

From:

To:

Subject: Ltr re Epstein Case -- Possible FOIA Request

Date: Fri, 08 Jan 2010 16:49:34 +0000

Importance: Normal

Attachments: 20100104_ [REDACTED]_Ltr001.pdf

Hi everyone – I have attached a letter I just received from Spencer Kivin, who is the attorney for one of the plaintiffs suing Jeffrey Epstein. As you will see, he is asking about Mr. Epstein's computer and the victim list that was provided to the City of Palm Beach Police Chief. He also wants to depose S/A [REDACTED] her supervisor at the time, and the Special Agent in Charge at the time.

[REDACTED] – Can you forward this to [REDACTED] and your in-house counsel.

Here is my proposed response:

Dear Mr. Kivin:

Thank you for your letter of January 4, 2010, regarding the deposition of [REDACTED]. I have not received or reviewed a copy of [REDACTED] deposition, so I do not know the substance of his testimony.

In response to your questions, no computer was seized from Mr. Epstein's home, and the FBI did not return any computer equipment to Mr. Epstein, or any lawyer or investigator working for Mr. Epstein. While Chief of Police, [REDACTED] was provided with a copy of the list of identified victims that was provided to Mr. Epstein via his attorneys. A cover sheet provided that the document should be treated as confidential, pursuant to Title 18, United States Code, Section 3509(d) and Florida Law. [REDACTED] was not instructed to destroy the letter by the U.S. Attorney's Office, although he may have decided to do so of his own accord.

Subpoenas cannot be served upon federal agents for testimony or documents without first complying with their employing agency's *Touhy* regulations. See *United States ex rel. Touhy v. Ragen*, 340 U.S. 462, 468 (1951); 5 U.S.C. § 301. The regulations related to the Federal Bureau of Investigation can be found at 28 C.F.R. §§ 16.21, *et seq.*

Sincerely,

Please let me know if the response is acceptable.

Thank you.