

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and
PAUL G. CASSELL,

Plaintiffs/Counterclaim Defendants,

vs.

ALAN M. DERSHOWITZ,

Defendant/Counterclaim Plaintiff.

**DEFENDANT/COUNTERCLAIM PLAINTIFF ALAN M. DERSHOWITZ'S MOTION
TO COMPEL PLAINTIFFS' PRODUCTION OF DOCUMENTS &
COMPLETE RESPONSES TO INTERROGATORIES**

Defendant/Counterclaim Plaintiff ALAN M. DERSHOWITZ ("Dershowitz") respectfully moves this Court for entry of an Order that (a) overrules the objections asserted by Plaintiffs BRADLEY J. EDWARDS ("Edwards") and PAUL G. CASSELL ("Cassell") in response to Dershowitz's First Set of Document Requests and First Set of Interrogatories; (b) compels Edwards and Cassell to produce any and all documents responsive to Dershowitz's First Set of Document Requests; and (c) compels Edwards and Cassell to provide complete responses to Dershowitz's First Set of Interrogatories. In support of this motion, Dershowitz states as follows:

BACKGROUND

Plaintiffs filed this defamation action against Dershowitz on January 6, 2015. In their Complaint, Plaintiffs allege that Dershowitz defamed them by "initiat[ing] a massive public media assault on the reputation and character of [Edwards] and [Cassell] accusing them of

intentionally lying in their filing, of having leveled knowingly false accusations against [Dershowitz] without ever conducting any investigation of the credibility of the accusations, and of having acted unethically to the extent that their willful misconduct warranted and required disbarment” – even though Dershowitz “knew [the pleading containing the false and outrageous allegations by Plaintiffs’ client, Jane Doe No. 3, about Dershowitz] to be an entirely proper and well-founded pleading.” **Exhibit A**, Compl. ¶ 17.

On February 11, 2015, Dershowitz served a First Set of Document Requests on each of the Plaintiffs, individually, along with a First Set of Interrogatories on each of the Plaintiffs, individually (together, the “Discovery Requests”). On March 13, 2015, Plaintiffs served their responses to Dershowitz’s First Sets of Interrogatories. *See Exhibit B* (the “Interrogatory Responses”). Throughout the Interrogatory Responses, Plaintiffs raised boilerplate, unfounded objections and conclusorily asserted that some or all of the information sought by Dershowitz is protected by the attorney-client privilege and/or the work product doctrine. *See id.* Also on March 13, 2015, Plaintiffs filed their responses and objections to Dershowitz’s First Set of Document Requests (the “Original Responses”). *See Exhibit C*. Plaintiffs did not actually produce a single document, however, until late July 2015.

On August 28, 2015, and following several discovery conferences between counsel, Plaintiffs served supplemental responses to Dershowitz’s First Sets of Document Requests to withdraw certain objections and otherwise clarify their responses. *See Exhibit D* (the “Supplemental Responses”). In the Supplemental Responses, Plaintiffs continued to raise baseless form objections and also continued to assert conclusorily that the documents Dershowitz seeks are (1) not reasonably calculated to lead to the discovery of admissible evidence and/or (2) protected by the attorney-client privilege and/or the work product doctrine. *Id.*

ARGUMENT

As set forth below, many of Plaintiffs' objections to the Discovery Requests are unfounded and should be overruled. Moreover, Plaintiffs' document production and Interrogatory Responses were deficient in a number of respects, even putting aside the validity of their objections. Accordingly, Dershowitz seeks an order from the Court (a) overruling Plaintiffs' objections to Dershowitz's Discovery Requests; (b) compelling Plaintiffs to produce in a timely manner all documents responsive to Dershowitz's First Set of Document Requests; and (c) compelling Plaintiffs to provide complete responses to Dershowitz's First Set of Interrogatories in a timely manner.

1. Plaintiffs have waived any privilege or protection that would otherwise attach to responsive documents and information by bringing this defamation action and placing at issue the truthfulness of Jane Doe No. 3's allegations against Dershowitz and the adequacy of their investigation into those allegations. Plaintiffs asserted the attorney-client privilege and/or the work product doctrine as a basis for withholding material responsive to the Discovery Requests seeking information and documents concerning: (1) Jane Doe No. 3's allegations against Dershowitz asserted in the action captioned *Jane Doe #1, et al. v. United States of America*, Case No. 08-cv-80736 (S.D. Fla.) (the "Federal Action"); (2) Plaintiffs' investigation into Jane Doe No. 3's allegations against Dershowitz; (3) Plaintiffs' assertion in the Complaint that Dershowitz was an alleged participant in the criminal conduct committed by Jeffrey Epstein ("Epstein"); and (4) Jane Doe No. 3's whereabouts and activities during the time when she claims to have been "sex slave" for Epstein. *See Exhibit B*, Interrogatory Responses,

Nos. 13, 21; **Exhibit D**, Supplemental Responses, Nos. 2, 3, 6, 7, 8, 9, 10, 14, 15, 16, 21, 22, 25, 26, 28, 31, 32, 34, 35.¹

Plaintiffs cannot properly assert privilege objections in response to Dershowitz's Discovery Requests seeking these categories of information and documents. By filing this defamation action and placing at issue both the truthfulness of Jane Doe No. 3's allegations against Dershowitz and the adequacy of their investigation into those allegations, Plaintiffs have waived any right to rely on the attorney-client privilege, the work product doctrine, or any other potentially applicable privilege or protection.

The Florida Supreme Court has long recognized that "when a party has filed a claim, based upon a matter ordinarily privileged, the proof of which will necessarily require that the privileged matter be offered in evidence, we think that he has waived his right to insist, in pretrial discovery proceedings, that the matter is privileged." *Savino v. Luciano*, 92 So. 2d 817, 819 (Fla. 1957); *see also Hearn v. Rhay*, 68 F.R.D. 574, 581 (E.D. Wash. 1975) (where the party asserting the privilege placed the protected information at issue through some affirmative act for his own benefit, allowing the privilege to protect against the disclosure of such information would be manifestly unfair to the opposing party). An "at-issue" waiver occurs when:

(1) assertion of the privilege was a result of some affirmative act, ***such as filing suit***, by the asserting party; (2) through this affirmative act, the asserting party put the protected information at issue by making it relevant to the case; and (3) application of the privilege would have denied the opposing party access to information vital to his defense.

¹ Plaintiffs have to date failed to provide any sort of privilege log to support their broad assertions of the attorney-client privilege and the work product protection as a basis for withholding documents and information responsive to Dershowitz's Discovery Requests. Plaintiffs have advised that they intend to serve a privilege log in the near future. Any issues regarding the adequacy of that privilege log will therefore be addressed in a separate motion to compel.

Id. at 581 (emphasis added); *see also Pitney-Bowes, Inc. v. Mestre*, 86 F.R.D. 444, 447-48 (S.D. Fla. 1980) (applying the *Hearn* test to hold that, by engaging in the affirmative act of filing suit, the plaintiff injected into “the very soul of this litigation” the attorney-client communications he sought to withhold and thus “waived the right to assert the attorney-client privilege with regard to these documents”).

Here, as in *Pitney-Bowes*, all three elements of the at-issue doctrine are established. *First*, Plaintiffs are asserting the attorney-client privilege and work product protection to withhold documents and information in a defamation action *they filed*. Thus, their assertion of privilege is the direct result of their own affirmative act in filing suit against Dershowitz for the purpose of recovering damages.

Second, in bringing this defamation action, Plaintiffs have made the information and documents they seek to withhold directly relevant to the issues in dispute. To prevail in this action, Plaintiffs must substantiate their allegation that Dershowitz defamed them by “initiat[ing] a massive public media assault on the reputation and character of [Edwards] and [Cassell] *accusing them of intentionally lying in their filing*, of having leveled knowingly false accusations against [Dershowitz] *without ever conducting any investigation of the credibility of the accusations, and of having acted unethically* to the extent that their willful misconduct warranted and required disbarment” – even though Dershowitz “knew [the filing in the Federal Action containing the allegations about Dershowitz] to be an entirely proper and well-founded pleading.” **Exhibit A**, Compl. ¶ 17 (emphasis added). In other words, to prove that Dershowitz committed defamation, Plaintiffs must establish – among other things² – (i) that they conducted

² Under Florida law, a defamation plaintiff must establish the following elements: (1) publication; (2) falsity; (3) actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a

an investigation regarding the credibility of Jane Doe No. 3's allegations against Dershowitz, and (ii) that the allegations asserted against Dershowitz by Jane Doe No. 3 in the Federal Action were, in fact, "well-founded." The only way for Plaintiffs to meet their burden of proof is through the use of information that might otherwise be protected by the attorney-client privilege and/or the work product doctrine. As just one illustrative example, Plaintiffs cannot establish the fact of their investigation into the credibility of Jane Doe No. 3's allegations against Dershowitz (let alone the adequacy of that investigation) without disclosing the documents "concerning their investigation of Jane Doe #3" (sought in Request No. 31) and the documents they referred to or relied upon in preparing the filing in the Federal Action (sought in Request No. 34).

Third, allowing Plaintiffs to withhold responsive documents on the basis of the attorney-client privilege and the work product doctrine would deny Dershowitz access to information that is vital to his defense. Among other affirmative defenses, Dershowitz has alleged that, to the extent any of his purportedly defamatory statements are deemed to contain assertions of fact rather than constitutionally protected expressions of opinion, those factual assertions are true. It would be inequitable to preclude Dershowitz from proving this affirmative defense, which is exactly what would result if Plaintiffs' assertions of privilege are upheld. Moreover, Plaintiffs cannot be allowed to unilaterally pick and choose which documents are helpful to their case and should be produced, and which documents can be withheld as privileged. *See Oil, Chem. & Atomic Workers Union v. Sinclair Oil Corp.*, 748 P.2d 283, 294 (Wyo. 1987) (observing that the at-issue waiver doctrine is designed to address the unfairness associated with allowing a party

private person; (4) actual damages; and (5) statement must be defamatory. *Jews For Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1106 (Fla. 2008). Because Plaintiffs are public figures or limited public figures, they must also prove that Dershowitz acted with actual malice in making his statements, *i.e.*, that Defendant "knew [the Joinder Motion] to be an entirely proper and well-founded pleading." **Exhibit A**, Comp. ¶ 17.

to assert the relevancy of information through some affirmative act for his own benefit, while at the same time denying his opponent access to the very evidence that might refute or allow defense of this information).

In sum, Plaintiffs' objections to Interrogatory Nos. 13 and 21 and to Document Request Nos. 2, 3, 6, 7, 8, 9, 10, 14, 15, 16, 21, 22, 25, 26, 28, 31, 32, 34 & 35 on the basis of attorney-client privilege and the work product doctrine must be overruled and production should be compelled.

2. Plaintiffs' unfounded relevancy and admissibility objections must be overruled. Plaintiffs also objected to many of the Discovery Requests propounded by Dershowitz on the basis that the requests seek information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence. In particular, Plaintiffs asserted relevancy and/or admissibility objections in response to the Discovery Requests seeking information and documents concerning: (1) Jane Doe No. 3's allegations against Dershowitz asserted in the Federal Action; (2) Plaintiffs' investigation into Jane Doe No. 3's allegations against Dershowitz; (3) Plaintiffs' assertion in the Complaint that Dershowitz was an alleged participant in the criminal conduct committed by Epstein; and (4) Jane Doe No. 3's whereabouts and activities during the time when she claims to have been a "sex slave" for Epstein. *See Exhibit A*, Responses to Interrogatory Nos. 13, 21; *Exhibit C*, Responses to Document Request Nos. 2, 3, 6, 7, 8, 9, 10, 14, 15, 21, 22, 25, 26, 28, 31, 32, 34, 35.

Plaintiffs' objections in this regard are not well-taken. Under Rule 1.280 of the Florida Rules of Civil Procedure, "[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action, whether it relates to the claim or defense of the party seeking discovery or the claim or defense of any other party[.]" Put

differently, information is discoverable so long as it relates “to the issues involved in the litigation, as framed in all pleadings.” *Diaz-Verson v. Walbridge Aldinger Co.*, 54 So. 3d 1007, 1011 (Fla. 2d DCA 2010) (internal citation omitted); *see also Richard Mulholland & Assocs. v. Polverari*, 698 So. 2d 1269, 1270 (Fla. 2d DCA 1997) (a protective order is required only “when the pleadings indicate that the documents requested are not related to any pending claim or defense.”).

As noted above, the Complaint in this defamation case expressly alleges that Plaintiffs filed a pleading on behalf of Jane Doe No. 3 in the Federal Action that contained factual allegations regarding Dershowitz, including that Dershowitz “had knowledge of and participation in Epstein’s criminal conduct.” **Exhibit A**, Compl. ¶ 16. The Complaint goes on to allege that Dershowitz committed the tort of defamation by accusing Plaintiffs “of having leveled knowingly false accusations against [Dershowitz] without ever conducting any investigation of the credibility of the accusations” made by Jane Doe No. 3 – even though Dershowitz “knew [the filing containing Jane Doe No. 3’s allegations] to be an entirely proper and well-founded pleading.” *Id.* ¶ 17. Thus, Plaintiffs have placed the credibility of Jane Doe No. 3’s allegations against Dershowitz and their investigation of those allegations squarely at issue in this case. They cannot now seriously contend that documents and information relating to those issues are not reasonably calculated to lead to the discovery of admissible evidence

Accordingly, Plaintiffs’ relevancy and/or admissibility objections to Interrogatory Nos. 13 & 21 and Document Request Nos. 2, 3, 6, 7, 8, 9, 10, 14, 15, 21, 22, 25, 26, 28, 31, 32, 34, & 35 should be overruled and production compelled.

3. Plaintiffs’ remaining boilerplate objections also must be overruled. Plaintiffs assert a number of form objections throughout their responses to Dershowitz’s Discovery

Requests, claiming that the requests are vague, overbroad, overly burdensome, and/or harassing. *See generally Exhibits B, C, & D.* Such boilerplate objections are improper.

In Florida, objections to interrogatories must specify the grounds for the objection; non-specific objections will not suffice. *E.g., Christie v. Hixson*, 358 So. 2d 859, 860 (Fla. 4th DCA 1978). Likewise, objections to document requests must also state with specificity the particular provision of the request to which an objection is being asserted. *E.g., Am. Funding, Ltd. v. Hill*, 402 So. 2d 1369, 1370 (Fla. 1st DCA 1981) (“[T]he rule [governing requests for production] requires that a party respond to a request and that any objections be specifically stated.”). Here, Plaintiffs’ generalized objections on the grounds of vagueness, over-breadth, burden, and harassment are not specifically tailored to the individual interrogatories and document requests issued by Dershowitz. It is therefore impossible for Dershowitz to attempt to clarify the asserted vagueness or otherwise modify the requests to make them narrower and less burdensome.

Accordingly, all of Plaintiffs’ non-specific, boilerplate objections on the basis of vagueness, over-breadth, burden, and harassment should be overruled.

4. Plaintiffs cannot rely on vague, generalized references to purportedly public court documents and other documents allegedly in Dershowitz’s possession. Throughout their responses to Dershowitz’s discovery requests, Plaintiffs make generalized references to pleadings, deposition transcripts, and other documents that they contend are either available on public court dockets or within Dershowitz’s possession, custody or control. By way of example:

- Document Request No. 2 seeks “[a]ll Documents Concerning Dershowitz’s alleged ‘participation in Epstein’s criminal conduct’ referenced in paragraph 16 of the Complaint.” After noting that they “have collected many pages of documents pointing to Dershowitz’s involvement in Epstein’s sexual abuse of underage girls over a nearly seven year period of time,” Plaintiffs indicate that they are – subject to objections – “produc[ing] the following attached materials.” **Exhibit D**, Supplemental Response to Request No. 2. Plaintiffs further respond, however, as follows: “[s]ee also all pleadings, discovery responses and depositions in the

following civil proceedings in which Jeffrey Epstein was named as a party,” followed by a list of 24 different case numbers. *Id.* Plaintiffs further note that “Dershowitz also possesses significant information that is responsive to this request – information that Edwards and Cassell have requested from Dershowitz in their requests for production.” *Id.*

- Document Request No. 22 seeks “[a]ll Documents Concerning any assertion that Dershowitz negotiated the [non-prosecution agreement (“NPA”)] for his own benefit.” In response, Plaintiffs state in relevant part that “Dershowitz possesses, or has access to, all information regarding his negotiation of the NPA.” **Exhibit D**, Supplemental Response to Request No. 22.
- Document Request No. 25 seeks “[a]ll Documents Concerning any investigation of Dershowitz.” In response, Plaintiffs state in relevant part: “[s]ee also all depositions taken in all civil cases involving Jeffrey Epstein in which the allegations concerned his molestation of minors”; “[s]ee also the criminal Palm Beach State Attorney’s Office regarding Jeffrey Epstein”; and “[s]ee also all books, articles and publications of or about Dershowitz which are in the possession of Dershowitz or in public circulation.” **Exhibit D**, Supplemental Response to Request No. 25.

See also **Exhibit B**, Interrogatory Responses, Nos. 5, 10, 11, 12, 17, 22; **Exhibit D**, Supplemental Responses, Nos. 3, 7, 8, 9, 14, 15, 21, 35.

These responses are inadequate under Florida law for a number of reasons. *First*, Plaintiffs’ vague, unspecific responses provide absolutely no notice to Dershowitz of which documents Plaintiffs assert support their allegations of defamation. Most notably, Plaintiffs have not identified or produced the specific documents that supposedly support the allegation in the Complaint that Dershowitz’s statements about Plaintiffs “were false and known by him to be false at the time they were made.” **Exhibit A**, Compl. ¶ 17.

Second, Plaintiffs seem to suggest that *any* document relating to Epstein’s criminal conduct necessarily reflects criminal conduct by Dershowitz. This makes it impossible for Dershowitz to determine either (1) the factual predicates for the allegations raised in the Federal Action *about Dershowitz*, as opposed to those allegations made about Epstein; or (2) the fact and

extent of Plaintiffs' investigation into the allegations raised in the Federal Action *about Dershowitz*, as opposed to their investigation more generally of Epstein.

Third, by referring generally to the purportedly "public" nature of documents filed or exchanged in other court cases, Plaintiffs are improperly attempting to shift the burden associated with the collection of documents they have identified as responsive to the Discovery Requests. In some circumstances, it may be perfectly valid to assert that the burden of locating responsive documents rests equally on both parties. That is not the case here, however. Dershowitz understands that many of the civil cases against Epstein that Plaintiffs identified in response to Request No. 2 contain filings that are under seal. Deposition transcripts and discovery materials exchanged in those civil cases would not be available from the public docket in any event. The cases are also voluminous.

Having participated in many of the cases identified in response to Request No. 2, Plaintiffs are well-aware of the limitations as to what is "publicly available" from those dockets. Plaintiffs are therefore implying in this regard that Dershowitz automatically has possession, custody, and/or control over *any* document relating to *any* case involving Epstein by virtue of Dershowitz's representation of Epstein in certain criminal actions. This is incorrect. Documents relating to or concerning the civil actions brought against Epstein are, by definition, Epstein's documents – not Dershowitz's. Dershowitz did not serve as Epstein's counsel of record in connection with any of the 24 civil cases identified by Plaintiffs. Nor does Dershowitz serve as Epstein's counsel of record for purposes of the Federal Action. Dershowitz likewise does not have every document relating to the negotiation of the NPA in his possession, custody, or control; Plaintiffs, by contrast, have collected those documents, to the extent not privileged, and

have them in their possession. Plaintiffs cannot treat Dershowitz as being interchangeable with Epstein, a non-party.³

Dershowitz is also entitled to know which specific document(s) in these cases are directly responsive to his specific document requests and interrogatories, as Plaintiffs cannot maintain that each case in its entirety – including non-substantive filings like notices of deposition, notices of hearing, etc., – is responsive.

For these reasons, Plaintiffs should be compelled to (1) produce all documents and information that is responsive to Interrogatory Nos. 5, 10, 11, 12, 17, 22; and to Document Request Nos. 2, 3, 7, 8, 9, 14, 15, 21, 22, 25, & 35; and (2) identify with specificity the particular documents that are responsive to the foregoing Interrogatories and Document Requests.⁴

5. Plaintiffs must be compelled to produce their retainer agreement with Jane Doe No. 3. In response to Request No. 30, which seeks “[a]ll Documents Concerning Your retainer agreement with Jane Doe #3,” Plaintiffs objected on the basis that the request seeks “information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, overbroad, vague, harassing.” **Exhibit D**, Supplemental Responses, Req. No. 30. Plaintiffs’ objections are not well-taken.

As an initial matter, the terms of Plaintiffs’ engagement by Jane Doe No. 3 are directly relevant to the issues in dispute in this action. The timing of Jane Doe No. 3’s retention of Plaintiffs is indisputably relevant to determining when Jane Doe No. 3 first raised allegations

³ Dershowitz maintains that there are no documents or information that support Plaintiffs’ defamation claim because Jane Doe No. 3’s allegations against him are completely false.

⁴ At Plaintiffs’ insistence, Dershowitz identified by Bates number the specific documents responsive to Plaintiffs’ four sets of document requests, which total nearly 50 separate documents requests. Despite agreeing to do the same, Plaintiffs reneged and failed to identify Bates numbers of their responsive documents in their Supplemental Responses.

against Dershowitz and Plaintiffs' corresponding investigation into those allegations – issues that are in dispute by virtue of Plaintiffs' filing of this litigation and the allegations raised in their Complaint against Dershowitz. **See Exhibit A**, Compl. ¶¶ 16-17. Likewise, the financial terms of Plaintiffs' engagement by Jane Doe No. 3 are relevant to issues of bias, including whether Plaintiffs had any financial incentives to sensationalize the allegations against Dershowitz. Dershowitz has a right to explore Plaintiffs' and Jane Doe No. 3's bias. *See Steinger, Iscoe & Greene, P.A. v. GEICO Gen. Ins. Co.*, 103 So. 3d 200, 203 (Fla. 4th DCA 2012) (discovery aimed at obtaining evidence of a witness's bias is permissible).

Moreover, there is no basis for Plaintiffs' assertion that the retainer agreement or documents relating thereto are protected by the attorney-client privilege or the work product doctrine. It is well-established that a retainer letter between a client and her attorney generally is not protected by the attorney-client privilege, nor is other information relating to the financial arrangements between the attorney and the client. *See, e.g., Lawfinders Assocs., Inc. v. Legal Research Ctr., Inc.*, 193 F.3d 517, 518 (5th Cir. 1999) (“[T]he attorney-client privilege does not protect the type of information contained in the retainer letters.”); *United States v. Davis*, 636 F.2d 1028, 1043-44 (5th Cir. 1981) (explaining that “[f]inancial transactions between the attorney and client, including the compensation paid by or on behalf of the client” generally are not protected by the attorney-client privilege).

Plaintiffs' remaining boilerplate objections to Request No. 30 lack any specificity or support and are also improper, as discussed above. For these reasons, Plaintiffs' objections to Document Request No. 30 should be overruled, and production should be compelled.

6. Plaintiffs must be compelled to produce any documents concerning any actual or potential book, media, or television “deal” that involves Jane Doe No. 3. In

response to Request No. 29, which seeks “[a]ll Documents Concerning any actual or potential book, television, movie or other media deals Concerning Jane Doe No. 3's allegations about being a sex slave,” Plaintiffs objected on the basis that this request seeks “information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, overbroad, vague, harassing.” **Exhibit D**, Supplemental Responses, Req. No. 29. Once again, Plaintiffs’ objections are improper and unfounded.

The documents and information requested by Dershowitz in Request No. 29 are directly relevant to the issues in dispute in this defamation action. As noted above, Dershowitz has a right to explore any biases held by Plaintiffs and/or their client, Jane Doe No. 3. *E.g.*, *Steinger*, 103 So. 3d at 203. Information about movie deals, book deals, or other financial arrangements that could give Jane Doe No. 3 and her lawyers a financial motive to invent sensational allegations like those she has made against Dershowitz are directly relevant to the issue of bias. Such information also is highly probative of Jane Doe No. 3’s credibility and the adequacy of Plaintiffs’ investigation into Jane Doe No. 3’s allegations against Dershowitz.

Plaintiffs’ objections to Document Request No. 29 should therefore be overruled, and production should be compelled.

7. Plaintiffs must be compelled to produce responsive documents from the Federal Action that have been unsealed. Request No. 22 seeks “[a]ll Documents Concerning any assertion that Dershowitz negotiated the NPA for his own benefit.” In their Supplemental Responses served on August 25, 2015, Plaintiffs stated that:

[They] [] have received from the U.S. Attorney’s Office from the Southern District of Florida approximately 1000 pages of correspondence between that Office and Jeffrey Epstein’s legal defense team (including Dershowitz) exchanged from approximately 2006 to 2008 related to the non-prosecution

agreement. Those documents are currently under seal by order of the U.S. District Court for the Southern District of Florida in connection with the [Federal Action]. This seal has been requested by, and obtained by, Dershowitz's close friend, client and co-conspirator, Jeffrey Epstein, over the objection of Edwards and Cassell on behalf of their clients. Accordingly, Dershowitz should request that Epstein withdraw his request for sealing so that these materials can be produced to Dershowitz.

Exhibit D, Supplemental Responses, Req. No. 22.

Plaintiffs' response is incorrect in a number of respects. Dershowitz is not a "co-conspirator" of Epstein's. Moreover, on July 6, 2015, U.S. District Judge Marra issued a ruling in the Federal Action that unsealed many of the communications between Epstein's counsel and the U.S. Attorney's Office relating to the negotiation of the non-prosecution agreement. *See Exhibit E*. Plaintiffs therefore should be compelled to produce the responsive documents they identified in Req. No. 22, as their objection on the basis of sealing is no longer proper.

8. Lastly, Plaintiffs must be compelled to advise that production is complete. In their Supplemental Responses to the First Set of Document Requests, Plaintiffs continued to assert objections, in part, along with a substantive response. Plaintiffs have been producing those documents they have identified as responsive in a rolling manner. In so doing, Dershowitz is not in a position to know if and when production is complete, that all responsive documents have been produced, and/or whether any documents have been withheld. Plaintiffs must be compelled to state same.

WHEREFORE, Defendant / Counterclaim Plaintiff ALAN M. DERSHOWITZ, by and through his undersigned counsel, respectfully requests this Honorable Court enter an Order (a) overruling Plaintiffs' objections to the Discovery Requests; (b) compelling Plaintiffs to produce all documents responsive to Dershowitz's First Sets of Document Requests in a timely manner; (c) compelling Plaintiffs to provide complete responses to Dershowitz's First Sets of

Interrogatories in a timely manner; and (d) such other and further relief as this Court deems just and proper.

CERTIFICATE OF CONFERRAL

Pursuant to the Court's Rules and Florida Rules of Civil Procedure, the undersigned counsel certifies that he has made a good faith attempt to resolve this matter with opposing counsel prior to filing this motion.

Respectfully submitted,

/s/ Thomas E. Scott

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail (email) at email address: jsx@searcylaw.com, mep@searcylaw.com, scarolateam@searcylaw.com to: **Jack Scarola, Esq.**, Searcy Denney Scarola Barnhart & Shipley, P.A., Counsel for Plaintiff, 2139 Palm Beach Lakes Blvd., West Palm Beach, Florida 33409, and I electronically filed the foregoing with the Clerk of Broward County by using the Florida Courts eFiling Portal this 8th day of September, 2015 .

By: s/Thomas E. Scott
THOMAS E. SCOTT
FBN: 149100

EXHIBIT A

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY,
FLORIDA

CASE NO.:

BRADLEY J. EDWARDS and
PAUL G. CASSELL,

Plaintiffs,

vs.

ALAN M. DERSHOWITZ,

Defendant.

COMPLAINT

Plaintiffs, BRADLEY J. EDWARDS and PAUL G. CASSELL, by and through their undersigned attorneys, sue the Defendant, ALAN M. DERSHOWITZ, and allege:

1. This is an action for damages in an amount in excess of the minimum jurisdictional limits of this Court.

2. PAUL G. CASSELL is a resident of the State of Utah, is sui juris, is a former United States federal judge, who is a professor at the S.J. Quinney College of Law at the University of Utah. He is and at all times material hereto has been a member in good standing of the Bar of the State of Utah and has been and continues to be admitted to practice pro hac vice in the State of Florida.

3. Prior to assuming his teaching responsibilities, PAUL G. CASSELL clerked first for the U.S. Court of Appeals for the D.C. Circuit (1984-1985) and then from 1985 to 1986 clerked for the United States Supreme Court before serving as an Associate Deputy Attorney

General with the U.S. Justice Department and as an Assistant United States Attorney for the Eastern District of Virginia.

4. PAUL G. CASSELL was sworn in as a U.S. District Court Judge for the District of Utah in July of 2002 and served in that position for over 5 years before turning his full time attention to crime victims' rights and criminal justice reform.

5. PAUL G. CASSELL has at all material times enjoyed a highly favorable national reputation particularly related to his crime victims' rights work.

6. PAUL G. CASSELL has served as co-counsel with BRADLEY J. EDWARDS in representing the interests of multiple victims of billionaire, serial child abuser, Jeffrey Epstein, including in particular a pending action in Federal District Court for the Southern District of Florida under the federal Crime Victims' Rights Act (CVRA) which challenges the legality of a secret deal that immunized Jeffrey Epstein and associates of Epstein from federal criminal prosecution despite evidence that Epstein had sexually assaulted over 40 female minors on hundreds of occasions with the active help and participation of multiple associates.

7. BRADLEY J. EDWARDS is a resident of Broward County, Florida, is sui juris, and is and at all times material hereto has been an attorney duly licensed to practice law and regularly engaged in the practice of law throughout the State of Florida and beyond.

8. Despite having previously been the victim of character assassination by the Defendant, ALAN M. DERSHOWITZ'S associate and client, Jeffrey Epstein, BRADLEY J. EDWARDS enjoys a highly favorable national reputation particularly related to his work in defending the rights of child victims of sexual abuse.

9. Before entering the private practice of law, BRADLEY J. EDWARDS was a trial attorney at the Broward County State Attorney's Office responsible for the prosecution of many major and violent crimes. He is a Florida Bar Board Certified Civil Trial Attorney who has tried dozens of jury trials.

BRADLEY J. EDWARDS has been profiled in The Best Lawyers in America and recognized by the National Trial Lawyers Association by inclusion in its "Top 40 Under 40" listing. BRADLEY J. EDWARDS' professional peers have given him a Martindale-Hubbell rating of "AV" attesting to the highest level of professional excellence and unquestionable ethics.

10. BRADLEY J. EDWARDS has been actively involved for the better part of the last decade in representing multiple victims of the billionaire, serial child abuser, Jeffrey Epstein.

11. Defendant, ALAN M. DERSHOWITZ, upon information and belief is a resident of the State of Florida and is sui juris.

12. Defendant, ALAN M. DERSHOWITZ, is an attorney whose involvement in multiple high-profile legal matters has enabled him to command easy access to mass media news sources.

13. Defendant, ALAN M. DERSHOWITZ, was one of a very large team of lawyers involved in defending Jeffrey Epstein during his criminal investigation, and according to DERSHOWITZ'S own public statements, DERSHOWITZ was responsible for negotiating Epstein's secret deal with the federal government which afforded protection not only to Epstein but to various of his associates as well.

14. In fulfillment of their obligations to two Epstein-victim clients, BRADLEY J. EDWARDS and PAUL G. CASSELL filed and have been aggressively prosecuting a legal action in the Federal District Court as previously described in Paragraph 6.

15. BRADLEY J. EDWARDS and PAUL G. CASSELL on behalf of two additional Epstein-victim clients sought the agreement of the federal government to permit those clients to intervene in the already pending CVRA action. The government declined to agree to the intervention, thus requiring EDWARDS and CASSELL to file legal pleadings seeking a Court Order permitting intervention on the basis of specifically alleged factual allegations.

16. Among the factual allegations made by EDWARDS and CASSELL were allegations that Defendant, DERSHOWITZ, had knowledge of and participation in Epstein's criminal conduct.

17. Immediately following the filing of what the Defendant, DERSHOWITZ, knew to be an entirely proper and well-founded pleading, DERSHOWITZ initiated a massive public media assault on the reputation and character of BRADLEY J. EDWARDS and PAUL G. CASSELL accusing them of intentionally lying in their filing, of having leveled knowingly false accusations against the Defendant, DERSHOWITZ, without ever conducting any investigation of the credibility of the accusations, and of having acted unethically to the extent that their willful misconduct warranted and required disbarment.

18. The details of Defendant, DERSHOWITZ'S character assassination of BRADLEY J. EDWARDS and PAUL G. CASSELL are typified by the contents of the CNN interview available to be accessed on the internet at:

<http://www.cnn.com/2015/01/05/europe/prince-andrew-sex-abuse-allegations/index.html#>
That interview is incorporated herein by reference.

19. The same or substantially identical accusations of deliberate misconduct and unethical behavior warranting disbarment of the Plaintiffs were repeated by the Defendant, DERSHOWITZ, in multiple nationally televised interviews, in statements to and repeated by national and international print news sources, and various other forms nationally and internationally.

20. The Defendant, DERSHOWITZ'S statements were false and known by him to be false at the time they were made. DERSHOWITZ was speaking from his Miami residence at the time he made the false and defamatory statements.

21. Alternatively, DERSHOWITZ made the statements in reckless disregard of their truth or falsity, intending that the statements would provide support for DERSHOWITZ'S false protestations of his own innocence and direct attention away from DERSHOWITZ'S personal knowledge of and involvement in Epstein's criminal conduct and the subsequent cover up of that misconduct.

22. DERSHOWITZ'S statements were and are defamatory per se directly attacking the fitness of the Plaintiffs to engage in the honored profession of the practice of law.

23. DERSHOWITZ acted in willful, wanton, reckless, and intentional disregard of the rights of the Plaintiffs and under such circumstances as to warrant the imposition of punitive damages.

Edwards and Cassell v. Dershowitz
Complaint

24. As the statements made by DERSHOWITZ are defamatory per se, injury to the Plaintiffs is presumed as a matter of law.

WHEREFORE, Plaintiffs demand judgment against the Defendant, ALAN M. DERSHOWITZ, for compensatory damages, costs, pre and post-judgment interest, and such other and further relief as the Court may deem appropriate under the circumstances. Plaintiffs reserve the [REDACTED] to assert claims for punitive damages upon satisfying the applicable statutory prerequisites.

Plaintiffs further demand trial by jury.

Dated this 6TH day of January, 2015.



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Attorneys for Plaintiffs

EXHIBIT B

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G.
CASSELL,

Plaintiff(s),

vs.

ALAN M. DERSHOWITZ,

Defendant(s).

_____ /

NOTICE OF SERVING ANSWERS TO INTERROGATORIES

Plaintiffs, Bradley J. Edwards and Paul G. Cassell, by and through their undersigned counsel, hereby file this Notice of Serving Answers to Interrogatories with the Court propounded by the Defendant, ALAN M. DERSHOWITZ, on February 11, 2015, and that a copy has been furnished to the attorney for the Defendant.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 13th day of March, 2015.



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Edwards, Bradley vs. Dershowitz
Case No.: CACE 15-000072
Notice of Serving Answers to Interrogatories

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ANSWERS TO INTERROGATORIES

1. State verbatim or as close as possible Each statement by Dershowitz that You assert defamed You.

ANSWER: Until we have transcripts of all of the statements Mr. Dershowitz has publicly made, we are unable to identify each defamatory statement. In addition, it appears that Mr. Dershowitz continues to make defamatory statements at every opportunity he has to attract the attention of an audience. However, the general defamatory themes can be illustrated based on the currently available information, by the following examples which describe the specific statements made along with the program or source publishing the statements and the approximate date on which the statement was made or published by the media:

Politico.com -- December 31, 2014

Dershowitz called the allegations against him included in public filings by the Plaintiffs “totally made up and totally fabricated from beginning to end.”

Additionally: “I’m planning to file disbarment charges against the two lawyers who signed this petition without even checking the manifests of airplanes or travel itineraries, et cetera.”

<http://www.politico.com/blogs/under-the-radar/2014/12/court-filing-levels-sex-claims-at-alan-dershowitz-200495.html>

Wall Street Journal Law Blog – January 2, 2015:

“It’s a completely, totally fabricated, made-up story,” Mr. Dershowitz told Law Blog in an interview Friday. “They made up this story out of whole cloth. I’m an innocent victim of an extortion conspiracy.”

<http://blogs.wsj.com/law/2015/01/02/dershowitz-im-an-innocent-victim-of-an-extortion-conspiracy/>

New York Times – January 3, 2015:

On Saturday, Mr. Dershowitz said he “categorically and unequivocally” denied all of the allegations. He said he would file disbarment proceedings against the lawyers who filed the motion, Bradley J. Edwards, a lawyer in Florida, and Paul G. Cassell, a former federal judge and a law professor at the University of Utah. “They are lying deliberately, and I will not stop until they’re disbarred,” Mr. Dershowitz said in a phone interview.

http://www.nytimes.com/2015/01/04/us/prince-andrew-and-alan-dershowitz-are-named-in-suit-alleging-sex-with-minor.html?_r=0

El Nuevo Herald (The Miami Herald's afternoon paper, published in Spanish) – Jan. 2, 2015:

Dershowitz negó las acusaciones, y las describió como parte de una conspiración para extorsionarlo. Calificó la demanda de “el documento judicial más sórdido que he visto.”

[Translation: Dershowitz denied the allegations, and described them as part of a conspiracy to extort him. He described the suit as “the most sordid judicial document I have ever seen.”]

“Ellos [Cassell y Edwards] manipularon a una muchacha joven y sugestionable que estaba interesada en el dinero”, dijo Dershowitz.

[Translation: “They [Cassell and Edwards] manipulated a very young and impressionable woman who was interested in the money”, declared Dershowitz.]

Dershowitz dijo que él se propone presentar acusaciones en contra de Edwards y Cassell. “Esta es una ofensa que puede costarles su licencia de abogados, y ellos la van a perder”, dijo Dershowitz. “Ellos van a arrepentirse del día en que hicieron esta acusación falsa en mi contra.”

[Translation: Dershowitz said that he intended to bring accusations against Edwards and Cassell. “This is a type of offense which could cost them their practicing lawyer licenses, and they are going to lose”, stated Dershowitz. “They (Cassell and Edwards) are going to regret the day [i.e., rue the day] they made a false accusation against me.”]

<http://www.elnuevoherald.com/noticias/sur-de-la-florida/article5398827.html>

Miami Herald – January 3, 2015:

Dershowitz denied the claims [that he was a witness to the abuse of minors by Epstein and others], describing them as part of an extortion plot. He called the filing “the sleaziest legal document I have ever seen.” “They [Edwards and Cassell] manipulated a young, suggestible woman who was interested in money,” Dershowitz said. Dershowitz said he intends to file complaints against Edwards and Cassell. “This is a disbarable offense, and they will be disbarred,” Dershowitz said. “They will rue the day they ever made this false charge against me.”

<http://www.miamiherald.com/news/local/community/broward/article5342709.html>

BBC – January 3, 2015:

“Well, first of all they were made in court papers that they don’t even ask for a hearing to try to prove them. They put them in court papers in order to immunize themselves from any

consequences from a defamation suit. The story is totally made up, completely out of whole cloth.

“And I will prove beyond any doubt not only that the story is totally false, but it was knowingly false: that the lawyers and the client conspired together to create a false story.”

“Q: They have said that they have tried to get testimony from you but that you have avoided their deposition requests. A: Totally false. That’s totally false. I have never been asked to be deposed.”

“I will not rest or stop until the world understands not only that I had nothing to do with any of this, but that she deliberately, with the connivance of her lawyer, lawyers, made up this story willfully and knowingly.”

<http://www.bbc.co.uk/programmes/p02g7qbc>

Boston Globe – January 4, 2015:

“They [Edwards and Cassell] are lying deliberately, and I will not stop until they’re disbarred,”

<http://www.bostonglobe.com/metro/2015/01/04/suit-accuses-prince-andrew-and-alan-dershowitz-sex-with-minor/0VhJMpZWMEJP3Ut8d7gexI/story.html>

(quoting phone interview with Dershowitz)

Vice News – January 5, 2015:

“I never met this woman, I never touched her, I wasn’t ever massaged by her — there was no contact, no contact whatsoever,” Dershowitz told CNN. “And I will prove it conclusively, and then I will bring disciplinary charges and prove that these lawyers knew that this was false, could easily have checked, and didn’t. And the end result will be that these lawyers will be disbarred.”

<https://news.vice.com/article/buckingham-palace-emphatically-denies-prince-andrew-had-sex-with-a-teenage-sex-slave>

Huffington Post – January 5, 2015:

On Friday, in the voicemail message for Goldman [of the Website Politico], Dershowitz said that the charges against him were “totally made up.” Goldman forwarded the message to The Huffington Post. Dershowitz called the woman a “serial liar” who he contended has a history of

making up false charges against public figures, including former President Bill Clinton. “It’s just a completely categorical lie made up to gain money for her, and I hope no one takes it in any way seriously,” he added. Dershowitz . . . told Politico earlier this week that he was planning legal action against the attorneys who signed off on the filing. “I’m planning to file disbarment charges against the two lawyers who signed this petition without even checking the manifests of airplanes or travel itineraries, et cetera,” he said to Politico.

http://www.huffingtonpost.com/2015/01/03/alan-dershowitz-sexual-assault_n_6410380.html

A copy of the voicemail left by Dershowitz can be found at: <http://big.assets.huffingtonpost.com/Dershowitz.AMR>

The voicemail includes the statement from Dershowitz: “I don’t know what happened with any of the public figures [mentioned by Jane Doe No. 3], but I know that in my case I did have any contact with her. I would have been physically impossible for me to. It’s just a completely, categorical lie made up out of whole cloth in order to gain money for her.”

CNN Live (with Hala Gorani) – January 5, 2015:

“And if these lawyers, these sleazy unprofessional, unethical lawyers, Paul Cassell and Brad Edwards, if they had just done an hours’ worth of research and work, they would have seen she is lying through her teeth. That’s why I’m going after them, their bar cards. I’m seeking disciplinary action against them. I’m filing defamation lawsuits against them and their client.”

“Ask them [Edwards and Cassell] if they have any evidence They’re doing it for money. She’s getting money for having sold her story. She wants to sell the book. They’re trying to get into this lawsuit. They see a pot of gold at the end of the rainbow. They’re [Edwards and Cassell] prepared to lie, cheat, and steal. These are unethical lawyers. This is Professor Cassell who shouldn’t be allowed near a student. This is Professor Cassell, who is a former federal judge, thank God he no longer wears a robe. He is essentially a crook. He is essentially somebody who’s distorted the legal profession. . . . ”

“And so we [Jeffrey Epstein and I] can prove it [i.e., the falsity of the allegations] without any doubt. That’s what’s so absurd. That’s what’s so strange why two experienced lawyers would file this kind of statement knowing it was untrue. These [Cassell and Edwards] are virtually the equivalent of perjurers, and they have to be taken out of the legal profession. They can’t be allowed to have a bar card to victimize more innocent people. They claim to victims’ rights lawyers, but they’re not. They’re hurting victims. They’re hurting rape victims. Because they’re putting forward somebody who is not a rape victim who is claiming to be a rape victim. ”

<http://www.cnn.com/videos/world/2015/01/05/wrn-uk-sex-abuse-allegations-alan-dershowitz-intv.cnn>

Today Show – January 5, 2015:

“Her lawyers Paul Cassell, a former federal judge and Brad Edwards, deliberately and willfully filed this interpleading which they knew I had no opportunity to respond to in court, without doing any investigation, if they had simply investigated the manifests of the airplanes, if they had checked my travel records, if they had asked me and I could have given the names of these people who are witnesses, they would know the stories, totally, completely false.”

“These lawyers [Edwards and Cassell] engaged in unethical behavior and should be disbarred. . . . Because they filed a paper in which they didn’t ask to try to prove it, they didn’t say we alleged, we want to prove it. They just threw it in there, it’s the legal equivalent of scribbling something on a toilet stall and then running away. They didn’t think they would be any response and they will rue the day that they filed this unethical complaint because, they I believe will be disbarred.”

“They want to just throw this stink bomb and then avoid any responsibility for it...the truth will come out and it will show these two unethical lawyers should be disbarred.”

<https://www.youtube.com/watch?v=ZXePKTws0f0>

Boston Globe – January 6, 2015:

Dershowitz said (in what was described as a brief phone interview Tuesday) that Jane Doe No. 3’s claims are outrageous and her attorneys, including former federal judge Paul Cassell, should be disbarred. “[Cassell] is a money-grubbing, unethical sleazebag, a former federal judge who left the bench for money. The end result of this will be bankruptcy, disbarment, and eternal disgrace.”

<http://www.bostonglobe.com/lifestyle/names/2015/01/06/alan-dershowitz-denies-woman-claim-underage-sex-vows-punish-her-attorneys/qr2kO6MJd2cD2djTSHBopO/story.html>

Reuters – January 7, 2015:

“Dershowitz told Reuters Monday that he would file a defamation lawsuit based on the lawyers’ public statements about the case. He also plans to file complaints with their respective states’ disciplinary boards asking that they be disbarred.”

“They [Cassell and Edwards] also said they had tried to depose Dershowitz and that he had refused, which Dershowitz called a ‘total lie.’ He said he received only one deposition request from the two lawyers five years ago, asking about his relationship with Epstein - and that it said nothing about any of the new allegations.”

<http://www.reuters.com/article/2015/01/07/us-andrew-lawsuit-dershowitz-idUSKBN0KF0DH20150107>

Boston Globe – January 7, 2015:

Dershowitz said the allegations against him, besides being false, contain faulty legal research, such as the age of consent in New Mexico and other states. “The truth is a defense in defamation, and I will prove that my statements about the lawyers are well-founded,” Dershowitz said. “I will not stop until they have acknowledged” the allegations against him are untrue.

<http://www.bostonglobe.com/metro/2015/01/06/sued-for-defamation-dershowitz-thrilled-chance-question-lawyers-sex-crime-accuser/21QibSrwnC343eKMadWNeL/story.html>

Fox Business (Lou Dobbs) – January 7, 2015

“They [Edwards and Cassell] did it for crass financial and political reasons. More to the point is [what] they didn’t do... I did the investigation in a day and was able to prove through all kinds of records that I couldn’t have been in these places. The woman is a serial liar. If they had done that investigation, they would have come to the same conclusion.”

http://video.foxbusiness.com/v/3976630676001/alan-dershowitz-the-woman-is-a-serial-liar/?_sp=show-clips

Lawrence O’Donnell – January 8, 2015:

“Right now, they [Edwards and Cassell] have accused me of these horrendous things without a single affidavit, without a single piece of evidence.”

“Why any responsible lawyer would believe her and file this kind of chargethey willfully and deliberately made this up in order to gain a litigation advantage, [to] line their pockets with money. And they have to pay a heavy consequence for this, and they will.”

Further statements found at:

<http://www.msnbc.com/the-last-word/watch/alan-dershowitz-on-allegations--totally-false-381942851573>

Greta van Susteren – Fox News – January 8, 2015

“Lawyers are putting words in her [Jane Doe No. 3’s] mouth.”

“I’m going to file disciplinary charges against the lawyers [i.e., against Edwards and Cassell]. I’ve spoken to some of the world’s leading experts on ethics. And what they did was utterly unprofessional and improper.”

“I still can’t understand why they [i.e., Edwards and Cassell] would pick on me. . . . They picked on the wrong innocent victim. . . . I am not letting go of this thing until they admit that they essentially concocted this story and withdraw it.”

“I can now depose them [Edwards and Cassell]. . . . So they’re now at risk of a perjury prosecution if I can prove that they knowingly made a false allegation against me, which I think I can.”

“It [the allegation against me] is utterly irrelevant to their lawsuit. They [Edwards and Cassell] just put it in gratuitously.”

“The end will be that they [Edwards and Cassell] will be disbarred.

“These lawyers ought to be ashamed of themselves for doing this.”

<http://radio.foxnews.com/2015/01/08/greta-alan-dershowitz-this-time-its-personal/>

Forbes – January 13, 2015:

Dershowitz has called Cassell and his co-counsel Bradley Edwards “sleazy, unprofessional, unethical lawyers” who should have known that their client, Jane Doe #3, is “lying through her teeth.”

American Lawyer/Palm Beach Daily Business Review – January 20, 2015:

“They [Edwards and Cassell] want to void the plea agreement and needed to find a lawyer who knew Epstein before [the indictment], and had been on his island, his home in New Mexico, Palm Beach. I fit the bill. It was lawyer profiling.”

“Everyone is shocked that he [Cassell] would be part of this. I think he's always hated me because I'm his opposite. I'm the conventional liberal he hates: I'm against the death penalty, I'm pro-abortion rights, pro-gun control.”

The Today Show - January 22, 2015:

In response to a question from Savannah Guthrie that “In legal papers from the lawyers, they say you’ve had, in fact, the opportunity to be deposed,” Dershowitz responded: “They’re lying. They’re lying.”

In response to a question from Savannah Guthrie that “[t]hey show letters in which they offered to depose you,” Dershowitz responded: “And they didn’t show my letters in response saying, (a), if you ask me about my legal relationship with Epstein and I’ll be happy to answer. . . . And I responded that I would be happy to be deposed if you could give me any indication that I would be a relevant witness”

“They will be proved – all of them [i.e., Cassell, Edwards, and Jane Doe No. 3] – to be categorically lying and making up this story. And it will be a terrible thing for rape victims. They have put rape victims in a terrible position. Because when I unequivocally prove that they sat down and made this all up, tragically it will hurt all rape victims.”

“The lawyers are lying through their teeth when they say I’ve refused to be deposed. . . . We [Epstein and Dershowitz] had an academic relationship. I was never in the presence of a single, young, under-aged woman. When I was with him, it was with prominent scientists, prominent academics. And they’re just – again – lying about this. I never saw him doing anything improper. I was not a participant. I was not a witness. And I will prove it categorically.”

Independent Online (UK) – January 22, 2015:

" The lawyers are lying through their teeth when they say I have refused to be deposed."

American Lawyer – January 28, 2015:

Dershowitz has called both Cassell and Edwards, a Florida personal injury lawyer, “liars”...

<http://www.americanlawyer.com/id=1202716384195/Meet-the-Lawyer-Whos-Giving-Dershowitz-Hell#ixzz3QE8mX0Vl>

Speech to the Dade County Bar Association – Feb. 20, 2015:

“Of course, I didn’t know this woman [Jane Doe No. 3], I’d never heard of her, I never saw her, totally made up out of the blue, and made up by two irresponsible lawyers who hadn’t done sufficient checking. If they had called me and checked with me, they would see that I was in the places they said this happened only once each, both with my wife and my daughter and a group of witnesses and friends, including a very prominent professor at the Harvard business school. They never would have filed this drive by shooting. By the way, they didn’t even ask for a hearing, they didn’t say they would prove it.”

“Not only will I prevail in this case, because the accusation is totally – completely, completely – totally fabricated and made up. But I hope it will change the law. I hope it will make it impossible for future lawyers to just do these kind of drive by shootings, where without any real investigation, without any real preparation, they just make these allegations.”

“And yet these two lawyers – Brad Edwards, from, whose partner Rothstein is now in jail for 50 years for a Ponzi scheme involving the same case, and a guy named Cassell – filed this grievance, not grievance, just allegation against me in passing without doing even the most minimal of investigation, which would have proven conclusively that I not only didn’t, but couldn’t have, possibly done it.”

On information and belief, additional statements of an equivalent defamatory character can also be found in other publications and sources.

In addition to the specific sources cited above, many of the statements cited above were republished or rebroadcast on the internet and in other places.

In addition, on information and belief, Dershowitz made statements of an equivalent character in written or oral communications with various associates and acquaintances, including Ken Starr, Akhil Amar, and members of the faculty at the Harvard Law School.

2. Separately for Each statement identified in response to the preceding Interrogatory, if any part of the statement is true, identify the part that is true.

ANSWER: The factual assertions contained or implied in the statements quoted in answer to Interrogatory Number 1 were not true, notably with regard to claims that Edwards and Cassell with deliberately lying, had failed to conduct an investigation of the allegations before filing them, had manipulated or conspired with Jane Doe No. 3 to make intentionally false allegations about Mr. Dershowitz, and that Plaintiffs were motivated to participate in the filing of knowingly false accusations against the Defendant by a desire to achieve personal economic gain.

3. Separately for Each statement identified in response to Interrogatory No. 1, if You believe the statement was made with knowledge that the statement was false or with reckless disregard of whether the statement was false or not, describe in detail All facts that support Your belief.

ANSWER: Facts supporting belief that Dershowitz knew the statements described in response to Interrogatory No. 1 were false (and also made the statements with reckless disregard of whether the statements were false) are found in the documents and other materials and references provided in answer to Request for Production Number 2.

On information and belief, Dershowitz also learned significant information during the course of his representation of Jeffrey Epstein that would have made it clear that he was making false representations about Edwards and Cassell. He has revealed some of those facts publicly, and discovery regarding other such facts is on-going.

4. Describe in detail All facts Concerning the “character assassination” referenced in paragraph 8 of the Complaint.

ANSWER: See answer to Interrogatory number 1.

5. Describe in detail All facts Concerning Dershowitz’s alleged “participation in Epstein’s criminal conduct” referenced in paragraph 16 of the Complaint.

ANSWER: At the time of the filing of legal pleadings referencing the Defendant Dershowitz and continuing up to and including the time of the filing of these response, Plaintiffs had reason to believe and do in fact believe in good faith believe that Dershowitz participated in Epstein’s illegal sexual activities, including having criminal sexual relations with Jane Doe No. 3 – at Epstein’s direction and invitation -- in Florida, New York, and elsewhere. See documents and other materials and references provided in answer to Request for Production Number 2. Dershowitz also failed to disclose his awareness of illegal sexual behavior and abuse of minors by Epstein and others that occurred in Florida, New York, and elsewhere. Dershowitz also travelled on aircraft with Epstein and Epstein’s criminal associates (e.g, ██████████). Dershowitz also unethically assisted in providing criminal defense representation to Epstein in connection with possible federal and state criminal charges against him (Epstein), even though he (Dershowitz) was a witness to significant events concerning the crimes and even though he had his own personal interests in the outcome of the charging decision. As a result of all this, Dershowitz’s communications with Epstein fall with the crime/fraud/misconduct exception to the attorney-client privilege and work product doctrine. On information and belief, Dershowitz and Epstein possess significant other evidence regarding crimes against minor girls (including Jane Doe No. 3), but have refused – and are continuing to refuse --- to provide it to law enforcement or otherwise make it public.

6. Describe in detail All facts Concerning Dershowitz’s alleged knowledge that the filing referenced in paragraph 17 of the Complaint was “an entirely proper and well-founded pleading.”

ANSWER: See documents and other materials and references provided in answer to Request for Production Number 2. These materials make clear that Dershowitz had sexual relations with Jane Doe No. 3 and that a pleading filed by her lawyers to that effect was entirely proper and well-founded. In addition, the documents and other materials and references make clear that Dershowitz knew that Edwards and Cassell had conducted significant investigation before filing the pleading – and that Edwards and Cassell had significant supporting evidence for the pleading. Dershowitz also knew that he (along with Epstein and his criminal associates) had evaded efforts to depose him about these subjects, which provided further legitimate support for Edwards and Cassell making such a filing. As a law professor and criminal defense attorney, Dershowitz was also well aware of the obligations of attorneys to zealously advocate on behalf of their clients and to pursue the reasonable and legitimate objectives of their clients.

7. Describe in detail All facts Concerning the “massive public media assault” referenced in paragraph 17 of the Complaint.

ANSWER: See answers to Interrogatory Number 1 for illustrative examples of statements that were part of the massive public media assault waged by Dershowitz against Edwards and Cassell, as well as sources where additional statements can be found. Discovery on this subject is on-going, as Dershowitz is in the best position to provide this information. He alone knows which media sources he provided defamatory information to.

8. Identify the (a) date, (b) time, and (c) broadcast or print media source of Each of the “multiple national televised interviews,” “statements to and repeated by national and international print news sources” and “various other forms nationally and internationally” alleged in paragraph 19 of the Complaint.

ANSWER: See answers to Interrogatory Number 1 for illustrative examples of statements that were part of the massive public media assault waged by Dershowitz against Edwards and Cassell. Discovery on this subject is on-going, as Dershowitz is in the best position to provide this information. He alone knows which media sources he provided defamatory information to, and he alone continues to add to the list.

9. To the extent that any of the “multiple national televised interviews,” “statements to and repeated by national and international print news sources” and “various other forms nationally and internationally” alleged in paragraph 19 of the Complaint have not been published or transcribed and produced by You in response to Dershowitz’s First Set of Document Requests to You in this action, separately for Each such statement or interview, please state as closely as possible what was said by Each person or source.

ANSWER: See answers to Interrogatory Number 1 for illustrative examples of statements that were part of the massive public media assault waged by Dershowitz against Edwards and Cassell. Discovery is on-going regarding additional statements, the contents of which are best known by Dershowitz himself.

10. Describe in detail All facts Concerning the allegation in paragraph 20 of the Complaint that Dershowitz’s “statements were false and known by him to be false at the time they were made.”

ANSWER: See answers to Interrogatory Number 1 for illustrative examples of statements that were part of the massive public media assault waged by Dershowitz against Edwards and Cassell, as well as sources where additional statements can be found. As described above, these statements were all false. With regard to Dershowitz’s knowledge of the falsity of these statements, Dershowitz knew (for example) that he had had sexual relations with Jane Doe No. 3 multiple times (in Florida, New York, and elsewhere) when he denied having such relations with her. Dershowitz had also seen numerous underage girls while with Jeffrey Epstein, and had otherwise seen or been made aware of sexual abuse of those girls by Epstein and others. Dershowitz also knew that Edwards and Cassell had conducted a significant investigation into the allegations. Dershowitz also knew that other witnesses had either invoked the fifth amendment when asked about him or had put him at or near the scene of the crimes committed by Epstein against minors. Dershowitz also knew of the truth of many of the statements of Jane Doe No. 3. Dershowitz also knew that Edwards and Cassell had not conspired with Jane Doe No. 3. to fabricate charges against him – and that he had no evidence of such conspiracy or fabrication by them. See Answers to Requests for Production of Documents No. 2 for additional evidence on these points, which show (along with other evidence) that Dershowitz had knowledge that his statements were false.

11. Describe in detail All facts Concerning the allegation in paragraph 21 of the Complaint that Dershowitz falsely protested his own innocence.

ANSWER: See answers to interrogatories numbers 1, 5, 6, 8, 9, and 10 above, as well as the documents and other materials and references provided in answer to Request for Production Number 2.

12. Describe in detail All facts Concerning Dershowitz’s alleged “involvement in Epstein’s criminal conduct” as alleged in paragraph 21 of the Complaint.

ANSWER: See answer to interrogatory number 5 above and documents provided in request for production number 2.

13. Describe in detail Each instance in which Jane Doe #3 has provided information referencing Dershowitz by name that Concern the allegations set forth in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration.

ANSWER: Edwards and Cassell lack sufficient information to determine all circumstances in which Jane Doe No. 3 has mentioned to others Dershowitz's name as someone who abused her or had information relevant to abuse.

With regard to when she has provided information related to this subject to them, Jane Doe No. 3 provided such information in telephone calls with Brad Edwards beginning in 2011.

Jane Doe No. 3 has also provided this information in a public affidavit, filed on January 21, 2015, in the CVRA case. Jane Doe No. 3 has also provided similar information on other occasions, but the specifics of those communications are protected by the attorney-client privilege and the work product doctrine.

14. If You have ever seen a photograph or video of Jane Doe #3 with Dershowitz, then state when You saw the photograph or video, identify who took the original photograph or video, identify Each person who possesses a copy of the photograph or video, and state the location of Each such original and copy.

ANSWER: Edwards and Cassell have not personally seen such a photograph or video. Discovery efforts to obtain photographic materials regarding Jane Doe No. 3 held by the U.S. Attorney's Office for the Southern District of Florida and/or other federal law enforcement and prosecuting agencies are on-going.

15. For Each communication between You or anyone acting on Your behalf, and anyone from, or acting on behalf of, any media outlet Concerning this action, the Joinder Motion, or Dershowitz, and regardless of whether such communication was "on the record" or "off the record," (a) state the date of the communication; (b) state the participants in the communication; and (c) describe the contents of the communication.

ANSWER: Objection, not reasonably calculated to lead to the discovery of admissible evidence; vague, harassing, work-product.

16. Describe in detail All facts Concerning any assertion that Dershowitz was a "coconspirator" with Epstein.

ANSWER: See answers to interrogatory number 5 above, as well as answers to interrogatories numbers 1, 6, 8, 9, 10 above. In addition, factual information is found in the documents and other materials and references provided in answer to Request for Production Number 2

Dershowitz knew of and participated in Epstein's scheme to commit sexual offenses against minors – including Jane Doe No. 3 -- and to cover up those offenses, including providing knowingly false information to law enforcement to conceal these crimes and a false affidavit on Jan. 5, 2015. These actions violated federal and state criminal statutes, including 18 U.S.C. § 2423(b); 18 U.S.C. § 2422; 18 U.S.C. § 2241(c); 18 U.S.C. § 1591; as well as federal and state prohibition against conspiring to violate these statutes or statutes like them, including 18 U.S.C. § 371; and 18 U.S.C. § 2423(e).

17. Describe in detail All facts Concerning any assertion that Dershowitz negotiated the NPA for his own benefit.

ANSWER: The fact that the NPA benefits Dershowitz by blocking his prosecution, in the Southern District of Florida, for his crimes against minor girls does not appear to be disputed. *See* NPA at 5 (barring prosecution of any “potential co-conspirator of Epstein”). Many of the facts surrounding the negotiation of the NPA are revealed in correspondence between Jeffrey Epstein legal defense team (which included Dershowitz) and prosecutors the U.S. Department of Justice, including the U.S. Attorney's Office for the Southern District of Florida. That correspondence is well known and available to Dershowitz. Edwards and Cassell rely on that correspondence in answer to this interrogatory. But disclosure of the specifics of that correspondence is currently barred by a confidentiality order entered in the CVRA case.

Dershowitz has also claimed repeatedly in the media and (on information and belief) elsewhere that he obtained a very favorable deal for Jeffrey Epstein during plea discussions. Dershowitz has also suggested that he was the lead attorney on the defense team. In light of his willingness to take credit for the arrangement, it appears reasonable to conclude that he was involved in negotiating the unique co-conspirator arrangement. Further discovery on these issues is on-going. Of course, Dershowitz is in a position to shed light on this subject by revealing all of the negotiations concerning the NPA.

18. Describe in detail All facts Concerning any actions allegedly taken by Prince Andrew, Duke of York to influence the terms of the NPA.

ANSWER: Objection, this seeks information not reasonably calculated to lead to the discovery of admissible evidence in this defamation action.

Discovery on this subject is on-going not only in this case, but also in the CVRA case. In the CVRA case, Jane Does No. 1 and 2 (and, if permitted to join the action, Jane Does No. 3 and 4) have a pending discovery request for materials connected with Prince Andrew. On December 1, 2011, Jane Doe No. 1 and Jane Doe No. 2 propounded a Request for Admission (RFA) asking the Government to admit that it possesses “documents, correspondence or other information reflecting contacts with the Department between May 2007 and September 2008 on behalf of Jeffrey Epstein by . . . (b) Andrew Albert Christian Edward (a/k/a Prince Andrew, Duke of York); (c) Harvard Law Professor Alan Dershowitz.” While the Government denied that it had

documents reflecting contacts by Prince Andrew, it specifically admitted possessing documents reflecting contacts by Dershowitz. Gov't Answer to RFA #6. Since then, however, the Government has provided approximately 10,000 pages of documents associated with the NPA and Jeffrey Epstein to Judge Marra for in camera inspection. The privilege log for those documents is not sufficiently complete to review those documents for possible connection to Prince Andrew. In addition, even though the Government has had approximately one-and-half-years to complete production of documents, it has not yet completed production – and has not yet certified that it has produced all such documents to the Court for in camera inspection.

Edwards and Cassell are aware that on about May 3 through 8, 2007, Prince Andrew's mother -- Queen Elizabeth II -- visited the United States, and was apparently hosted by President George W. Bush. Who came with the Queen and what (if any) discussions were held about the case, either directly or indirectly at that time, are unknown at this time. Of course, the NPA was concluded several months later on favorable terms, including the highly unusual "blank check" provision that provided immunity from federal prosecution to Epstein's "potential co-conspirators."

Edwards and Cassell are also aware Prince Andrew was a close friend of Jeffrey Epstein at the time that the NPA was being negotiated, and that Jeffrey Epstein hired a battery of attorneys to negotiate favorable terms for the NPA (including Dershowitz). Based on all of the information found in the documents and other materials and references provided in answer to Request for Production Number 2, it also appears that Epstein was gathering blackmail material on his powerful friends (through Jane Doe No. 3 and others), including Prince Andrew. Details of contacts between Epstein and Prince Andrew while the NPA was being negotiated are accessible to Dershowitz (as a close personal friend and confidante of Epstein's), but are not (at this time) accessible to Edwards and Cassell. Both Epstein and Prince Andrew have refused repeated efforts by legal counsel for various victims who have attempted to obtain information on this subject. Efforts to obtain further information from Prince Andrew on these subjects are on-going.

19. Describe in detail any actual or potential book, television, movie, or other media deal(s) Concerning Jane Doe #3's allegations about being a sex slave.

ANSWER: Objection; vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Construing the term "deal" as a paid media appearance, no deal exists. With regard to "potential" deal, the term "potential" is vague and impossible to respond to with precision.

20. State the date when You first became aware of any allegation by Jane Doe #3 that she has had sex with Dershowitz and describe in detail All actions You took, including All documents reviewed and All persons with whom You communicated and the dates and contents of those communications, to determine if the allegation was true.

ANSWER: Edwards and Cassell were aware that Dershowitz was a close personal friend and confidant of Jeffrey Epstein in approximately 2008 and read whatever public articles were available. Edwards and Cassell also had extensive evidence that Epstein was involved in brazen daily sexual crimes against underage girls in 2008 and following, as shown in the documents and other materials and references provided in answer to Request for Production Number 2. Those brazen sexual crimes often involved Epstein's friends and confidants. Those crimes were also conducted with such frequency and in such a way that it would have been extremely unlikely for someone staying overnight with Epstein (or traveling on his personal jet) to have been unaware of those crimes.

Extensive discovery was taken in the civil cases against Mr. Epstein, and Dershowitz was mentioned by several witnesses as being a friend, as opposed to just a lawyer to Epstein, he was on the private plane of Mr. Epstein numerous times, and each witness who would have actual knowledge of Mr. Dershowitz's involvement either invoked the 5th amendment when asked about Dershowitz or provided testimony consistent with Dershowitz's criminal knowledge or involvement.

In about March or April 2011, on a telephone interview with Edwards, Jane Doe No. 3 disclosed that she had been sexually abused by Dershowitz. It is public record that the materials that Edwards and Cassell reviewed and collected in connection with related investigations include the extensive materials provided in answer to Request for Production Number 2.

21. Describe in detail All facts Concerning any investigation by You or on Your behalf of Jane Doe #3.

ANSWER: Except to the extent disclosed in materials provided in response to Request to Produce, Plaintiffs object based on the attorney-client and work product privileges.

22. Are You aware whether Jane Doe #3 ever give her body for sexual activity for hire or ever agreed to secure other persons for the purpose of prostitution or for any other lewd or indecent act and, if so, state Your knowledge as to when and how many times.

We are aware of Mr. Epstein paying Doe #3 for sex, the details of which are disclosed in the filed affidavit of Jane Doe#3. Mr. Dershowitz undoubtedly knows these details much more intimately, and we expect him to provide those details consistent with his statement that he has "nothing to hide."

23. Describe in detail All harm that You suffered as a result of any allegedly defamatory statements by Dershowitz.

ANSWER: Edwards and Cassell have suffered defamation per se, as the defamatory statements were intended to and did injure Edwards' and Cassell's professional reputations. Their injuries are ongoing and continuing in nature.

Edwards and Cassell also suffered presumed damages.

Cassell suffered general damages and special damages. These damages include mental pain and anguish and suffering, personal humiliation, damage to reputation both past and future, and impairment of ability to earn a living or seek better employment. These damages also include lost income past and future and lost earning capacity, including lost opportunities for legal consulting and paid expert witness testimony.

Edwards and Cassell have also incurred costs and attorneys' fees associated with efforts to protect his reputation from ongoing assaults including the prosecution of this cause of action. The amount of those costs and attorneys' fees is increasing as the action progresses.

Edwards and Cassell seek recovery for all of the damages, costs, and attorneys' fees. They also seek pre- and post-judgment interest.

24. State separately the amount of compensatory, punitive, and any other damages that You are seeking from Dershowitz and explain how You calculate Each amount reasonably calculated to lead to the discovery of admissible evidence.

ANSWER: All damage amounts are presently unliquidated but are reasonably anticipated to well exceed hundreds of thousands of dollars for each of the Plaintiffs. After presentation of the facts to a jury of the circumstances of the defamatory statements and also of the net worth of Dershowitz, the Plaintiffs will leave the determination of fair and reasonable compensation and appropriate punitive damages in the sound and well-informed discretion of a jury.

For lost past and future income, Cassell is gathering the relevant information for an economic damages expert to derive a calculation. It appears that the Cassell's income earned outside of his employment as a law professor has fallen since Dershowitz began his media assault as a direct result of that media assault and will remain at a depressed level in the future. A calculation of the amount of loss will be provided when an appropriate expert is retained and advises as to the relevant materials needed for such a calculation. Damages for lost income and lost earning capacity are alone expected to be several hundreds of thousands of dollars.

For punitive damages, the evidence at trial will demonstrate (among other things) that Dershowitz acted deliberately, willfully, with actual malice, and with the specific intent to harm Edwards and Cassell. Accordingly, under F.S.A. § 768.73, there is no cap on the amount of punitive damages that may be awarded. Given (1) the flagrancy, deliberateness, willfulness, egregiousness and reprehensibility of Dershowitz's attacks, (2) his repetition of the attacks in numerous forums around the globe, (3) his significant wealth, (4) the need to punish Dershowitz for his wrongful and outrageous conduct in the past; (5) the need to deter Dershowitz and others from similar misconduct in the future, and (6) other related

factors punitive damages in the amount of millions of dollars may be appropriate and will not unduly economically castigate or bankrupt Dershowitz.

Costs and attorneys' fees will be sought and calculated in the ordinary manner at the conclusion of the proceedings. Pre- and post-judgment interest will also be sought and calculated in the ordinary manner at the conclusion of the proceedings.

Paul G. Cassell

PAUL G. CASSELL

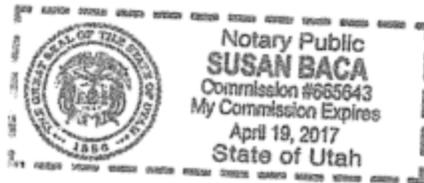
STATE OF UTAH)

COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 11 day of March, 2015 by Paul Cassell who is personally known to me or who has produced personal knowledge (type of identification) as identification and who did did not take an oath.

Susan Baca

Notary Public
State of Florida at Large State of [REDACTED] ^{SALB}
My Commission expires:
Commission No:



[Handwritten Signature]

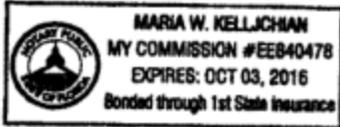
Bradley J. Edwards

STATE OF FLORIDA)

COUNTY OF Broward)

BEFORE ME, the undersigned authority, personally appeared this day Bradley J. Edwards, who is personally known to me or produced _____, as identification, and who, after being duly sworn, did state that he/she executed the foregoing Answers to First Set of Interrogatories and that the same are true and correct to the best of his knowledge

Subscribed and sworn to before me this 12th day of March, 2015.



[Handwritten Signature: Maria W. Kelljhan]

Signature of Notary Public, State of Florida

Print / Typed Name, Notary Public

My commission expires:

EXHIBIT C

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G.
CASSELL,

Plaintiff(s),

vs.

ALAN M. DERSHOWITZ,

Defendant(s).

**ANSWERS TO DEFENDANT DERSHOWITZ'S FIRST SET OF DOCUMENT
REQUESTS TO BRADLEY J. EDWARDS AND PAUL G. CASSELL**

Plaintiffs, Bradley J. Edwards and Paul G. Cassell, by and through their undersigned attorneys and pursuant to Rule 1.350, Florida Rules of Civil Procedure, hereby respond to Defendant, Alan M. Dershowitz's, First Set of Document Requests dated February 11, 2015 to Plaintiffs as follows:

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

1. All Documents Concerning the alleged "character assassination" referenced in paragraph 8 of the Complaint.

See complaint from Jeffrey Epstein v. Bradley J. Edwards. *See also* pleadings and materials in the case file in this case.

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

2. All Documents Concerning Dershowitz's alleged "participation in Epstein's criminal conduct" referenced in paragraph 16 of the Complaint.

Edwards and Cassell object to this request as being vague, overbroad, and unreasonably burdensome, as well as seeking irrelevant and inadmissible evidence and information not

reasonably calculated to lead to the discovery of admissible evidence. Edwards and Cassell have collected documents pointing to Dershowitz's involvement in Epstein's sexual abuse of underage girls over a nearly seven year period of time, including legal work that they did in connection with the long-running case of *Does v. United States*, 9:08-cv-80736-KAM (S.D. Fla. filed July 7, 2008). They have also represented numerous victims in civil actions against Jeffrey Epstein, which involved many pleadings which are public documents. Of course, these cases also involved numerous attorney-client communications as well as materials covered by the work-product doctrine.

Without waiving these objections, privileges, or other protections, Edwards and Cassell produce the following attached materials.

On information and belief, Dershowitz also possesses significant information that is responsive to this request – information that Edwards and Cassell have requested from Dershowitz in their requests for production.

3. All Documents Concerning Dershowitz's alleged knowledge that the filing referenced in paragraph 17 of the Complaint was "an entirely proper and well-founded pleading."

See answer to request #2 above and to request #24 below.

4. All Documents Concerning the alleged "massive public media assault" referenced in paragraph 17 of the Complaint.

For details regarding the massive public media assault, see Edwards' and Cassell's answer to interrogatory #2. Because the media assault was conducted by Dershowitz himself making statements to media sources of his choosing, Edwards and Cassell do not possess documents concerning the assault.

5. All Documents Concerning the "multiple national televised interviews," "statements to and repeated by national and international print news sources" and "various other forms nationally and internationally" alleged in paragraph 19 of the Complaint.

For details regarding the interviews, statements, and other similar communications, see Edwards' and Cassell's answer to interrogatory #2. Because the media assault was conducted by Dershowitz himself making statements to the media, Edwards and Cassell do not possess documents concerning the interviews and statements referenced here.

6. All Documents Concerning the allegation in paragraph 20 of the Complaint that Dershowitz's "statements were false and known by him to be false at the time they were made."

See answer to request #2 above and to request #24 below. Additionally, remaining relevant and responsive documents can be found in the public court files of all of the criminal and civil actions ever brought against Jeffrey Epstein related to his sexual abuse of children.

7. All Documents Concerning the allegation in paragraph 21 of the Complaint that Dershowitz falsely protested his own innocence.

See answer to request #2 above and to request #24 below.

8. All Documents Concerning Dershowitz's alleged "involvement in Epstein's criminal conduct" as alleged in paragraph 21 of the Complaint.

See answer to request #2 above and to request #24 below.

9. All Documents that reference Dershowitz by name that Concern the allegations set forth in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration.

See answer to request #2 above and to request #24 below.

10. All Documents Concerning drafts of any declaration or affidavit of Jane Doe #3.

Objection, immaterial and not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine.

Without waiving any objection, affidavits have been filed by Jane Doe #3 in Does v. United States, 08-80736.

11. All photographs and video in the original, native format in which they were taken (not a paper copy) of Jane Doe #3 with Dershowitz.

None in Plaintiffs' possession.

12. All photographs and video in the original, native format in which they were taken (not a paper copy) not produced in response to any prior Request, of Dershowitz at (i) Epstein's Manhattan home in New York City, New York; (ii) Epstein's home in Palm Beach, Florida; (iii) Epstein's Zorro Ranch in Santa Fe, New Mexico; (iv) Little Saint James island in the U.S. Virgin Islands; and (v) Epstein's airplane, on the same date and time that Jane Doe #3 also was present at such location.

None in the possession of Edwards or Cassell.

13. All photographs and video in the original, native format in which they were taken (not a paper copy) not produced in response to any prior Request that evidence and/or show Jane Doe #3 was present at the same location as Dershowitz on that same date and time.

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege; work-product doctrine. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

14. All Documents Concerning Jane Doe #3's presence at the various locations named in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration on the particular dates and times when Dershowitz was also present.

Objection, not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

15. All Documents Concerning whether Dershowitz was present at the various locations named in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration on the particular dates and times when Jane Doe #3 alleges to have been present.

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege; work-product doctrine. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

16. All statements, written or recorded, that Plaintiffs or Jane Doe #3 have provided to anyone that reference Dershowitz by name.

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing.

17. All notes, writings, photographs, and/or audio or video recordings made or recorded by or of Jane Doe #3 on the dates on which Jane Doe #3 allegedly was present with Dershowitz, including but not limited to any diary, journal, or calendar entries on those dates, regardless whether the notes, writings, photographs, and/or audio or video recordings refer to Dershowitz. To the extent that any responsive materials are photographs or video recordings, please provide them in the original, native format in which they were taken (not a paper copy).

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

18. All notes of, or notes prepared for, any statements or interviews in which Plaintiffs or Jane Doe #3 referenced Dershowitz by name or other description.

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

19. All Documents Concerning communications between You or anyone acting on Your behalf and anyone from, or acting on behalf of, any media outlet Concerning Dershowitz or this action, whether or not such communications were "on the record" or "off the record."

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing. Additionally, because Dershowitz has failed to provide appropriate responses to discovery requests from Edwards and Cassell, it is not possible to precisely answer this request.

20. All Documents Concerning any press release Concerning this action, the Joinder Motion, or Dershowitz, or Jane Doe #3.

Objection as to "all documents concerning" in that it requests information not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing.

Without waiving objection, Dershowitz already possesses a copy of a press release sent to the media by Edwards and Cassell on or about January 2, 2015, that read as follows:

Out of respect for the court's desire to keep this case from being litigated in the press, we are not going to respond at this time to specific claims of indignation by anyone. As you may know, we are litigating a very important case, not only for our clients but crime victims in general. We have been informed of Mr. Dershowitz's threats based on the factual allegations we have made in our recent filing. We carefully investigate all of the allegations in our pleadings before presenting them. We have also tried to depose Mr. Dershowitz on these subjects, although he has avoided those deposition requests. Nevertheless, we would be pleased to consider any sworn testimony and documentary evidence Mr. Dershowitz would like to provide which he contends would refute any of our allegations.

The point of the pleading was only to join two of our clients in the case that is currently being litigated, and while we expected an agreement from the Government on that point, we did not get it. That disagreement compelled us to file our motion. We intend only to litigate the relevant issues in Court and not to play into any sideshow. We feel that is in our clients' best interest and consequently that is what we are doing.

We have every intention of addressing all of the relevant issues in the course of proper legal proceedings. Toward that end we have issued an invitation (a copy of which is attached below) to Alan Dershowitz to provide sworn testimony and any evidence he may choose to make available regarding the facts in our recent pleading that relate to him. The invitation has been extended by Jack Scarola, who is familiar with the issues. We would obviously welcome the same cooperation from Prince Andrew should he choose to avail himself of the same opportunity.

Dershowitz already possesses a copy a press release sent to the media by Jack Scarola on or about January 7, 2015, that read as follows:

Mr. Dershowitz harshly attacks Mr. Edwards and Professor Cassell for not trying to talk to him before naming him in legal papers. But, in truth, and as supported by numerous documents, on at least three occasions since 2009, Mr. Dershowitz was informed that he was a key witness in the litigation against Jeffrey Epstein and was requested to testify. We advised him at that time as follows:

'Multiple individuals have placed you in the presence of Jeffrey Epstein on multiple occasions and in various locations when Jeffrey Epstein was in the company of underage females subsequently identified as victims of Mr. Epstein's criminal molestations. This information is derived from both someone's testimony and private interviews. Your personal observations regarding such circumstances would clearly not involve any privileged communications, and it is those observations that will be the primary focus of our questioning.'

Despite this notice to Mr. Dershowitz, he failed to respond or testify in any fashion. Mr. Dershowitz has not responded to multiple efforts to take his testimony beginning in 2009.

21. All Documents Concerning any assertion that Dershowitz was a "co-conspirator" with Epstein.

Edwards and Cassell object to this request as vague, uncertain, and overbroad.

See also answer to request #2 above and to request #24 below.

See also answer to request #10 above.

22. All Documents Concerning any assertion that Dershowitz negotiated the NPA for his own benefit.

Dershowitz possesses, or has access to, all information regarding his negotiation of the NPA. Edwards and Cassell have asked him to produce this information, and will all be

responsive to this request as well. *See* Plaintiffs' Third Request to Produce to Defendant Nos. 2, 3, and 4.

Edwards and Cassell also have received from the U.S. Attorney's Office from the Southern District of Florida approximately 1000 pages of correspondence between that Office and Jeffrey Epstein's legal defense team (including Dershowitz) exchanged from approximately 2006 to 2008 related to the non-prosecution agreement. Those documents are currently under seal by order of the U.S. District Court for the Southern District of Florida in connection with the *Does v. United States*, No. 9:08-cv-80736-KAM. This seal has been requested by, and obtained by, Dershowitz's close friend, client and co-conspirator, Jeffrey Epstein, over the objection of Edwards and Cassell on behalf of their clients. Accordingly, Dershowitz should request that Epstein withdraw his request for sealing so that these materials can be produced to Dershowitz.

See also answer to request #2 above (including the NPA itself and its provision granting immunity from prosecution to "any potential co-conspirators of Epstein") and to request #24 below.

23. All Documents Concerning any actions allegedly taken by Prince Andrew, Duke of York, to influence the terms of the NPA.

Edwards and Cassell have attempted to question Prince Andrew about his actions in this regard, but have been rebuffed by Prince Andrew and representatives of the British throne and/or government.

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

Edwards and Cassell have propounded discovery requests seeking such documents in the CVRA case. *See* Request for Admission (RFA) (December 1, 2011) (asking the Government to admit that it possesses "documents, correspondence or other information reflecting contacts with the Department between May 2007 and September 2008 on behalf of Jeffrey Epstein by . . . (b) Andrew Albert Christian Edward (a/k/a Prince Andrew, Duke of York".)

See also Answer to Request #2 above.

Edwards, Bradley vs. Dershowitz
Case No.: CACE 15-000072
Answers To Defendant Dershowitz's First Set Of Document Requests
to Edwards and Cassell

24. All Documents Concerning any request for the deposition of Dershowitz.

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

See response to RFP #20.

Dershowitz already has in his possession a request from Jack Scarola to take his deposition, sent via email on January 3, 2015, which reads as follows:

Dear Mr. Dershowitz:

Statements attributed to you in the public media express a willingness, indeed a strong desire, to submit to questioning under oath regarding your alleged knowledge of Jeffrey Epstein's extensive abuse of underage females as well as your alleged personal participation in those activities. As I am sure you will recall, our efforts to arrange such a deposition previously were unsuccessful, so we welcome your change of heart. Perhaps a convenient time would be in connection with your scheduled appearance in Miami on January 19. I assume a subpoena will not be necessary since the deposition will be taken pursuant to your request, but please let us know promptly if that assumption is inaccurate. Also, note that the deposition will be video recorded.

Kindly bring with you all documentary and electronic evidence which you believe tends to refute the factual allegations made concerning you in the recent CVRA proceeding as well as passport pages reflecting your travels during the past ten years and copies of all photographs taken while you were a traveling companion or house guest of Jeffrey Epstein's.

Thank you for your anticipated cooperation.

Sincerely,

Jack Scarola

25. All Documents Concerning any investigation of Dershowitz.

This request is vague and overbroad, since it is not clear exactly what the term "investigation" means in this context.

Without waiving this objection:

See response to RFP #2.

See also all depositions taken in all civil cases involving Jeffrey Epstein in which the allegations concerned his molestation of minors.

See also the criminal Palm Beach State Attorney's Office file regarding Jeffrey Epstein.

See also all books, articles and publications of or about Dershowitz which are in the possession of Dershowitz or in public circulation.

26. All notes of any investigation of Jane Doe #3's allegations against Dershowitz.

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, vague, indefinite, overly broad, burdensome.

27. All telephone records, including but not limited to records for any cell phone, for any telephone used by Jane Doe #3 between January 1, 1999 and December 31, 2002.

None in possession of Edwards and Cassell.

28. All Documents Concerning Jane Doe #3's diary or journal.

No diary or journal is in the possession of Edwards and Cassell.

Beyond that and to the extent that the request for documents "concerning" an unspecified diary or journal, Edwards and Cassell object to this request because it is uncertain and overbroad, seeks irrelevant and inadmissible information and is not reasonably calculated to lead to the discovery of relevant and admissible evidence. Edwards and Cassell also object to this request because it seeks information that is protected from disclosure by the attorney-client privilege. Edwards and Cassell also object to this request because it seeks information that is protected from disclosure by the work product doctrine.\

29. All Documents Concerning any actual or potential book, television, movie or other media deals Concerning Jane Doe #3's allegations about being a sex slave.

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing.

30. All Documents Concerning Your retainer agreement with Jane Doe #3.

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, overbroad, vague, harassing.

31. All Documents Concerning any investigation of Jane Doe #3.

Objection, in that this request is vague and overbroad, since it is not clear exactly what the term "investigation" means in this context.

