

KIRKLAND & ELLIS LLP
AND AFFILIATED PARTNERSHIPS

Citigroup Center
153 East 53rd Street
New York, New York 10022-4611

() 416-4800

www.kirkland.com

Facsimile
(212) 446-4900

Jay P. Iofkowitz, P.C.
To Call Writer Directly
jiofkowitz@kirkland.com

August 22, 2008

VIA FACSIMILE (561) 820-8777

A. Marie Villafana
United States Attorney's Office
Southern District of Florida
500 South Australian Avenue, Suite 400
West Palm Beach, Florida 33401

Re: *Jeffrey Epstein*

Dear Marie:

I write this letter to correct certain misstatements made in your letter dated August 21, 2008, and the accompanying draft notification.

First, you state that "Mr. Josefsberg expended time, effort and funds in preparing to serve as attorney representative in October of 2007." Neither I, nor any other attorney on Mr. Epstein's defense team, was notified of this work by Mr. Josefsberg.

Second, in the victim notification letter, no judge "has ordered that the United States" make available a copy of the Non-Prosecution Agreement. Section (d) of the Order to Compel Production and Protective Order provides that if any of the alleged "victims" and/or their attorneys "request the opportunity to review the Agreement," the USAO shall comply with the request so long as those individuals agree not to disclose the Non-Prosecution Agreement. There is no court order requiring the government to provide the alleged "victims" with notice that the Non-Prosecution Agreement is available to them upon request and doing so is in conflict with the confidentiality provisions of the Agreement. Given that the individuals on the list will have an attorney representative who is fully aware of the terms of the Non-Prosecution Agreement, this conflicting paragraph of your notice is unnecessary in any event and should be excised.

Third, misstatements in your prior notification were not made "with the approval of Mr. Epstein's counsel."

Fourth, we are concerned with your open-ended description of Mr. Epstein's responsibilities regarding civil restitution. The resolution of liability pursuant to 18 U.S.C.

KIRKLAND & ELLIS LLP

A. Marie Villafana
August 22, 2008
Page 2

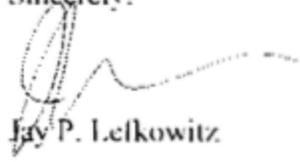
§ 2255 is as stated in paragraphs 7 and 8 of the Agreement and the Addendum to the Agreement, no more, no less.

Fifth, while you state, in your letter, that the USAO does not intend to delete any of the names on the list provided to Mr. Epstein's counsel, you do not confirm that the prior list is final and complete. There can be no expansion of the list of individuals that you informed us had been memorialized as of September 24, 2007 and disclosed to Mr. Epstein on June 30, 2008 (the date of sentence pursuant to the Agreement's disclosure requirements). Please confirm the exact name and number of individuals the government plans on notifying as provided for under the Agreement.

Sixth, based on express language in prior communications from your Office, we are in agreement that paragraphs 7 and 8 of the Agreement are in need of clarification and implementation. We will work with the attorney representative in attempting to reach a fair resolution of the outstanding civil matters in a manner that is in accordance with the Agreement.

Seventh, we have previously communicated our objections to the propriety of the attorney representative engaging in contested litigation. We again dispute the assertion that Mr. Josefsberg's duties include filing contested litigation. In any case, that issue is not ripe for resolution at this point, but again, given his agreement to be the attorney representative, we will address these matters directly with Mr. Josefsberg.

Sincerely,



Jay P. Lefkowitz

cc: Karen Atkinson, Chief, Northern Division

KIRKLAND & ELLIS LLP

Fax Transmittal

Citigroup Center
153 East 53rd Street
New York, New York 10022-4611
Phone: [REDACTED]
Fax: [REDACTED]

Please notify us immediately if any pages are not received.

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, MAY CONSTITUTE INSIDE INFORMATION, AND IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL.

IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR,
PLEASE NOTIFY US IMMEDIATELY AT:
[REDACTED]

To:	Company:	Fax #:	Direct #:	
A. Marie Villafana	United States Attorney's Office	561-820-8777	561-209-1047	
CC:	Company:	Fax #:	Direct #:	
Karen Atkinson	United States Attorney's Office	561-820-8777	561-820-8711	
From:	Date:	Pages w/cover:	Fax #:	Direct #:
Jay P. Lelkowitz	August 22, 2008	3	[REDACTED]	[REDACTED]

Message: