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May __, 2017

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425 North Andrews Avenue, Suite 2
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Re: **Jane Doe 43 v. Jeffery Epstein, et al.**
Civil Action No. 17-cv-616

Dear Brad:

In accordance with the procedures directed by the Court at the initial case management conference in the above-referenced matter, defendants Jeffrey Epstein ("Epstein") and [redacted] ("[redacted]") (collectively "Defendants") set forth in this letter the grounds pursuant to which the Complaint filed by plaintiff [redacted] ("Plaintiff" or "[redacted]") should be dismissed pursuant to Fed.R.Civ.P. 12(b)(2) and (6).

In summary, the grounds for dismissal are that: (a) the Complaint fails to state a claim under 18 U.S.C. § 1595 ("Section 1595"), which is the sole claim asserted by Plaintiff; (b) the claim is barred by the statute of limitations; (c) the Complaint fails to allege personal jurisdiction over Defendants; and (d) venue is improperly laid in the Southern District of New York. Because the claim turns on whether there was fraud and coercion, as you admitted in open court during the initial case management conference on April 6, 2017, this letter will focus on those two elements of the claim.

I. The Complaint Fails to State a Claim

The Complaint fails to allege facts demonstrating that the Plaintiff's alleged "commercial" sexual acts occurred because the Defendants engaged in fraud or coercion. To sustain a Section 1595 claim, the Plaintiff must establish that her alleged sexual activity was the product of "means of force, threat of force, fraud, coercion …, or any combination of such means." The Complaint alleges that the Defendants engaged in fraud and coercion, and not force or threat of force, but fails to plead facts sufficient to support this claim.

A. The Complaint Fails to Plead Fraud

Plaintiff's claim that she was fraudulently induced to provide sex acts fails because her allegations do not satisfy the pleading requirements for claims sounding in fraud.

1. The Complaint Fails to Satisfy Rule 9(b)

Plaintiff bases her Section 1595 claims on the Defendants' supposed fraudulent statements and, as a result, the heightened pleading standards set forth in Fed.R.Civ.P 9(b) apply. *Cohen v. SAC Trading Corp.*, 711 F.3d 353, 359 (2d Cir. 2013) (Rule 9(b) "standard also applies to allegations of fraudulent predicate acts supporting a RICO claim").

As the Second Circuit explained:

> Rule 9(b) requires that, in alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake. To satisfy the pleading requirements of Rule 9(b), a complaint must (1) specify the statements that the plaintiff contends were fraudulent, (2) identify the speaker, (3) state where and when the statements were made, and (4) explain why the statements were fraudulent. …
>
> [A]lthough Rule 9(b) permits knowledge to be averred generally, we have repeatedly required plaintiffs to plead the factual basis which gives rise to a strong inference of fraudulent intent. Essentially, while Rule 9(b) permits scienter to be demonstrated by inference, this must not be mistaken for license to base claims of fraud on speculation and conclusory allegations. An ample factual basis must be supplied to support the charges.

Wood v. Research Applied Associates, 328 Fed.Appx. 744, 747 (2d Cir. 2009); *O'Brien v. Nat'l Prop. Analysts Partners*, 936 F.2d 674, 676 (2d Cir.1991). Plaintiff's allegations of fraud boil down to this: Epstein allegedly "confirmed to Plaintiff that he would use his wealth and influence to have Plaintiff admitted into the Fashion Institute of Technology" ("[redacted]"), but had no intention of doing so. Cplt. ¶¶ 37, 50, 53-55. This is insufficient to satisfy Rule 9(b).

First, the Complaint fails to identify with particularity the "fraudulent statements" that Epstein or [redacted] are each alleged to have made to Plaintiff. Indeed, the Complaint only alleges that Epstein "confirmed" this representation, that [redacted] "confirmed this promise to Plaintiff many times." and that the representation was "intentionally repeated." Cplt. ¶¶ 37, 50. These allegations fail to provide the particulars of what each Defendant said to Plaintiff on each occasion when each of the alleged misrepresentations was made.

