



Cc: Jeff Pagliuca

Bobbi Sternheim

Subject: RE: US v. Maxwell - [conferral re photo and other discovery deficiencies]

Thank you for your explanation. I also have gone back to our IT department and, unfortunately, your FBI/vendor explanation is insufficient.

- Based on our review, which has been double-checked, there are hash values in the overlay that don't match the index and visa-versa.
- The snips below show an example of an entry from the overlay file you provided (with file names and MD5 Hash) which did not join to the non-nude index. We were able to find the corresponding file in the index using the file name, which in this particular instance was unique. As you can see, the MD5 hashes don't match.

From the overlay file

ProdBegBates	File Name	MD5 Hash
SDNY_GM_00503260	Jeffrey VF2.psd	DA92DF87819FCC13F38E0584D8D77DFB
SDNY_GM_00506551	LSJ librarywindow150dpi.tif	58AC5CBE826591AEFD0604ABA226272D

From non-nude index

File Name	SHA-1	MD5
1 LSJ librarywindow150dpi.tif	043670EDF17D35EE5794EBDF094AEF63A95D489A	BDEB66247E99D1C9EED2BA30FB8F72D5

- More importantly, if as you report you did not deduplicate the production and if the index you produced is accurate, we should be able to match files based on the combination of File Name and MD5 hash. The hash + file name combination might not be unique, but each hash+file name value in the index should have a corresponding entry in the overlay unless hash values and/or file names were modified somewhere in the process.
- As previously reported, if we require a match on the hash value and ignore file names, there are 65 production numbers that don't match the index.
- There are more entries in SDNY011 (40,567) than entries on the non-nude index (40,536). We cannot understand the discrepancy based on your explanation.

My earlier requests - a new copy of the non-nude index with an added column to note the production number of each file and a new index for the produced files that were not included in the prior index - still stand.

Thank you,

Laura

Laura A. Menninger | Partner

Haddon, Morgan & Foreman, P.C.

150 10th Avenue | Denver, CO 80203

From: [redacted] <[redacted]>

Sent: Tuesday, May 11, 2021 9:15 PM

To: Laura Menninger [redacted] <[redacted]>; [redacted] (USANYS)

<[redacted]>; [redacted] <[redacted]>

Cc: Jeff Pagliuca [redacted]; Bobbi Sternheim

Subject: RE: US v. Maxwell - [conferral re photo and other discovery deficiencies]

Laura,

I have consulted with the FBI and our vendor regarding the issues you raised with the overlay. Below is what I understand from them:

- When using the overlay, you should require only a match of the hash value.
- When our vendor uses the overlay, they do not see any production numbers that do not have a match in the index. If you are still seeing outliers, please let us know which files are not matching up with the index, and our vendor will look into what that issue could be.
- The 17 files with no hash values were either incomplete files or corrupt files when they were recovered from the CDs. We produced them to you so that you would have a copy of every file on the CDs that did not have identifiable nudity.
- Any non-unique hash values are duplicate files. There were many duplicate files on the CDs. The FBI and vendor did not de-duplicate the images before producing them in an effort to ensure that you had a complete set of all files recovered from the CDs.
- There are a number of files that were recovered from the CDs but are unopenable on our end. We produced them to you so that you would have a copy of every file on the CDs that did not have identifiable nudity. If you would like to check to see if any particular files are unopenable on our end, we would be happy to check.

Given the above, the FBI and the vendor believe the overlay previously provided should be sufficient to allow you to review the metadata in this production.

Best,

[REDACTED]  
Assistant United States Attorney  
Southern District of New York  
1 St. [REDACTED] Plaza  
New York, NY 10007  
[REDACTED]  
[REDACTED]

---

**From:** Laura Menninger <[REDACTED]>  
**Sent:** Wednesday, April 28, 2021 1:18 PM  
**To:** [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] <[REDACTED]>  
**Cc:** Jeff Pagliuca <[REDACTED]>; 'Bobbi Sternheim' <[REDACTED]>  
**Subject:** FW: US v. Maxwell - [conferral re photo and other discovery deficiencies]

[REDACTED] -  
Thank you for sending the overlay. After review, it unfortunately does not appear sufficient to allow us to properly match the metadata to your production of native files.

