

Michael C. Miller
[REDACTED]
[REDACTED]

1114 Avenue of the Americas
New York, NY 10036
[REDACTED]
[REDACTED]

January 3, 2018

Hon. John G. Koeltl
United States District Court
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

**Re: Jane Doe 43 v. Jeffrey Epstein, et al.
Civil Action No. 17-cv-616**

Dear Judge Koeltl:

We represent Defendants Jeffrey Epstein and Lesley Groff (“Defendants”) in the above-referenced matter. Defendants have been attempting to reach agreement with Plaintiff concerning the Confidentiality Stipulation and [Proposed] Order (“Proposed Order”) pursuant to the Court’s directive set forth at the conference of November 28, 2017. In accordance with the Court’s order, Defendants will file their supplemental motion to dismiss seven (7) days after the Proposed Order is entered by the Court. Unfortunately, the parties have reached an impasse and we write to respectfully request the Court’s assistance.

The parties have exchanged several rounds of drafts and attempted to reach agreement. Yet, the parties remain deadlocked on two issues. We therefore submit each side’s proposal for the Proposed Order and request the Court to enter Defendants’ version for the following reasons.

First, Plaintiff insists that the Proposed Order include a provision for conducting discovery during the pendency of the motion to dismiss, but the Court has already ruled against Plaintiff’s multiple requests for such discovery, most recently on November 30, 2017.¹

¹ Plaintiff first requested discovery in a letter dated July 17, 2017. On the same date, the Court denied Plaintiff’s application in a sealed order. Plaintiff next sought discovery in a letter submitted to the Court on October 5, 2017. On October 18, 2017, the Court heard Plaintiff’s application, and issued an Order re-affirming its prior ruling, stating: “The stay of discovery remains in effect.” ECF # 67. Plaintiff sought discovery again, for the *third time*, in a letter dated November 29, 2017. The Court again denied the application and ruled on November 30,

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Therefore, the Proposed Order should not contain the plaintiff's proposal, which is contrary to the Court's rulings.

Second, Plaintiff insists on being able to use materials in addition to her deposition and the documents marked at the deposition (collectively, the "Transcript") in the matter captioned *Giuffre v. Maxwell*, Case No. 15-cv-07433(RWS) ("Giuffre Action"). We agreed to Plaintiff's request, and in return we proposed that should Plaintiff decide to use materials in addition to the Transcript, Defendants be allowed to use the balance of the materials that Plaintiff produced in the Giuffre Action. As we previously advised the Court, those materials are relevant to the motion to dismiss and Defendants are already in possession of the materials. We believe that this approach strikes the right balance.

For the foregoing reasons, Defendants respectfully request the Court to entered Defendants' version of the Proposed Order.

Respectfully submitted,

Michael C. Miller
*Counsel for Defendants Jeffrey
Epstein and Lesley Groff*

cc: All counsel of record (via email)

2017. Specifically, the Court ruled: "Application Denied. The Court will determine whether any discovery is appropriate after reviewing all of the papers." ECF # 91.