

January 4, 2019

VIA HAND DELIVERY

Clerk of Court
Supreme Court of the State of New York
Appellate Division, First Department
27 Madison Avenue
New York, NY 10010

FILED
JAN 4 2019
SUP COURT APP. DIV.
FIRST DEPT.

Re: Motion to Unseal Briefs (with Names of Victims Redacted) in *People v. Epstein*, N.Y. Co. Index No. 30129/10 (Appellate Division No. 6081)

Dear Sir or Madam:

We write on behalf of non-party movant NYP Holdings, Inc., publisher of the New York Post (the "Post"), to withdraw the motion filed by the Post on December 21, 2018 seeking an order to unseal the briefs submitted by the parties in the above-captioned appeal (with the names of victims redacted). Pursuant to NYCRR § 1250.2, we write to inform the Court that the Post hereby withdraws its pending motion without prejudice and expressly reserves the right to refile the motion. *See* NYCRR § 1250.2(a) ("Withdrawal of Motion. A moving party may file a written request to withdraw a motion at any time prior to its determination").

The Post intends to refile its motion for an order unsealing the briefs (with appropriate redactions), but has withdrawn its pending motion in response to an affidavit submitted by the office of the Manhattan District Attorney on December 28, 2018. That affidavit asserts that the Post was required, but failed, to provide notice of the unsealing motion to "prosecutor's offices in Florida" before proceeding with its motion. While the Post firmly believes that it satisfied its obligations by serving the Manhattan District Attorney's office with a copy of its unsealing motion, it wishes to avoid and moot any dispute with the District Attorney's office over whether the notice requirements of the relevant statute were met. Accordingly, the Post will refile its motion to unseal next week and, at that time, will serve its motion papers on the relevant Florida prosecutors, as well as on the parties to the appeal.

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Respectfully yours,

Davis Wright Tremaine LLP

A handwritten signature in black ink, appearing to read 'RD Balin', written in a cursive style.

Robert D. Balin

cc: Assistant District Attorney Karen Friedman Agnifino (by email)
Martin G. Weinberg, Esq. (by email)