

4-5-2010

DELIVERY BY ELECTRONIC MAIL

[REDACTED]
Assistant United States Attorney
USAO
W.Palm Beach FL 33401

Re Jeffrey Epstein

Dear [REDACTED]

We are in receipt of the letter authored by you on April 2, 2010. First, we appreciate your review of the appended *draft* pleading authored by civil counsel for Mr. Epstein. We do not agree that the pleading, if filed, would constitute a breach since it sought only that the Complaint be dismissed without prejudice to be refiled under the version of the statute, 18 USC 2255, that was in existence at the time of the conduct rather than the later version which was enacted after the conduct at issue ended, see eg pg 22 (“Plaintiff’s action should be dismissed and she should be required to plead her action under the applicable version of 18 USC 2255”) and pg 24 (“the statute in effect during the time of the alleged conduct applies, not the version, as amended, effective July 27, 2006”). Nevertheless, we have advised civil counsel of the Office’s position and have been informed that the motion as redrafted will *not* seek dismissal of the Complaint, but instead will seek dismissal only of Count 6 which rests on a predicate which, unlike Counts 1-5, had not even been enacted at the time of the conduct alleged by Jane Doe 103. Although the issues of multiplicity of counts and which version of the statute applies (one requires a \$50,000 statutory damage limit, the other \$150,000) remain, they will *not* be litigated in a context that would result in a dismissal of the 2255 action. Again, we appreciate your providing us with the Office’s position so that we may provide intelligent guidance to civil counsel.

RB
MGW

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