Second, the Complaint fails to identify with particularity that Epstein and [redacted] were the speakers of these alleged fraudulent statements. Indeed, the Complaint only alleges that Epstein and [redacted] "confirmed" the statements, not that they made the statements. Cplt. ¶¶ 37, 50. The Complaint does not allege who actually made the alleged statement that was allegedly confirmed by the Defendants. Indeed, as to [redacted], there is no allegation that she ever spoke or met with Plaintiff.

Third, the Complaint fails to allege with particularity "where and when" the alleged fraudulent statements were supposedly made. Rather, the Complaint only alleges that Defendants allegedly "confirmed" and "repeated" supposed fraudulent statements "many times." Cplt. ¶¶ 37, 50. In addition to failing to meet the requirements of Rule 9(b), these allegations fall short of the basic fairness requirement, since Defendants are entitled to know when and where they supposedly made fraudulent statements to Plaintiff, especially given that Plaintiff has asserted a claim based on events that occurred over ten years ago.

Fourth, the Complaint fails to allege with particularity how the fraudulent promises about Plaintiff's prospects for admission to [redacted], if made at all, were fraudulent. The Complaint merely states in conclusory terms that the statements were "knowingly false" and "not acted upon." Cplt. ¶ 50. However, there are no factual allegations to support the assertion that the statements about the Plaintiff and [redacted] were false when made. That the Defendants did not act on the alleged promise is insufficient to show that the representation was false when made. *Greenberg v. Chrust*, 198 F.Supp.2d 578, 583 (S.D.N.Y. 2002) ("failure to fulfill a promise to perform future acts is not grounds for a fraud action" and "fraudulent intent cannot be inferred merely from the non-performance of a party's representations").

Finally, the Complaint fails to provide a factual basis, let alone a "ample factual basis," that would give rise to a "strong inference of fraudulent intent." *Wood*, 328 Fed.Appx. at 747; *O'Brien*, 936 F.2d at 676. The allegation that Epstein had no intention of following through on his alleged promises to assist Plaintiff in gaining admission to [redacted] is merely conclusory, and does not satisfy the requirement of Rule 9(b). *Greenberg*, 198 F.Supp.2d at 583 ("fraudulent intent cannot be inferred merely from the non-performance of a party's representations"). As to [redacted], there is simply no allegation in this regard.

In short, the Complaint fails to meet the pleading standards required under Rule 9(b) with respect to every element required to establish that Epstein and [redacted] made fraudulent statements.

2. <u>The Complaint Fails for Lack of Reasonable Reliance</u>

The Complaint also fails to plead facts which establish that the Plaintiff reasonably relied on the misrepresentations allegedly made by the Defendants. In order to state a claim sounding in fraud, a plaintiff must plead, among other things, that she reasonably relied on the alleged misrepresentation. *Crigger v. Fahnstock & Co.*, Inc., 443 F.3d 230, 234 (2d Cir. 2006). The

Complaint does not meet this basic requirement. Instead, the Complaint merely states in conclusory terms that "Plaintiff reasonably relied" on the alleged misrepresentations. Cplt. ¶ 50. The Complaint, however, does not provide any factual support for this conclusion. In fact, the allegations in the Complaint support just the opposite. According to the Complaint, at the time the statement was made about Plaintiff's prospects for admission to [redacted], the Plaintiff barely knew Epstein – she had been introduced to Epstein by yet another person who she barely knew. Cplt. ¶¶ 35, 37. That such a stranger would offer to "use his wealth and influence to have Plaintiff admitted to" [redacted] or a similar institution in exchange for sexual favors would cause any reasonable person, especially under the circumstances alleged in the Complaint, to question, rather than rely, on such a promise.

Moreover, the Complaint fails to allege facts from which the Plaintiff might have reasonably concluded that Epstein had the ability "to have Plaintiff admitted to" [redacted]. For example, the Complaint fails to allege that Epstein was associated in any way with [redacted]. *Ashland Inc. v. Morgan Stanley & Co*., 652 F.3d 333, 338 (2d Cir. 2011) (dismissing complaint where plaintiff could not have reasonably relied on defendant); *Schlaifer Nance & Co. v. Estate of Warhol*, 119 F.3d 91, 98 (2d Cir. 1997) ("circumstances may be so suspicious as to suggest to a reasonably prudent plaintiff that the defendant's representations may be false, and that the plaintiff cannot reasonably rely on those representations").

In short, the Complaint fails to establish that Plaintiff reasonably relied on the alleged fraudulent statements about her prospects for admission to [redacted] that she attributes to Epstein and [redacted].

3. <u>The Complaint Impermissibly Lumps All Defendants Together</u>

The Complaint engages in rampant and impermissible "group pleading." It repeatedly attributes the same conduct and/or statement to all or multiple defendants without identifying which individual defendant engaged in the alleged conduct or made the alleged statement. Cplt. ¶¶ 33, 38, 44, 45, 49, 50, 51, 52, 54, 55, 56, 58. Since the asserted claim involves allegations of fraud, the Plaintiff's decision to lump all defendants in groups is insufficient to state a claim. *Camofi Master LDC v. Riptide Worldwide, Inc.,* 2011 WL 1197659, at *6 (S.D.N.Y. Mar. 25, 2011) ("group pleading doctrine is an exception to the requirement that the fraudulent acts of each of the defendants be identified separately in the complaint," its application is "limited to group-published documents," and "does not apply to oral statements"); *In re Braskem S.A. Sec. Litig.*, 2017 WL 1216592, at *20 (S.D.N.Y. Mar. 30, 2017) ("the Court has doubt whether the group-pleading doctrine remains good law").

The Complaint, however, repeatedly and impermissibly lumps all defendants together. We discuss the following as examples only. First, the Complaint alleges that "Defendants recruited Plaintiff into their sexual enterprise," without identifying which defendant was involved and what individual action each defendant allegedly took to recruit Plaintiff. Cplt. ¶¶ 33. Second, the Complaint alleges that "Defendants sent Plaintiff from the United States to

[redacted] in part to recruit" without specifying which defendant supposedly "sent" Plaintiff or communicated to Plaintiff what, if anything, she was supposed to do upon her arrival in [redacted]. Cplt. ¶ 51. Third, the Complaint alleges that "in addition to their requiring Plaintiff to provide Defendant Epstein with sex acts, Defendants continued to pressure her to lose excessive amounts of body weight and offered her no opportunity to decline or resist their instructions." Cplt. ¶ 56. Yet, the Complaint does not state which defendants allegedly "required" Plaintiff to provide sex acts, "pressure[d]" her to lose excessive weight, or offered Plaintiff no opportunity to decline or resist these alleged demands.

By engaging in this pattern of improper group pleading, the Complaint fails to state a legally sufficient claim against any one of the Defendants.

B. <u>The Complaint Fails to Plead Coercion</u>

The Complaint fails to allege that Epstein or [redacted] engaged in any conduct which coerced the Plaintiff to perform sexual acts. The statute defines coercion to include the following categories of conduct:

(A) threats of serious harm to or physical restraint against any person;
(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
(C) the abuse or threatened abuse of the legal process.

The Complaint simply fails to meet any of these three theories for establishing coercion.

First, the Complaint does not allege that Epstein or [redacted] made a single "threat[] of serious harm to or physical restraint against" the Plaintiff. Indeed, the Complaint speaks of a single occasion where Plaintiff allegedly suffered unspecified "verbal abuse and threats" and, as a result, "attempted to escape from Defendant Epstein's private island." Cplt. ¶ 46. This single allegation taken as true does not establish that Plaintiff was subject to a threat of serious harm. And the fact that the Plaintiff was allegedly "returned" to the house on the island does not demonstrate that she was subject to "physical restraint." And there is nothing alleged in the Complaint that demonstrates that this isolated incident had anything at all to do with whatever sexual activity Plaintiff claims she engaged in.

Second, the Complaint fails to establish that there was a "scheme, plan, or pattern" to cause Plaintiff to believe that she would be seriously harmed or restrained. Indeed, the Complaint is silent about threats of physical harm, as discussed above. And, with respect to physical restraint, the Complaint alleges that Plaintiff traveled freely within the United States and abroad, and was provided with living quarters of her own on the Upper East Side of Manhattan as well as a car service and cellphone. Cplt. ¶¶ 49, 51, 57. Plaintiff alleges that, when Plaintiff was in [redacted], where she held citizenship and where her parents resided, Epstein and

