

KIRKLAND & ELLIS LLP

AND AFFILIATED FIRM GROUPS

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Facsimile:
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August 18, 2008

VIA FACSIMILE (561) 820-8777

[REDACTED]
United States Attorney's Office
Southern District of Florida
[REDACTED]

Re: Jeffrey Epstein

Dear [REDACTED]

I write in response to your letter dated August 15, 2008 regarding the civil restitution portion of the Deferred Prosecution Agreement (the "Agreement"). Thank you for confirming our position that the December modification proposal is not part of the Agreement. As expressed by U.S. Attorney Acosta in his December 19, 2007 letter, the unorthodox use of a civil restitution statute in a federal plea agreement, which resulted in state charges against Mr. Epstein, has caused several miscommunications with respect to the implementation of the terms of that Agreement. In order to avoid any further miscommunications and to ensure that the 18 U.S.C. § 2255 aspects of the Agreement are carried out in a proper manner, it would be useful to come to an agreement as to the implementation of the civil restitution portion of the Agreement. As we have previously stated, Mr. Epstein fully intends to abide by the terms of the Agreement, and we hope you appreciate that our efforts to resolve any misunderstandings between Mr. Epstein and the government about the terms of the Agreement are intended only to ensure that it is carried out fully and fairly.

In an effort to avoid having either party unintentionally breach the Agreement, we suggest that steps be taken to clarify the meaning of paragraphs 7-10. It would be extremely helpful to both sides to have an independent third party consider the Agreement and offer the final word on how certain clauses should be interpreted and satisfied. Because the government has already enlisted Judge Davis to select the attorney representative under the Agreement, we would be amenable to his serving in this role.

In order to come to an agreement on the exact procedure by which the identified individuals will obtain restitution, I am providing you with our thoughts on three issues below.

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Once we come to an agreement on the following and you provide a complete and final list of identified individuals, it will be appropriate to notify them.

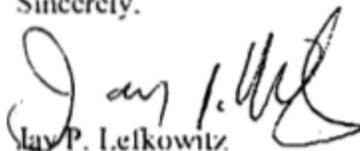
First, I am concerned by your suggestion that you might want to increase the number of individuals on the government's list. I had expected the number to have become smaller, because when we spoke prior to signing the agreement, you told me that the government already had a list, and we were informed thereafter that the September 24, 2007 list had been narrowed. Certainly, anyone who was not on the list prior to September 24, 2007 cannot permissibly be added to the list.

Second, we will cooperate with the government to reach to an agreement as to substance of the notification to be sent to the government's list of individuals. Based on the Agreement, the information contained in the notification should be limited to (1) the language provided in the Agreement dealing with civil restitution (paragraphs 7-10) and (2) the contact information of the selected attorney representative. We object to the inclusion of additional information about the investigation of Mr. Epstein, the terms of the Agreement other than paragraphs 7-10, and the identity of other identified individuals.

Third, as you are aware, the Addendum requires that "the parties will jointly prepare a short written submission to the independent third-party regarding the role of the attorney representative and regarding Epstein's Agreement to pay such attorney representative his or her customary hourly rate for representing such victims subject to the provisions of Paragraph C, *infra*." We will certainly cooperate with the government to draft such a joint submission and would be pleased to submit draft language to you for such a joint submission.

I look forward to working with you to resolve these matters. I believe we have a mutual interest in moving past all of these issues so that the civil restitution aspects of the Agreement can be fulfilled.

Sincerely,


Jay P. Leikowitz

cc: [REDACTED] Chief, Northern Division

EFTA00215857

KIRKLAND & ELLIS LLP

Fax Transmittal

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Jay P. Leikowitz	August 18, 2008	3	[REDACTED]	[REDACTED]

Message: