

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]
June 17, 2009

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:

Thank you for your letter of June 15, 2009. I did not receive your letter until late yesterday afternoon because I am shuttling back and forth between the Fort Lauderdale and West Palm Beach offices. The best way to reach me is via e-mail.

With respect to the substance of your letter, the Office has not completed its review of Mr. Epstein's civil filings and correspondence related to the payment of the attorney representative's fees, so I cannot confirm that all outstanding issues have been resolved. If and when additional breaches are identified, timely notice will be provided in accordance with the terms of the Non-Prosecution Agreement.

As to your proposal, our Office is extremely reluctant to become involved in the civil suits filed against Mr. Epstein. The Office also lacks the resources to review the volume of pleadings filed in each of the state and federal lawsuits in order to provide advisory opinions. As I mentioned in my letter to you, our Office still has not realized any benefit of its bargain related to finality and savings of resources, and your proposal further diminishes any hope of realizing that benefit.

The duty to stay within the bounds of the Non-Prosecution Agreement lies with Mr. Epstein and he alone has the power to remain in compliance. While you remark on Mr. Acosta's comments that some of the language in the Non-Prosecution Agreement is "far from simple," Mr. Epstein has a highly skilled team to assist him, and compliance with the Agreement is not complicated. For example, making "best efforts" to enter a guilty plea in a timely fashion is not complicated, and providing the state plea agreement to our Office in advance of entering the state guilty plea is not complicated. The Non-Prosecution Agreement also contains very clear language regarding the sentence – it says that Mr. Epstein shall not be sentenced to "community control," yet Mr. Epstein tried to enter a state plea agreement that specifically called for a sentence of 18 months of "community control," and then sat idly by when Judge McSorley entered a judgment *nunc pro tunc* that imposed a sentence of "community control." It is similarly uncomplicated to allow the U.S. Attorney's Office to administer properly its victim notification obligations by providing correct and complete information regarding the Non-Prosecution Agreement and advance notice of Mr. Epstein's impending release. With respect to the civil litigation, it is not complicated to pay the attorney representative's fees as Mr. Epstein agreed to do; and it is not complicated to understand that, when a named victim files a claim exclusively under Section 2255, Mr. Epstein cannot assert that there is no liability. I also do not see the difficulty in undertaking those 2255 obligations in good faith by analyzing each victim's claim separately—the extent and type of sexual interactions that she had with Mr. Epstein and the

harm that she suffered—and trying to negotiate a fair and just settlement, rather than making a blanket “\$50,000 or nothing” settlement demand.

The time for gamesmanship has passed. I remain hopeful that Mr. Epstein will take all of his obligations seriously and elect to err on the side of caution in making decisions that relate to the performance of his duties.

Sincerely,
Jeffrey H. Sloman
Acting United States Attorney

By:

[REDACTED]

Assistant United States Attorney

cc [REDACTED], Chief, Northern Division

Jack Goldberger, Esq.

Roy Black, Esq.