

Maura Klugman/New
York/Kirkland-Ellis
09/22/2009 12:40 PM

To Michelle Denny/New York/Kirkland-Ellis@K&E
cc
bcc
Subject Fw: Please see the attached letter.

----- Forwarded by Kristin Andersen/New York/Kirkland-Ellis on 09/22/2009 12:26 PM -----

Jay Lefkowitz/New
York/Kirkland-Ellis
Sent by: Courtney D.E.
Smith/New York/Kirkland-Ellis
06/12/2009 04:17 PM

To [REDACTED]
cc
Subject Please see the attached letter.



Lefkowitz to Villafana 06 12 2009.PDF



Notice of Withdrawal.pdf

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

Citigroup Center
153 East 53rd Street
New York, New York 10022-4611

Jay P. Lefkowitz, P.C.
To Call Writer Directly:

Facsimile:

June 12, 2009

VIA FEDERAL EXPRESS

Ms. A. Marie Villafana, Esq.
United States Attorney's Office
Southern District of Florida
500 South Australian Ave., Suite 400
West Palm Beach, Florida 33401

Re: *Jeffrey Epstein*

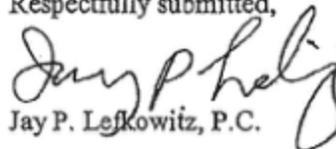
Dear Ms. Villafana,

I am in possession of your June 12, 2009 letter giving notice of breach. I respectfully submit that the Motion to Dismiss that is referenced therein did not constitute a *willful* breach of Mr. Epstein's obligations under the non-prosecution agreement. Mr. Epstein's counsel unanimously determined that the filing of this Motion to Dismiss was not a breach of the non-prosecution agreement, and the Motion to Dismiss was filed by counsel without Mr. Epstein's final approval.

I want to inform you that immediately upon receipt of your letter, Mr. Epstein directed his counsel to file the attached Notice withdrawing all but issue number VIII of the previously filed Motion to Dismiss. The same issue also is described briefly in subparagraph D on page 3 of the Motion, which likewise was not withdrawn. Please note that this issue relates exclusively to the damages available under § 2255. The Notice has already been filed. If your continued review of the civil dockets causes you to have additional concerns about any other filing, consistent with the notice provisions of the non-prosecution agreement and consistent with our prior practice regarding such matters, please provide me with notice and the opportunity to address the same with you.

I believe that with today's filing withdrawing these issues Mr. Epstein, through counsel, has fully remedied any perceived breach. Please advise if you for any reason disagree.

Respectfully submitted,


Jay P. Lefkowitz, P.C.

Chicago

Hong Kong

London

Los Angeles

Munich

San Francisco

Washington, D.C.

EFTA00623125

KIRKLAND & ELLIS LLP

CC: Jeffrey Sloman, Esq.
Karen Atkinson, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 09-CIV- 80591 – KAM

JANE DOE NO. 101,

Plaintiff,

v.

JEFFREY EPSTEIN,

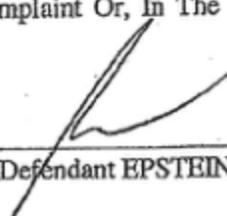
Defendant.

DEFENDANT JEFFREY EPSTEIN'S NOTICE OF WITHDRAWAL OF ARGUMENTS I
THROUGH VII OF THE DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT (DE29)

Defendant, JEFFREY EPSTEIN, by and through his undersigned counsel, hereby withdraws arguments I through VII as set forth in the Defendant's Motion to Dismiss the Plaintiff's First Amended Complaint (FAC) [DE 29], dated May 26, 2009. Defendant withdraws his arguments contained subparagraphs A, B, C and Sections I (The Complaint Must Be Dismissed Because Plaintiff Is Not A Minor), II (The FAC Must Be Dismissed Because The Defendant Has Not Been Convicted Of A Predicate Offense), III (Count One Of The FAC Must Be Dismissed Because It Does Not Plead A Violation Of 18 U.S.C. § 2422(b)), IV (Count Two Must Be Dismissed Because It Does Not Plead A Violation Of 18 U.S.C. § 2423(b)), V (Count Three Must Be Dismissed Because It Does Not Plead A Violation Of 18 U.S.C. § 2251, VI (Counts Four and Five Must Be Dismissed Because They Do Not Plead Violation of 18 U.S.C. §§ 2252(a)(1) Or 2252(a)(1), and VII (Count Six Must Be Dismissed Because 18 U.S.C. § 2252A(g) Was Not Enacted Until 2006).

Defendant will rely only on those arguments set forth in subparagraph D, on page 3, and Paragraph VIII (Any Surviving Count Should Be Merged Into A Single Count) of the

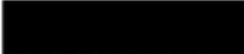
Defendant's Motion to Dismiss the First Amended Complaint Or, In The Alternative, For A More Definite Statement [DE 29] dated May 26, 2009.


Counsel for Defendant EPSTEIN

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following Service List in the manner specified by CM/ECF on this 2nd day of June, 2009

Robert C. Josefsberg, Esq.
Katherine W. Ezell, Esq.
Podhurst Orseck, P.A.
25 West Flagler Street, Suite 800
Miami, FL 33130

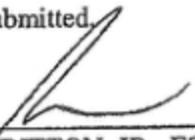


Counsel for Plaintiff

Jack Alan Goldberger, Esq.
Atterbury Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401-5012


Counsel for Defendant Jeffrey Epstein

Respectfully submitted,

By: 
ROBERT D. CRITTON, JR., ESQ.
Florida Bar No. 224162
rcrit@bcclaw.com
MICHAEL J. PIKE, ESQ.
Florida Bar #617296


BURMAN, CRITTON, LUTTIER & COLEMAN
515 N. Flagler Drive, Suite 400
West Palm Beach, FL 33401


(Counsel for Defendant Jeffrey Epstein)