



[Redacted]

To "Jay Lefkowitz" <[Redacted]>

(USAFLS)"

cc

<[Redacted]>

bcc

10/03/2007 03:38 PM

Subject RE:

History: This message has been replied to.

That is fine. I'm sorry I didn't get your e-mail sooner. Since I am out of the office, the best way to reach me is on my cell, or you can send an e-mail (which becomes a text message) to [Redacted]

Tomorrow I am available early in the morning (7:00 to 7:45), or at 8:30, or at 5:00, or after 6:45.

Thanks.

[Redacted]

Assistant U.S. Attorney

Fax [Redacted]

-----Original Message-----
[Redacted]

----- Original Message -----
From: [Redacted]
Sent: 10/03/2007 03:15 PM AST
To: Jay Lefkowitz
Subject: RE:

Hi Jay -- This afternoon is fine. Here is the memo that I put together. Just let me know where I should call you at 4:00. Thanks.

[Redacted]
Assistant U.S. Attorney
[Redacted]

Fax [REDACTED]

-----Original Message-----

[REDACTED]
[REDACTED] 10:55 AM
[REDACTED]

[REDACTED] [REDACTED]

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[Redacted]
C. (USAFLS)"
[Redacted]

To "Jay Lefkowitz" <[Redacted]>
cc
bcc

10/03/2007 04:24 PM

Subject Proposed Letter to Special Master

History: This message has been replied to and forwarded.

Hi Jay – To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[Redacted]

Assistant U.S. Attorney

[Redacted]

Fax [Redacted]

<<< Attachment 'PROPOSED Letter to Special Master.pdf' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '12/04/2007 00:50:12'. >>>

PROPOSED JOINT LETTER TO THE SPECIAL MASTER

Re: Special Master: Privileged and Confidential

Dear Sir:

The undersigned, as counsel for the United States of America and Jeffrey Epstein, jointly write to you to provide information relevant to your service as a Special Master in the selection of an attorney to represent several young women who may have civil damages claims against Mr. Epstein.

The U.S. Attorney's Office and the Federal Bureau of Investigation (jointly referred to as the "United States") have conducted an investigation of Jeffrey Epstein regarding his solicitation of minor females in Palm Beach County to engage in prostitution. Mr. Epstein, through his assistants, would recruit underage females to travel to his home in Palm Beach to engage in lewd conduct in exchange for money. Based upon the investigation, the United States has identified 40 young women who can be characterized as victims pursuant to 18 U.S.C. § 2255. Some of those women went to Mr. Epstein's home only once, some went there as much as 100 times or more. Some of the women's conduct was limited to performing a topless or nude massage while Mr. Epstein masturbated himself. For other women, the conduct escalated to full sexual intercourse.

As part of the resolution of the case, Mr. Epstein agreed that he would not contest jurisdiction in the Southern District of Florida for any victim who chose to sue him for damages pursuant to 18 U.S.C. § 2255. Mr. Epstein agreed to provide an attorney for victims who elected to proceed exclusively pursuant to that section, and agreed to waive any challenge to liability under that section up to an amount agreed to by the parties.

The parties have agreed to submit the selection of an attorney to a Special Master. Attached hereto is a list of five attorneys whom the parties have agreed should be considered by the Special Master for selection. Also attached hereto is a memorandum explaining the anticipated duties and responsibilities of the attorney who is selected, and that portion of the agreement between the United States and Mr. Epstein addressing the attorney's role. Each attorney has provided some background information regarding his or her practice, experience, and other relevant factors. The Special Master may contact any or all of those attorneys for additional information, as the Special Master deems appropriate. Each party will also provide the Special Master with a list of the criteria that the party believes should be considered in making the selection. If the Special Master has any questions regarding the criteria, he may contact the relevant party to inquire further, as he deems appropriate.

The parties ask that the Special Master "rank" the top three attorneys, in case one or more has a conflict that prevents him or her from accepting the representation.

The parties thank you for your willingness to conduct this task as a *pro bono publico* matter. Please do not hesitate to contact us if you need any further information.



