

Michael C. Miller  
212 506 3955  
[REDACTED]

1114 Avenue of the Americas  
New York, NY 10036  
212 506 3900 main  
[REDACTED]

October 5, 2017

**VIA ECF**

Hon. John G. Koeltl  
United States District Court  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

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

Dear Judge Koeltl:

We represent Defendants Jeffrey Epstein and Lesley Groff (“Defendants”) and write to respond to Bradley J. Edwards’ letter of October 5, 2017. Mr. Edwards’ contention that Plaintiff be allowed to depose Mr. Epstein on the ground that Defendants have been engaging in discovery from another matter before Judge Robert Sweet is baseless. Defendants have not engaged in any discovery; rather, it is the Plaintiff who is seeking to engage in a one-sided and premature fishing expedition.

As we previously advised the Court, the Plaintiff gave deposition testimony and produced documents in a matter captioned [REDACTED] v. *Maxwell*, No. 15 Civ. 7433 (RWS) (the “[REDACTED] action”) shortly after she filed this action (the “Plaintiff’s Evidence”). The Plaintiff’s Evidence was designated as Confidential pursuant to the Protective Order in the [REDACTED] action. Mr. Epstein, through his counsel, as a non-party witness in the [REDACTED] action, was provided with a copy of the Plaintiff’s Evidence. The Plaintiff’s Evidence is dispositive of the Motion to Dismiss that Defendants plan to file, and particularly on the issue of whether the Court lacks personal jurisdiction over Defendants.

On July 14, 2017, we wrote to Your Honor seeking: (a) permission file a motion requesting relief from the Protective Order issued in the [REDACTED] action, so that Your Honor may consider the Plaintiff’s Evidence in determining the Motion to Dismiss; and (b) a stay of the schedule for the Motion to Dismiss. On July 17, 2017, Mr. Edwards submitted a letter to the Court opposing Defendants’ request. In particular, Mr. Edwards contended that Defendants may obtain the information contained in the Plaintiff’s Evidence by deposing Plaintiff and that the

Plaintiff “can obtain her own information relevant to jurisdiction by deposing Epstein and other Defendants in this case” (letter at p. 2). On July 17, 2017, the Court granted Defendants’ request, and issued an Order under seal, directing (a) Defendants to make their application for relief from the Protective Order to Judge Sweet and (b) file their Motion to Dismiss within seven (7) days after Judge Sweet’s decision (the “July 17 Order”).

Contrary to Mr. Edwards’ contention, Defendants have *not* engaged in discovery from the [REDACTED] action. Rather, as we explained in our July 14 letter to the Court, we already possess the Plaintiff’s Evidence. All that we sought from the Court was the ability to use that evidence. As we further explained in our July 14 letter, the Court’s consideration of the Plaintiff’s Evidence would conserve judicial resources and promote the interests of judicial economy, as that evidence allows the Court to dispose of the case at the motion to dismiss stage. In its July 17 Order, the Court granted Defendants’ request to use the Plaintiff’s Evidence in the Motion to Dismiss and stayed the schedule for the Motion to Dismiss pending a decision by Judge Sweet.

Mr. Edwards’ request for the deposition of Mr. Epstein is merely a rehash of the argument previously made to the Court and essentially an attempt for re-argument to modify the July 17 Order. The Court has already heard that argument and has ruled in Defendants’ favor. Moreover, Mr. Edwards has not provided any reason that the July 17 Order should be modified. The Plaintiff’s Evidence is dispositive of the Motion to Dismiss and there is no need for any deposition of Mr. Epstein.

We respectfully submit that there is no reason to deviate from the July 17 Order. The motion for relief from the Protective Order has been submitted to Judge Sweet. Once Judge Sweet rules on the motion, Defendants will submit their Motion to Dismiss within seven (7) days. The Court then can dispose of the matter in its entirety.

Respectfully submitted,

Michael C. Miller  
*Counsel for Defendants Jeffrey  
Epstein and Lesley Groff*