

In a separate civil proceeding, Mr. Epstein has sued attorney Bradley Edwards for abuse of process in state court. Bradley Edwards is one of the lawyers who represents the plaintiffs Jane Doe 1 and Jane Doe 2 in the case before this Court.

Jeffrey Epstein is represented in that state court civil proceeding by Tonja Haddad, and Mr. Edwards is represented by Jack Scarola.

The email that the plaintiffs Jane Doe 1 and Jane Doe 2 have asked this Court to consider as “supplemental authority” is an exchange between the lawyers Tonja Haddad and Jack Scarola concerning a motion to compel discovery that was granted by the state court in the civil case. The entire exchange between the two attorneys is attached here as **EXHIBIT A**. Among other things, the discovery that was compelled by the state court required that Mr. Scarola, on behalf of his client attorney Bradley Edwards, produce all emails and correspondence between Mr. Edwards and the U.S. Attorney’s Office or the State Attorney’s Office regarding or mentioning Jeffrey Epstein. The emails involve Mr. Edwards’ efforts to have Jeffrey Epstein investigated and indicted.

When Mr. Scarola complained to Ms. Haddad that emails between Bradley Edwards and the USAO or the SAO could be privileged, Ms. Haddad correctly responded that communications between Bradley Edwards and the USAO or the SAO concerning Jeffrey Epstein could not be privileged.

The plaintiffs Jane Doe 1 and Jane Doe 2 now claim that this statement by Ms. Haddad – that communications between a lawyer (Bradley Edwards) and the government, concerning the lawyer’s adversary, nemesis, and the subject of a criminal investigation (Jeffrey Epstein), are not privileged – somehow qualifies as supplemental authority concerning the dispute before this Court about plea negotiations. This is absurd.

The issues raised by Mr. Epstein and the intervening attorneys before this Court involve the privileged nature of plea negotiation communications between attorneys representing Epstein and government prosecutors. Mr. Epstein and the intervening attorneys argue that *the content* of the communications between the lawyers and the government are privileged because they involve plea negotiations engaged in by the lawyers representing Epstein and the prosecutors looking to indict him.

The emails between Bradley Edwards and the USAO or the SAO are not about plea negotiations. Bradley Edwards does not represent Jeffrey Epstein. He did not communicate with any prosecutor at the SAO or the USAO for the purposes of resolving or mitigating any potential criminal exposure of Jeffrey Epstein. On the contrary, Bradley Edwards communicated with the government agencies for the purposes of harming Mr. Epstein. The emails between Bradley Edwards and the government are not privileged, as Ms. Haddad properly stated, and her comment to that effect is not “supplemental authority” in this case.

While there is no local rule or rule of civil procedure addressing the filing of supplemental authority in the district court, Federal Rule of Appellate Procedure 28(h) provides that supplemental authority must be “pertinent and significant,” as follows:

**(j) Citation of Supplemental Authorities.** If pertinent and significant authorities come to a party's attention after the party's brief has been filed – or after oral argument but before decision – a party may promptly advise the circuit clerk by letter, with a copy to all other parties, setting forth the citations. The letter must state the reasons for the supplemental citations, referring either to the page of the brief or to a point argued orally. The body of the letter must not exceed 350 words. Any response must be made promptly and must be similarly limited.

The comment by Ms. Haddad that the Edwards emails are not privileged is neither pertinent, significant, nor authoritative to the issues before this Court. Accordingly, the Court should either strike the notice of supplemental authority or refuse to consider it.