Also, objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing

32. All Documents identified in Your responses to Dershowitz's First Set of Interrogatories to You in this action.

See the documents and answers provided to these requests for production of documents.

33. All Documents Concerning Your claim for damages in this action.

See the documents and answers provided to these requests for production of documents.

In addition, see redacted tax return information from Cassell regarding his claim for special damages.

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

Edwards, Bradley vs. Dershowitz
Case No.: CACE 15-000072
Answers To Defendant Dershowitz's First Set Of Document Requests
to Edwards and Cassell

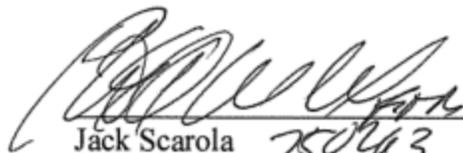
34. All Documents referred to or relied upon by Plaintiffs to prepare "Jane Doe #3 and Jane Doe #4's Motion Pursuant to Rule 21 for Joinder in Action," which was filed in the Federal Action as Docket Entry #279.

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing.

35. All Documents referred to or relied upon by Plaintiffs to prepare the Complaint in this action.

Plaintiffs relied on the various defamatory statements made by Alan Dershowitz to prepare the complaint. *See, e.g.*, Answer to Interrogatory #2. To the extent that materials are sought regarding communications with legal counsel, objection under the attorney-client privilege and work-product doctrine.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 13th day of March, 2015.



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Edwards, Bradley vs. Dershowitz
Case No.: CACE 15-000072
Answers To Defendant Dershowitz's First Set Of Document Requests
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EXHIBIT D

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G.
CASSELL,

Plaintiff(s),

vs.

ALAN M. DERSHOWITZ,

Defendant(s).

**SUPPLEMENTAL ANSWERS TO DEFENDANT DERSHOWITZ'S FIRST SET OF
DOCUMENT REQUESTS TO BRADLEY J. EDWARDS AND PAUL G. CASSELL**

Plaintiffs, Bradley J. Edwards and Paul G. Cassell, by and through their undersigned attorneys and pursuant to Rule 1.350, Florida Rules of Civil Procedure, hereby file this supplemental response to Defendant, Alan M. Dershowitz's, First Set of Document Requests dated February 11, 2015 to Plaintiffs as follows:

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

1. All Documents Concerning the alleged "character assassination" referenced in paragraph 8 of the Complaint.

See complaint from Jeffrey Epstein v. Bradley J. Edwards. *See also* pleadings and response to Interrogatory #1 filed in this case. Plaintiffs have requested documents in the possession of Defendant Dershowitz which memorialize his character assassination of Plaintiffs. Numerous documents within the Defendant's still incomplete production reflect false and defamatory assaults on the Plaintiffs' character by the Defendant.

2. All Documents Concerning Dershowitz's alleged "participation in Epstein's criminal conduct" referenced in paragraph 16 of the Complaint.

Edwards and Cassell object to this request as being vague, overbroad, and unreasonably burdensome, as well as seeking irrelevant and inadmissible evidence and information not reasonably calculated to lead to the discovery of admissible evidence. Edwards and Cassell have collected many pages of documents pointing to Dershowitz's involvement in Epstein's sexual

Edwards, Bradley vs. Dershowitz
Case No.: CACE 15-000072
Supplemental Answers To Defendant Dershowitz's First Set Of Document Requests
to Edwards and Cassell

abuse of underage girls over a nearly seven year period of time, including legal work that they did in connection with the long-running case of *Does v. United States*, 9:08-cv-80736-KAM (S.D. Fla. filed July 7, 2008) including Docket Entry 291 and all accompanying exhibits. See also all publicly available materials in the long-running case of *Epstein v. Edwards et al.*, 502009CA040800XXXXMBAG (Circuit Court of the 15th Judicial Cir. For Palm Beach County, Florida), including for example Edwards' motion for summary judgment. See also all publicly available police reports and investigative files generated in the course of the Palm Beach Police Department's criminal investigation of Jeffrey Epstein. They have also represented numerous victims in civil actions against Jeffrey Epstein, which involved many pleadings which are public documents. Of course, these cases also involved numerous attorney-client communications as well as materials covered by the work-product doctrine.

See also all pleadings, discovery responses and depositions in the following civil proceedings in which Jeffrey Epstein was named as a party:

State Court in Palm Beach County:

502008CA037319xxxxMB
502008CA025129xxxxMB
502008CA006332xxxxMB
502008CA028058xxxxMB
502008CA028051xxxxMB
502008CA020614xxxxMB
502008CA006596xxxxMB
502008CA005240xxxxMB.

United States Southern District of Florida:

08-80893
08-80232
08-80380
08-80994
08-80993
08-80811
08-80381
08-80804
08-80811
09-80469
09-80591

09-80656
09-80802
09-81092
10-81111
10-80447

See also pleadings and response to Interrogatories #1 and #2 filed in this case.

On information and belief, Dershowitz also possesses significant information that is responsive to this request – information that Edwards and Cassell have requested from Dershowitz in their requests for production.

3. All Documents Concerning Dershowitz's alleged knowledge that the filing referenced in paragraph 17 of the Complaint was "an entirely proper and well-founded pleading."

See answer to request #2 above and to request #24 below.

4. All Documents Concerning the alleged "massive public media assault" referenced in paragraph 17 of the Complaint.

For details regarding the massive public media assault, see Edwards' and Cassell's answer to interrogatories #1 and #2. Because the media assault was conducted by Dershowitz himself making statements to media sources of his choosing, Edwards and Cassell do not possess documents concerning the assault.

5. All Documents Concerning the "multiple national televised interviews," "statements to and repeated by national and international print news sources" and "various other forms nationally and internationally" alleged in paragraph 19 of the Complaint.

For details regarding the interviews, statements, and other similar communications, see Edwards' and Cassell's answer to interrogatories #1 and #2. Because the media assault was conducted by Dershowitz himself making statements to the media, Edwards and Cassell do not possess documents concerning the interviews and statements referenced here.

6. All Documents Concerning the allegation in paragraph 20 of the Complaint that Dershowitz's "statements were false and known by him to be false at the time they were made."

See answer to request #2 above and to request #24 below.

7. All Documents Concerning the allegation in paragraph 21 of the Complaint that Dershowitz falsely protested his own innocence.

See answer to request #2 above and to request #24 below. Additionally, Defendant Dershowitz is himself aware of the various television and radio programs on which he spoke about the Plaintiffs, as well as other public statements he made, and is in a superior position to obtain video, audio and written transcripts of those statements to the extent they are not already available and readily accessible on the world wide web. Plaintiffs are awaiting Defendant's production of materials not otherwise available.

8. All Documents Concerning Dershowitz's alleged "involvement in Epstein's criminal conduct" as alleged in paragraph 21 of the Complaint.

See answer to request #2 above and to request #24 below.

9. All Documents that reference Dershowitz by name that Concern the allegations set forth in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration.

See answer to request #2 above and to request #24 below.

10. All Documents Concerning drafts of any declaration or affidavit of Jane Doe #3.

Objection, immaterial and not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine.

Without waiving any objection, affidavits have been filed by Jane Doe #3 in Does v. United States, 08-80736.

11. All photographs and video in the original, native format in which they were taken (not a paper copy) of Jane Doe #3 with Dershowitz.

None in Plaintiffs' possession.

12. All photographs and video in the original, native format in which they were taken (not a paper copy) not produced in response to any prior Request, of Dershowitz at (i) Epstein's Manhattan home in New York City, New York; (ii) Epstein's home in Palm Beach, Florida; (iii) Epstein's Zorro Ranch in Santa Fe, New Mexico; (iv) Little Saint James island in the U.S. Virgin Islands; and (v) Epstein's airplane, on the same date and time that Jane Doe #3 also was present at such location.

None in the possession of Edwards or Cassell.

13. All photographs and video in the original, native format in which they were taken (not a paper copy) not produced in response to any prior Request that evidence and/or show Jane Doe #3 was present at the same location as Dershowitz on that same date and time.

None.

14. All Documents Concerning Jane Doe #3's presence at the various locations named in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration on the particular dates and times when Dershowitz was also present.

See Docket Entry 291 and attachments filed in *Doe v. U.S.*, 08-80736.

See answer to request #2 above and to request #24 below.

Additional responsive documents are subject to the attorney-client and work product privilege.

15. All Documents Concerning whether Dershowitz was present at the various locations named in Paragraphs 24-31 of the 2015 Jane Doe #3 Declaration on the particular dates and times when Jane Doe #3 alleges to have been present.

See Docket Entry 291 and attachments filed in *Doe v. U.S.*, 08-80736.

See answer to request #2 above and to request #24 below.

Additional responsive documents are subject to the attorney-client and work product privilege.

16. All statements, written or recorded, that Plaintiffs or Jane Doe #3 have provided to anyone that reference Dershowitz by name.

See documents referenced in Cassell's Response to Second Set of Document Requests and Supplemental Response to Second Set of Document Requests. Additional documents are subject to attorney-client and work product privilege.

17. All notes, writings, photographs, and/or audio or video recordings made or recorded by or of Jane Doe #3 on the dates on which Jane Doe #3 allegedly was present with Dershowitz, including but not limited to any diary, journal, or calendar entries on those dates, regardless whether the notes, writings, photographs, and/or audio or video recordings refer to Dershowitz. To the extent that any responsive materials are photographs or video recordings, please provide them in the original, native format in which they were taken (not a paper copy).

None in Plaintiffs' possession, custody or control.

18. All notes of, or notes prepared for, any statements or interviews in which Plaintiffs or Jane Doe #3 referenced Dershowitz by name or other description.

None in Plaintiffs' possession, custody or control.

19. All Documents Concerning communications between You or anyone acting on Your behalf and anyone from, or acting on behalf of, any media outlet Concerning Dershowitz or this action, whether or not such communications were "on the record" or "off the record."

See documents referenced in Cassell's Response to Second Set of Document Requests and Supplemental Response to Second Set of Document Requests. Additional documents are subject to attorney-client and work product privilege.

20. All Documents Concerning any press release Concerning this action, the Joinder Motion, or Dershowitz, or Jane Doe #3.

Objection as to "all documents concerning" in that it requests information not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, overly burdensome, vague, harassing.

Without waiving objection, Dershowitz already possesses a copy of a press release sent to the media by Edwards and Cassell on or about January 2, 2015, that read as follows:

Out of respect for the court's desire to keep this case from being litigated in the press, we are not going to respond at this time to specific claims of indignation by anyone. As you may know, we are litigating a very important case, not only for our clients but crime victims in general. We have been informed of Mr. Dershowitz's threats based on the factual allegations we have made in our recent filing. We carefully investigate all of the allegations in our pleadings before presenting them. We have also tried to depose Mr. Dershowitz on these subjects, although he has avoided those deposition requests. Nevertheless, we would be pleased to consider any sworn testimony and documentary evidence Mr. Dershowitz would like to provide which he contends would refute any of our allegations.

The point of the pleading was only to join two of our clients in the case that is currently being litigated, and while we expected an agreement from the Government on that point, we did not get it. That disagreement compelled us to file our motion. We intend only to litigate the relevant issues in Court and not to play into any sideshow. We feel that is in our clients' best interest and consequently that is what we are doing.

We have every intention of addressing all of the relevant issues in the course of proper legal proceedings. Toward that end we have issued an invitation (a copy of which is attached below) to Alan Dershowitz to provide sworn testimony and any evidence he may choose to make available regarding the facts in our recent pleading that relate to him. The invitation has been extended by Jack Scarola, who is familiar with the issues. We would obviously welcome the same cooperation from Prince Andrew should he choose to avail himself of the same opportunity.

Dershowitz already possesses a copy a press release sent to the media by Jack Scarola on or about January 7, 2015, that read as follows:

Mr. Dershowitz harshly attacks Mr. Edwards and Professor Cassell for not trying to talk to him before naming him in legal papers. But, in truth, and as supported by numerous documents, on at least three occasions since 2009, Mr. Dershowitz was informed that he was a key witness in the litigation against Jeffrey Epstein and was requested to testify. We advised him at that time as follows:

'Multiple individuals have placed you in the presence of Jeffrey Epstein on multiple occasions and in various locations when Jeffrey Epstein was in the company of underage females subsequently identified as victims of Mr. Epstein's criminal molestations. This information is derived from both someone's testimony and private interviews. Your personal observations regarding such circumstances would clearly not involve any privileged communications, and it is those observations that will be the primary focus of our questioning.'

Despite this notice to Mr. Dershowitz, he failed to respond or testify in any fashion. Mr. Dershowitz has not responded to multiple efforts to take his testimony beginning in 2009.

21. All Documents Concerning any assertion that Dershowitz was a "co-conspirator" with Epstein.

See answer to request #2 above and to request #24 below.

See also answer to request #10 above.

22. All Documents Concerning any assertion that Dershowitz negotiated the NPA for his own benefit.

Dershowitz possesses, or has access to, all information regarding his negotiation of the NPA. Edwards and Cassell have asked him to produce this information, and will all be responsive to this request as well. See Plaintiffs' Third Request to Produce to Defendant Nos. 2, 3, and 4.

Edwards, Bradley vs. Dershowitz
Case No.: CACE 15-000072
Supplemental Answers To Defendant Dershowitz's First Set Of Document Requests
to Edwards and Cassell

Edwards and Cassell also have received from the U.S. Attorney's Office from the Southern District of Florida approximately 1000 pages of correspondence between that Office and Jeffrey Epstein's legal defense team (including Dershowitz) exchanged from approximately 2006 to 2008 related to the non-prosecution agreement. Those documents are currently under seal by order of the U.S. District Court for the Southern District of Florida in connection with the *Does v. United States*, No. 9:08-cv-80736-KAM. This seal has been requested by, and obtained by, Dershowitz's close friend, client and co-conspirator, Jeffrey Epstein, over the objection of Edwards and Cassell on behalf of their clients. Accordingly, Dershowitz should request that Epstein withdraw his request for sealing so that these materials can be produced to Dershowitz.

See also answer to request #2 above (including the NPA itself and its provision granting immunity from prosecution to "any potential co-conspirators of Epstein") and to request #24 below.

23. All Documents Concerning any actions allegedly taken by Prince Andrew, Duke of York, to influence the terms of the NPA.

Edwards and Cassell have attempted to question Prince Andrew about his actions in this regard, but have been rebuffed by Prince Andrew and representatives of the British throne and/or government.

All production materials as to which there is no objection are available for inspection and copying at the offices of Plaintiffs' counsel as soon as the Defendant's past due production has been made available to Plaintiffs.

Edwards and Cassell have propounded discovery requests seeking such documents in the CVRA case. *See* Request for Admission (RFA) (December 1, 2011) (asking the Government to admit that it possesses "documents, correspondence or other information reflecting contacts with the Department between May 2007 and September 2008 on behalf of Jeffrey Epstein by . . . (b) Andrew Albert Christian Edward (a/k/a Prince Andrew, Duke of York".)

See also Answer to Request #2 above.

24. All Documents Concerning any request for the deposition of Dershowitz.

See response to RFP #20.

Edwards, Bradley vs. Dershowitz
Case No.: CACE 15-000072
Supplemental Answers To Defendant Dershowitz's First Set Of Document Requests
to Edwards and Cassell

Dershowitz already has in his possession a request from Jack Scarola to take his deposition, sent via email on January 3, 2015, which reads as follows:

Dear Mr. Dershowitz:

Statements attributed to you in the public media express a willingness, indeed a strong desire, to submit to questioning under oath regarding your alleged knowledge of Jeffrey Epstein's extensive abuse of underage females as well as your alleged personal participation in those activities. As I am sure you will recall, our efforts to arrange such a deposition previously were unsuccessful, so we welcome your change of heart. Perhaps a convenient time would be in connection with your scheduled appearance in Miami on January 19. I assume a subpoena will not be necessary since the deposition will be taken pursuant to your request, but please let us know promptly if that assumption is inaccurate. Also, note that the deposition will be video recorded.

Kindly bring with you all documentary and electronic evidence which you believe tends to refute the factual allegations made concerning you in the recent CVRA proceeding as well as passport pages reflecting your travels during the past ten years and copies of all photographs taken while you were a traveling companion or house guest of Jeffrey Epstein's.

Thank you for your anticipated cooperation.

Sincerely,

Jack Scarola

25. All Documents Concerning any investigation of Dershowitz.

This request is vague and overbroad, since it is not clear exactly what the term "investigation" means in this context.

Without waiving this objection:

See answer to request #2 above and to request #24 above.

See also all depositions taken in all civil cases involving Jeffrey Epstein in which the allegations concerned his molestation of minors.

See also the criminal Palm Beach State Attorney's Office file regarding Jeffrey Epstein.

See also all books, articles and publications of or about Dershowitz which are in the possession of Dershowitz or in public circulation.

26. All notes of any investigation of Jane Doe #3's allegations against Dershowitz.

Objection, not reasonably calculated to lead to the discovery of admissible evidence; attorney-client privilege, work-product doctrine, vague, indefinite, overly broad, burdensome.

27. All telephone records, including but not limited to records for any cell phone, for any telephone used by Jane Doe #3 between January 1, 1999 and December 31, 2002.

None in possession of Edwards and Cassell.

28. All Documents Concerning Jane Doe #3's diary or journal.

No diary or journal is in the possession of Edwards and Cassell.

Beyond that and to the extent that the request for documents "concerning" an unspecified diary or journal, Edwards and Cassell object to this request because it is uncertain and overbroad, seeks irrelevant and inadmissible information and is not reasonably calculated to lead to the discovery of relevant and admissible evidence. Edwards and Cassell also object to this request because it seeks information that is protected from disclosure by the attorney-client privilege. Edwards and Cassell also object to this request because it seeks information that is protected from disclosure by the work product doctrine.\

29. All Documents Concerning any actual or potential book, television, movie or other media deals Concerning Jane Doe #3's allegations about being a sex slave.

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, and harassing.

30. All Documents Concerning Your retainer agreement with Jane Doe #3.

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, overbroad, vague, and harassing.

31. All Documents Concerning any investigation of Jane Doe #3.

Objection, in that this request is vague and overbroad, since it is not clear exactly what the term "investigation" means in this context.

Also, objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine, overly burdensome, vague, and harassing

32. All Documents identified in Your responses to Dershowitz's First Set of Interrogatories to You in this action.

See the documents and answers provided to these requests for production of documents.

33. All Documents Concerning Your claim for damages in this action.

See the documents and answers provided to these requests for production of documents and the answers to interrogatories, all of which support a claim of statements that are defamatory per se.

Cassell withdraws his claim for special economic losses relating to lost wages and diminished earning capacity.

34. All Documents referred to or relied upon by Plaintiffs to prepare "Jane Doe #3 and Jane Doe #4's Motion Pursuant to Rule 21 for Joinder in Action," which was filed in the Federal Action as Docket Entry #279.

Objection in that it requests information not reasonably calculated to lead to the discovery of admissible evidence, attorney-client privilege, work-product doctrine.

35. All Documents referred to or relied upon by Plaintiffs to prepare the Complaint in this action.

Edwards, Bradley vs. Dershowitz
Case No.: CACE 15-000072
Supplemental Answers To Defendant Dershowitz's First Set Of Document Requests
to Edwards and Cassell

Plaintiffs relied on the various defamatory statements made by Alan Dershowitz to prepare the complaint. *See, e.g.*, Answer to Interrogatories #1 and #2.

See answer to request #2 above and to request #24 above.

To the extent that materials are sought regarding communications with legal counsel, objection under the attorney-client privilege and work-product doctrine.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 28th day of AUGUST, 2015.



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Edwards, Bradley vs. Dershowitz
Case No. CACE 15-000072

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EXHIBIT E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:08-CV-80736-KAM

JANE DOE 1 and JANE DOE 2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

_____ /

OPINION AND ORDER

This cause is before the Court on various discovery related matters. In response to Petitioners' first requests for production, the respondent Government asserted various privileges in three privilege logs and submitted nearly 15,000 pages of documents for in camera inspection. (DEs 212-1, 216-1, 329-1). Petitioners object to every privilege asserted. (DE 265).

Intervenor Jeffrey Epstein supports the Government's assertion that certain grand jury materials should remain secret, and he moves to prevent disclosure of those materials. (DE 263). Petitioners filed a response. (DE 271).

Finally, the Government objects to the relevancy of several of Petitioners' requests for production. (DE 260). Petitioners responded (DE 266) and filed a supporting supplement (DEs 267, 268).

The Court has conducted its in camera review of materials submitted, has carefully considered the materials and the parties' submissions, and is fully advised in the premises.

I. Background

This is a case against the United States for allegedly violating the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, by failing to involve Petitioners (and other similarly situated victims of Intervenor Epstein) in the process that ultimately led to a federal non-prosecution agreement between the Government and Epstein. (DE 1). The parties and intervenors debate the discoverability of documents that show exactly what led to the non-prosecution agreement.

In March 2011, Petitioners moved "to allow use of correspondence between the U.S. Attorney's Office and counsel for Epstein" to prove their CVRA case. (DE 51 at 1). Petitioners argued that the correspondence was relevant as it "shows that the U.S. Attorney's Office was aware of its statutory obligation to inform the victims of the non-prosecution agreement," and that they should be allowed to use it "as it sheds important light on the events surrounding the non-prosecution agreement, which are central to the victims' arguments that the U.S. Attorney's Office violated their rights." (*Id.* at 5, 6). The Court granted Petitioners' request and ordered the Government to "[p]roduce responsive documents in response to all outstanding requests for production of documents encompassing any documentary material exchanged by or between the federal government and persons or entities outside the federal government (including without limitation all correspondence generated by or between the federal government and Epstein's attorneys)" (DE 190 at 2). The Court also ordered the Government to produce all responsive documents "other than communications generated between the federal government and outside persons or entities." (*Id.*). If the Government claimed privilege over any of these documents, the Court ordered the Government to (1) file "a privilege log clearly identifying each document[] by author(s), addressee(s), recipients(s), date, and general subject matter and such other identifying

data,” and (2) to “submit all responsive documents withheld on claim of privilege to the court for in camera inspection.” (Id.).