Maxwell told her that "she would not be permitted to return to the United States to receive her promised education unless she lost weight." Plaintiff does not explain how any of the defendants would have any ability to deny her entry to the United States. Plaintiff has not alleged that any of the defendants held her travel documents or had any power to affect her ability to travel to the United States. To the contrary, the Complaint alleges that she travelled to and from the United States as she wished. Indeed, she admits that "she refused to perform the recruitment assignment" allegedly "demanded" by Epstein to find young females to serve in "sexual servitude." Cplt. ¶ 51. Yet, she was able to come back to the United States. Moreover, there is no showing of any threatened "serious harm" had she chosen to remain in [redacted]. There is simply no "threat of serious harm" alleged. In any event, this isolated allegation does not establish the existence of a "scheme, plan or pattern" at all, much less a "scheme, plan or pattern" which would cause Plaintiff to believe she would be in serious harm or physical restraint if she did not engage in commercial sexual activity. Cplt. ¶ 51.

Third, a withdrawal of support to gain admission to [redacted] or refusal to provide living quarters on the Upper East Side of Manhattan or a car service does not constitute "threats of serious harm." A withdrawal of such support would simply mean that Plaintiff would no longer have the desired life style or assistance for potential educational advancement as to which she had neither the legal right nor moral entitlement.

Fourth, the Complaint does not allege that the Defendants engaged in any "abuse or threatened abuse of the legal process" required by the statute.

C. The Complaints Fails to Plead a Causal Link

The Complaint fails to plead the necessary causal link between any fraudulent or coercive conduct and the alleged sex acts. Section 1591 requires proof that the alleged commercial sex acts must have been procured by "means of force, threats of force, fraud, coercion … or any combination of such means." 18 U.S.C. § 1591(a); *United States v. Marcus*, 487 F.Supp.2d 289, 306-07 (E.D.N.Y. 2007), rev'd on other grounds, 538 F.3d 97 (2d Cir. 2008) (a violation of § 1591 requires that "commercial sex act … be a product of force, fraud or coercion"). The Complaint fails to establish any linkage between the alleged promises of admission to [redacted] and criticism about the Defendants' weight and appearance, and any sexual act performed by the Plaintiff.

Indeed, the clear implication of the Complaint is exactly the opposite. The Complaint can be fairly read to evidence that the Plaintiff, then a [redacted] adult woman, was engaged in a consensual sexual relationship with Epstein, an unmarried adult man, on her own accord, which she was free to terminate at will. Whatever unfulfilled promises and unwelcome criticism Plaintiff claims to have experienced, the Complaint makes clear that her sexual acts were not the product of those events.

Finally, the sex acts alleged in the Complaint are not commercial sex acts, lest sex acts in violation of 18 U.S.C. ¶ 1591. If they were, a significant percentage of the population likely would have engaged in commercial sex and violated the statute.

In short, Plaintiff fails to establish the required causal link between the alleged fraud and coercion and her sexual conduct. She also fails to establish that she engaged in "commercial sex."

D. The Complaint Fails to Specify the Particular Statutes Allegedly Violated

The Complaint is also defective because it fails to specify the particular statutes and sections which were allegedly violated. Rather, it lumps together 18 U.S.C. §§ 1591 through 1594, without specifying which of these particular statutes were violated and without providing factual bases for the alleged violations of the particular statutes. For example, while § 1592 prohibits unlawful conduct with respect to immigration documents, the Complaint is bereft of any allegation concerning Plaintiff's immigration documents or status. Moreover, §§ 1593 and 1593A do not even prohibit any conduct, let alone conduct that would give rise to a Section 1595 claim. Rather, those sections provide for the remedy of restitution and the penalty of a fine or imprisonment.

These failings should result in a dismissal of the Complaint. *Holmes v. Grubman*, 568 F.3d. 329, 336 (2d Cir. 2009) (dismissing Complaint for failure to specify the particular sections of the statutes claimed to have been violated, explaining that such a failure "obstructed any analysis of whether plaintiffs' pleading stated a claim under Georgia's securities statute, insofar as the complaint tracks several of the statute's provisions"). At a minimum, the Complaint must specify the particular statutes and sections claimed to have been violated and the factual basis for the alleged violations which are necessary predicates for a civil recovery under Section 1595. Defendants are entitled to know this basic information, so as to be able to analyze whether Plaintiff has stated a claim under the different sections of the statutes. *Id.*

