

# HODGE & FRANCOIS

January 8, 2013

[VIA FEDERAL EXPRESS]

DARREN K. INDYKE  
DARREN K. INDYKE, PLLC

Re: *Jeffrey Epstein and L.S.J., LLC vs. Fancelli Paneling, Inc.*  
*Superior Court Case No. ST-10-CV-443*

Dear Darren:

Enclosed is an original and one (1) copy of the executed subpoena for Mr. Jean Pierre Fancelli to be served upon Mr. Fancelli in New York. Once Mr. Fancelli is served, please have the process server complete the return of service on the copy of the subpoena and return it to this office for filing with the court. Please ask the process server to also provide us with an affidavit of service just in case there is an issue with service later on.

I will email the notice of deposition to you separately.

Sincerely,



Denise Francois

Enclosures: (2)

ATTORNEYS AT LAW

PHONE: [REDACTED]

EMAIL: [REDACTED]

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

JEFFREY EPSTEIN and L.S.J., LLC, )  
 )  
 Plaintiffs, )  
 )  
 -vs- )  
 )  
 FANCELLI PANELING, INC. and )  
 ■ MOLYNEUX STUDIO, LTD, )  
 )  
 Defendants. )

CASE NO. ST-10-CV-443  
ACTION FOR DAMAGES  
JURY TRIAL DEMANDED

2013 JAN -3 PM 1:47  
OFFICE OF THE CLERK  
OF THE VIRGIN ISLANDS

To: Mr. Jean Pierre Fancelli  
New York, New York

You are hereby subpoenaed to appear for a deposition, at the law office of DARREN K. INDYKE, PLLC, 575 Lexington Avenue, 4th Floor, New York, NY, 10022 at 10:00 ■ on Wednesday, February 20, 2013 to give testimony in a cause wherein Jeffrey Epstein and L.S.J., LLC are the Plaintiffs, and Fancelli Panelling, Inc. and ■ Molyneux Studio, Ltd. are the Defendants in a civil action for damages. This Subpoena shall remain in full effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.

Dated: 1-3-2013  
*Denise Francois*  
Denise Francois  
HODGE & FRANCOIS



Attorneys for the Plaintiffs

Administrator/Clerk of the Court

By: *Diane Matthews-Zumell*  
Deputy

This Subpoena is issued upon application of the Plaintiffs

RETURN OF SERVICE

I hereby certify that I received this Subpoena on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and that thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, I served the same on the within named \_\_\_\_\_ by showing and delivering the original to him/her a true copy thereof.

Marshal/Process Server

\_\_\_\_\_  
Deputy

RETURN OF SERVICE

I hereby certify that I received this Subpoena on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and that after making a careful, diligent and honest search, I cannot locate the within named \_\_\_\_\_.

Marshal/Process Server

\_\_\_\_\_  
Deputy

Federal Rule of Civil Procedure 45(a)(1)(A)(iv) required notice:

(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person—except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) DUTIES IN RESPONDING TO A SUBPOENA.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

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DIVISION OF ST. THOMAS AND ST. JOHN

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Plaintiffs, )  
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-vs- )  
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[REDACTED] P. MOLYNEUX STUDIO, LTD, )  
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Administrator/Clerk of the Court

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