

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-80736-Civ-Marra/Johnson

JANE DOES #1 and #2

█

UNITED STATES
_____ /

JOINT STATEMENT OF UNDISPUTED FACTS

The parties hereby stipulate and agree that the following facts are not in dispute and may be accepted as true:

1. Between about 2001 and 2006, ~~defendant~~ Jeffrey Epstein (~~a billionaire with significant political connections~~) ~~sexually abused more than 40~~ **enticed into prostitution** minor girls at his mansion in West Palm Beach, Florida, and elsewhere. Among the girls he ~~sexually abused so~~ **enticed** were Jane Doe #1 and Jane Doe #2. Because Epstein, **through others**, used a means of interstate commerce and knowingly traveled in interstate commerce to engage **in this conduct**, ~~to abuse Jane Doe #1 and Jane Doe #2 (and the other victims)~~, he committed violations of federal law, specifically repeated violations of 18 U.S.C. § 2422.
2. In 2006, at the request of the Palm Beach Police Department, the Federal Bureau of Investigation ("FBI") opened an investigation into allegations that Jeffrey Epstein ("Epstein") and his personal assistants had used facilities of interstate commerce to induce young girls between the ages of thirteen and seventeen to engage in prostitution, among other offenses. The case was presented to the United States Attorney's Office for the Southern District of Florida, which accepted the case for investigation. The Palm Beach County State Attorney's Office was

also investigating ~~the case~~ **Epstein**. See Declaration of Bradley J. Edwards, Esq. at ¶¶ 1-2 (hereinafter "Edwards Declaration").

~~3. The FBI determined that both Jane Doe #1 and Jane Doe #2 were victims of sexual assaults by Epstein while they were minors beginning when they were approximately fourteen years of age and approximately thirteen years of age respectively. Edwards Declaration at ¶ 2.~~

4. On about June 7, 2007, FBI agents hand-delivered to Jane Doe #1 a ~~standard CVRA~~ victim notification letter. See Edwards Declaration, Exhibit "A." The notification promises that the Justice Department would makes its "best efforts" to protect Jane Doe #1's rights, including "[t]he reasonable right to confer with the attorney for the United States in the case" and "to be reasonably heard at any public proceeding in the district court involving . . . plea" The notification further explained that "[a]t this time, your case is under investigation." That notification meant that the FBI had identified Jane Doe #1 as a **potential** victim of a federal offense. ~~and as someone protected by the CVRA.~~

5. On about August 11, 2007, Jane Doe #2 received a ~~standard~~ CVRA victim notification letter. See Edwards Declaration, Exhibit "B." The notification promised that the Justice Department would makes its "best efforts" to protect Jane Doe #2's rights, including "[t]he reasonable right to confer with the attorney for the United States in the case" and "to be reasonably heard at any public proceeding in the district court involving . . . plea" The notification further explained that "[a]t this time, your case is under investigation." That notification meant that the FBI had identified Jane Doe #2 as a **potential** victim of a federal offense. ~~and as someone protected by the CVRA.~~

6. ~~Early in~~ **During** the investigation, the FBI agents and the Assistant U.S. Attorney ~~had several meetings met~~ with Jane Doe #1. Jane Doe #2 was represented by counsel that was paid for by

the criminal target Epstein and, accordingly, all contact was made through that attorney. **Jane Doe #2 was openly hostile to the investigation, and told investigators that she was not a victim of any offense, that Epstein was an “awesome man,” and that she would consider marrying Epstein. Jane Doe #2 actively avoided law enforcement’s attempts to secure her cooperation with the investigation and contacted other potential witnesses and victims to advise them against cooperating with the authorities.** Edwards Declaration at ¶ 5.

7. In and around September 2007, plea discussions took place between Jeffrey Epstein, represented by numerous attorneys (including lead criminal defense counsel Jay Lefkowitz), and the U.S. Attorney’s office for the Southern District of Florida[,] ~~represented primarily by Assistant U.S. Attorney A. Marie Villafañá.~~ ~~The plea discussions generally began from the premise that Epstein would plead guilty at least one federal felony offense surrounding his sexual assaults of more than 40 minor girls. From there, the numerous defense attorneys progressively negotiated more favorable plea terms so that Epstein would ultimately plead~~ **These plea negotiations eventually resulted in Epstein pleading guilty to only two state court felony offenses with a recommendation of 18 months’ imprisonment.** ~~and would serve only county jail time. Many of the negotiations are reflected in e-mails between Lefkowitz and Villafañá.~~ Copies **Parts** of the correspondence are attached as Exhibit J to the Edwards Declaration accompanying this filing (hereinafter cited as “U.S. Attorney’s Correspondence” and referenced by Bates number stamp).¹ Because Epstein has moved to keep these documents from the public, they are at this time filed under seal with the Court.

