is a portion of this
7 agreement. If I'm wrong about that, one of the U.S.
8 Attorneys on the phone can probably correct me. But that's
9 my belief.

10 THE COURT: All right. Well, assume they're just
11 mentioned in the agreement in some way. And I'm not sure how
12 or why they would be mentioned. But assume they're mentioned
13 in the agreement, but there's no agreement by the Government
14 not to prosecute them. Is there any reason for you to have
15 their names if it's other than for the purpose of finding out
16 the extent to which the Government has agreed not to
17 prosecute Mr. Epstein and other individuals?

18 MR. EDWARDS: That's a tough question for me to
19 answer without knowing in what context those individuals are
20 listed. However, I just renew my previous argument that I do
21 believe they're intertwined, and I think that, once again, if
22 we get a version of this plea agreement without the portions
23 that pertain to these other individuals, then we could
24 possibly be in the same position where we are not sure as to
25 the full extent of the protection allowed under this

1 agreement. That would be -- without knowing how they're
2 mentioned, I can't voice any other objection to not getting
3 those portions but I could certainly foresee where, you know,
4 we're not going to get out of it what we're asking.

5 THE COURT: All right. Well, again, I didn't
6 understand the Government to want to redact the entire
7 provisions that relate to these individuals. I understood
8 that they just wanted to redact their names.

9 Am I correct, Ms. [REDACTED]?

10 MS. [REDACTED] Yes.

11 THE COURT: Okay. So if you were given the
12 agreement with these names redacted but you saw the context
13 in which they were listed, and then, after seeing the
14 agreement and the context in which their names were
15 mentioned, if it presented a problem to you that they were
16 being withheld, couldn't you then just, you know, file
17 another motion for disclosure of the names after you've had
18 an opportunity to, you know, evaluate whether or not there's
19 any real need for you to get these names?

20 MR. EDWARDS: Okay. We could do that at that time,
21 Your Honor.

22 THE COURT: All right. Anything else that anybody
23 wants to add to what -- our discussion?

24 MR. EDWARDS: One more thing, Your Honor. This is
25 Brad Edwards.

1 Same topic. My clients are currently in a position
2 where they may be speaking to local law enforcement regarding
3 certain issues pertaining to this case, and if we are unable
4 to have access to the other named people in this agreement,
5 it may put them at a disadvantage in terms of whether or not
6 it would be in their benefit to speak with other law
7 enforcement about this case. I mean, certainly if there's
8 individuals who have been given immunity in this agreement,
9 then it would only be to the disadvantage of my clients to
10 continue to try to pursue criminal charges.

11 So in that regard, that would be my only objection
12 to not having the names of these other individuals.

13 THE COURT: All right. Well, again, you're
14 assuming that there's some kind of immunity or deferral of
15 prosecution --

16 MR. EDWARDS: That's correct.

17 THE COURT: -- given to people other than
18 Mr. Epstein, correct?

19 MR. EDWARDS: That's correct.

20 THE COURT: Okay. And that's something that would
21 be clear once you got the agreement and you read it, and if
22 the names were -- you know, if that was apparent in the
23 agreement, then you could come back and ask me to require the
24 disclosure of the names.

25 MR. EDWARDS: Okay. That sounds fair.

1 THE COURT: All right. Mr. [REDACTED] or Ms. [REDACTED]
2 did you have anything else you wanted to add?

3 MS. [REDACTED] Well, Your Honor, I guess I will
4 just tell the Court this. It does indeed contain language
5 related to that issue. So I don't know if you want to make
6 Mr. Edwards jump through that hurdle or if you want to make
7 that decision now.

8 THE COURT: All right. So you're telling me that
9 there is some language in the agreements that does obligate
10 the Government to not prosecute individuals other than
11 Mr. Epstein?

12 MS. [REDACTED]: Correct.

13 THE COURT: All right. So if that's true, why
14 should the victims not know who those people are?

15 MS. [REDACTED] Your Honor, I guess my concern
16 really relates to disclosure. And if your protective
17 order -- or I don't know if you need a written protective
18 order or an ore tenus order, limit Mr. Edwards to disclosing
19 it only to his clients and to his co-counsel, then I don't
20 think that we would have a basis to object.

21 THE COURT: Again, with the right for them to come
22 back and ask for the ability to disclose it beyond that
23 limited group at a later time after Mr. Epstein has an
24 opportunity to be heard?

25 MS. [REDACTED] Right.

1 THE COURT: Again, Mr. Edwards, do you have any
2 problem with that procedure, you know, you're permitted to
3 disclose -- the names of these individuals who are also
4 getting the benefit of a non-prosecution agreement would be
5 disclosed to you under the terms of the protective order
6 without prejudice to you being able to, in any litigation
7 that ensues, seeking to disclose it beyond the limited group?

8 MR. EDWARDS: No, Your Honor, that's fine.

9 THE COURT: All right. Well, then I'm going to
10 order the Government to produce the agreement and any addenda
11 to Mr. Epstein -- Mr. Edwards in this case, and it would be
12 available also to any other individuals who have been
13 identified by the United States as victims in connection with
14 the investigation of Mr. Epstein, subject to a protective
15 order. Which, I'm going to ask the parties to try and work
16 on the language of a protective order to submit to me that
17 would prohibit disclosure to anyone other than Mr. -- to the
18 victim, or victims' counsel, without prejudice to the victims
19 seeking the ability to disclose it beyond that limited group
20 after Mr. Epstein has an opportunity to be heard on further
21 disclosure.

22 MR. EDWARDS: Okay. Thank you, Your Honor.

23 MR. [REDACTED] This is [REDACTED]

24 Very well, Your Honor. We appreciate your time.

25 THE COURT: All right. So is there any questions

1 about it? Is there anything unclear about what I'm ordering?

2 And I'm also -- okay. And the names of the --
3 there will be no redaction in the agreements, but any victim
4 has to -- who gets notice of this has to agree to be bound by
5 the protective order until further order of the Court.

6 MS. [REDACTED] Your Honor, this is [REDACTED]

7 [REDACTED]

8 Just to be clear, we are not under an obligation to
9 advise the victims of this, but if the victim asks for a copy
10 of the document, this is the procedure that we'll follow?

11 THE COURT: Well, I'm not going to tell you whether
12 you have any obligation under the Act to disclose this or
13 not. I don't want to get into that. I don't know that you
14 do, but I don't want to say that you don't. So if you have
15 an independent obligation to disclose this to victims under
16 the Act, then -- then I'm not telling you not to do it.

17 MS. VILLAFANA: Okay. But your order isn't
18 ordering us to do it. We will have to make our evaluation.

19 THE COURT: I'm only ordering it to be available to
20 victims, and the -- and then you have to decide whether
21 you're obligated under the Act to disclose it to anyone else
22 who falls into that category.

23 MS. [REDACTED] Okay. Thank you, Your Honor.

24 THE COURT: All right. Thank you.

25 VOICES: Thank you, Your Honor.

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THE COURT: Have a good day.
(Proceedings concluded.)

* * * * *

CERTIFICATE

I, Stephen W. Franklin, Registered Merit Reporter, and
Certified Realtime Reporter, certify that the foregoing is a
correct transcript from the record of proceedings in the
above-entitled matter.

Dated this 20th day of AUGUST, 2008.

Stephen W. Franklin, RMR, CRR

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