[Redacted]
(USAFLS)
[Redacted]

To "Jay Lefkowitz" [Redacted]
cc
bcc

10/03/2007 07:31 PM

Subject RE: Proposed Letter to Special Master

Hi Jay -- That was simply a draft for discussion purposes. I am hoping that we will send such a letter jointly, once we have finalized the process and pick a master. Thanks.

[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]

[Redacted]

10/03/2007 04:24 PM

To [Redacted]
cc
Subject
Proposed Letter to Special Master

Hi Jay - To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[Redacted]
Assistant U.S. Attorney
[Redacted]
Fax [Redacted]



To "Jay Lefkowitz" <[redacted]>
 cc
 bcc

10/05/2007 07:48 AM

Subject RE: Proposed Letter to Special Master

History This message has been replied to and forwarded.

Good morning, Jay. We need to resolve the attorney issue today. It has been weeks since execution of the contract, and there is no need for further delay.

As far as the five attorney names that we will be providing, I propose Bert Ocariz, Katherine Ezell at Podhurst Orseck, Stuart Grossman, Ed Rogers, and Walter Cobath.

If you would like to use the same Special Master to resolve fees disputes as well as to handle the selection of the attorney, I would recommend that we use retired 11th Circuit Judge Joseph Hatchett instead of Judge Davis because of Judge Davis's health problems. (No one has contacted Judge Hatchett yet, but one of the District Judges in Miami mentioned him as a good choice.)

I am available for a conference call between 9:00 and 10:00, and between 3:15 and 6:00. Please call me on my cell [redacted] and let me know which of those times works best for you.

Thank you.



10/03/2007 04:24 PM

To "Jay Lefkowitz" [redacted]

cc
Subject
Proposed Letter to Special Master

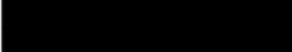
Hi Jay - To move things along, I also have enclosed
the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[REDACTED]
Assistant U.S. Attorney

[REDACTED]
Fax [REDACTED]



To "Jay Lefkowitz" 

cc

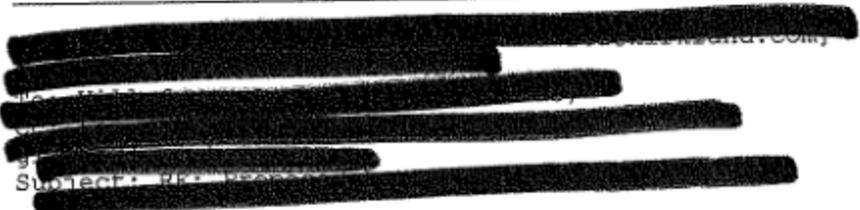
bcc

10/05/2007 04:47 PM

Subject RE: Proposed Letter to Special Master

History: This message has been forwarded.

Jay -- I will call in at 5:30.









10/05/2007 07:48 AM

To "Jay Lefkowitz" <
cc
Subject
RE: Proposed Letter to Special Master

Good morning, Jay. We need to resolve the attorney issue today. It has been weeks since execution of the contract, and there is no need for further delay.

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I am available for a conference call between 9:00 and 10:00, and between 3:15 and 6:00. Please call me on my cell [REDACTED] and let me know which of those times works best for you.

Thank you.

[REDACTED]

"Villafana, Ann Marie C. (USAFLS)"
<Ann.Marie.C.Villafana@usdoj.gov>

10/03/2007 04:24 PM

To
"Jay Lefkowitz" <JLefkowitz@kirkland.com>
cc
Subject
Proposed Letter to Special Master

Hi Jay - To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

Fax [REDACTED]

[REDACTED]

10/03/2007 04:24 PM

To
"Jay Lefkowitz" [REDACTED]
cc
Subject
Proposed Letter to Special Master

Hi Jay - To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

Fax [REDACTED]

[REDACTED]

10/03/2007 03:18 PM

To
"Jay Lefkowitz" <[REDACTED]>
cc
Subject
Memo in PDF format

Hi Jay - In case you can't open the other version,
here it is in pdf.

<<Special Master Proposal.pdf>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

Fax [REDACTED]



[Redacted]

10/05/2007 05:42 PM

To "Jay Lefkowitz" [Redacted]

cc

bcc

Subject RE: Proposed Letter to Special Master

Jay - I will call you at 5:30.