¹ ~~Through diligent efforts,~~ e- Counsel for Jane Doe #1 and Jane Doe #2 received copies of half of the e-mail correspondence (the half reflecting Villafañá’s communications to defense counsel) **via discovery requests served upon counsel for Epstein in connection with Jane Doe #1 and Jane Doe #2’s civil suits against Epstein** on about June 30, 2010. See Edwards Declaration at ¶¶20-22.

8. At the time of plea discussions, **AUSA Villafana had drafted** the U.S. Attorney's Office had an 82-page prosecution memorandum outlining numerous federal sexual offenses committed by Epstein, and had prepared **drafted** a 53-page indictment. for numerous federal offenses. U.S. Attorney's Correspondence at 4.

9. In September 2007, Assistant U.S. Attorney (AUSA) A. Marie Villafaña, in an effort to avoid prosecuting Epstein for his numerous sexual offenses against children, proposed to Epstein's attorneys that rather than plea to any charges relating to him molesting children, Epstein should instead plead to a single assault charge involving a telephone call made by Epstein while he was on his private jet. During the telephone call, Epstein warned his personal assistant, Lesley Groff, against turning over documents and electronic evidence responsive to a subpoena issued by a federal grand jury in the Southern District of Florida investigating Epstein's sex offenses. U.S. Attorney's Correspondence at 49, 58.

10. The correspondence also shows that AUSA Villafaña was interested in finding a place to conclude a plea bargain that would effectively keep the victims from learning what was happening through the press. She wrote in an e-mail to defense counsel: "On an 'avoid the press' note, I believe that Mr. Epstein's airplane was in Miami on the day of the Ms. Groff telephone call. If he was in Mimi-Dade County at the time, then I can file the charge in the District Court in Miami, which will hopefully cut the press coverage significantly."—U.S. Attorney's Correspondence at 29. Ms. Villafaña was aware that most of the victims of Epstein, including Jane Doe #1 and Jane Doe #2, resided outside the Miami area.

11. On about September 24, 2007, Assistant U.S. Attorney A. Marie Villafaña sent an e-mail to Jay Lefkowitz, criminal defense counsel for Epstein, regarding the agreement, **a copy of which is attached hereto as Exhibit __. Due to the confidentiality clause in the Agreement,**

~~the e-mail stated: that the Government and Epstein's counsel would negotiate between themselves about what information would be disclosed to the victims about the agreement:~~

~~Thank you, Jay. I have forwarded your message only to Alex [Acosta], Andy, and Roland. I don't anticipate it going any further than that. When I receive the originals, I will sign and return one copy to you. The other will be placed in the case file, which will be kept confidential since it also contains identifying information about the girls.~~

~~When we reach an agreement about the attorney representative for the girls, we can discuss what I can tell him and the girls about the agreement. I know that Andy promised Chief Reiter an update when a resolution was achieved. . . . Rolando is calling, but Rolando knows not to tell Chief Reiter about the money issue, just about what crimes Mr. Epstein is pleading guilty to and the amount of time that has been agreed to. Rolando also is telling Chief Reiter not to disclose the outcome to anyone.~~

U.S. Attorney's Correspondence at 153 (emphases added).

12. On about September 25, 2007, AUSA Villafaña sent an e-mail to Lefkowitz, **a copy of which is attached hereto as Exhibit __**, stating: "And can we have a conference call to discuss what I may disclose to . . . the girls regarding the agreement." U.S. Attorney's Correspondence at 156.

13. On about September 26, 2007, AUSA. Villafaña sent an e-mail to Lefkowitz, **a copy of which is attached hereto as Exhibit __**, in which she stated: "Hi Jay—Can you give me a call at 561-209-[xxxx] this morning? I am meeting with the agents and want to give them their marching orders regarding what they can tell the girls." U.S. Attorney's Correspondence at 359. The reasonable inference is that the "marching orders" agreed to between the Government and Epstein's defense counsel was that no mention would be made of the non-prosecution agreement between the U.S. Attorney's Office and Epstein, as no subsequent mention was made to the victims of the non-prosecution agreement.