The Government produced 1,357 pages of documents to Petitioners, filed three privilege logs, and submitted nearly 15,000 pages to the Court for in camera inspection. (See DE 257 at 2). The Government asserts that the documents submitted for in camera inspection are privileged for reasons such as the privacy rights of non-party victims, grand jury secrecy under Federal Rule of Criminal Procedure 6(e),¹ and the attorney–client, work product, deliberative process, and investigative privileges. (DEs 212-1; 216-1, 329-1). Moreover, with the Court’s leave (DE 257 at 4), the Government objects to the relevancy of several of Petitioners’ requests for production (DE 260).

II. Discussion

District courts have “broad discretion in shaping the scope of discovery under Fed.R.Civ.P. 26(b).” Williams v. City of Dothan, 745 F.2d 1406, 1415 (11th Cir. 1984). The Court will first address matters related to whether a privilege protects the submitted documents from discovery and then turn to whether any otherwise non-privileged documents are relevant to Petitioners’ CVRA case. Specific rulings as to the submitted documents are found in the Table appended to this Opinion and Order.

A. Privilege Assertions

1. Challenge to the Sufficiency of Government’s Privilege Assertions

Petitioners raise several general objections to the Government’s privilege logs. They

¹ In a previous ruling, the Court noted that Plaintiffs formally requested the release of grand jury materials, but the Court reserved “ruling as to whether the materials in question are protected from disclosure by Federal Rule of Criminal Procedure 6(e).” (DE 257 at 3).

argue that the Government's logs are inadequate because they do not "clearly identify" the documents as ordered by this Court. (DE 265 at 2; DE 190 at 2). The Court has reviewed the Government's privilege logs and the documents that they describe, and the Court finds that the logs—describing nearly 15,000 pages of documents—are adequate to facilitate a meaningful in camera inspection and assessment of the asserted privileges. To the extent inadequacies may be present, the Court finds that judicial resources would not be best spent by requiring the Government to submit a revised, more detailed log. See ██████ v. Jackson Hosp. Corp., 257 F.R.D. 302, 307 (D.D.C. 2009) (court may remedy inadequate privilege log by in camera inspection of described documents or permitting party another chance to submit a more detailed log).

Petitioners also argue that the Government has failed to provide the factual underpinnings necessary to hold that certain privileges apply, specifically the deliberative process privilege, investigative privilege, work product privilege, and attorney–client privilege. Discussed in more detail below, the Court finds it unnecessary to consider whether the deliberative process and investigative privilege apply in this case as other, stronger, privileges are at play, or, as discussed further below, many of the documents over which the deliberative process and investigative privileges are asserted are irrelevant to this proceeding. Regarding the work product and attorney–client privileges, and the Court has considered the materials submitted and the Government's arguments, and finds that the Government has submitted sufficient evidence to evaluate its claims of privilege. (See DE 238-1) (discussing documents prepared by the United States Attorney's Office in anticipation of possible Epstein prosecution); see Stern v. O-Quinn, 253 F.R.D. 663, 675 (S.D. Fla. 2008) (Rosenbaum, Mag. J.) (relying on allegations within

pleading to decide application of work product privilege). The Court will therefore evaluate each claim of privilege as it relates to the documents submitted.

2. Grand Jury Secrecy

The Government asserts that many of the documents identified in its logs are protected by Federal Rule of Criminal Procedure 6(e), which governs the secrecy of grand jury proceedings. (See DE 212-1; DE 216-1 at 4, 6). These documents include subpoenas issued and documents received and prepared during the course of grand jury investigations into whether Epstein committed indictable federal offenses. (DE 212-1 at 1). Petitioners argue that the Court can (and should) authorize disclosure in this case. (DE 265 at 17).

“It has long been a policy of the law that grand jury proceedings be kept secret The English rule of grand jury secrecy has been incorporated into our federal common law and remains an integral part of our criminal justice system.” United States v. Aisenberg, 358 F.3d 1327, 1346 (11th Cir. 2004) (internal quotation marks omitted). “Rule 6(e) of the Federal Rules of Criminal Procedure codifies this secrecy principle and prohibits the disclosure of grand jury material except in the limited circumstances provided for in Rule 6(e)(3).” Id. One such exception is Rule (6)(e)(3)(E)(i), which permits a court to authorize disclosure “preliminary to or in connection with a judicial proceeding.” Fed. R. Crim. P. 6(e)(3)(E)(i). Additionally, a court has inherent authority to disclose grand jury materials beyond the literal wording of Rule 6(e)(3) in “exceptional circumstances.” Aisenberg, 358 F.3d at 1347. “The district court has ‘substantial discretion’ in determining whether grand jury materials should be released.” Id. at 1349 (quoting Douglas Oil Co. v. Petrol Stops N.W., 441 U.S. 211, 223 (1979)).

Whether proceeding under Rule 6(e)(3) or the court’s inherent authority, there are well

settled guidelines for determining when grand jury secrecy may be broken. Id. at 1347.

Specifically, the parties seeking disclosure must show:

- (1) “that the material they seek is needed to avoid a possible injustice in another judicial proceeding”;
- (2) “that the need for disclosure is greater than the need for continued secrecy”; and
- (3) “that their request is structured to cover only material so needed.”

Id. at 1348 (citing Douglas Oil Co., N.W., 441 U.S. 211, 222 (1979)). These demanding standards apply even after the grand jury has concluded its operations. Id. The burden of demonstrating that the need for disclosure outweighs the need for secrecy rests on the party seeking disclosure. Id. “In order to carry this burden, the party seeking disclosure of grand jury material must show a compelling and particularized need for disclosure.” Id. That is, “the private party must show circumstances had created certain difficulties peculiar to this case, which could be alleviated by access to specific grand jury materials, without doing disproportionate harm to the salutary purpose of secrecy embodied in the grand jury process.” Id. at 1348-49 (internal quotation marks omitted) (emphasis in original).

Accordingly, the grand jury proceedings at issue are “presumptively secret,” see In re Subpoena to Testify, 864 F.2d 1559, 1562 (11th Cir. 1989), and Petitioners have the heavy burden of overcoming this presumption.² Petitioners argue that they have met their burden in their response to Epstein’s motion to uphold grand jury secrecy. (DE 271 at 3).

² Because the burden lies with Petitioners, Petitioners’ argument that disclosure is appropriate because the Government “has not attempted to defend its invocation of grand jury secrecy” is of no moment. (DE 278 at 10).

Regarding whether (1) grand jury materials are “needed to avoid a possible injustice” in this case, Petitioners argue that “an injustice may occur” if the materials are not disclosed to them. (DE 217 at 4). They argue that the possibility for injustice exists because this Court has already recognized that aspects of this case “must be considered in the historical factual context of the entire interface between Epstein, the relevant prosecutorial authorities and the federal offense victims—including an assessment of the allegation of a deliberate conspiracy between Epstein and the federal prosecutors to keep the victims in the dark on the pendency of negotiations between Epstein and the federal authorities.” (*Id.*) (quoting the Court’s Order at DE 189 at 12 n.6). They also argue that injustice may result without the grand jury materials because the “critical starting point for the victims’ case” is proof that the Government had an “extremely strong case against Epstein.” (*Id.*).

The Court concludes that Petitioners have not met their heavy burden of demonstrating a compelling and particularized need for the disclosure of grand jury materials pertaining to the investigation of Epstein. Materials that the Government presented in secrecy to a grand jury relative to a case against Epstein are not part of the “interface” that occurred between Epstein, prosecuting authorities, and the victims. As the Court has already explained, the harm in this case did not arise out of the Government’s failure to secure a grand jury indictment against Epstein. (DE 189 at 10) (“The victim’s CVRA injury is not the government’s failure to prosecute Epstein federally—an end within the sole control of the government.”). Rather, the harm in this case arose from the Government’s alleged failure to confer adequately with Petitioners before deciding to abandon a federal case against Epstein. (*Id.*). The Court has reviewed the portions of the submitted documents to which grand jury secrecy is invoked, and it

finds that none of the grand jury materials produced has a bearing on the Government's alleged failure to confer with Petitioners before electing to forego a federal prosecution.

The Court also concludes that Petitioner's asserted need to prove that the Government had an "extremely strong case against Epstein" does not justify the disclosure of secret grand jury materials. Petitioners seek to use the grand jury materials as the means to an improper end—a judicial determination that the Government made an inexplicably poor decision when it decided not to prosecute Epstein.

"[T]he Government retains 'broad discretion' as to whom to prosecute." Wayte v. United States, 470 U.S. 598, 607 (1985). The CVRA incorporates this principle, providing that "[n]othing in this chapter shall be construed to impair the prosecutorial discretion" of federal prosecutors. 18 U.S.C. § 3771(d)(6). Courts tread lightly where prosecutorial discretion is concerned because "the decision to prosecute is particularly ill-suited to judicial review." Wayte, 470 U.S. at 607; see also 35 Geo. █. Ann. Rev. Crim. Proc. 203, 203 n.648 (2006). "Such factors as the strength of the case, the prosecution's general deterrence value, the Government's enforcement priorities, and the case's relationship to the Government's overall enforcement plan are not readily susceptible to the kind of analysis the courts are competent to undertake." Wayte, 470 U.S. at 607 (emphasis added); see also Town of Newton v. Rumery, 480 U.S. 386, 396 (1987) (courts normally must defer to prosecutorial decisions about whom to prosecute because, "[i]n addition to assessing the strength and importance of a case, prosecutors also must consider other tangible and intangible factors, such as government enforcement priorities.") (emphasis added).

Petitioners asserted strategy of demonstrating that the Government had an improper

motive to hide its “extremely strong” case asks the Court to decide (or assume) that the Government did in fact have an “extremely strong” case against Epstein. As Petitioners point out, the Government has not admitted that it believed it had a “strong case” for prosecution. (DE 266 at 8).³ In light of this refusal to admit the strength of the case, Petitioners seek grand jury materials to present to the Court the case for prosecuting Epstein. (Id. at 9). Basically, Petitioners ask the Court to interject itself in place of the Government and adjudicate whether the Government erred, and thus had a motive for hiding its error, when it decided not to prosecute Epstein. As the Supreme Court has articulated, “courts are [not] competent to undertake” the kind of analysis necessary to assess the “strength of the case” for or against any particular prosecution. Wayte, 470 U.S. at 607; see also United States v. Armstrong, 517 U.S. 456, 465 (1996) (Judicial deference to prosecutors’ decisions “rests in part on an assessment of the relative competence of prosecutors and courts.”). Nor is the Court competent to undertake an analysis of how strong the Government perceived its case against Epstein at the time it decided not to prosecute. Stated plainly, whether the Government had a “strong” case against Epstein was for the Government to decide in its sole discretion; the Court will not foray into matters related to assessing the strength of the Government’s case against Epstein.

³ In response to Petitioners Request for Admission regarding whether the Government had a case for “federal prosecution against Epstein for many federal sex offenses,” (DE 266 at 8), the Government responded:

The government admits that the FBI and the U.S. Attorney’s Office for the Southern District of Florida (“USAO”) conducted an investigation into Jeffrey Epstein (“Epstein”) and developed evidence and information in contemplation of a potential federal prosecution against Epstein for many federal sex offenses. Except as otherwise admitted above, the government denies Request No. 1.

(DE 213-1 at 1).

Accordingly, because the Court will not—and cannot—endeavor to assess the strength of the Government’s case against Epstein at the time it decided to enter into the non-prosecution agreement, the Court concludes that Petitioners have not shown that they will suffer an injustice in this case if they are denied access to materials that the Government presented to grand juries during their investigation into whether Epstein committed federal crimes. Likewise, Petitioners have not shown that their need for these materials is compelling or particularized to their asserted interests under the CVRA. Therefore, the Court will deny Petitioners access to the materials over which grand jury secrecy applies under Fed. R. Crim. P. 6(e).

3. Work Product Doctrine

The Government asserts that many of the documents submitted are protected by the attorney work-product privilege. (DE 212-1 at 1-21; DE 216-1 at 1-14). These documents include draft correspondences and indictments, as well as attorney research and handwritten notes. (See, e.g., DE 212-1 at 2, 17). Petitioners argue that the work-product privilege is unavailable for a number of reasons. (DE 265 at 6, 8, 14-16).

The work-product doctrine traces its roots to the Supreme Court’s recognition that “it is essential that a lawyer work with a certain degree of privacy, free from unnecessary intrusion by opposing parties and their counsel.” Hickman v. Taylor, 329 U.S. 495, 510 (1947). The privilege is codified at Federal Rule of Civil Procedure 26(b)(3):

Ordinarily, a party may not discover documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative (including the other party’s attorney, consultant, surety, indemnitor, insurer, or agent). But, subject to Rule 26(b)(4), those materials may be discovered if:

- (i) they are otherwise discoverable under Rule 26(b)(1); and

(ii) the party shows that it has substantial need for the materials to prepare its case and cannot, without undue hardship, obtain their substantial equivalent by other means.

Fed. R. Civ. P. 26(b)(3)(A). Although fact-based work product may be disclosed on a showing of “substantial need,” the court must avoid “disclosure of the mental impressions, conclusions, opinions, or legal theories of a party’s attorney or other representative concerning the litigation.”

Id. 26(b)(3)(B). Such “opinion work product enjoys a nearly absolute immunity and can be discovered only in very rare and extraordinary circumstances.” Cox v. Adm’r U.S. Steel & Carnegie, 17 F.3d 1386, 1422 (11th Cir. 1994). In the context of government attorneys, the “work-product privilege applies to . . . discussions between prosecutors and investigating agents, both state and federal.” United States v. Zingsheim, 384 F.3d 867, 872 (7th Cir. 2004) (citing FTC v. Grolier Inc., 462 U.S. 19 (1983)).

The work-product privilege extends only to documents that an attorney prepares “in anticipation of litigation.” Fed. R. Civ. P. 26(a)(3)(A). Petitioners argue that the work-product privilege does not apply to the submitted documents because they were not prepared “in anticipation of [the instant] CVRA litigation.” (DE 265 at 7). Retreating somewhat from this initial assertion, Petitioners argue that “[m]any of the documents at issue here were not prepared in anticipation of litigation, and certainly not in anticipation of the litigation about the Crime Victims’ Rights Act.” (Id.).

Although “[s]ome older cases took the position that the work-product immunity applied only to documents prepared in direct relation to the case at bar,” 8 Wright, Miller & Marcus, Fed. Prac. & Fed. P. § 2024, p. 518 (3d ed. 2010), more recent cases “have generally found that documents produced in anticipation of litigating one case remain protected in a subsequent case[]

if they were created by or for a party to the subsequent litigation,” Underwriters Ins. Co. v. Atlanta Gas Light Co., 248 F.R.D. 663, 668 (N.D. Ga. 2008). These cases rely on the Supreme Court’s dicta in Federal Trade Communication v. Grolier, Inc., that “the literal language of [Rule 26(b)(3)] protects materials prepared for any litigation or trial as long as they were prepared by or for a party to the subsequent litigation.” 462 U.S. 19, 25 (1983) (emphasis in original); see also 8 Wright, Miller & Marcus, Fed. Prac. & Fed. P. § 2024, p. 519 n.47 (3d ed. 2010) (collecting cases). Similarly, the work-product doctrine applies regardless of whether litigation actually ensued, so long as it can be fairly said that the document was prepared or obtained because of the prospect of litigation. See Kent Corp. v. ██████████, 530 F.2d 612, 623 (5th Cir. 1976) (holding that agency documents produced when deciding “to prosecute or not to prosecute” were protected work product, regardless of “whether litigation actually ensued”).

After its in camera review, the Court finds that the majority of work-product documents identified by the Government were prepared or obtained by the Government because of the reasonable prospect of litigating a criminal case against Epstein. (DE 212-1 at 1–21; DE 216-1 at 1–12; DE 329-1 at 1–18).⁴ This CVRA litigation and the underlying criminal investigation are integrally related, and the work-product doctrine protects from discovery materials prepared in anticipation of either in the instant litigation.

⁴ The Government asserts that the work-product doctrine applies to documents prepared by attorneys in the Department of Justice’s Office of Professional Responsibility (OPR) in response to Petitioners’ counsel’s request for an investigation into the Government’s handling of the Epstein case. (DE 216-1 at 12–14). Although these documents were prepared by Government attorneys, the Government has not demonstrated that they were prepared “in anticipation of litigation or for trial” so as to be protected work product. Fed. R. Civ. P. 26(b)(3)(A). As discussed in the next section, however, the Court has thoroughly reviewed these documents and finds that they are not relevant, or likely to lead to materials relevant to the instant CVRA litigation. (See infra Sect. B.3.)

Petitioners argue that the work-product doctrine “does not apply” in this case for two additional reasons. First, they argue that the doctrine does not apply in a case brought by crime victims against the federal prosecutors who were bound to protect their rights under the CVRA. (DE 265 at 13). Second, they argue that the doctrine does not apply because the conduct of those prosecutors is a “central issue” in this case. (Id. at 15). The Courts finds these arguments unavailing.

First, Petitioners argue that the “work product doctrine does not apply to claims advanced by crime victims that federal prosecutors have violated their public responsibilities under the Crime Victims’ Rights Act.” (Id. at 14). Because the CVRA compels prosecutors to make their “best efforts” to notify victims of their rights, Petitioners argue that the Government cannot withhold documents that “might allow them to protect those very rights.” (Id. at 15). By way of illustration, Petitioners offer the case of In re Grand Jury Subpoena Duces Tecum, where the Eighth Circuit broadly stated that “the general duty of public service calls upon government employees and agencies to favor disclosure over concealment.” 112 F.3d 910, 920 (8th Cir. 1997).

A closer inspection of In re Grand Jury Subpoena reveals that it does not stand for the categorical rule that the work product doctrine is inapplicable in cases against public prosecutors. The statement on which Petitioners rely was made in the context of determining whether to recognize a previously undefined privilege: “whether an entity of the federal government may use the attorney-client privilege to avoid complying with a subpoena by a federal grand jury.” Id. at 915 (emphasis added); see also id. at 921 (“We believe the strong public interest in honest government and in exposing wrongdoing by public officials would be ill-served by recognition of

a governmental attorney-client privilege applicable in criminal proceedings inquiring into the actions of public officials.”). The Eighth Circuit did not purport to espouse a broad-ranging rule that defeated existing, well-defined privileges such as the work product doctrine. This is important, as the Supreme Court has recognized that the “work-product doctrine is distinct from and broader than the attorney-client privilege.” United States v. Nobles, 422 U.S. 225, 238 (1975) (citing Hickman, 329 U.S. at 508). In fact, the Eighth Circuit went on to consider the application of the work product doctrine and concluded that it did not apply because the materials in question were not prepared in “anticipation of litigation.” 112 F.3d at 924-25. It did not find the work product doctrine wholly inapplicable based on a goal of public disclosure.

In light of the well-established bounds of the work product doctrine—which grants public prosecutors “near absolute immunity” over their mental impressions in subsequent civil litigation—the Court finds that the CVRA’s mandate that prosecutors make their “best efforts” to accord crime victims their rights does not create a “very rare and extraordinary circumstance” in which discovery of protected work product would be allowed. See Cox, 17 F.3d at 1422.

Second, Petitioners argue that the work product doctrine does not apply because the conduct of the Government’s attorneys is a “central issue” in this case. (Id. at 15). Some lower courts have held that disclosure of opinion work product is “justified principally where the material is directly at issue, particularly if the lawyer or law firm is a party to the litigation.” 8 Wright, Miller & Marcus, Fed. Prac. & Fed. P. § 2026, p. 567 & n.19 (3d ed. 2010) (collecting cases). To satisfy this showing, however, the party seeking disclosure of opinion work product must make “a far stronger showing of necessity and unavailability by other means” than is needed to justify discovery of fact-based work product. Id. (quoting Upjohn Co. v. United States,

449 U.S. 383, 402 (1981)); see also In re Doe, 662 F.2d 1073, 1080 (4th Cir. 1981) (even under crime-fraud exception to work product doctrine, party “must show a greater need for the opinion work product material than was necessary in order to obtain the fact work product material”).

The Court finds that Petitioners have not made the strong showing of necessity and unavailability required to disclose the mental impressions of counsel that might be at issue in this case. (See DE 265 at 16). Discovery of opinion work product is most often granted in bad-faith settlement cases, where “mental impressions [of the underlying counsel] are the pivotal issue in the current litigation.” Holmgren v. State Farm Mut. Auto. Ins. Co., 976 F.2d 573, 577 (9th Cir. 1992). Other than by analogizing to bad-faith actions, Petitioners have not demonstrated how delving in to the “mental impressions” of Government attorneys is pivotal to proving their allegations that the Government failed to accord them their rights under the CVRA. (See DE 265 at 15). Insofar as they seek to demonstrate that the attorneys’ mental impressions should have led them to conclude that prosecution was the best course, such inquiry cannot be allowed for reasons discussed above. Elsewhere, Petitioners assert that they can prove their case by demonstrating a “conspiracy between the Government and defense counsel to deliberately conceal vital information from the victims.” (DE 266 at 7). Because of the availability of this method of proof, Petitioners lack a compelling need to gain access to internal Government work product evidencing its internal mental impressions regarding the Epstein matter.