Based on your representations, the "Non-Nude index" located at Bates 467567 in Excel should match the Bates number native images produced at SDNY011. However:

- The number of entries in the Non-Nude Index is less than the number of files produced.
- Although the overlay file has 40,567 entries (the same number of files in SDNY011), they don't match up to the Non-Nude Index.
  - When joining the overlay file to the index:
    - If we require a matching value for both MD5 hash and file name, there are 24,757 entries in the overlay that do not match the index.
    - If we require a match on the hash value and ignore file names, there are 65 production numbers that don't match the index; 17 of those don't have hash values at all.
- The overlay has many non-unique hash values, meaning we cannot rely on hash value alone.
- The Non-Nude index also has many non-unique hash values.

I think the only feasible resolution is for you to provide a new copy of the non-nude index with an added column to note the production number of each file. We also need a new index for the produced files that were not included in the prior index.

Let me know if you will agree to produce these two new indices.

Thank you,

Laura

**Laura A. Menninger** | Partner

**Haddon, Morgan & Foreman, P.C.**

150 █, 10th Avenue | Denver, CO 80203

█  
[lmenninger@hmfaw.com](mailto:lmenninger@hmfaw.com)

---

**From:** █ <█>

**Sent:** Tuesday, April 27, 2021 9:35 PM

**To:** Laura Menninger <█>

**Cc:** █ (USANYS) <█>; █ <█>; █ <█>; █ <█>

█ <█>; Jeff Pagliuca <█>; 'Bobbi Sternheim' <█>

**Subject:** RE: US v. Maxwell - [conferral re photo and other discovery deficiencies]

Laura,

Attached please find a metadata overlay for the production of images from the CDs recovered from Epstein's residence. This file contains the file name and the MDF Hash for each file, which corresponds with the information contained in the SDNY\_GM\_00467567 Spreadsheet. This overlay should allow your team to see which row of metadata corresponds with which Bates number in the production.

Best,

█  
Assistant United States Attorney  
Southern District of New York  
1 St. █ Plaza  
New York, NY 10007  
█  
█

---

**From:** █ <█>

**Sent:** Friday, April 23, 2021 1:44 PM

**To:** Laura Menninger <█>

**Cc:** █ (USANYS) <█>; █ <█>; █ <█>; █ <█>

<█>; Jeff Pagliuca <█>; 'Bobbi Sternheim' <█>

**Subject:** RE: US v. Maxwell - [conferral re photo and other discovery deficiencies]

Laura,

Our vendor has explained the issue with SDNY\_GM\_00467566. That file is a temporary file without content. The file that contains the content is SDNY\_GM\_00467567.

Best,

█  
Assistant United States Attorney  
Southern District of New York  
1 St. █ Plaza  
New York, NY 10007  
█  
█

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Friday, April 23, 2021 12:13 PM  
**To:** Laura Menninger [REDACTED]  
**Cc:** [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] <[REDACTED]>; Jeff Pagliuca <[REDACTED]>  
[REDACTED] <[REDACTED]>  
**Subject:** RE: US v. Maxwell - [conferral re photo and other discovery deficiencies]

Laura,

I am working with our team as quickly as we can to address the issues you raised in the below email. In particular:

- I have asked our vendor to look into the issues with SDNY\_GM\_00467566. When I attempt to access that document on our Relativity database, I also receive an error message saying that the document is corrupt. I am not sure what this spreadsheet is because the only two spreadsheets that I'm aware of that correspond with the SDNY\_PROD011 contained in the November 9, 2020 production are the two other Excel spreadsheets you referenced. In any event, I am looking into the issue.
- I am similarly working with our vendor to understand how to best identify for you which Bates number corresponds with the metadata in the index contained in the Excel spreadsheets.
- Can you please provide me with a list of the photos that you are unable to view? Once I have that list, I will check to see whether we are able to open them on our end.
- Can you be more specific in identifying photographs that you believe should have been produced but have been omitted, please? We have endeavored with the FBI to produce copies of all non-nude photographs recovered from searches of Epstein's residence to the defense, and I am not aware of any intentional omissions.
- I am discussing with the FBI your request that we produce all Highly Confidential images to you. I will respond to that request next week.
- Once we have a firm trial date, I will let you know by what date I expect to be able to provide you with a list of the Highly Confidential photographs we may introduce at trial.
- I am working with our paralegals to assess the list of files that your client is unable to review at the MDC. As soon as we have finished looking into those issues, I will let you know.

