

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. Although we respectfully disagree with your conclusion that a civil pleading which seeks only to raise substantial and unresolved legal issues regarding 18 USC 2255 (which, if allowed, would lead only to the plaintiff amending her filing rather than having it dismissed with prejudice) could constitute a breach of Mr. Epstein's NPA obligations, we appreciate your having reviewed the draft pleading authored by civil counsel for Mr. Epstein that was appended to our prior letter to you. We have advised civil counsel of your Office's position. We have been informed, and can accordingly assure you, that the motion as redrafted will not seek dismissal of the Complaint as a whole, 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 whether the minimum damage recovery would be \$50,000 or \$150,000 remain, they will not be litigated via a motion that would, if allowed, result in a dismissal (even one without prejudice) of the 2255 action.

Again, while we respect (and in fact sought) your opinion as to whether the earlier draft motion was consistent with the NPA, according to Mr. Epstein's civil counsel it sought only to dismiss the Complaint *without prejudice* to its being re-filed 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 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"). It was never the intent of Mr. Epstein or his civil counsel to permanently preclude Jane Doe 103 from bringing a lawsuit under 18 USC 2255 or to take a position in conflict with Mr. Epstein's waivers under paragraph 8 of the NPA.

Again, we appreciate your providing us with the Office's position so that we could in turn provide intelligent guidance to civil counsel.

RB  
MGW

Jeffrey Sloman  
United States Attorney  
USAO  
Miami

Robert Senior  
First Assistant United States Attorney  
USAO  
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