



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

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



August 13, 2008

DELIVERY BY FACSIMILE

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

Re: Jeffrey Epstein

Dear Jay:

As per your request, I am attaching several documents related to Mr. Epstein's performance of the Non-Prosecution Agreement.

The first document attached hereto is the June 30, 2008 proposed Notification, which was hand-delivered to Jack Goldberger and Michael Tein shortly after Mr. Epstein entered his guilty plea.

Following that, I have attached the July 9, 2008 response from Mr. Goldberger. I have highlighted two portions. The first is where Mr. Goldberger (presumably with the approval of Mr. Tein) approves of the portion of my proposed Notification that quotes directly from the U.S. Attorney's December letter to Lilly Ann Sanchez. The second portion is where Mr. Goldberger provides his interpretation of the Agreement, and nowhere mentions that he does not believe that the December letter is operative. I note that Mr. Goldberger's letter contains a notation showing that Mr. Epstein was provided with a copy.

The third document I have attached is a copy of one of the notifications that was provided directly to a victim. Copies of all of the notifications have been provided to Mr. Goldberger, and neither he nor any other attorney for Mr. Epstein has ever stated that the letter misrepresents the Agreement between the parties or the benefit that the Agreement bestows upon the victims.

The fourth document I have attached is a copy of a Declaration that I have filed in connection with the victims' lawsuit filed against the United States. This Declaration sets forth our understanding of the Agreement and again quotes from the U.S. Attorney's December letter. Messrs. Goldberger and Tein are aware of this Declaration and have filed copies of it in connection with their

JAY P. LEFKOWITZ, ESQ.
AUGUST 13, 2008
PAGE 2 OF 2

efforts to stay all of the civil litigation. Again, neither of them ever expressed to me – or to the Court – that it inaccurately describes the Agreement between the United States and Mr. Epstein.

Please contact me tomorrow morning so that we can resolve this issue.

Sincerely,

R. Alexander Acosta
United States Attorney

By:



Attorney

cc:





U.S. Department of Justice

*United States Attorney
Southern District of Florida*

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



June 30, 2008

NOTIFICATION OF IDENTIFIED VICTIMS

NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.



U.S. Department of Justice

United States Attorney
Southern District of Florida

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



June 30, 2008

NOTIFICATION OF IDENTIFIED VICTIMS

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control 1, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

Initials of Jeffrey Epstein _____ Initials of Jack Goldberger _____

Through this letter, this Office hereby provides Notice that the individuals identified below are individuals whom the United States was prepared to name as a victim of an enumerated offense.

Identified Individuals

[REDACTED]

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

By:

[REDACTED]
ASSISTANT U.S. ATTORNEY

ACKNOWLEDGMENT

I have received this Notification from my attorney, Jack Goldberger, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it accurately sets forth my understanding and agreement with the Office of the United States Attorney for the Southern District of Florida regarding the notification and rights of identified victims. I

Initials of Jeffrey Epstein _____ Initials of Jack Goldberger _____

understand that an exact copy of this Notification will be provided to each identified individual, except that the names of all other identified individuals will be redacted, and I hereby waive any evidentiary challenges to the introduction of a copy of this document—even in redacted form—in any judicial proceeding between any identified individual and myself.

Dated: _____

Jeffrey Epstein

Witnessed by:

Jack Goldberger, Esquire

July 9, 2008

° JOSEPH R. ATTERBURY

°† JACK A. GOLDBERGER

JASON S. WEISS

° Board Certified Criminal Trial Attorney

† Member of New Jersey & Florida Bars

Assistant United States Attorney
United States Attorney's Office

West Palm Beach, Florida 33401

SENT VIA E-MAIL & FACSIMILE

Re: Jeffrey E. Epstein

Dear [REDACTED]

Thank you for your letter to me dated July 8, 2008 and the draft document dated, e-mailed and faxed to me at my office on June 30, 2008, styled "Notification of Identified Victims." I would like to address a few related issues.

First, please note that we have several requests concerning any such notification. Specifically, we request that:

(a) Any notification be sent to any individual by mail (or served upon their attorney, to the extent known), and we respectfully object to any service by hand, a method of service which carries the concomitant risk of conversations regarding the notification that potentially would place the federal authorities in a position of being advocates for civil litigation;

(b) Any notification be effectuated by a separate mailing to each individual without the inclusion of any language that appeared on the second page of your June 30, 2008 memorandum; *i.e.* rather than including in each notification a large section listing "identified individuals" with redactions other than the name of the recipient (which we contend would be a clear and impermissible signal to any individual that the notification is a broad notification to numerous other alleged victims). Rather, a simple one page notification directed only to the recipient, and limited to the information currently on the first page of your draft memorandum would suffice.



