

From: "Martin Weinberg" <[REDACTED]>
To: "Jeffrey Epstein" <jeevacation@gmail.com>
Cc: "[REDACTED]" <[REDACTED]>
Subject: Re: ATTORNEY-CLIENT PRIVILEGE
Date: Thu, 21 May 2009 21:48:25 +0000

not necessarily
would depend on whether it relates to collateral or essentials
the request puts them in a dilemma: take the 5th and suffer at least an adverse inference (may neutralize some of the inferences of your assertion) or produce self-incriminating matter that can be used to impeach, show bias, diminish damages, etc.
Court can clearly construct a procedure under 18 USC 3509(m) where the Court can receive the evidence and control access to the lawyers (I've sent Bob the references, cases, etc)
if they come to their senses and take 5th Am (if their other objections are denied), its an assertion that would be incompatible with any later challenge to your 5th and would also provide you with at least the adverse inference - that they are not the soccer mom/daughters depicted - and perhaps a basis to seek some greater relief (I have not researched the trigger points for a defendant to move, globally, for summary judg as response to 5th by plaintiff)
Probably should push these issues in depo as well since they apparently touched a vulnerability in the plaintiffs positions

----- Original Message -----

From: [Jeffrey Epstein](#)
To: [Martin Weinberg](#)
Sent: Thursday, May 21, 2009 5:40 PM
Subject: Re: ATTORNEY-CLIENT PRIVILEGE

as civil plaintiffs , isn't the complaint dismissed if they assert he fifth?

On Thu, May 21, 2009 at 5:37 PM, Martin Weinberg <[REDACTED]> wrote:

Bob has asked for my opinion on a discovery demand that the Jane Does are resisting:

most critical is to not take any position that would conflict with your right, if necessary, at a later time, to assert a 5th Am.act of production defense under Hubbell v US, Fisher v US

we don't want to set forth a position in demanding discovery we will be forced to relinquish in defending it (if and when the time comes)

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