

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

IN RE: GRAND JURY SUBPOENAS
DUCES TECUM NUMBERS FGJ 07-103 (WPB)
OLY-64 AND OLY-64

MOTION FOR LEAVE TO FILE SUPPLEMENTAL EX PARTE DECLARATION IN SUPPORT OF

UNITED STATES' RESPONSE TO MOTION TO QUASH

UNDER SEAL

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/ **UNDER SEAL**

**MOTION FOR LEAVE TO FILE SUPPLEMENTAL EX PARTE DECLARATION IN SUPPORT
OF UNITED STATES' RESPONSE TO MOTION TO QUASH**

The United States of America, by and through the undersigned Assistant United States Attorney, hereby asks for permission to file a Supplemental *ex parte* Declaration in support of its Response to Jeffrey Epstein's Motion to Intervene and to Quash Subpoenas and Cross-Motion to Compel.

In support thereof, the United States states the following:

1. The Declaration contains additional information relating to an ongoing grand jury investigation; thus, pursuant to Fed. R. Crim. P. 6(e)(6), all records and orders related to the grand-jury proceedings must be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a matter occurring before the grand jury.

2. The Declaration is being filed *ex parte* because disclosing them to the target would jeopardize the criminal investigation, and undermine the function of the grand jury.

3. As the Supreme Court has held, "[r]equiring the Government to explain in too much detail the particular reasons underlying a subpoena threatens to compromise 'the indispensable secrecy of the grand jury proceedings.'" *United States v. R. Enterprises, Inc.*, 498 U.S. 292, 299 (1991) (quoting *United States v. Johnson*, 319 U.S. 503, 513 (1943)). "The need to preserve the secrecy of an ongoing grand jury investigation is of paramount importance." *In re Grand Jury Proceedings in Matter of Freeman*, 708 F.2d 1571, 1576 (11th Cir. 1983) (extensive citations omitted).

4. The issues raised by Intervenor Epstein's Motion to Quash require the United States to provide information obtained through the Grand Jury's investigation. Due to the pendency of the investigation,

and the requirements of Grand Jury secrecy, the United States asks that the Court allow the United States to file a Supplemental *Ex Parte* declaration, which further addresses the factual issues raised by Intervenor Epstein, without being forced to disclose the status of the grand jury investigation and the matters occurring before the grand jury to Epstein.

Prior to its initial Motion to File Ex Parte Affidavits, Rules, the undersigned conferred with counsel for Intervenor Epstein, who advised that he opposes the granting of this motion.

WHEREFORE, the United States respectfully requests that it be allowed to file its Supplemental Declaration *Ex Parte* in support of its Response to the Motion to Quash.

Respectfully submitted,
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UNITED STATES ATTORNEY

By: _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August ____, 2007, the foregoing document was served via Federal Express on Attorney William Richey and Attorney Roy Black. This document was not filed using CM/ECF because it is being filed under seal.

Assistant U.S. Attorney

SERVICE LIST

In re Federal Grand Jury Subpoenas No. OLY-63 and OLY-64
United States District Court, Southern District of Florida

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