

U.S. Department of Justice
United States Attorney
Southern District of Florida

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August 20, 2008

DELIVERY BY ELECTRONIC MAIL

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Re: Jeffrey Epstein

Dear Jay and Roy:

Thank you for your response to my earlier letter. The U.S. Attorney's Office shares in your desire to implement all of the terms of the Non-Prosecution Agreement. As you are aware, the jointly-approved Special Master, Judge Davis, has already selected an attorney representative, Robert Josefsberg, who was accepted by both parties. The Office has conferred with Mr. Josefsberg, who has agreed to continue in that role. In October 2007, Mr. Josefsberg expended time, effort, and funds in preparing to serve as the attorney representative, and he will need a written confirmation from you that his future fees and expenses will be paid in accordance with the terms of the Non-Prosecution Agreement. Please provide me with a copy of that correspondence for my file.

With that matter settled, I believe that the requirement for a joint written submission to the Special Master has been extinguished. Nonetheless, I have no objection to attempting to create a joint statement to assist Mr. Josefsberg in serving his duties. Regarding your suggestion that we ask Judge Davis to "offer the final word on how certain clauses should be interpreted and satisfied," I believe that the Agreement speaks for itself and any ambiguities that you perceive will be resolved with litigation with the intended third-party beneficiaries, *i.e.*, the listed victims.

In light of the ongoing litigation between the United States and two of the victims, I am concerned that efforts to modify or even interpret the Agreement will require consultation with all of the victims, which will be unwieldy and extremely time consuming.

As to your other points, I am happy to revert to the shorter list that was prepared as of the signing of the Non-Prosecution Agreement in September 2007, so long as the United States may proceed to prosecute your client for those victims identified after that date. If your position is that the Agreement covers all crimes related to victims known to the United States as of June 30, 2008, then all of those victims should be entitled to compensation. Please advise me of your client's election by Friday morning so that the appropriate revised victim notifications may be distributed and I can prepare the final victim list.

Copies of the victim notifications will continue to be provided to counsel for Mr. Epstein. Please let me know whether I should continue to list Mr. Goldberger as the point of contact for the civil litigation. Regarding your suggestion on the content of the notification letters, I intend to use the same format that was used in the letters previously approved by Messrs. Goldberger

and Tein, except that I will include the language from the September and October agreements. I have enclosed a draft herewith. Because I previously provided the victims with incorrect information—albeit with the approval of Mr. Epstein’s counsel—it is imperative that I correct the error promptly. Accordingly, if you have any substantive objections to the letter, please advise me by tomorrow afternoon.

Sincerely,
R. Alexander Acosta
United States Attorney

By:


Assistant United States Attorney

cc: 