E. The Complaint Fails to Meet the *Twombly/Igbal* Standard

The Complaint not only fails to meet the heightened pleading standards applicable to fraud based claims, it also fails to meet the more relaxed pleading standards set forth by the United States Supreme Court in *Bell Atlantic Corp. v. Twombly*, 127 S.Ct. 1955 (2007) and *Ashcroft v. Igbal*, 129 S.Ct. 1937 (2009). These two decisions set forth the basic requirements for pleading a claim. As explained and applied by the Second Circuit:

> To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the

> defendant is liable for the misconduct alleged. The plausibility standard is not akin to a probability requirement, but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are merely consistent with a defendant's liability, it stops short of the line between possibility and plausibility of entitlement to relief.

Wood, 328 Fed.Appx. at 747 (quoting *Igbal*, 129 S.Ct. at 1949). Here, the Complaint merely parrots the statutory elements of a Section 1595 claim regarding fraud and coercion. As described in more detail, above, the Complaint fails to meet the *Twombly/Igbal* pleading standard. The Complaint, taken as a whole, does not plead a plausible claim that Plaintiff was a victim of sex trafficking in violation of criminal statutes entitling her to civil relief pursuant to Section 1595. Instead, the Complaint as a whole presents the Plaintiff as a consenting adult engaged in a voluntary relationship with Epstein which provided the Plaintiff with a remarkably comfortable life style and the prospects of help with her [redacted] application. This is hardly the sort of relationship that this sex trafficking statute was designed to address.

Moreover, the Complaint does not allege that Plaintiff was a minor, that she was uneducated or that she was inexperienced in the world. Rather, the absence of such allegations shows that Plaintiff was an educated adult who was experienced in the world and who freely chose to engage in the alleged sex acts set forth in the Complaint. Plaintiff's allegations of fraud and coercion are simply not plausible, and, as a result, the Complaint fails under the *Twombly/Igbal* pleading standard.

II. The Claim Is Barred by the Statute of Limitations

Plaintiff's claim is time-barred under either the (a) four-year statute of limitations applicable to claims that arose before the 2008 statutory amendment that extended the limitations period to ten years or (b) current ten-year statute of limitations period.

Plaintiff claim is barred by the four-year statute of limitations. According to the Complaint, the conduct giving rise to the claim allegedly occurred between October 2006 and April 2007, and Plaintiff "left the United States" in May 2007 and "did not return." Cplt. ¶¶ 33, 57. This action was not commenced until January 27, 2017, more than four years after any of the events alleged in the Complaint occurred. Plaintiff's claim is therefore time-barred. *Abarca v. Little*, 54 F.Supp.3d 1064, 1068 (Minn. 2014). As the Court stated in *Abarca,* a claim under Section 1595 had a four-year of statute of limitations when originally enacted. The statute was amended in December 2008 and the limitations period was extended to ten years. *Id.* However, "Congress did not expressly state or otherwise indicate that the [statute's] limitations period applies retroactively." *Id.* The plaintiff in *Abarca*, like Plaintiff here, filed the Section 1595 claim after the statute was amended to provide for a ten-year statute of limitations. Applying the well-established presumption against retroactive legislation, the Court in *Abarca* determined that the ten-year statute of limitation did not apply because the alleged wrongful conduct occurred

before the statute of limitations was amended. *Id*. at 1069. The Court therefore applied the four-year statute of limitations and dismissed the Section 1595 claim because it was filed more than four years after the alleged wrongful acts. *Id.*

Here, all events alleged in the Complaint ended in 2007, before the 2008 amendment extending the limitations period from four to ten years was enacted. As a result, the four-year statute of limitations applies. Plaintiff's claim, filed in January 2017 and more than four years after the events described in the Complaint, is time barred.

