

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE APPLICATION TO QUASH :
SUBPOENAS TO DAILY NEWS, [REDACTED], : No. 10 M8-85 (LAK)
AND GEORGE RUSH :
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AFFIDAVIT OF GEORGE RUSH

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

GEORGE RUSH, being duly sworn, deposes and says:

1. I am a reporter for the New York *Daily News* and co-writer with my wife, Joanna Molloy, of the *News'* weekly gossip column, Rush & Molloy.

2. In the fall of last year, I began to follow as a reporter developments in the evolving scandal surrounding Jeffrey Epstein, including the institution of a large number of civil suits against him by young women who claimed that he had sexually molested them over a period of years when they were in their mid-teens, the mushrooming of the scandal to touch other individuals who had long been associated with him, the continued ferment in Palm Beach over his lurid criminal case, the controversy over a recently-unsealed Non-Prosecution Agreement he had entered into with the U.S. Attorney's office, and the arrest of a prominent south Florida attorney who was accused of defrauding investors by inducing them to put money into a fictitious fund supposedly backed by a pool of hundreds of millions of dollars put up by Epstein to finance settlements with the young women who were suing him.

3. Over time, I began to develop contacts among lawyers, residents of Palm Beach, and others close to the case or to major figures in the case who could provide tips, leads and

information to assist in my reporting.

4. I eventually was able to arrange a telephone interview with Epstein himself about the status of the civil cases against him and other matters, which took place on November 18, 2009. To the best of my knowledge, he was in Palm Beach.. One of my editorial colleagues and I were at the Daily News offices in New York.

5. Epstein said at the beginning of the conversation that it was off-the-record and we agreed. I understood that to mean that the contents of the call, though not the fact of it, were to be treated as confidential and not to be published. My colleague and I listened and spoke to Epstein through a speaker phone. I put a small digital recorder on the desk next to the phone and recorded the conversation as an aid for my own memory. The interview lasted for approximately 22 minutes.

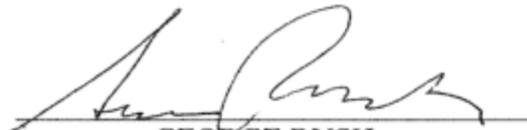
6. Several days later, I met with three individuals who were very familiar with the intricacies of the Epstein case and had already provided me with leads, research and information about it. One was a filmmaker and journalist who was investigating child sex trafficking, one an activist with an intense interest in the social policy issues raised by the Epstein case; and the third an attorney who had been following the case closely and introduced me to the other two sources. They were all valuable news sources whom I considered well worth cultivating as such. As part of an exchange of information, and under an agreement of strict secrecy, I played for them a segment of the recording, starting at the very beginning and lasting approximately three to four minutes.

7. Bradley Edwards, the attorney for the Jane Doe plaintiff in whose case this subpoena has been issued (and who, as I understand it, also represents at least two other Jane Does suing Epstein) was also a source for my newsgathering on this story. By late 2009 he and I were speaking about the Epstein cases by telephone on a fairly regular basis, and I regarded him, as

well, as a valuable source. Initially, I used some information I heard in my interview of Epstein as a basis for questions to him. I told him at a later point that I had interviewed Epstein, and as part of an exchange of information with him, apprised him of a development in one of the Jane Doe cases that Epstein had related to during the interview.

8. In a later call, Edwards asked me for a copy of the Epstein interview recording. I declined, telling him that the interview had been off the record and that, in any case, nothing had been said during it that would be of help to his clients. I gave Edwards a one or two word characterization of what I perceived to be Epstein's overall stance and repeated to him one sentence from the interview -- both of which I believed made the point that there was nothing there for him or his client. It was my impression that Edwards accepted me at my word, and I didn't expect to hear any more about it. Finding out about the subpoena months later was a surprise.

9. I have not revealed any part of the contents of the Epstein interview to anyone other than the individuals I have described here, except for Anne Carroll, the attorney representing me in this proceeding.


GEORGE RUSH

Sworn to before me this
6th day of April, 2010


Notary Public

CYNA ALDERMAN
NOTARY PUBLIC, State of New York
No. 31-5078416
Qualified in New York County
Commission Expires ~~May 27, 2008~~

6/26/2011