(c) You eliminate from any notification any language that is currently contained in the "acknowledgment" section of the June 30, 2008 memorandum; and

(d) You supplement the notification with the Government's previously made representation that it is not vouching for the veracity of any claim by any identified individual. See Letter from J. Sloman to E. Davis (10/25/07).

Second, please note also that we do not understand your request that Mr. Epstein and his attorneys execute the rider / acknowledgment contained within your June 30 hand-delivered draft. Specifically, we do not believe that the Non-Prosecution Agreement requires Mr. Epstein's execution of any such additional stipulation. Because we want to ensure that Mr. Epstein continues to strictly comply with the letter of the parties' agreement, we respectfully ask that you explain why you believe that the Non-Prosecution Agreement requires execution of your stipulation.

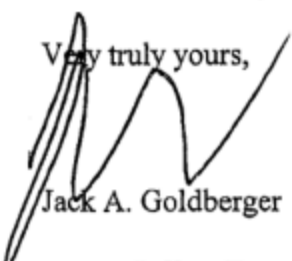
Our understanding of the Non-Prosecution Agreement is that it does not require Mr. Epstein to "acknowledge" anything not already contained within the four corners of the written agreement. The agreement certainly contains no written term obligating that he "waive any evidentiary challenge to the introduction of a copy" of any "Notification of Identified Victims" in "any judicial proceeding between any identified individual" and Mr. Epstein, as your memorandum currently requests. Further, please note that your June 30 stipulation, as drafted, is not limited to Section 2255 proceedings. Rather, your June 30 draft requires Mr. Epstein to waive evidentiary challenges in "*any* judicial proceeding" - - which clearly exceeds the bounds of the parties' written agreement.

Third, I would respectfully request that you provide me with the names of the "pro bono lawyers" who, you indicated to me at our June 30 meeting at my office, were intending to represent certain persons identified on your June 30 draft notification, as well as any knowledge that the Government has as to how they were selected, and what communications the Government has had with them to date.

Finally, please know that it is Mr. Epstein's firm intent to fulfill strictly each term and condition of his Non-Prosecution Agreement with the Government. Nothing in this letter should be construed, however, as waiving any defense that may be available to Mr. Epstein under the parties' written agreement.

I look forward to your response. Until then, I remain,

Very truly yours,



Jack A. Goldberger

cc: Jeffrey Epstein



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

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



July 21, 2008

NOTIFICATION OF IDENTIFIED VICTIM

NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.



U.S. Department of Justice

United States Attorney
Southern District of Florida

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



July 21, 2008

VIA UNITED STATES MAIL

Miss [REDACTED]
[REDACTED]
[REDACTED]

Re: Jeffrey Epstein/[REDACTED]: NOTIFICATION OF
IDENTIFIED VICTIM

Dear Miss [REDACTED]

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida provides you with the following notice.

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control 1, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes

MISS [REDACTED]
NOTIFICATION OF IDENTIFIED VICTIM
JULY 21, 2008
PAGE 2 OF 2

of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

Through this letter, this Office hereby provides Notice that you, [REDACTED], are an individual whom the United States was prepared to name as a victim of an enumerated offense.

Should you decide to file a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that you have your attorney contact Mr. Goldberger at Atterbury Goldberger and Weiss, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401, [REDACTED]

Please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation; however, if you do file a claim under 18 U.S.C. § 2255 and Mr. Epstein denies that you are a victim of an enumerated offense, please provide written documentation of that denial to the undersigned.

Thank you for all of your assistance during the course of this investigation and please accept the heartfelt regards of myself and Special [REDACTED] for your health and well-being.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By:

[REDACTED]
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00215434

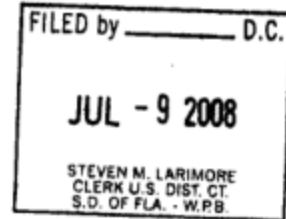
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-80736-Civ-Marra/Johnson

IN RE: JANE DOE,

Petitioner.

_____ /



DECLARATION OF [REDACTED]
IN SUPPORT OF UNITED STATES' RESPONSE
TO VICTIM'S EMERGENCY PETITION FOR ENFORCEMENT
OF CRIME VICTIM RIGHTS ACT, 18 U.S.C. § 3771

1. I [REDACTED] do hereby declare that I am a member in good standing of the Bar of the State of Florida. I graduated from the University of California at Berkeley School of Law (Boalt Hall) in 1993. After serving as a judicial clerk to the Hon. David F. Levi in Sacramento, California, I was admitted to practice in California in 1995. I also am admitted to practice in all courts of the states of Minnesota and Florida, the Eighth, Eleventh, and Federal Circuit Courts of Appeals, and the U.S. District Courts for the Southern District of Florida, the District of Minnesota, and the Northern District of California. My bar admission status in California and Minnesota is currently inactive. I am currently employed as an Assistant United States Attorney in the Southern District of Florida and was so employed during all of the events described herein.

2. I am the Assistant United States Attorney assigned to the investigation of Jeffrey Epstein. The case was investigated by the Federal Bureau of Investigation ("FBI"). The federal investigation was initiated in 2006 at the request of the Palm Beach Police Department ("PBPD") into allegations that Jeffrey Epstein and his personal assistants had used facilities of interstate commerce to induce young girls between the ages of thirteen and seventeen to engage in prostitution, amongst other offenses.

3. Throughout the investigation, when a victim was identified, victim notification letters were provided to her both from your Affiant and from the FBI's Victim-Witness Specialist. Attached hereto are copies of the letters provided to Bradley Edwards' three clients [REDACTED].¹ Your Affiant's letter to [REDACTED] was provided by the FBI. (Ex. 1). Your Affiant's letter to [REDACTED] was hand-delivered by myself to [REDACTED] at the time that she was interviewed (Ex. 2).² Both [REDACTED] also received letters from the FBI's Victim-Witness Specialist, which were sent on January 10, 2008 (Exs. 3 & 4). [REDACTED] was identified via the FBI's investigation in 2007, but she initially refused to speak with investigators. S.R.'s status as a victim of a federal offense was confirmed when she was interviewed by

¹Attorney Edwards filed his Motion on behalf of "Jane Doe," without identifying which of his clients is the purported victim. Accordingly, I will address facts related to [REDACTED]. All three of those clients were victims of Jeffrey Epstein's while they were minors beginning when they were fifteen years old.

²Please note that the dates on the U.S. Attorney's Office letters to [REDACTED] are not the dates that the letters were actually delivered. Letters to all known victims were prepared early in the investigation and delivered as each victim was contacted.

federal agents on May 28, 2008. The FBI's Victim-Witness Specialist sent a letter to [REDACTED] on May 30, 2008 (Ex. 5).

4. Throughout the investigation, the FBI agents, the FBI's Victim-Witness Specialist, and your Affiant had contact with [REDACTED] Attorney Edwards' other client, [REDACTED] was represented by counsel and, accordingly, all contact with [REDACTED] was made through that attorney. That attorney was James Eisenberg, and his fees were paid by Jeffrey Epstein, the target of the investigation.³

5. In the summer of 2007, Mr. Epstein and the U.S. Attorney's Office for the Southern District of Florida ("the Office") entered into negotiations to resolve the investigation. At that time, Mr. Epstein had been charged by the State of Florida with solicitation of prostitution, in violation of Florida Statutes § 796.07. Mr. Epstein's attorneys sought a global resolution of the matter. The United States subsequently agreed to defer federal prosecution in favor of prosecution by the State of Florida, so long as certain basic preconditions were met. One of the key objectives for the Government was to preserve a federal remedy for the young girls whom Epstein had sexually exploited. Thus, one condition of that agreement, notice of which was provided to the victims on July 9, 2008, is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein

³The undersigned does not know when Mr. Edwards began representing [REDACTED] or whether [REDACTED] ever formally terminated Mr. Eisenberg's representation.

had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

6. An agreement was reached in September 2007. The Agreement contained an express confidentiality provision.

7. Although individual victims were not consulted regarding the agreement, several had expressed concerns regarding the exposure of their identities at trial and they desired a prompt resolution of the matter. At the time the agreement was signed in September 2007, [REDACTED] was openly hostile to the prosecution of Epstein. The FBI attempted to interview [REDACTED] in October 2007, at which time she refused to provide any information regarding Jeffrey Epstein. None of Attorney Edwards' clients had expressed a desire to be consulted prior to the resolution of the federal investigation.

8. As explained above, one of the terms of the agreement deferring prosecution to the State of Florida was securing a federal remedy for the victims. In October 2007, shortly after the agreement was signed, four victims were contacted and these provisions were discussed. One of those victims was [REDACTED] who at the time was not represented, and she was given notice of the agreement. Notice was also provided of an expected change of plea in October 2007. When Epstein's attorneys learned that some of the victims had been

notified, they complained that the victims were receiving an incentive to overstate their involvement with Mr. Epstein in order to increase their damages claims. While your Affiant knew that the victims' statements had been taken and corroborated with independent evidence well before they were informed of the potential for damages, the agents and I concluded that informing additional victims could compromise the witnesses' credibility at trial if Epstein reneged on the agreement.

9. After [REDACTED] had been notified of the terms of the agreement, but before Epstein performed his obligations, [REDACTED] contacted the FBI because Epstein's counsel was attempting to take her deposition and private investigators were harassing her. Your Affiant secured pro bono counsel to represent [REDACTED] and several other identified victims. Pro bono counsel was able to assist [REDACTED] in avoiding the improper deposition. That pro bono counsel did not express to your Affiant that [REDACTED] was dissatisfied with the resolution of the matter.

10. In mid-June 2008, Attorney Edwards contacted your Affiant to inform me that he represented [REDACTED] and asked to meet to provide me with information regarding Epstein. I invited Attorney Edwards to send to me any information that he wanted me to consider. Nothing was provided. I also advised Attorney Edwards that he should consider contacting the State Attorney's Office, if he so wished. I understand that no contact with that office was made. Attorney Edwards had alluded to [REDACTED] so I advised him that, to my knowledge, [REDACTED] was still represented by Attorney James Eisenberg.

11. On Friday, June 27, 2008, at approximate 4:15 p.m., your Affiant received a copy of the proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. Your Affiant and the Palm Beach Police Department attempted to provide notification to victims in the short time that Epstein's counsel had given us. Although all known victims were not notified, your Affiant specifically called attorney Edwards to provide notice to his clients regarding the hearing. Your Affiant believes that it was during this conversation that Attorney Edwards notified me that he represented [REDACTED] and I assumed that he would pass on the notice to her, as well. Attorney Edwards informed your Affiant that he could not attend but that someone would be present at the hearing. Your Affiant attended the hearing, but none of Attorney Edwards' clients was present.

12. On today's date, your Affiant provided the attached victim notifications to C.W. and S.R. via their attorney, Bradley Edwards (Exs. 6 & 7). A notification was not provided to [REDACTED] because the U.S. Attorney's modification limited Epstein's liability to victims whom the United States was prepared to name in an indictment. In light of [REDACTED] prior statements to law enforcement, your Affiant could not in good faith include [REDACTED] as a victim in an indictment and, accordingly, could not include her in the list provided to Epstein's counsel.

13. Furthermore, with respect to the Certification of Emergency, Attorney Edwards did not ever contact me prior to the filing of that Certification to demand the relief that he requests in his Emergency Petition. On the afternoon of July 7, 2008, after your Affiant had

already received the Certification of Emergency and Emergency Petition, I received a letter from Attorney Edwards that had been sent, via Certified Mail, on July 3, 2008. While that letter urges the Attorney General and the United States Attorney to consider "vigorous enforcement" of federal laws with respect to Jeffrey Epstein, it contains no demand for the relief requested in the Emergency Petition.

14. I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 9th day of July, 2008.

A large black rectangular redaction box covering the signature area.

United States Attorney's Office
Southern District of Florida
500 S. Australian Ave., Suite 400
West Palm Beach, FL 33401-6235



DATE: 8/13/08

TO: Jay Lefkowitz

ORGANIZATION: Kirkland & Ellis

FAX #: 212 446-4900

SUBJECT: Jeffrey Epstein

FROM:



NUMBER OF PAGES, INCLUDING THIS PAGE: 19

COMMENTS:

Original document:

- ☐ To follow via regular mail
- ☐ To follow via Federal Express
- ☐ To follow via hand delivery
- ☐ Nothing to follow, FAX = original

* * * TRANSMISSION RESULT REPORT (AUG.13.2008 6:16PM) * * *

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
AUG.13.	6:13PM		TES	3'03"	P.19	OK		695

: BATCH
L : SEND LATER
S : STANDARD
A-: ASYNC MODE

C : CONFIDENTIAL
@ : FORWARDING
D : DETAIL
1-: MIL_STD MODE

P : POLLING
E : ECM
F : FINE
G-: RICOH-MG3/COMPATIBLE MODE

M : MEMORY
> : REDUCTION