Even if the ten year statute of limitations applies, Plaintiff's claim is still time-barred. Plaintiff's admits in her Complaint that, when she traveled to [redacted] in January 2007, she no longer trusted the Defendants. In fact, Plaintiff alleges that she knew she was being asked to recruit "female models" from [redacted] who would not be placed in legitimate positions, but would instead "be forced into sexual servitude." Cplt. ¶ 51. Plaintiff has expressly acknowledged in the Complaint that, as of January 2007, "she did not believe that the requested model would be placed in a legitimate position of employment with Defendant Epstein but would, instead, be forced into sexual servitude." *Id.* Clearly, by January 2007, Plaintiff could no longer claim to be reasonably relying on Defendants' representations about, for example, gaining admission to [redacted]. Because Plaintiff's claim admittedly turns on whether she was defrauded and coerced, the statute of limitations period on her Section 1595 claim commenced to run no later than January 2007 and expired before the Complaint was filed on January 27, 2017.

Moreover, since Plaintiff left the United States in January 2007 and went to [redacted], where she held citizenship and where her parents reside, any arguable coercion terminated at that time. Cplt. ¶ 53. There is nothing to support the contention that the Defendants engaged in coercion to procure sexual acts from the Plaintiff. Plaintiff was under no compulsion whatsoever to return to the United States or to continue her alleged association with Defendants. In fact, she admits that she freely "refused to perform the recruitment assignment" alleged "demanded" of her to find females to serve in "sexual servitude." Cplt. ¶51. By her own admission, whatever "coercion" defendants might have had on Plaintiff ceased at that time. Moreover, she could have chosen to stay in [redacted]. Her alleged further association with Defendants when she returned to New York in February 2007 was purely the voluntary action of an adult, as were all of her other actions. Significantly, Plaintiff alleges no threat to her since February 2007 when she returned from [redacted]. She merely alleges that she "knew" what Maxwell and Epstein might do, not what Maxwell or Epstein actually said or did. Cplt. ¶ 54. Since no act of coercion occurred within ten years before the lawsuit was filed on January 27, 2017, Plaintiff's claim is time-barred.

Nor are there sufficient factual allegations that Defendants defrauded her or coerced Plaintiff into commercial sex when she returned to the United States in February 2007. Instead, the Complaint repeats some of the same conclusory and vague allegations relating to the earlier period, but again without providing the necessary factual allegations specifying what Epstein or [redacted] actually did to violate the statute.

III. The Court Does Not Have Jurisdiction Over Defendants

The Complaint alleges without elaboration that Defendants are residents of New York. Cplt. ¶¶ 4, 8. However, the Complaint alleges no facts to support this assertion. In fact, as you know, you cannot support these allegations of ties to New York. As we believe you know, Epstein is domiciled in the U.S. Virgin Islands and [redacted] is domiciled in Connecticut. Indeed, you attempted to serve [redacted] at her residence in Connecticut, not New York. As a result, personal jurisdiction over the Defendants would have to be based on the tortious conduct allegedly committed in New York. CPLR 302(a)(2). As explained below, however, there are insufficient allegations of tortious conduct during the limitations period upon which to base personal jurisdiction, even if the ten year limitations period were to apply.

Because the Complaint was filed on January 27, 2017, all of conduct alleged to have occurred before February 2007 falls outside of the ten year limitations period. The Complaint, however, does not allege conduct after Plaintiff left for [redacted] in January 2007 that can be fairly said to be subject to a Section 1595 claim, as discussed in detail above. Cplt. ¶¶ 53-56. Indeed, the Complaint does not mention [redacted] at all after Plaintiff left for [redacted] in January 2007. Moreover, there are no allegations regarding the whereabouts of the Defendants during that time period. The allegations concerning this period merely track the statutory language but without providing the factual support. The Complaint, therefore, fails to establish that the Court has personal jurisdiction over Epstein and [redacted].

IV. Venue Is Improperly Laid

For the same reasons that the Court lacks personal jurisdiction over the Defendants, the Southern District of New York is not the proper venue for this action. The applicable venue statute, 28 U.S.C. § 1391(b)(2), requires that "a substantial part of the event or omission giving rise to the claim occurred" within the Southern District of New York. This fundamental element is not met here. The conduct alleged occurred outside of the statute of limitations period and cannot for the basis of either a claim or venue.

As you know, Epstein resides in the U.S. Virgin Islands, where the court has personal jurisdiction over him. Given that the defendants are located in different states and that no significant part of the events within the statute of limitations period occurred in New York, the U.S. Virgin Islands is the proper district to litigate this matter pursuant to 28 U.S.C. § 1391(b)(3).

Sincerely yours,

Michael C. Miller