

**From:** [REDACTED]

**To:** "Acosta, Alex (USAFLS)" [REDACTED]

**Cc:** [REDACTED]

**Subject:** Jane Doe - Conference Call

**Date:** Thu, 14 Aug 2008 20:51:15 +0000

**Importance:** Normal

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[REDACTED] and Jeff,

The conference call with Judge Marra lasted approximately 40 minutes. Brad Edwards and Paul Casell appeared for the victims. Edwards advised the court that the parties were in agreement that no evidentiary hearing was necessary. He stated the victims had a right to see the contents of the "plea agreement" in order to determine how to proceed in the instant litigation. Edwards grudgingly agreed that the non-prosecution agreement could be disclosed by the government, pursuant to a protective order restricting further dissemination, but he argued the public interest favored full disclosure.

I told the court that the non-prosecution agreement did contain a confidentiality provision, and the government was not able to voluntarily disclose it. I also advised that the government informed Epstein of the pending motion for the production of the agreement, and Epstein objected to a public disclosure. Epstein's preference was for a disclosure pursuant to a protective order. When Edwards argued that they were entitled to see the agreement, without any restrictions on disclosure, since they were in litigation with Epstein, I told the court that Edwards could seek access to the agreement in the context of that litigation, where Epstein was a party and could raise his own objections.

Judge Marra asked if there was any issue with the victims (Jane Doe 1 and 2) seeing the agreement, and I said no. When the Judge asked about the other identified victims, I said there was no issue, but we were also concerned that the other victims might publicly disseminate the non-prosecution agreement. [REDACTED] added that there were some Fed.R.Cr.P. 6(e) concerns, since the agreement contained the names of individuals who had been investigated by the federal government. We advised the court that the agreement provided that these individuals would also not be prosecuted in federal court. At that point, Edwards claimed he needed to know these names since they could be important witnesses in the civil litigation.

We explained to the court that there were three parts of the agreement, and that there was a current dispute with Epstein over which parts actually constituted the agreement.

Judge Marra then ordered disclosure of the agreement to Edwards, subject to a protective order preventing disclosure to persons other than the victims and their counsel in the instant case. Judge Marra also provided that the agreement be available to the other victims, but they were also subject to the protective order, and had to agree to be bound by it.

[REDACTED] asked if the Judge was ordering the government to disclose the agreement to the other victims. Judge Marra said he was not ordering us to do so, but would leave it to the government to decide whether notice was required under the Crime Victims Rights Act.

[REDACTED] is preparing a draft protective order which we will send to Edwards. Once an agreement is reached on the language of the order, we will submit it to the court for review and approval.

[REDACTED]

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