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Palm Beach Daily News (FL)

### LAWYER: EPSTEIN MADE ADMISSIONS ON TAPE

MICHELE DARGAN, Daily News Staff Writer

Published: April 29, 2010

A tape recorded interview between a reporter and convicted sex offender Jeffrey Epstein contains "damning admissions by Epstein," which includes Epstein saying he had come "close to crossing a line" concerning sex with underage girls.

Those and other revelations about the 22-minute interview by New York Daily News reporter George Rush with Epstein are contained in a 24-page court filing by attorneys Brad Edwards and Paul Cassell on behalf of Jane Doe. Edwards represents Doe and two other Epstein victims. Edwards and Cassell are fighting to obtain the tape to further their case of sexual abuse by Epstein when Doe was a minor.

Epstein, 57, was released from jail in July after serving 13 months of an 18-month state sentence for soliciting a minor for prostitution and soliciting prostitution. Nearly two dozen young women have filed lawsuits against Epstein -- some already settled -- all alleging Epstein sexually abused them as minors at his El Brillo Way home, where he is now serving house arrest.

The New York Daily News is seeking to keep the tape confidential, citing reporter's protected privilege.

In response, Cassell says the newspaper waived its protected privilege when Rush played the recording for three people and described its contents to two others, including Edwards.

In addition, Cassell writes that privilege can't be applied in this situation because it doesn't involve an issue related to a confidential source. The person on the tape is Epstein.

Even if there is "qualified privilege," Cassell maintains it is outweighed by Doe's inability to obtain the information anywhere else and her "compelling need to obtain Jeffrey Epstein's own words about his sexual abuse and lack of remorse."

When reached by phone Wednesday, Anne Carroll, attorney for the New York Daily News, said she will answer Cassell in a court filing. Both the New York Daily News and Doe have asked a federal court judge in Manhattan to listen to the tape in chambers to help determine whether privilege applies.

Epstein and others who helped him procure minor girls for massages and sex acts have taken the Fifth Amendment in their depositions, stymieing Doe and the other victims suing Epstein, the documents say. Michael Fisten, an investigator working for Doe, discovered the existence of the tape in fall 2009. An author who had listened to the tape told Fisten that Rush had a tape recording of Epstein "discussing the sexual abuse of minor girls."

According to a sworn affidavit by Fisten, he called Rush, who confirmed he interviewed Epstein and made a tape. According to Fisten, Rush told him that he compiled negative information from Epstein about his exploits with underage girls and how he eluded the justice system. But Fisten said that Rush told him that his publisher, who knows Epstein, killed it after receiving a call from Epstein.

Fisten said Rush told him, among other things, that the following information was contained on the tape: That Epstein said he went to jail in Florida for no reason and if the sexual abuse of minors had happened in New York, he would have only received a \$200 fine.

That L.M., one of Edwards' clients who sued Epstein for sexual abuse as a minor, came to him as a prostitute and a drug user (meaning she came to him for sex, rather than him pursuing her).

That all the girls suing him are only trying to get a meal ticket.

That the only thing he might have done wrong was to maybe cross the line a little too closely.

In a sworn deposition, Edwards states that Rush disclosed much of the information contained on the tape to him in a conversation.

Edwards said in his statement that the Rush interview is "unique and not otherwise obtainable from other witnesses because it can be used to prove perjury -- a federal crime.

Edwards said Epstein testified in a deposition that he did not recognize the name George Rush from the New York Daily News "despite the fact that he gave a personal interview that we all now know to have been tape recorded."

-- mdargan@pbdailynews.com

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