[Redacted]

Assistant U.S. Attorney

[Redacted]

[Redacted]

[Redacted] to

[Redacted]

[Redacted]

10/05/2007 07:48 AM

To "Jay Lefkowitz" [Redacted]

cc

Subject RE: Proposed Letter to Special Master

Good morning, Jay. We need to resolve the attorney issue today. It has been weeks since execution of the contract, and there is no need for further delay.

As far as the five attorney names that we will be providing, I propose Bert Ocariz, Katherine Ezell at Podhurst Orseck, Stuart Grossman, Ed Rogers, and Walter Cobath.

If you would like to use the same Special Master to resolve fees disputes as well as to handle the selection of the attorney, I would recommend that we use retired 11th Circuit Judge Joseph Hatchett instead of Judge Davis because of Judge Davis's health problems. (No one has contacted Judge Hatchett yet, but one of the District Judges in Miami mentioned him as a good choice.)

I am available for a conference call between 9:00 and 10:00, and between 3:15 and 6:00. Please call me on my cell [REDACTED] and let me know which of those times works best for you.

Thank you.

[REDACTED]

[REDACTED]

[REDACTED]

10/03/2007 04:24 PM

To
"Jay Lefkowitz" <[REDACTED]>
cc
Subject
Proposed Letter to Special Master

Hi Jay - To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[REDACTED]
Assistant U.S. Attorney

[REDACTED]
Fax [REDACTED]

[REDACTED]
10/03/2007 04:24 PM

To "Jay Lefkowitz"

[REDACTED]
cc
Subject Proposed Letter to Special
Master

Hi Jay - To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[REDACTED]
Assistant U.S. Attorney

[REDACTED]
Fax [REDACTED]

[REDACTED]
10/03/2007 03:18 PM

To "Jay Lefkowitz"

[REDACTED]
cc
Subject Memo in PDF format
t

Hi Jay – In case you can't open the other version, here it is in pdf.

<<Special Master Proposal.pdf>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

[REDACTED]



To "Jay Lefkowitz" [redacted]

cc

bcc

10/07/2007 07:42 PM

Subject Call Tomorrow

History: This message has been replied to.

Jay – The office is closed tomorrow for Columbus Day. Can we reschedule for Tuesday at 10:00? Thank you.



Assistant U.S. Attorney



Fax [redacted]



To [REDACTED]
cc "Sloman, Jeff (USAFLS)" [REDACTED]
"Acosta, Alex (USAFLS)" [REDACTED]
bcc

11/28/2007 04:46 PM

Subject Epstein: Victim Notification Letter

History: This message has been replied to and forwarded.

Dear Jay:

Jeff asked that I forward the victim notification letter to you. It is attached.

Thank you.

<<Victim Notification Ltr.pdf>>



Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone [REDACTED]

Fax [REDACTED]

<<< Attachment 'Victim Notification Ltr.pdf' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '01/30/2008 00:30:02'. >>>



U.S. Department of Justice

United States Attorney
Southern District of Florida

500 South Australian Ave., Suite 400
West Palm Beach, FL 33401

Facsimile: [REDACTED]

November 29, 2007

DELIVERY BY HAND

Miss

Re: Crime Victims' Rights – Notification of Resolution of Epstein Investigation

Dear Miss _____:

Several months ago, I provided you with a letter notifying you of your rights as a victim pursuant to the Justice for All Act of 2004 and other federal legislation, including:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any public court proceeding, unless the court determines that your testimony may be materially altered if you are present for other portions of a proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, or sentencing.
- (5) The reasonable right to confer with the attorney for the United States in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

I am writing to inform you that the federal investigation of Jeffrey Epstein has been completed, and Mr. Epstein and the U.S. Attorney's Office have reached an agreement containing the following terms.

First, Mr. Epstein agrees that he will plead guilty to two state offenses, including the offense of soliciting minors to engage in prostitution, which will require him to register as a sexual predator for the remainder of his life.

EFTA00213765

Second, Mr. Epstein has agreed to make a binding recommendation of 18 months' imprisonment to the state court judge who sentences him. Mr. Epstein will serve that sentence of imprisonment at the Palm Beach County Jail.