Finally, Petitioners argue that any work-product protection available in this case should be negated because the Government’s communications facilitated “misconduct” by depriving the victims of their rights under the CVRA. (DE 265 at 6). The Eleventh Circuit has recognized that “[t]he crime-fraud exception presents one of the rare and extraordinary circumstances in which

opinion work product is discoverable.” Cox, 17 F.3d at 1422. The Eleventh Circuit has not indicated whether this “rare and extraordinary” exception extends to instances of “misconduct” in the form of violating a civil rights statute, such as the CVRA. Even so, the Court finds that such alleged “misconduct” does not rise to the level of conduct that triggers an exception to the work product doctrine. See, e.g., In re Sealed Case, 754 F.2d 395, 401 (D.C. Cir. 1985) (exception to attorney-client privilege applied where alleged wrongdoing included “perjured testimony, document destruction, and similar misconduct”); United States v. Myers, 593 F.3d 338, 347 n.14 (4th Cir. 2010) (noting that exception applied where litigant “defrauded” public defender by submitting false invoices). Petitioners’ allegation that the Government failed to accord them their full CVRA rights—the allegation at the heart of this case—does not rise to the level of conduct sufficiently serious enough to displace the work product privilege.

Moreover, Petitioners fail to set forth prima facie evidence that the Government in fact committed “misconduct” in this case. To invoke the crime-fraud exception, the party seeking disclosure must (1) make a prima facie showing that the material was produced in the commission of criminal or fraudulent conduct and (2) that it was produced “in furtherance of the criminal or fraudulent activity or was closely related to it.” Cox, 17 F.3d at 1416; see also id. at 1422 (noting that same “two-part test” applies in context of both attorney client privilege and work product doctrine). Petitioners argue that the fact that the OPR “collected information about possible improper behavior” establishes a prima facie case of Government misconduct. (DE 265 at 7). An investigation into wrongdoing does not presuppose that wrongdoing took place. After its in camera review, the Court finds that Petitioners have not made a prima facie showing of serious misconduct sufficient to negate the protections of the work product doctrine.

Materials constituting the opinion work product of the Government's attorneys shall therefore be withheld from Petitioners. Certain documents that the Court considers fact-based work product may be produced subject to relevancy considerations discussed below.

B. Relevancy of Requests for Production

In addition to asserting privileges, the Government responds to Petitioners' first request for production by arguing that many of the materials requested are not relevant to the instant CVRA litigation. (DE 260).

Rule 26 of the Federal Rules of Civil Procedure defines the general scope of discovery as follows:

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense—including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons who know of any discoverable matter. . . . Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.

Fed. R. Civ. P. 26(b)(1). "Discovery should ordinarily be allowed unless it is clear that the information sought has no possible bearing on the claims and defenses of the parties or otherwise on the subject matter of the action." Milinzazzo v. State Farm Ins. Co., 247 F.R.D. 691, 695-96 (S.D. Fla. 2007) (citing Dunkin' Donuts, Inc. v. Mary's Donuts, Inc., No. 01-0392, 2001 WL 34079319, at *2 (S.D. Fla. Nov. 1, 2001)).

1. Request No. 1—the FBI File on the Epstein Matter and Indictment Material

In their first request for production, Petitioners seek the file generated by the FBI in the Epstein matter, including all documents "collected as part of its case against and/or investigation

of Epstein.” (DE 260 at 2). Petitioners also request that the Government produce all prosecution memoranda and draft indictments prepared in the case. (Id.). The Government argues that such materials regarding its decision to prosecute Epstein are irrelevant to the issue of whether they denied Petitioners their rights under the CVRA. (Id.). Petitioners disagree. They argue that “materials going to the strength of the Government’s case against Epstein” are a “vital part” of their case against the Government. (DE at 266 at 8). “Those materials would directly demonstrate that the Government had an extremely strong case against Epstein, giving the Government a motive for needing to keep the victims in the dark about the plea deal.” (Id.). The Court concludes that discovery should not extend to these materials.

First, the Court finds that all prosecution memoranda, research into indictable offenses, and draft indictments are protected opinion work product. These documents were created by the Government in anticipation of a possible prosecution of Epstein and evince the Government’s internal mental impressions, legal theories, and strategy concerning the issues presented by a possible prosecution. As discussed above, Petitioners have not demonstrated “rare and extraordinary circumstances” justifying an exception to this well-established protection.

Second, the Court finds that the information in the FBI’s file regarding its investigation into Epstein has no possible bearing on the CVRA claim that is the subject matter of this action. Petitioners assert that the relevancy of this material is to “directly demonstrate that the Government had an extremely strong case against Epstein.” (DE 266 at 8). As discussed above, this Court is ill-equipped to decide that the Government did in fact have a “strong case” for prosecution and made a hard-to-explain decision to forego a federal prosecution in lieu of a state plea. Rather, the inquiry for the Court is whether the Government afforded Petitioners their

rights under the CVRA, which does not turn on its decision whether to initiate a federal prosecution. See 18 U.S.C. § 3771(d)(6). Materials going to the “strength” of the Government’s case for prosecution—and whether the Government had a motive to hide an embarrassing misstep in failing to prosecute—have no relevance to that inquiry.

2. Request No. 10—Materials Proving that the FBI was Mislead about Likelihood of Prosecution

Request number 10 requests “[a]ll documents, correspondence, and other information relating to discussions between the U.S. Attorney’s Office and the FBI concerning the status of the investigation and the plea discussions with Epstein, as well as what kind of charges would appropriately be filed against Epstein,” and “[a]ll documents, correspondence, and other information relating to the U.S. Attorney’s Office’s representations to the FBI and any other state or local law enforcement agency about how this case was being handled.” (DE 274 at 5). The Government argues that communications it had with the FBI are irrelevant because the “decision on whether to prosecute belongs to the United States Attorney.” (DE 260 at 3). Petitioners argue that these communications between the United States Attorney’s Office and the FBI lie at the “heart of this case” because they will prove that the Government misled the FBI about the progress of the Epstein case, and the FBI in turn misled the victims. (DE 266 at 9). The Court concludes that discovery should not extend to these materials.

First, the vast majority of documents responsive to this request—communications between the U.S. Attorney’s Office and the FBI—are protected from disclosure under either principles of grand jury secrecy, the opinion work product doctrine, or both. (See Table).

Second, the only portion of FBI materials which the Court has not found to be protected

by either grand jury secrecy or work product protection—the file folder labeled “(Victims) Additional 302’s,” P-012624–012653 (DE 212-1 at 21)—is not responsive to the instant request as it does not contain communications from the United States Attorney’s Office to the FBI, which was then in a position to relay communications to the victims. Rather, these materials contain fact-based summaries of statements provided by victims to interviewing FBI agents. They are not relevant to this proceeding.

3. Request No. 16—Materials Proving that Prosecutors had Improper Relationships with Persons Close to Epstein

Request number 16 seeks materials demonstrating that persons inside the United States Attorney’s Office had improper relationships with persons close to Epstein. (DE 260 at 3). Petitioners argue that these documents “show[] that a prosecutor working inside the U.S. Attorney’s Office when the deal was being arranged left the office shortly thereafter and began representing persons close to Epstein (such as his pilots).” (DE 266 at 11). They argue that such materials are relevant to their CVRA case because “if one of the prosecutors in the Office was not working for the best interests of the United States, but rather for those of Epstein, that would be clear evidence of motive to intentionally keep the victims in the dark.” (*Id.* at 11). The Court concludes that production of such documents should not issue.

After its in camera review, the Court finds that the documents discussing the issue of whether an improper relationship existed between a former prosecutor and Epstein’s co-conspirators are not relevant to this proceeding. The issue of whether a prosecutor violated ethical canons by representing persons with close ties to Epstein after his retirement from the United States Attorney’s Office does not bear on the issue of whether the Government violated

Petitioners' CVRA rights during its negotiations with Epstein. The only impropriety to which Petitioners point occurred after the prosecutor's departure from the Government. The OPR—which opened an inquiry into the matter at Petitioners' counsel's request—closed their inquiry into the matter by noting that the OPR has jurisdiction to investigate allegations of misconduct involving only current Department of Justice attorneys. (See P-013937;⁵ see also P-0013946). The OPR did not investigate the matter further, and it issued no factual determinations on whether a conflict existed before the prosecutor's departure. Any OPR correspondence regarding this inquiry that is not otherwise privileged is irrelevant to this CVRA litigation. (See Table at P-013944, P-013945).

In the same vein, correspondence between the United States Attorney's Office and the OPR regarding self-reporting of conflicts alleged by Epstein's defense counsel are irrelevant to this proceeding.⁶ (DE 212-1 at 21-22); (see Table at P-013227–013247).

4. Request No. 18—Documents Concerning Recusal of the United States Attorney's Office for the Southern District of Florida

Request number 18 seeks information about why the United States Attorney's Office for the Southern District of Florida was "'conflicted out' of handing various issues related to the Epstein case." (DE 266 at 11). Specifically, it requests "all documents, correspondence, and other information regarding the potential conflicts of interest that the Justice Department discussed or determined existed for the USAO SDFL, as well as any referral that was made to

⁵ This is a draft letter addressed to Petitioners' counsel from an OPR attorney. The Court assumes Plaintiff's counsel received the final version of this letter explaining the OPR's reasons for closing its investigation.

⁶ Ironically, Epstein's counsel raised conflict-of-interest concerns because they believed that certain prosecutors were too close to persons associated with the victims.

Main Justice or to any other District, including any documents that were transmitted to any other District regarding the conflict and regarding what was to be investigated.” (DE 260 at 4). Petitioners argue that such materials are relevant because they “show why the victims did not receive proper notifications about the non-prosecution agreement that the [United States Attorney’s Office for the Southern District of Florida] negotiated with Epstein.” (DE 266 at 11). The Court concludes that the materials are not relevant in that regard.

First, the Court finds that the responsive documents are shielded by governmental attorney-client privilege. The responsive documents are internal Department of Justice correspondences between attorneys for the United States Attorney’s Office for the Southern District of Florida and the Executive Office of United States Attorneys. (DE 212-1 at 22-23); (see Table at P-013248–13278). One of the Executive Office’s functions is to “[p]rovide general legal interpretations, opinions, and advice to United States Attorneys in areas of recusals.” Offices of the United States Attorneys, United States Department of Justice, <http://www.justice.gov/usao/eousa/mission-and-functions> (last visited June 19, 2015). The internal documents that Petitioners seek relate to the provision of legal advice by the Executive Office to the United States Attorney’s Office for the Southern District of Florida regarding how to proceed in the Epstein matter given the initiation of CVRA litigation by Petitioners. These communications are solely between attorneys within the United States Department of Justice. The communications do not constitute the commission of crime, fraud, or misconduct, but rather simply advise how to proceed given that allegations of misconduct have been made, i.e., allegations that the Government violated the victims’ CVRA rights.

Moreover, the documents related to the recusal determination are not relevant to matters

concerning whether the Government violated Petitioners' CVRA rights several years before. Petitioners speculate that the reason that the Southern District recused "may have to do with the Office's treatment of the victims." (DE 266 at 12). The Court has reviewed the recusal materials, and they do not indicate that the Office had to step away from the Epstein matter because of its handling of victims' notifications, but rather because of the perceived conflict that would exist if the Office continued to investigate Epstein after the institution of CVRA litigation by Petitioners. The recusal materials have no relevancy to anything that occurred prior to the institution of the instant litigation by Petitioners.

5. Request No. 19—Materials Related to Defense's Assault on Prosecution

In request number 19, Petitioners seek all documents supporting, or contradicting, a statement made by a United States Attorney to the media that Epstein launched "a yearlong assault on the prosecution and the prosecutors." (DE 260 at 4). After its in camera review, the Court has not identified any documents that are responsive to this request that are not otherwise protected opinion work product. No production under this request is necessary.

6. Request No. 25—Initial Disclosures under FRCP 26(a)(1)

Finally, Petitioners request that the Government comply with its obligation to serve initial disclosures under Federal Rule of Civil Procedure 26(a)(1). Although Petitioners have already served their Rule 26(a)(1) disclosures (DE 266 at 13), and although this Court has repeatedly held that the Federal Rules of Civil Procedure "govern the general course of this proceeding," the Government maintains that the rule governing initial disclosures in civil litigation does not apply to it in this case. (DE 274 at 8). The Court disagrees. The Government shall serve its Rule 26(a)(1) disclosures on Petitioners within 14 days of this Opinion and Order.

C. Other Considerations

Before concluding, the Court finds it necessary to address certain aspects of the Government's privilege logs.

As mentioned, the Court previously ordered the Government to provide Petitioners all "documentary material exchanged by or between the federal government and persons or entities outside the federal government." (DE 190 at 2). Petitioners state that they "have now obtained the full text of correspondence between the defense attorneys and the prosecutors." (DE 298 at 6). The documents produced for in camera review contain correspondence between the Government and counsel for both Epstein and Petitioners. Some of the documents were inadvertently marked as privileged; some of the documents bear handwritten notes of Government attorneys, and some are part of communication chains made up of both internal and external communications. The Table at the end of this order indicates instances where such communications appear. The Court requests that the Government certify within 14 days that Petitioners have been provided with all external communications.

Additionally, the Court has identified several documents that are asserted "work product," but which are nothing more than factual complications of information regarding victim identification. The Court finds that Petitioners have a compelling need to know which individuals the Government considered to be victims or potential victims at the time it negotiated the non-prosecution agreement. As indicated in the Table, the Government should confer with Petitioners regarding the names of the individuals identified in these documents. If Petitioners have not been previously provided with these names, then Petitioners should have production of the indicated documents. The parties should stipulate to an appropriate protective order to

protect the victims' identity.

III. Conclusion

Accordingly, it is hereby **ORDERED AND ADJUDGED** that the Government shall produce documents consistent with the following Table. It is further **ORDERED AND ADJUDGED** that Intervenor Epstein's Motion for the Court to Protect From Disclosure Grand Jury Materials (DE 263) is **GRANTED**, and Petitioners' Motion to Seal (DE 267) is **DENIED** in light of this Court's Order at DE 326; DE 268 is hereby **UNSEALED**.

DONE AND ORDERED in chambers at West Palm Beach, Palm Beach County, Florida, this 6th day July, 2015.



KENNETH A. MARRA
United State District Judge

TABLE
Detail of Privilege and Relevancy Holdings

Bates Range	Ruling on Privilege or Relevancy	Comment (as necessary)
1:000001-000039 ⁷	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:000040-000549	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:000550-000621	Protected from discovery by grand jury secrecy.	
1:000622-000693	Protected from discovery by grand jury secrecy.	
1:000694-000781	Protected from discovery by opinion work product privilege.	
1:000782-000803	Protected from discovery by grand jury secrecy.	
1:000804-000854	Protected from discovery by grand jury secrecy.	
1:000855-000937	Protected from discovery by grand jury secrecy.	
1:000938-000947	Protected from discovery by grand jury secrecy.	
1:000948-000982	Protected from discovery by opinion work product privilege.	
1:000983-001007	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:001008-001056	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:001057-001959	Protected from discovery by grand jury secrecy.	
1:001960-002089	Protected from discovery by grand jury secrecy.	
1:002090-002169	Protected from discovery by grand jury secrecy.	
1:002170-002246	Protected from discovery by grand jury secrecy.	
1:002247-002265	Protected from discovery by grand jury secrecy.	
1:002266-002386	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:002387-002769	Protected from discovery by grand jury secrecy and opinion work product privilege.	

⁷ The first digit indicates the box number, with an "S" indicating materials identified in the supplemental privilege logs (DEs 216-1, 329-1). The numbers following the colon are page ranges.

1:002770-003211	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:003212-003545	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:003546-003552	Protected from discovery by opinion work product privilege.	
1:003553-003555 B	Protected from discovery by opinion work product privilege.	
1:003556-003562	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:003563-003629	Protected from discovery by grand jury secrecy.	
1:003630-003633	Protected from discovery by opinion work product privilege.	
1:003634-003646	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:003647-003651	Produce victim identities.	Document bears no indication that it was directly related to grand jury presentation, and it does not exhibit the mental impressions of counsel but rather the cumulation of facts. Petitioners should be provided with the victim identities under an appropriate protective order.
1:003664-003678	Protected from discovery by opinion work product privilege.	
1:003679-003680	Protected from discovery by opinion work product privilege.	
1:003681-003687	Protected from discovery by opinion work product privilege.	
1:003688-003693	Protected from discovery by opinion work product privilege.	
1:003694-003711	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:003712	Produce victim identity.	Contains nothing other than the written name of one victim. The Court finds that no privilege applies, and Petitioners should be made aware that this victim was known to the Government.

1:003713-003746	Protected from discovery by grand jury secrecy.	
1:003747-003751	Protected from discovery by grand jury secrecy.	
1:003752-004295	Protected from discovery by grand jury secrecy.	
1:004296-004350	Protected from discovery by grand jury secrecy; also contains no materials relevant or likely to lead to discovery of materials relevant to the instant CVRA litigation.	
1:004351-004381	Protected from discovery by work product privilege.	
1:004382-004478	Protected from discovery by grand jury secrecy.	
1:004479-004551	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:004552-004555	Protected from discovery by grand jury secrecy and opinion work product privilege.	
1:004556-004560	Production not necessary; not relevant or likely to lead to the discovery of materials relevant to the instant CVRA litigation.	Contains factual information regarding the employment and wage history of Epstein's employees, obtained during the investigation into Epstein and his associates. No bearing on victim notification or rights.
1:004561-004565	Protected from discovery by opinion work product privilege.	
1:004566-004716	Protected from discovery by grand jury secrecy.	
1:004717-004722	Protected from discovery by opinion work product privilege.	
1:004723-004725	Protected from discovery by opinion work product privilege.	
1:004726-004819	Protected from discovery by opinion work product privilege.	
1:004820-004959	Protected from discovery by opinion work product privilege.	
1:004960-005059	Protected from discovery by grand jury secrecy; also not relevant or likely to lead to the discovery of materials relevant to the instant CVRA litigation.	Contains factual information regarding the call history of Epstein (and associates) to victims, obtained during investigation into Epstein and associates. Contains no information bearing on Government's obligation to crime victims.

1:005060-005081	Partially protected from discovery by opinion work product privilege.	Attorney handwritten notes are protected from discovery; the underlying correspondence is not and should be produced. The Government must certify that Petitioners have been provided the correspondence.
1:005082-005083	Protected from discovery by opinion work product privilege.	
1:005108-005193	Protected from discovery by opinion work product privilege.	
1:005194-005300	Protected from discovery by opinion work product privilege.	
1:005301-005331	Protected from discovery by grand jury secrecy.	
1:005332-005341	Protected from discovery by opinion work product privilege.	
1:005342-005387	Protected from discovery by grand jury secrecy.	
1:005388-005442	Except P-005420, protected from discovery by grand jury secrecy and opinion work product privilege.	The victims list at P-005420 bears no indication that it was produced to a grand jury and bears no attorney mental impressions. Petitioners should be provided with the victim identities under an appropriate protective order.
1:005443-005496	Protected from discovery by grand jury secrecy.	
1:005497-005556	Protected from discovery by grand jury secrecy.	
1:005557-005576	Protected from discovery by opinion work product privilege.	
1:005578-005583	Protected from discovery by opinion work product privilege.	
1:005584-005606	Except P-005590-005595 and P-005596, protected from discovery by grand jury secrecy and opinion work product privilege.	P-005590-005595 and P-005596 are correspondence documents sent to victim's counsel. No privilege applies. The Government must certify that Petitioners have been provided the correspondence.
2:005607-005914	Protected from discovery by grand jury secrecy and opinion work product privilege.	

2:005915-005977	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:005978-006050	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006051-006065	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006066-006220	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006221-006222	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006223-006522	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006523-006802	Protected from discovery by grand jury secrecy.	
2:006803-006860	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:006861-007785	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:007786-008120	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008121-008139	Protected from discovery by grand jury secrecy.	
2:008140-008298	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008364-008382	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:08383-008516	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008536-008542	Protected from discovery by opinion work product privilege.	
2:008543-008549	Protected from discovery by opinion work product privilege.	
2:008550-008615	Protected from discovery by opinion work product privilege.	
2:008616-008686	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008687-008776	Protected from discovery by grand jury secrecy and opinion work product privilege.	

2:008777-008808	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008809-008847	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008848-008862	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:008863-008890	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009104-009111	Protected from discovery by opinion work product privilege.	
2:009126-008134	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009135-009141	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009141A-009141C	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009142-009152	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009153-009156	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009157-009208	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009209-009213	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009214-009271	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:009272-009354	Protected from discovery by opinion work product privilege.	
2:009355-009403	Protected from discovery by opinion work product privilege.	
2:009404-009536	Protected from discovery by opinion work product privilege.	
2:009537-009574	Protected from discovery by opinion work product privilege.	
2:009575-009603	Protected from discovery by opinion work product privilege.	
2:009604-009711	Protected from discovery by opinion work product privilege.	

2:009820-009965	Protected from discovery by opinion work product privilege.	
2:009966-010096	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:010097-010276	Protected from discovery by opinion work product privilege.	
2:010277-010394	Protected from discovery by opinion work product privilege.	
2:010395-010488	Protected from discovery by opinion work product privilege.	
2:010489-010509	Protected from discovery by opinion work product privilege.	
2:010510-010525	Protected from discovery by opinion work product privilege.	
2:010526-010641	Protected from discovery by opinion work product privilege.	The correspondence between the Government and Epstein's counsel is not privileged and should be produced. The Government must certify that it has been produced.
2:010642-010650	Protected from discovery by opinion work product privilege.	
2:010651-010659	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:010660-010757	Protected from discovery by grand jury secrecy and opinion work product privilege.	
2:010758-010793	Protected from discovery by opinion work product privilege.	
2:010794-010829	Protected from discovery by opinion work product privilege.	
2:010830-010853	Protected from discovery by opinion work product privilege.	
2:010854-010876	Protected from discovery by opinion work product privilege.	
2:010877-010920	Protected from discovery by opinion work product privilege.	
2:010921-011049	Protected from discovery by opinion work product privilege.	

