

**From:** [REDACTED] (USAFLS)"

**To:** "Jay Lefkowitz" [REDACTED]

**Subject:** RE: Conference Call with Bert Ocariz

**Date:** Thu, 27 Sep 2007 19:06:08 +0000

**Importance:** Normal

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Hi Jay – I already told Bert that there is no indictment and, as I mentioned, he doesn't really need to/want to see the entire plea agreement, just the relevant paragraphs so that he understands what the scope of his representation will be. I think they would be happy knowing that their hourly rate will be paid when it is billed. The concern is, if all 40 girls decide they want to sue, they don't want to be in a situation where Mr. Epstein says this is getting too expensive, we won't pay any more attorneys' fees.

Two suggestions, that I haven't run past Bert, are:

1. Mr. Epstein signs a standard fee agreement, where one of his attorneys or accountants who is not working on the damages litigation receives a monthly bill with attorney's fees charged at an hourly rate and costs billed monthly. The bills will have any privileged information redacted. If there is a dispute about a bill that cannot be resolved, it will be submitted to a mediator for resolution.
2. If that is too open-ended for Mr. Epstein, do the hourly/monthly billing until Bert has had a chance to confer with all of the girls to determine how many want him to represent them. Once it is known how many girls will be represented by Bert, and maybe who those girls are, there can be a more educated discussion about estimated fees and costs.

Just some food for thought. I will be out of the office tomorrow, but I will be reachable by cell phone. I will make sure Bert is available and confirm the time with you.



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**From:** Jay Lefkowitz [mailto:[REDACTED]]

**Sent:** Thursday, September 27, 2007 2:53 PM

**To:** [REDACTED] (USAFLS)

**Subject:** Re: Conference Call with Bert Ocariz

[REDACTED] I will not be able to get back to you until tomorrow. However, some of the questions he raised cause me some serious concern.

1. Can we get a copy of the indictment (or can you tell me the nature of the crimes against the girls)?

Certainly he should not get a copy of any indictment.

2. When will it be possible to see the plea agreement so that we understand exactly what Epstein concedes to in the civil case?

I don't think he should get the plea agreement either.

3. Is there any cap or other limitation on attorney's fees that the defendant will pay in the civil case?

I can't imagine he would be entitled to anything other than an hourly fee.

4. What is the contemplated procedure for, and timing of, the payment of attorney's fees and costs?

In any event, I need to consider these issues carefully and I cannot agree to any of these issues before we speak. I would suggest we plan on talking tomorrow at 12 pm if you are available.

Jay

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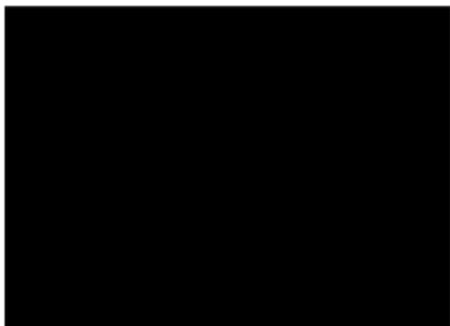
----- Original Message -----

**From:** [REDACTED]  
**Sent:** 09/27/2007 10:51 AM AST  
**To:** Jay Lefkowitz  
**Subject:** Conference Call with Bert Ocariz

Hi Jay – Bert's firm has raised a number of good questions about how they are going to get paid and setting up a procedure that avoids any conflict of interest with their clients. Are you around today to do a conference call? Let me know what times work for you because Bert wants to get their conflicts counsel on the call with us.

These are some of the questions he sent to me. I told Bert that as part of our agreement we (the federal government) are not going to indict Mr. Epstein, but gave him an idea of the charges that we had planned to bring as related to 18 USC 2255. With respect to question 2, do I have your permission to send Bert just that section of the plea agreement that applies to the damages claims (I would recommend sending paragraphs 7 through 10, or at least 7 and 8)? Can you talk with your client about items 3 and 4? I envisioned [REDACTED] sending regular bills to you, with any privileged information redacted, and being paid like every other client pays the bills.

1. Can we get a copy of the indictment (or can you tell me the nature of the crimes against the girls)?
2. When will it be possible to see the plea agreement so that we understand exactly what Epstein concedes to in the civil case?
3. Is there any cap or other limitation on attorney's fees that the defendant will pay in the civil case?
4. What is the contemplated procedure for, and timing of, the payment of attorney's fees and costs?





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