Third, Mr. Epstein has agreed that he will not contest jurisdiction or liability if you elect to seek damages from him because the United States has identified you as a minor victim of certain federal offenses, including travel in interstate commerce to engage in prostitution with minors and the use of facilities of interstate commerce to induce minors to engage in prostitution. To assist you in making such a claim, the U.S. Attorney's Office has asked an independent Special Master to select attorneys to represent you. Those attorneys are Aaron Podhurst and Robert ("Bob") Josefsberg with the law firm of Podhurst Orseck, P.A. They can be reached at [REDACTED]. I anticipate that someone from their law firm will be contacting you shortly. I must also advise you that you are not obligated to use these attorneys. In fact, you have the absolute right to select your own attorney, so you can decide not to speak with Messrs. Podhurst/ Josefsberg at all, or you can speak with them and decide at any time to use a different attorney. If you do decide to seek damages from Mr. Epstein and you decide to use Messrs. Podhurst / Josefsberg as your attorneys, Mr. Epstein will be responsible for paying attorney's fees incurred during the time spent trying to negotiate a settlement. If you are unable to reach a settlement with Mr. Epstein, you and Mr. Josefsberg can discuss how best to proceed.

As I mentioned above, as part of the resolution of the federal investigation, Mr. Epstein has agreed to plead guilty to state charges. Mr. Epstein's change of plea and sentencing will occur on December 14, 2007, at _____ a.m., before Judge Sandra K. McSorley, in Courtroom 11F at the Palm Beach County Courthouse, 205 North Dixie Highway, West Palm Beach, Florida. Pursuant to Florida Statutes Sections 960.001(1)(k) and 921.143(1), you are entitled to be present and to make a statement under oath. If you choose, you can submit a written statement under oath, which will be filed by the State Attorney's Office on your behalf. If you elect to prepare a written statement, it should address the following:

the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence. Fl. Stat. 921.143(2).

You also are entitled to notification when Mr. Epstein is released from imprisonment at the end of his prison term and/or if he is allowed to participate in a work release program. To receive such notification, please provide the State Attorney's Office with the following information:

1. Your name
2. Your address
3. Your home, work, and/or cell phone numbers

MISS _____
NOVEMBER 29, 2007
PAGE 3

4. Your e-mail address
5. A notation of whether you would like to participate in the "VINE system," which provides automated notification calls any time an inmate is moved. (To use this system, your calls must go to you directly, not through a switchboard.)

Thank you for all of your help during the course of the investigation. If you have any questions or concerns, please do not hesitate to contact me or Special Agent [REDACTED] at [REDACTED]

Sincerely,

R. Alexander Acosta
United States Attorney

By:

[REDACTED]
Assistant United States Attorney

cc: Special Agent [REDACTED] F.B.I.
Ms. [REDACTED] Victim-Witness Coordinator, U.S. Attorney's Office

EFTA00213767



To "Jay Lefkowitz" <[redacted]>
cc
bcc

11/29/2007 06:30 PM

Subject RE: Epstein: Victim Notification Letter

History This message has been replied to.

Hi Jay – The only attachment is my letter, did I miss something?

Thanks.

[Redacted signature block]

[Redacted text]

Best,
Jay



To: "Jay Lefkowitz" <[redacted]>
cc: "Sloman, Jeff (USAFLS)" <[redacted]>
<[redacted]> "Acosta, Alex (USAFLS)" <[redacted]>
Subject: Epstein: Victim Notification Letter
bjc
ct

11/28/2007 04:46 PM

Dear Jay:

Jeff asked that I forward the victim notification letter to you. It is attached.

Thank you.

<<Victim Notification Ltr.pdf>>



Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone [REDACTED]

Fax [REDACTED]

= *****=

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=



To "Jay Lefkowitz" [redacted]
cc
bcc

12/10/2007 04:43 PM

Subject Meeting on Friday with Ken Starr

Hi Jay – Will you be attending the meeting on Friday?

Thank you.



Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone [redacted]

Fax [redacted]



[Redacted]

12/13/2007 10:03 AM

To [Redacted]
cc [Redacted] USAFLS
"Sloman, Jeff (USAFLS)" <[Redacted]>
"Acosta, Alex (USAFLS)" <[Redacted]>

bcc
Subject Correspondence

Dear Jay: Please review the enclosed. I look forward to seeing you tomorrow.

<<071213 Villafana Ltr to Lefkowitz final.pdf>>

[Redacted]

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone [Redacted]



Fax [Redacted] 071213 Villafana Ltr to Lefkowitz final.pdf



U.S. Department of Justice

United States Attorney
Southern District of Florida

500 S. Australian Ave, Ste 400
West Palm Beach, FL 33401

Facsimile: [REDACTED]

December 13, 2007

DELIVERY BY ELECTRONIC MAIL

Jay P. Lefkowitz, Esq.
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022-4675

Re: Jeffrey Epstein

Dear Jay:

I am writing not to respond to your asserted "policy concerns" regarding Mr. Epstein's Non-Prosecution Agreement, which will be addressed by the United States Attorney, but the time has come for me to respond to the ever-increasing attacks on my role in the investigation and negotiations.

It is an understatement to say that I am surprised by your allegations regarding my role because I thought that we had worked very well together in resolving this dispute. I also am surprised because I feel that I bent over backwards to keep in mind the effect that the agreement would have on Mr. Epstein and to make sure that you (and he) understood the repercussions of the agreement. For example, I brought to your attention that one potential plea could result in no gain time for your client; I corrected one of your calculations of the Sentencing Guidelines that would have resulted in Mr. Epstein spending far more time in prison than you projected; I contacted the Bureau of Prisons to see whether Mr. Epstein would be eligible for the prison camp that you desired; and I told you my suspicions about the source of the press "leak" and suggested ways to avoid the press. Importantly, I continued to work with you in a professional manner even after I learned that you had been proceeding in bad faith for several weeks – thinking that I had incorrectly concluded that solicitation of minors to engage in prostitution was a registrable offense and that you would "fool" our Office into letting Mr. Epstein plead to a non-registrable offense. Even now, when it is clear that neither you nor your client ever intended to abide by the terms of the agreement that he signed, I have never alleged misconduct on your part.

The first allegation that you raise is that I "assiduously" hid from you the fact that Bert Ocariz is a friend of my boyfriend and that I have a "longstanding relationship" with Mr. Ocariz.

EFTA00213776

I informed you that I selected Mr. Ocariz because he was a friend and classmate of two people whom I respected, and that I had never met or spoken with Mr. Ocariz prior to contacting him about this case. All of those facts are true. I still have never met Mr. Ocariz, and, at the time that he and I spoke about this case, he did not know about my relationship with his friend. You suggest that I should have explicitly informed you that one of the referrals came from my "boyfriend" rather than simply a "friend," which is the term I used, but it is not my nature to discuss my personal relationships with opposing counsel. Your attacks on me and on the victims establish why I wanted to find someone whom I could trust with safeguarding the victims' best interests in the face of intense pressure from an unlimited number of highly skilled and well paid attorneys. Mr. Ocariz was that person.

One of your letters suggests a business relationship between Mr. Ocariz and my boyfriend. This is patently untrue and neither my boyfriend nor I would have received any financial benefit from Mr. Ocariz's appointment. Furthermore, after Mr. Ocariz learned more about Mr. Epstein's actions (as described below), he expressed a willingness to handle the case *pro bono*, with no financial benefit even to himself. Furthermore, you were given several other options to choose from, including the Podhurst firm, which was later selected by Judge Davis. You rejected those other options.