14. On about September 27, 2007, Assistant U.S. Attorney A. Marie Villafaña **sent an e-mail to Lefkowitz regarding an attorney who was under discussion to be a representative of victims of Epstein civil litigation, a copy of which is attached hereto as Exhibit __.** ~~revealed to an attorney (Bert Ocariz), who was under discussion to be a representative of victims of Epstein's sexual abuse in civil litigation, that the government was in the process of reaching a non-prosecution agreement with Epstein. An e-mail confirming these disclosures stated: "Bert's firm has raised a number of good questions about how they are going to get paid." U.S. Attorney's Correspondence at 161. The e-mail went on to state: "I told Bert that as part of our agreement we (the federal government) are not going to indict Mr. Epstein, but give him an idea of the charges that we had planned to bring as related to 18 USC 2255." *Id.* The e-mail also asked permission from Epstein's counsel to send to Ocariz a copy of parts of the plea agreement: "With respect to question 2 [a question from Ocariz regarding "[w]hen will it be possible to see the plea agreement so that we understand exactly what Epstein concedes to in the civil case?], do I have your permission to send Bert just that section of the plea agreement that applies to the damages claims (I would recommend sending paragraphs 7 through 10, or at least 7 and 8)?" *Id.*~~

15. ~~On about September 25, 2007, ASUA AUSA Villafaña sent a letter to Jay Jefkowitz **that stated:** in which she suggested that the victims should be represented by someone who was not an experienced personal injury attorney: "They [the other lawyers under consideration] are all very good personal injury lawyers, but I have concerns about whether there would be an inherent tension because they may feel that they might make more money . . . if they proceed outside the terms of the pela agreement. (Sorry — I just have a bias against plaintiffs' attorneys.)" U.S. Attorney's Correspondence at 157. Villafaña continued to push Ocariz as the best choice, in part~~

because it would reduce publicity: “One nice thing about Bert [Ocariz] is that he is in Miami where there has been almost no coverage of the case.” *Id.*

16. In a letter later sent by Jay Lefkowitz to the U.S. Attorney for the Southern District of Florida, Lefkowitz stated that ASUA Villafaña had “assiduously” hidden from him the fact that Bert Ocariz was a friend of Villafaña’s boyfriend. U.S. Attorney’s Correspondence at 267. Lefkowitz also stated that Villafaña had misleadingly used the term “friend” rather than the more accurate term “boyfriend” to describe who had recommended Ocariz. *Id.* at 268. Lefkowitz further stated the Villafaña’s boyfriend had a business relationship with Ocariz and that the boyfriend would have financially benefitted from the presumably lucrative referral of sexual assault cases against Epstein to Ocariz. On December 13, 2007, Villafaña wrote a letter to Lefkowitz to deny these accusations. In the letter, Villafaña stated: “. . . I am surprised by your allegations regarding my role because I thought that we had worked very well together in resolving this dispute. I also am surprised because I feel that I bent over backwards to keep in mind the effect that the agreement would have on Mr. Epstein and to make sure that you (and he) understood the repercussions of the agreement.” *Id.*

17. On about September 24, 2007, Epstein and the U.S. Attorney’s Office reached an agreement whereby the United States would defer federal prosecution in favor of prosecution by the State of Florida. Epstein and the U.S. Attorney’s Office accordingly entered into a “Non-Prosecution Agreement” (NPA) reflecting their agreement. Most significantly,† The NPA gave Epstein a promise that he would not be prosecuted for a series of federal felony offenses **involving the enticement into prostitution of a large number of minor girls.** involving his sexual abuse of more than 30 minor girls. The NPA instead allowed Epstein to plead guilty to two state felony offenses for solicitation of prostitution and procurement of minors for

prostitution. The NPA also set up a procedure whereby a victim of Epstein's sexual abuse could obtain an attorney representative to proceed with a civil claim against Epstein, provided that the victim agreed to proceed exclusively under 18 U.S.C. § 2255 (~~i.e.,~~ **which** provided that ~~the~~**each** victim **would recover** ~~agreed to seek~~ no ~~more~~ **less** than \$150,000 in damages against Epstein – an amount that Epstein argued later was limited to **no more than** \$50,000). See Edwards Declaration, Exhibit "C" (copy of the non-prosecution agreement). The agreement was signed by Epstein and his legal counsel, as well as the U.S. Attorney's Office, on about September 24, 2007.

