

Podhurst Orseck

TRIAL & APPELLATE LAWYERS

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April 17, 2009

VIA FACSIMILE

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Gentlemen:

During our recent meeting with Mr. Black, we were told that it is your client's position that the no-contact order agreed to during the state plea colloquy does not apply to any of our clients except for those victims who were part of Mr. Epstein's state plea. Our understanding is that AUSA [REDACTED] and Messrs. Tein and Goldberger entered a verbal agreement at the time that the list of victims was provided to those defense counsel that Mr. Epstein, including his agents, would have no direct or indirect contact with the victims named on this list. In addition, under applicable Florida Bar Rules governing contact by attorneys and their agents with persons represented by counsel, *any* contact with any of our clients or their family members by Mr. Epstein, his counsel and/or his agents must strictly be through us. Mr. Lefkowitz had previously reassured us that Mr. Epstein would not contact any of our clients as long as I am "representing them in connection with settlement discussions." Due to our differences regarding the retroactivity issue and the "per plaintiff" v. per incident/count issue, we have apparently reached a dead end regarding settlement.

We are concerned that Mr. Epstein could misconstrue our impasse in conjunction with Mr. Lefkowitz' e-mail to mean that now that we are no longer "representing them in connection with settlement discussions," he may contact them. Please be assured that it is our position that regardless of whether we are representing our clients during settlement discussions and/or trial preparation, we, and the rules of professional conduct, prohibit contact.

In order to be crystal clear as to whom we represent, we have attached a list of our present clients. We expect each member of Mr. Epstein's defense team to abide by the applicable rules of professional conduct. We request written confirmation from Mr. Epstein that neither he nor his agents will contact *any* of the victims represented by us.

If this correspondence is in any way unclear, please contact us.

Sincerely,

A black rectangular redaction box covering the signature of Robert C. Josephsberg.

Robert C. Josephsberg

cc: Roy Black, Esq. w/ enclosures
Jay Lefkowitz, Esq. w/ enclosures

List of Clients Represented by Podhurst, Orseck P.A.
as of April 17, 2009¹

[REDACTED]

¹ We will supplement this list as necessary.