2:011050-011212	Protected from discovery by opinion work product privilege.	
2:011213-011237	Protected from discovery by opinion work product privilege.	
2:011238-011319	Protected from discovery by opinion work product privilege.	
2:011320-011361	Protected from discovery by opinion work product privilege.	
2:011362-011374	Protected from discovery by opinion work product privilege.	
2:011375-011456	Protected from discovery by opinion work product privilege.	
2:011457-011626	Protected from discovery by opinion work product privilege.	
3:011627-011662	Protected from discovery by opinion work product privilege.	
3:011663-012361	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:011699-011777	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:011778-011788	Produce victim identities.	Document does not exhibit the mental impressions of counsel but rather the cumulation of facts. Petitioners should be provided with the victim identities under an appropriate protective order.
3:011789-011879	Protected from discovery by opinion work product privilege.	
3:011880-011922	Protected from discovery by opinion work product privilege.	
3:011923-011966	Protected from discovery by opinion work product privilege.	The underlying correspondence between Government and Epstein's counsel should be produced without attorney annotations. The Government must certify that Petitioners have this correspondence.
3:011967-012016	Protected from discovery by opinion work product privilege.	

3:01217-012055	Protected from discovery by grand jury secrecy.	
3:012056-012088	Protected from discovery by grand jury secrecy.	
3:012089-012129	Protected from discovery by grand jury secrecy.	
3:012130-012150	Protected from discovery by grand jury secrecy.	
3:012151-012167	Protected from discovery by grand jury secrecy.	
3:012168-012170	Protected from discovery by grand jury secrecy.	
3:012171-012173	Protected from discovery by grand jury secrecy.	
3:012174-012176	Protected from discovery by opinion work product privilege.	Final versions of sent correspondence should be produced. The Government must certify whether Petitioners have any sent version of this correspondence.
3:012177-012178	Protected from discovery by opinion work product privilege.	
3:012179-012188	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:012362-012451	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:012451-012452	Produce victim identities.	Document does not exhibit the mental impressions of counsel but rather the cumulation of facts. Petitioners' need outweighs investigative privilege. Petitioners should be provided with the victim identities under an appropriate protective order.
3:012453-012623	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:012624-012653	Production not necessary; documents are not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	The Court has reviewed the content of the FBI "302's," which are forms prepared by FBI agents to document interviews. These interview reports summarize the various victims' interactions with Epstein, and do not indicate a conveyance of information from the FBI to the victims regarding the likelihood of prosecution.

3:012654-012864	Protected from discovery by opinion work product privilege.	
3:012865-013226	Protected from discovery by grand jury secrecy and opinion work product privilege.	
3:013227	Production not necessary; not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	Involves OPR investigation into Epstein's allegation that certain prosecutors had conflicts of interest. Not relevant to victims' CVRA rights.
3:013228-013230	Production not necessary; not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	Involves OPR investigation into Epstein's allegation that certain prosecutors had conflicts of interest. Not relevant to victims' CVRA rights.
3:013231-013239	Production not necessary; not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	Involves OPR investigation into Epstein's allegation that certain prosecutors had conflicts of interest. Not relevant to victims' CVRA rights.
3:013240-013247	Production not necessary; not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	Involves OPR investigation into Epstein's allegation that certain prosecutors had conflicts of interest. Not relevant to victims' CVRA rights.
3:013248-013251	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
3:013252-013253	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
3:013254-013257	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
3:013258-013259	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
3:013260-013262	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	

3:013263-013271	Protected from discovery by attorney-client and opinion work product privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
3:013272-013278	Protected from disclosure by the attorney-client privilege; also not relevant or likely to lead to the discovery of materials relevant to this CVRA litigation.	
S:013279-013280	Protected from discovery by opinion work product privilege.	
S:013281	Protected from discovery by opinion work product privilege.	
S:013282-013283	Protected from discovery by opinion work product privilege.	
S:013284	Protected from discovery by opinion work product privilege.	
S:013285-013289	Protected from discovery by opinion work product privilege.	
S:013290-013292	Protected from discovery by opinion work product privilege.	
S:013293-013299	Protected from discovery by opinion work product privilege.	The portions of this correspondence between the Government and Epstein's counsel should be produced. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013300-013303	Protected from discovery by opinion work product privilege.	
S:013304-013325	Protected from discovery by opinion work product privilege.	
S:013326-013329	Protected from discovery by opinion work product privilege.	
S:013330-013333	Protected from discovery by opinion work product privilege.	
S:013334-013337	Protected from discovery by opinion work product privilege.	

S:013342–013350	Protected from discovery by opinion work product privilege.	The underlying correspondence between Epstein’s counsel and the Government should be produced without attorney annotations. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013351–013361	Protected from discovery by opinion work product privilege.	The underlying correspondence between Epstein’s counsel and the Government should be produced without attorney annotations. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013362–013366	Protected from discovery by opinion work product privilege.	Any version of the letter actually sent to Epstein’s counsel should be produced. Government must certify whether it has been produced.
S:013367–013372	Protected from discovery by opinion work product privilege.	Any version of the letter actually sent to Epstein’s counsel should be produced. Government must certify whether it has been produced.
S:013373–013503	Protected from discovery by opinion work product privilege.	
S:013504–013507	Protected from discovery by opinion work product privilege.	
S:013508–013514	Partially protected from discovery by opinion work product privilege.	Only the top portion of P-013509 contains materials internal to the Government—a one-sentence email between two United States Attorneys. The Government must certify that Petitioners have the remainder of P-013509 and P-013510–013514, as these communications are between the Government and Epstein’s counsel.

S:013515-013525	Protected from discovery by opinion work product privilege.	Any final version of the letter actually sent to Epstein's counsel should be produced. Government must certify whether it has been produced.
S:013526-013527	Protected from discovery by opinion work product privilege.	
S:013528-013530, 013532-013537	Protected from discovery by opinion work product privilege.	
S:013531	Protected from discovery by grand jury secrecy.	
S:013538-013553	Protected from discovery by opinion work product privilege.	
S:013554-013608	Protected from discovery by opinion work product privilege.	
S:013609-013615	Protected from discovery by grand jury secrecy.	
S:013616-013621	Protected from discovery by opinion work product privilege.	
S:013622-013643	Protected from discovery by opinion work product privilege.	
S:013644-013653	Protected from discovery by opinion work product privilege.	
S:013654-013745	Protected from discovery by opinion work product privilege.	
S:013747-013810	Protected from discovery by opinion work product privilege.	
S:013811-013833	Protected from discovery by opinion work product privilege.	
S:013834-013835	Protected from discovery by opinion work product privilege.	
S:013836-013837	Protected from discovery by opinion work product privilege.	
S:013838-013841	Protected from discovery by opinion work product privilege; also not relevant material or likely to lead to discovery of material relevant to the instant CVRA litigation.	The underlying correspondence between Epstein's counsel and the Government should be produced without attorney annotations. The Government must certify that Petitioners have been provided with these outside correspondences.

S:013842	Protected from discovery by opinion work product privilege; also not relevant material or likely to lead to discovery of material relevant to the instant CVRA litigation.	
S:013843-013844	Protected from discovery by opinion work product privilege.	
S:013845-013846	Protected from discovery by opinion work product privilege.	
S:013847-013849	Protected from discovery by opinion work product privilege.	
S:013850	Protected from discovery by opinion work product privilege.	
S:013851-013853	Protected from discovery by opinion work product privilege.	
S:013854	Protected from discovery by opinion work product privilege.	
S:013855	Protected from discovery by opinion work product privilege.	
S:013856-013857	Protected from discovery by opinion work product privilege.	
S:013858	Protected from discovery by opinion work product privilege.	
S:013861-013865	Protected from discovery by opinion work product privilege.	
S:013866	Protected from discovery by opinion work product privilege.	
S:013867-013868	Protected from discovery by opinion work product privilege.	
S:013869	Protected from discovery by opinion work product privilege.	
S:013870-013871	Produce; not protected from discovery by any privilege.	Only the top portion of the email chain contains correspondence internal to the Government, and this does not divulge any mental impressions or legal theories. The rest of the email chain is between the Government and Epstein's counsel. It should be produced.

S:013872	Protected from discovery by opinion work product privilege.	Besides internal Government correspondence, contains one email correspondence between the Government and Epstein's counsel, which will be produced at P-013870-013871.
S:013873	Protected from discovery by opinion work product privilege.	
S:013876-013877	Partially protected from discovery by opinion work product privilege.	The email correspondence at P-013877 is between the Government and Epstein's counsel, and not privileged. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013878-013879	Protected from discovery by opinion work product privilege.	
S:013880-013882	Partially protected from discovery by opinion work product privilege.	Only the top two email correspondences are internal to the Government. The remaining emails, starting at the bottom of P-013880 and running through P-013882, are between the Government and Epstein's counsel, and should be produced. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013883	Protected from discovery by opinion work product privilege.	
S:013884-013886	Protected from discovery by opinion work product privilege.	
S:013887	Protected from discovery by opinion work product privilege.	
S:013888	Protected from discovery by opinion work product privilege.	
S:013889-013890	Protected from discovery by opinion work product privilege.	
S:013891	Protected from discovery by opinion work product privilege.	

S:013894-013898	Protected from discovery by opinion work product privilege.	
S:013899	Protected from discovery by opinion work product privilege.	
S:013900-013901	Protected from discovery by opinion work product privilege.	
S:013902	Protected from discovery by opinion work product privilege.	
S:013903-013904	Identical to the email chain at S:013870-013871, and should likewise be disclosed.	
S:013905	Partially protected from discovery by opinion work product privilege.	Email correspondence at bottom of page between Government and Epstein's counsel should be produced. The Government must certify that Petitioners have been provided with these outside correspondences.
S:013906	Protected from discovery by opinion work product privilege.	
S:013909-013911	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013912-013914	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013915-013918	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013919-013921	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013922-013924	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013925-013927	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	The final version of this letter, which is addressed to Petitioners' counsel, should be available to Petitioners.
S:013928-013930	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	The final version of this letter, which is addressed to Petitioners' counsel, should be available to Petitioners.

S:013931-013933	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	The final version of this letter, which is addressed to Petitioners' counsel, should be available to Petitioners.
S:013934-013936	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013937-013939	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	The final version of this letter, which is addressed to Petitioners' counsel, should be available to Petitioners.
S:013940-013942	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013943	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013944	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013945	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013946	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013947	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013948-013951	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013952-013953	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013954-013955	Not relevant or likely to lead to material relevant to the instant CVRA litigation.	
S:013956-013969	Protected from discovery by opinion work product privilege.	
S: ⁸ 13970-13971	Protected from discovery by opinion work product privilege; also, not relevant or likely to lead to material relevant to this CVRA litigation.	
S:13972	Protected from discovery by opinion work product privilege.	
S:13973-13976	Protected from discovery by opinion work product privilege.	

⁸ The Government's Second Supplemental Privilege Log begins here. (DE 329-1).

S:13977-13979	Protected from discovery by opinion work product privilege.	
S:13980	Protected from discovery by opinion work product privilege.	
S:13981	Protected from discovery by opinion work product privilege.	
S:13982	Protected from discovery by opinion work product privilege.	
S:13983-13984	Protected from discovery by opinion work product privilege.	
S:13985-13989	Protected from discovery by opinion work product privilege.	
S:13990-13991	Protected from discovery by opinion work product privilege.	
S:13992-13994	Protected from discovery by opinion work product privilege.	
S:13995-14010	Protected from discovery by opinion work product privilege; also, not relevant or likely to lead to material relevant to this CVRA litigation.	
S:S:14011-14025	Protected from discovery by opinion work product privilege.	
S:14026-14027	Protected from discovery by opinion work product privilege.	
S:14028-14030	Protected from discovery by opinion work product privilege.	
S:14031-01432	Protected from discovery by opinion work product privilege.	
S:14033	Protected from discovery by opinion work product privilege.	
S:14034	Protected from discovery by opinion work product privilege.	
S:14035	Protected from discovery by opinion work product privilege.	
S:14036	Protected from discovery by opinion work product privilege.	
S:14037	Protected from discovery by opinion work product privilege.	

S:14038-14041	Protected from discovery by opinion work product privilege.	
S:14042	Protected from discovery by opinion work product privilege.	
S:14043-14044	Protected from discovery by opinion work product privilege.	
S:14045-14046	Protected from discovery by opinion work product privilege.	
S:14047	Protected from discovery by opinion work product privilege.	
S:14048	Protected from discovery by opinion work product privilege.	
S:14049-14050	Protected from discovery by opinion work product privilege.	
S:14051	Protected from discovery by opinion work product privilege.	
S:14052	Protected from discovery by opinion work product privilege.	
S:14053	Protected from discovery by opinion work product privilege.	
S:14054	Protected from discovery by opinion work product privilege.	
S:14055	Protected from discovery by opinion work product privilege.	
S:14056	Protected from discovery by opinion work product privilege.	
S:14057	Protected from discovery by opinion work product privilege.	
S:14058	Protected from discovery by opinion work product privilege.	
S:14059-14061	Protected from discovery by opinion work product privilege.	
S:14062-14068	Protected from discovery by opinion work product privilege.	
S:14069	Protected from discovery by opinion work product privilege.	
S:14070-14074	Protected from discovery by opinion work product privilege.	

S:14075-14089	Protected from discovery by opinion work product privilege.	
S:14090-14102	Protected from discovery by opinion work product privilege.	
S:14103-14107	Protected from discovery by opinion work product privilege.	
S:14108-14134	Protected from discovery by opinion work product privilege.	
S:14135-14149	Protected from discovery by opinion work product privilege.	
S:14150-14156	Protected from discovery by opinion work product privilege.	
S:14157-15160	Protected from discovery by opinion work product privilege.	
S:14161	Protected from discovery by opinion work product privilege.	
S:14162-14170	Protected from discovery by opinion work product privilege.	
S:14171-14174	Protected from discovery by opinion work product privilege.	
S:14175-14203	Protected from discovery by opinion work product privilege.	
S:14204-14205	Protected from discovery by opinion work product privilege.	
S:14206-14216	Partially protected from discovery by opinion work product privilege.	The portions of the email chain from Epstein's counsel are not privileged. The Government must certify that this outside correspondence has been produced.
S:14217-14238	Partially protected from discovery by opinion work product privilege.	The portions of the email chain from Epstein's counsel are not privileged. The Government must certify that this outside correspondence has been produced.
S:14239-14242	Protected from discovery by opinion work product privilege.	
S:14243-14251	Protected from discovery by opinion work product privilege.	

S:14252-14275	Partially protected from discovery by opinion work product privilege.	The portions of the email chain from Epstein's counsel are not privileged. The Government must certify that this outside correspondence has been produced.
S:14276	Protected from discovery by opinion work product privilege.	
S:14277-14282	Protected from discovery by opinion work product privilege.	
S:14283-14284	Protected from discovery by opinion work product privilege.	
S:14285-14298	Protected from discovery by opinion work product privilege.	
S:14299-14307	Protected from discovery by opinion work product privilege.	
S:14308-14310	Protected from discovery by opinion work product privilege.	
S:14311-14329	Partially protected from discovery by opinion work product privilege; outside correspondence and P-014315-014316 must be produced.	The Government must certify that the outside correspondence has been produced. The correspondence at P-014315-014316 must be produced; this fact-based material is not opinion work product as it does not reveal the mental impressions of counsel, and the court finds that Petitioners have a compelling need for the information contained therein. This need also outweighs any deliberative-process privilege that may apply. It not protected by the attorney-client privilege, as the Government has not demonstrated that FBI agent Kuyrkendall provided this information in an attempt to secure legal advice or a legal opinion from the United States Attorney's Office. The correspondence must be produced pursuant to an appropriate protective order.

S:14330-14337	Partially protected from discovery by opinion work product privilege.	The portions of the email chain from Epstein's counsel are not privileged. The Government must certify that this outside correspondence has been produced.
S:14338-14354	Protected from discovery by opinion work product privilege.	
S:14355-14361	Protected from discovery by opinion work product privilege.	
S:14362-14402	Protected from discovery by opinion work product privilege.	
S:14403-14414	Protected from discovery by opinion work product privilege.	
S:14415-14420	Protected from discovery by opinion work product privilege.	
S:14421-14428	Protected from discovery by opinion work product privilege.	
S:14429-14439	Protected from discovery by opinion work product privilege.	
S:14440	Protected from discovery by opinion work product privilege.	
S:14441	Protected from discovery by opinion work product privilege.	
S:14442	Protected from discovery by opinion work product privilege.	
S:14443	Protected from discovery by opinion work product privilege.	
S:14444	Protected from discovery by opinion work product privilege.	
S:14445-14447	Protected from discovery by opinion work product privilege.	
S:14448-14454	Protected from discovery by opinion work product privilege.	
S:14455-14456	Protected from discovery by opinion work product privilege.	
S:14457-14464	Protected from discovery by opinion work product privilege.	

S:14486	Protected from discovery by opinion work product privilege.	
S:14487	Protected from discovery by opinion work product privilege.	
S:14488-14499	Protected from discovery by opinion work product privilege.	
S:14500	Protected from discovery by opinion work product privilege.	
S:14501-14506	Protected from discovery by opinion work product privilege.	
S:14507-14508	Protected from discovery by opinion work product privilege.	
S:14509-14519	Protected from discovery by opinion work product privilege.	
S:14520	Produce.	The Government has not supported its assertion of attorney-client privilege: the email does not, in and of itself, demonstrate that it was a communication between an attorney and clients regarding the provision of legal services or legal advice. Petitioners' need for this material outweighs any deliberative process or investigative privilege that may apply.
S:14521-14522	Protected from discovery by opinion work product privilege.	
S:14523	Protected from discovery by opinion work product privilege.	
S:14524-14550	Protected from discovery by opinion work product privilege.	

S:14551	Produce.	The Government has not supported its assertion of attorney-client privilege: the email, authored by an FBI agent, does not indicate that it is a client communication seeking legal services or advice from an attorney, the United States Attorney's Office. Petitioners' need for this material outweighs any investigative privilege that may apply. This must be produced pursuant to an appropriate protective order.
S:14552	Protected from discovery by opinion work product privilege.	
S:14553-14556	Protected from discovery by opinion work product privilege.	
S:14557	Production not necessary as not relevant or likely to lead to material relevant to this CVRA litigation.	
S:14558	Protected from discovery by opinion work product privilege.	
S:14559-14562	Protected from discovery by opinion work product privilege.	
S:14563-14565	Protected from discovery by opinion work product privilege.	
S:14566-14568	Protected from discovery by opinion work product privilege.	
S:14569-14573	Protected from discovery by opinion work product privilege.	
S:14574-14583	Protected from discovery by opinion work product privilege.	
S:14584-14622	Protected from discovery by opinion work product privilege.	
S:14623-14627	Protected from discovery by opinion work product privilege.	
S:14628	Protected from discovery by opinion work product privilege.	
S:14629	Protected from discovery by opinion work product privilege.	

S:14630-14631	Protected from discovery by opinion work product privilege.	
S:14632-14646	Protected from discovery by opinion work product privilege.	
S:14647-14649	Protected from discovery by opinion work product privilege.	
S:14650-14653	Protected from discovery by opinion work product privilege.	
S:14654-14655	Protected from discovery by opinion work product privilege.	
S:14656-14665	Protected from discovery by opinion work product privilege.	
S:14666-14693	Protected from discovery by opinion work product privilege.	
S:14694-14706	Protected from discovery by opinion work product privilege.	
S:14707-14711	Protected from discovery by opinion work product privilege.	
S:14712-14716	Protected from discovery by opinion work product privilege.	
S:14717-14721	Protected from discovery by opinion work product privilege.	
S:14722-14727	Protected from discovery by opinion work product privilege.	
S:14728-14742	Protected from discovery by opinion work product privilege.	
S:14743-14780	Protected from discovery by opinion work product privilege.	
S:14781-14800	Protected from discovery by opinion work product privilege.	
S:14801-14810	Protected from discovery by opinion work product privilege.	
S:14811-14829	Protected from discovery by opinion work product privilege.	
S:14830-14837	Protected from discovery by opinion work product privilege.	
S:14838-14843	Protected from discovery by opinion work product privilege.	

S:14844-14851	Protected from discovery by opinion work product privilege.	
S:14852-14864	Protected from discovery by opinion work product privilege; also not relevant or likely to lead to material relevant to this CVRA litigation.	Involves self-reporting to OPR regarding Epstein's allegation that certain prosecutors had conflicts of interest. Not relevant to victims' CVRA rights.
S:14865	Protected from discovery by opinion work product privilege.	
S:14866-14883	Protected from discovery by opinion work product privilege.	
S:14884-14886	Protected from discovery by opinion work product privilege.	
S:14887-14894	Protected from discovery by opinion work product privilege.	
S:14895-14900	Protected from discovery by opinion work product privilege.	
S:14901-14906	Protected from discovery by opinion work product privilege.	
S:14907-14911	Protected from discovery by opinion work product privilege.	
S:14912-14919	Protected from discovery by opinion work product privilege.	
S:14920-14923	Protected from discovery by opinion work product privilege.	The Government notes that a redacted version has been produced to Petitioners. (DE 329-1 at 18). Only the unredacted version is privileged.