Best,

**From:** Laura Menninger [REDACTED]  
**Sent:** Wednesday, April 21, 2021 1:42 PM  
**To:** [REDACTED] <[REDACTED]>  
**Cc:** [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; Jeff Pagliuca <[REDACTED]>  
'Bobbi Sternheim [REDACTED]  
**Subject:** US v. Maxwell - [conferral re photo and other discovery deficiencies]

I'm writing to follow-up on our discussion last Thursday regarding the photo evidence and to address a number of other critical problems with the discovery provided to date.

Unfortunately, both in the production to defense counsel and on the hard-drive supplied by your office to our client at MDC, there are thousands, if not hundreds of thousands, of photos that are still unreadable. We have spent countless hours, and a chunk of our client's resources, trying to rectify a number of these problems ourselves, to no avail. Our ability, and our client's ability, to review all of the

discovery in this case is absolutely critical and is constitutionally guaranteed. Unless you can quickly propose a solution, we believe we need to raise this with the Court.

- We do not have a functional copy the Excel spreadsheet located at SDNY\_GM\_00467566. I have confirmed that the original spreadsheet provided to us is corrupt and the vendor and [REDACTED]-discovery provider cannot open it.
- The other two Excel spreadsheets from the production (and presumably the one we cannot open) are insufficiently detailed to tell us which photo goes with which meta-data.
  - The index contains multiple instances of the same "file name" with different hash values.
  - The index does not match any particular file with a Bates stamp.
  - The index does not indicate which files were withheld as "highly confidential."
- Many of the photo files that were provided in discovery ([REDACTED], SDNY011) do not have a discernible reader. I cannot open them. Ms. Maxwell does not have a reader on her MDC laptop that can read them. If the government is able to view them, then we should be provided the means to view them as well.
- A number of photo files appear to be missing from the MDC laptop and are not highly confidential, based on my review of documents last week. Because we do not have a list of what was/was not produced, however, we cannot confirm.
- As you know, the 2 x "highly confidential hard-drives" in NY did not work until Thursday once an appropriate reader was added to the laptop. I did not have enough time to view all of the files. I do not have the reader that you ultimately added to that laptop.
- The discs that I attempted to view in NY (from various binders) would not load on the government laptop. I was unable to match up disks with potential files on the hard-drives. Because I did not have a functioning Excel spreadsheet, I also was not able to match any highly confidential photos from the hard-drives with the associated metadata.

I am requesting that you produce to defense counsel replicas of the two hard-drives that you made available for review last week, subject to all of the strictures of the protective order.

I recognize that you have designated as "highly confidential" photos that you contend contain "nude, partially-nude, or otherwise sexualized images, videos, or other depictions of individuals." Among the photos on the hard-drive that I was able to view, there were a lot of "nude" and "partially-nude" photos of adults, but I did not see anything that would qualify as child pornography under the statute. Some of the photos only showed a woman's back or shoulder. If you have reason to believe that there is child pornography contained on the two hard-drives, then certainly defense counsel is not asking to possess that material; you can designate it as such and we can view it at an acceptable location as occurs in any CP case.

Otherwise, I think the burden of reviewing adult nudity only in the government's office or courthouse imposes an extraordinary cost on our client and prevents us from analyzing the metadata, having our experts review the file structures, keeps us from preparing photos for use at trial, and generally impedes our defense.

In a similar vein, can you let me know when you are willing to disclose any photos that you intend to introduce at trial? As to any of those, I will need sufficient information and time to analyze them for foundation and admissibility purposes with an appropriate expert.

Finally, I am attaching an incomplete list of the documents that our client still cannot read at MDC. It is a small sample, as she has had to spend hours of her "review" time communicating to our staff which files she cannot read. Also, the manner in which the discovery was provided to her (load file format) precludes her from comparing the "image" and the "native" files (they do not, for example, have clearly labeled bates-stamps).

I would appreciate as prompt a response as you can provide so that we can address any issues with the Court on Friday.

Thanks,  
Laura

**Laura A. Menninger** | Partner  
**Haddon, Morgan & Foreman, P.C.**  
150 [REDACTED] 10th Avenue | Denver, CO 80203