

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA

JANE DOE 1 AND JANE DOE 2,

Petitioners,

vs

UNITED STATES OF AMERICA,

Respondent.

_____ /

JEFFREY EPSTEIN,

Intervenor.

_____ /

**INTERVENOR EPSTEIN'S SUBMISSION IN RESPONSE
TO COURT ORDER OF FEBRUARY 21, 2019 (DE 435)**

INTERVENOR JEFFREY EPSTEIN, through undersigned counsel, respectfully submits this filing in response to the Court's Order of February 21, 2019 (DE 435), as clarified by the Court's Order entered the following day (DE 437).

1. On February 13, 2014, this Court entered an Order permitting Mr. Epstein "to intervene with regard to any remedy issue concerning the non-prosecution agreement in this case." (DE 246).

2. At the time, the Petitioners and the government were litigating whether the government had violated the Crime Victims' Rights Act, 18 U.S.C. §3771 ("CVRA"), by purportedly failing to confer with the Petitioners prior to entering into a Non-Prosecution Agreement ("NPA") with Epstein in 2007.

3. On February 21, 2019, this Court entered an Order granting Petitioners' motion for partial summary judgment "to the extent that Petitioners' right to conferral under the CVRA was violated." (DE 435:33).

4. The Court ordered the parties to "confer and inform the Court **within 15 days of the date of the entry of this Order** how they wish to proceed on determining the issue of what remedy, if any, should be applied in view of the violation." (DE 435:33) (emphasis in original).

5. On February 22, 2019, the Court clarified that it "only directs the parties to confer on what submissions or proceedings they believe are necessary in order for the Court to make a determination on a remedy, if any. If the parties are unable to agree on the submissions or proceedings necessary, they may submit separate filings." (DE 437:1).

6. On March 1, 2019, the Department of Justice assigned the United States Attorney's Office for the Northern District of Georgia ("USAO-NDGA") to represent the United States Attorney's Office for the Southern District of Florida ("USAO-SDFL") in this matter.

7. On March 7, 2019, the USAO-NDGA filed a motion seeking an enlargement of time until June 6, 2019, to confer with the Petitioners regarding the procedures for determining remedy.

8. In the meantime, Mr. Epstein's undersigned counsel, Roy Black, is currently at the end of week 4 of an expected 8-week trial before the Honorable Robert N. Scola in the case of *United States v. Esformes*, Case No. 16-20549-Cr-RNS. Mr.

Black has not had sufficient time to focus on the Court's recent rulings or even to confer with co-counsel in an effort to achieve consensus about a course of action to determine remedy.

9. On or about March 6, 2019, undersigned counsel for Mr. Epstein, Martin G. Weinberg, conferred with Bradley Edwards, Esq., counsel for the Petitioners, who has not yet indicated the specific remedy or remedies the Petitioners will be seeking.

10. Under the circumstances, Mr. Epstein has no opposition to the USAO-NDGA's request for additional time to confer with the Petitioners.

11. Thus, in accordance with the Court's Order permitting him to intervene at the remedy stage (DE 246), Mr. Epstein respectfully requests that he be permitted to inform the Court of his position regarding the appropriate procedures for addressing remedy in this case if the Parties inform the Court that the Petitioners will be seeking rescission as a remedy.

Respectfully submitted,

/s/Roy Black

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of March, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. According to the Court's website, counsel for all parties and intervenors are able to receive notice via the CM/ECF system.

/s/Scott A. Srebnick
Scott A. Srebnick