You also allege that I improperly disclosed information about the case to Mr. Ocariz. I provided Mr. Ocariz with a bare bones summary of the agreement's terms related to his appointment to help him decide whether the case was something he and his firm would be willing to undertake. I did not provide Mr. Ocariz with facts related to the investigation because they were confidential and instead recommended that he "Google" Mr. Epstein's name for background information. When Mr. Ocariz asked for additional information to assist his firm in addressing conflicts issues, I forwarded those questions to you, and you raised objections for the first time. I did not share any further information about Mr. Epstein or the case. Since Mr. Ocariz had been told that you concurred in his selection, out of professional courtesy, I informed Mr. Ocariz of the Office's decision to use a Special Master to make the selection and told him that the Office had made contact with Judge Davis. We have had no further contact since then and I have never had contact with Judge Davis. I understand from you that Mr. Ocariz contacted Judge Davis. You criticize his decision to do so, yet you feel that you and your co-counsel were entitled to contact Judge Davis to try to "lobby" him to select someone to your liking, despite the fact that the Non-Prosecution Agreement vested the Office with the exclusive right to select the attorney representative.

Another reason for my surprise about your allegations regarding misconduct related to the Section 2255 litigation is your earlier desire to have me perform the role of "facilitator" to convince the victims that the lawyer representative was selected by the Office to represent their interests alone and that the out-of-court settlement of their claims was in their best interests. You now state that doing the same things that you had asked me to do earlier is improper meddling in civil litigation.

Much of your letter reiterates the challenges to Detective Recarey's investigation that have

already been submitted to the Office on several occasions and you suggest that I have kept that information from those who reviewed the proposed indictment package. Contrary to your suggestion, those submissions were attached to and incorporated in the proposed indictment package, so your suggestion that I tried to hide something from the reviewers is false. I also take issue with the duplicity of stating that we must accept as true those parts of the Recarey reports and witness statements that you like and we must accept as false those parts that you do not like. You and your co-counsel also impressed upon me from the beginning the need to undertake an independent investigation. It seems inappropriate now to complain because our independent investigation uncovered facts that are unfavorable to your client.

You complain that I "forced" your client and the State Attorney's Office to proceed on charges that they do not believe in, yet you do not want our Office to inform the State Attorney's Office of facts that support the additional charge nor do you want any of the victims of that charge to contact Ms. Belohlavek or the Court. Ms. Belohlavek's opinion may change if she knows the full scope of your client's actions. You and I spent several weeks trying to identify and put together a plea to federal charges that your client was willing to accept. Yet your letter now accuses me of "manufacturing" charges of obstruction of justice, making obscene phone calls, and violating child privacy laws. When Mr. Lourie told you that those charges would "embarrass the Office," he meant that the Office was unwilling to bend the facts to satisfy Mr. Epstein's desired prison sentence – a statement with which I agree.

I hope that you understand how your accusations that I imposed "ultimatums" and "forced" you and your client to agree to unconscionable contract terms cannot square with the true facts of this case. As explained in letters from Messrs. Acosta and Sloman, the indictment was postponed for more than five months to allow you and Mr. Epstein's other attorneys to make presentations to the Office to convince the Office not to prosecute. Those presentations were unsuccessful. As you mention in your letter, I – a simple line AUSA – handled the primary negotiations for the Office, and conducted those negotiations with you, Ms. Sanchez, Mr. Lewis, and a host of other highly skilled and experienced practitioners. As you put it, your group has a "combined 250 years experience" to my fourteen. The agreement itself was signed by Mr. Epstein, Ms. Sanchez, and Mr. Lefcourt, whose experience speaks for itself. You and I spent hours negotiating the terms, including when to use "a" versus "the" and other minutiae. When you and I could not reach agreement, you repeatedly went over my head, involving Messrs. Lourie, Menchel, Sloman, and Acosta in the negotiations at various times. In any and all plea negotiations the defendant understands that his options are to plead or to continue with the investigation and proceed to trial. Those were the same options that were proposed to Mr. Epstein, and they are not "persecution or intimidation tactics." Mr. Epstein chose to sign the agreement with the advice of a multitude of extremely noteworthy counsel.

You also make much of the fact that the names of the victims were not released to Mr. Epstein prior to signing the Agreement. You never asked for such a term. During an earlier meeting, where Mr. Black was present, he raised the concern that you now voice. Mr. Black and I did not have a chance to discuss the issue, but I had already conceived of a way to resolve that

issue if it were raised during negotiations. As I stated, it was not, leading me to believe that it was not a matter of concern to the defense. Since the signing of the Non-Prosecution Agreement, the agents and I have vetted the list of victims more than once. In one instance, we decided to remove a name because, although the minor victim was touched inappropriately by Mr. Epstein, we decided that the link to a payment was insufficient to call it "prostitution." I have always remained open to a challenge to the list, so your suggestion that Mr. Epstein was forced to write a blank check is simply unfounded.

