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August 8, 2017

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**Re: Jane Doe 43 v. Jeffrey Epstein, et al.
Civil Action No. 17-cv-616**

Dear Ms. McCawley:

We write in response to your August 7, 2017 letter (“August 7 Letter”), regarding a) the briefing schedules for the defendants’ motions i) seeking relief from a protective order issued in the [REDACTED] v. *Maxwell* matter (“Protective Order” and “[REDACTED] Matter”) and ii) to dismiss the plaintiff’s First Amended Complaint (“FAC”) in the above-captioned matter (“Jane Doe Matter”), and b) your request for an opportunity to depose Jeffrey Epstein.

As a preliminary matter, we are surprised to receive this letter from you. As you know, on July 17, 2017, Judge John Koeltl issued an Order Under Seal (“July 17 Order”), in which he granted the defendants permission to seek relief from the Protective Order “to submit documents from [the [REDACTED] Matter] in support of a motion to dismiss in [the Jane Doe Matter].” Specifically, the defendants advised Judge Koeltl that they are seeking relief from the Protective Order so that they can use the deposition testimony and documents that Jane Doe produced as a third party witness in the [REDACTED] Matter (“Jane Doe Evidence”). Judge Koeltl directed the parties to “attempt to obtain agreement from the parties” in the [REDACTED] Matter before applying for relief from the judge presiding over the [REDACTED] Matter.

On July 24, 2017, and pursuant to the Court’s admonition in the July 17 Order, we spoke with Brad Edwards, who is counsel for Jane Doe in both the [REDACTED] Matter and the Jane Doe Matter. We informed Mr. Edwards that the defendants would like to make an application to the judge presiding over the [REDACTED] Matter for relief from the Protective Order as it applies to the Jane Doe Evidence. Mr. Edwards advised that he was generally supportive of the notion that we should get access to the Jane Doe Evidence, but needed to re-familiarize himself with Jane Doe’s

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transcript and documents. Mr. Edwards told us that he would call us back to continue our meet and confer as soon as he had re-familiarized himself with these documents. We have heard nothing from Mr. Edwards since, despite a follow-up phone call from me.

Indeed, instead of a call from Mr. Edwards, we received the August 7 Letter. Before turning to the other aspects of the August 7 Letter, please confirm whether Jane Doe consents to the defendants' application in the [REDACTED] Matter for relief from the Protective Order to use the Jane Doe Evidence in support of their motion to dismiss the FAC.

In addition to sending the August 7 Letter in the midst of a meet and confer with Mr. Edwards, the August 7 Letter suggests that there is some confusion amongst the many lawyers representing Jane Doe about the briefing schedules for both the defendants' application in the [REDACTED] Matter and the defendants' motion to dismiss the FAC. In fact, the July 17 Order does not set any deadline for submission of the motion for relief from the Protective Order; it only requires the parties to meet and confer before filing that motion – which the defendants attempted to do with Mr. Edwards. Moreover, the July 17 Order provides that “[t]he time to make a motion to dismiss in this case is stayed until seven (7) days after the decision in the [REDACTED] Matter] as to whether to grant an exception to the Protective Order.” Please advise whether Jane Doe consents to the defendants' application for relief from the Protective Order so that we can promptly get an appropriate motion on file with the Court in the [REDACTED] Matter.

Finally, we decline to make Mr. Epstein available for a deposition. Discovery has been sensibly stayed in this proceeding pending further order of the Court. See Order dated May 24, 2017 (docket no. 44.) and Order dated June 14, 2017 (docket no. 48). Unlike the defendants' request for relief from the Protective Order to use the Jane Doe Evidence that the defendants already possess, your proposed fishing expedition deposition of Mr. Epstein constitutes an impermissible foray into stayed discovery. Moreover, contrary to your assertion, the defendants are not relying on information outside of the FAC. On its face the FAC is utterly deficient; the Jane Doe evidence only reinforces the fact that the FAC completely fails to establish the existence of personal jurisdiction.

Please respond at your earliest convenience regarding the defendants' motion for relief from the Protective Order in the [REDACTED] Matter, so that the defendants can proceed with filing the application authorized in the July 17 Order. Any further delay in your response is simply compounding Mr. Edwards' failure to promptly participate in and complete the meet and confer we started over two weeks ago.

Sincerely yours,

Michael C. Miller