

From: "Martin Weinberg" <[REDACTED]>
To: Jeffrey Epstein <jeevacation@gmail.com>
Cc: "Weinberg, Martin" <[REDACTED]>,
Subject: Re: Fwd: AC - Affidavit attached
Date: Thu, 09 Apr 2009 16:39:38 +0000

This is a copy of the new rule that limits the absolute prohibition on use of settlement offers and agreements to civil cases, permits it for several specific reasons, and fails to broadly prohibit its use (as several circuit courts had done before the rule change) in criminal cases. As a result, it is important to clarify that the agreement, if any, is not related to admissions of wrongdoing, particularly not wrongdoing that would otherwise be the predicate for 2255 claims, but is done to conform to obligations in DPA (the 2255 settlements) or to avoid the burdens of civil litigation, etc

Rule 408. Compromise and Offers to Compromise

(a) Prohibited uses.—Evidence of the following is not admissible on behalf of any party, when offered to prove liability for, invalidity of, or amount of a claim that was disputed as to validity or amount, or to impeach through a prior inconsistent statement or contradiction:

(1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a the claim which was disputed as to either validity or amount; and, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of

(2) conduct or statements made in compromise negotiations is likewise not admissible regarding the claim, except when offered in a criminal case and the negotiations related to a claim by a public office or agency in the exercise of regulatory, investigative, or enforcement authority. This rule does not require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations.

Permitted uses. This rule also does not require exclusion when if the evidence is offered for another purpose, such as purposes not prohibited by subdivision (a). Examples of permissible purposes include proving a witness's bias or prejudice of a witness,; negating negating a contention of undue delay, or; and proving an effort to obstruct a criminal investigation or prosecution.

Notes

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Martin G. Weinberg, Esq.
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[REDACTED] cell

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----- Original message from Jeffrey Epstein <jeevacation@gmail.com>: -----

----- Forwarded message -----

From: **Barbara McKenna** <[REDACTED]>
Date: Thu, Apr 9, 2009 at 10:53 AM
Subject: AC - Affidavit attached
To: Jack Goldberger <[REDACTED]>, Jeffrey Epstein <jeevacation@gmail.com>
Cc: "Robert D. Critton Jr." <[REDACTED]>

JG and JE:

If I can get AC to sign this, does this cover the issues without making it seem like a big deal?

Bob

Bobbie McKenna

[REDACTED]

Legal Assistant to Robert D. Critton, Jr.

Burman, Critton, Luttier & Coleman

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