

DRAFT

March 1, 2010

Re: Jeffrey Epstein

Dear _____:

Based on a State court ruling last summer, the Non-Prosecution Agreement ("NPA") was made available to the public. With regard to the civil aspect of the NPA, specifically paragraphs 7 and 8 (including the Addendum) our interpretation has been substantively different from that of the attorney representative, Mr. Josefsberg, and other attorneys representing alleged victims. They have interpreted those civil portions of the agreement in different ways to assist them in their civil case, which we believe is inconsistent with both the written word and the intent of the NPA.

Mr. Epstein has continued to fulfill its responsibilities under all aspects of the NPA. Mr. Josefsberg has represented or currently represents a total of twelve individuals. Of those twelve cases, 11 have been resolved. Of those 11 cases, only two individuals filed suits, Jane Doe 101 and Jane Doe 102. Jane Doe 102 never moved even to the motion stage. Jane Doe 102, by agreement of counsel, was stayed while the settlement discussions occurred.

Mr. Epstein and as well Mr. Josefsberg have attempted to resolve the issues associated with attorneys fees and costs. Mr. Epstein has, as you know, paid an excess of \$500,000.00 toward the claimed outstanding fees and costs. It is the belief of all attorneys who represent Mr. Epstein that the fees and costs incurred by the attorney representative (for many attorneys and consultants) are excessive and duplicative. Mr. Epstein provided Mr. Josefsberg a signed Special Master Agreement for resolving the fees/costs issues, in substantially the same format which was agreed upon as of December of 2009. We were advised by Mr. Josefsberg and Mr. Podhurst that they no longer agree with using that process. Another meeting is planned to try to resolve the fee issue in March.

Jane Doe 103 now has been filed. While Mr. Epstein clearly recognizes his obligation not to contest one predicate 2255 offense, Mr. Josefsberg has filed multiple

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counts against Mr. Epstein based on multiple predicate acts, including one wherein the statute was not even in effect at the time of the alleged violation.

It is facially unfair, unjust and inconsistent with the spirit and intent of the NPA that Mr. Epstein be precluded from defending himself in all respects (except for the one predicate act) where no facts exist to support the claim, the statute was not in effect at the time of the alleged incident, etc.

In an accompanying letter from Mr. Black and Mr. Weinberg, they set forth in detail, various issues with which Mr. Epstein is now confronted based on Mr. Josefsberg's interpretation of the NPA. While we are not asking the USAO to confirm Mr. Epstein and his attorneys' interpretation of the NPA and/or its spirit and intent, we are requesting that the USAO give Mr. Epstein the opportunity to defend himself, in the civil suit, except for that which is specifically required of him under the NPA.

Very truly yours,