Your last set of allegations relates to the investigation of the matter. For instance, you claim that some of the victims were informed of their right to collect damages prior to a thorough investigation of their allegations against Mr. Epstein. This also is false. None of the victims was informed of the right to sue under Section 2255 prior to the investigation of the claims. Three victims were notified shortly after the signing of the Non-Prosecution Agreement of the general terms of that Agreement. You raised objections to any victim notification, and no further notifications were done. Throughout this process you have seen that I have prepared this case as though it would proceed to trial. Notifying the witnesses of the possibility of damages claims prior to concluding the matter by plea or trial would only undermine my case. If my reassurances are insufficient, the fact that not a single victim has threatened to sue Mr. Epstein should assure you of the integrity of the investigation.¹

¹There are numerous other unfounded allegations in your letter about document demands, the money laundering investigation, contacting potential witnesses, speaking with the press, and the like. For the most part, these allegations have been raised and disproven earlier and need not be readdressed. However, with respect to the subpoena served upon the private investigator, contrary to your assertion, and as your co-counsel has already been told, I did consult with the Justice Department prior to issuing the subpoena and I was told that because I was not subpoenaing an attorney's office or an office physically located within an attorney's office, and because the business did private investigation work for individuals (rather than working exclusively for Mr. Black), I could issue a grand jury subpoena in the normal course, which is what I did. I also did not "threaten" the State Attorney's Office with a grand jury subpoena, as the correspondence with their grand jury coordinator makes perfectly clear.

With regard to your allegation of my filing the Palm Beach Police Department's probable cause affidavit "with the court knowing that the public could access it," I do not know to what you are referring. All documents related to the grand jury investigation have been filed under seal, and the Palm Beach Police Department's probable cause affidavit has never been filed with the Court. If, in fact, you are referring to the *Ex Parte* Declaration of Joseph Recarey that was filed in response to the motion to quash the grand jury subpoena, it was filed both under seal and *ex parte*, so no one should have access to it except the Court and myself. Those documents are still in the Court file only because you have violated one of the terms of the Agreement by failing to "withdraw [Epstein's] pending motion to intervene and to quash certain grand jury subpoenas."

With respect to [REDACTED] I contacted her attorney – who was paid for by Mr. Epstein and was directed by counsel for Mr. Epstein to demand immunity – and asked only whether he still represented [REDACTED] and if he wanted me to send the victim notification letter to him. He asked what the letter would say and I told him that the letter would be forthcoming in about a week and that I could not provide him with the terms. With respect to [REDACTED] status as a victim, you again want us to accept as true only facts that are beneficial to your client and to reject as false anything detrimental to him. [REDACTED] made a number of statements that are contradicted by documentary evidence and a review of her recorded statement shows her lack of credibility with respect to a number of statements. Based upon all of the evidence collected [REDACTED] is classified as a victim as defined by statute. Of course, that does not mean that [REDACTED] considers herself a victim or that she would seek damages from Mr. Epstein. I believe that a number of the identified victims will not seek damages, but that does not negate their legal status as victims.

I hope that you now understand that your accusations against myself and the agents are unfounded. In the future, I recommend that you address your accusations to me so that I can correct any misunderstandings before you make false allegations to others in the Department. I hope that we can move forward with a professional resolution of this matter, whether that be by your client's adherence to the contract that he signed, or by virtue of a trial.

Sincerely,

R. Alexander Acosta
United States Attorney

By:

[REDACTED]
Assistant United States Attorney

cc: R. Alexander Acosta, U.S. Attorney
Jeffrey Sloman, First Assistant U.S. Attorney

You also accuse me of “broaden[ing] the scope of the investigation without any foundation for doing so by adding charges of money laundering and violations of a money transmitting business to the investigation.” Again, I consulted with the Justice Department’s Money Laundering Section about my analysis before expanding that scope. The duty attorney agreed with my analysis.