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January 5, 2010

Sent by E-Mail and U.S. Mail

Joanne O'Connor, Esq.
Jones Foster Johnston & Stubbs, P.A.
505 South Flagler Drive, Suite 11
West Palm Beach, FL 33401

Re: Epstein Matter

Dear Joanne:

I am following up on the Non-Party Town of Palm Beach Police Officers' Motion to Quash Subpoena and/or Motion for Protective Order which you served on November 23, 2009. I never received any objection from the Town of Palm Beach. If one was served, please bring it to my attention.

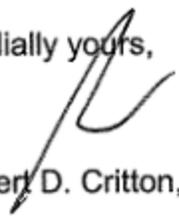
Before noticing a hearing on your Motion to Quash/Motion for Protective Order, it maybe a good idea for you to file a response to the subpoenas by each officer and the Town of Palm Beach. That is, if the officer and/or the Town takes a position that no documents exist with regard to a particular category, advise me and the court of that fact so that we are not arguing about some non-issue. Please let me know if this approach is acceptable to you. Additionally, you referenced in your December 9, 2009 letter "attached please find responsive, nonprivileged and nonstatutory protected, document in response to the duces tecum served by counsel for Mr. Epstein on the Town of Palm Beach Police Department Record Custodian."

You need to identify what "privileged and statutory protected documents" exist which you are specifically not producing. I believe a privilege log is required under the circumstances both under case law and certainly local procedure.

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Joanne, in looking at what was produced, specifically Administrative Order G.O. 11-65, I have the amendment effective January 15, 1999 and the amendment effective June 15, 2009. However, the June 15, 2009 amendment, amended G.O. 11-65 dated August 29, 2000, and that document was not provided.

Cordially yours,



Robert D. Critton, Jr.

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