18. A provision in the non-prosecution agreement made the agreement **confidential** ~~secret~~. In particular, the agreement stated: "The parties anticipate that this agreement will not be made part of any public record. If the United States receives a Freedom of Information Act request or any compulsory process commanding the disclosure of the agreement, it will provide notice to Epstein before making the disclosure." ~~By entering into such a confidentiality agreement, the U.S. Attorney's Office put itself in a position that notifying the crime victims (including Jane Doe #1 and Jane Doe #2) of the non-prosecution agreement would violate terms of the agreement—specifically the confidentiality provision. Accordingly, from September 24, 2007 through at least June 2008—a period of more than nine months—the U.S. Attorney's Office did not notify any of the victims of the existence of the non-prosecution agreement.~~

19. ~~A reasonable inference from the evidence is that the U.S. Attorney's Office wanted the non-prosecution agreement kept from public view because of the intense public criticism that would have resulted from allowing a politically connected billionaire who had sexually abused more than 40 minor girls to escape from federal prosecution with only a county court jail~~

~~sentence and because of the possibility that the victims could have objected to the agreement in court and prevented its consummation.~~

20. The Non-Prosecution Agreement that had been entered into between the U.S. Attorney's Office and Epstein was subsequently modified by an October 2007 Addendum and a December 19, 2007, letter from the U.S. Attorney to Attorney Lilly Ann Sanchez. *See* Supplemental Declaration of A. Marie Villafaña, doc. #35, at 1; U.S. Attorney's Correspondence at 234-37. ~~The U.S. Attorney's Office did not notify any of the victims of the existence of these modifications of the agreement through at least June 2008—a period of more than six months.~~ On about August 14, 2008, Epstein's defense counsel told the U.S. Attorney's Office that they did not consider the December 19, 2007, letter to be operative. *Id.*

21. In October 2007, shortly after the initial plea agreement was signed, Jane Doe #1 was contacted to be advised regarding the resolution of the investigation. On October 26, 2007, Special Agents E. Nesbitt Kuyrkendall and Jason Richards met in person with Jane Doe #1. The Special Agents explained that Epstein would plead guilty to state charges, he would be required to register as a sex offender for life, and he had made certain concessions related to the payment of damages to the victims, including Jane Doe #1. During this meeting, **the agents explained that this would end the federal investigation of the case and no federal charges would be filed.** ~~the Special Agents did not explain that an agreement had already been signed that precluded any prosecution of Epstein for federal charges. The agents could not have revealed this part of the non-prosecution agreement without violating the terms of the non-prosecution agreement. Whether the agents themselves had been informed of the existence of the non-prosecution agreement by the U.S. Attorney's Office is not certain. Because the plea agreement~~

~~had already been reached with Epstein, the agents made no attempt to secure Jane Doe #1's view on the proposed resolution of the case. Edwards Declaration at ¶ 7~~

22. Jane Doe #1's perception of the explanation provided by the Special Agents was that only the State part of the Epstein investigation had been resolved, and that the federal investigation would continue, possibly leading to a federal prosecution. Edwards Declaration at ¶ 8.

23. On about November 27, 2007, Assistant U.S. Attorney Jeff Sloman sent an e-mail to Jay Lefkowitz, defense counsel for Epstein, **a copy of which is attached hereto as Exhibit __**. ~~The e-mail stated: that the U.S. Attorney's Office had an obligation to notify the victims about the plea agreement:~~

~~The United States has a statutory obligation (Justice for All Act of 2004) to notify the victims of the anticipated upcoming events and their rights associated with the agreement entered into by the United States and Mr. Epstein in a timely fashion. Tomorrow will make one full week since you were formally notified of the selection. I must insist that the vetting process come to an end. Therefore, unless you provide me with a good faith objection to Judge [REDACTED] selection [as special master for selecting legal counsel for victim pursuing claims against Epstein] by COB tomorrow, November 28, 2007, I will authorize the notification of the victims. Should you give me the go-head on Podhurst and Josephsberg selection by COB tomorrow, I will simultaneously send you a draft of the letter. I intend to notify the victims by letter after COB Thursday, November 29th.~~

U.S. Attorney's Correspondence at 255 (emphasis rearranged).

24. On about November 29, 2007, Assistant U.S. Attorney A. Marie Villafaña sent a draft of a crime victim notification letter to Jay Lefkowitz, defense counsel for Jeffrey Epstein. The notification letter explained: "I am writing to inform you that the federal investigation of Jeffrey Epstein has been completed, and Mr. Epstein and the U.S. Attorney's Office have reached an agreement containing the following terms" The letter then went on to explain that Epstein would plead guilty to two state offenses and receive an 18 month sentence. ~~The letter did not explain that, as part of the agreement with Epstein, the Justice Department had previously agreed~~

~~not to prosecute Epstein for any of the numerous federal offenses that had been committed. U.S. Attorney's Correspondence at 256-59.~~

25. ~~Apparently because of concerns from Epstein's attorneys,~~ **Because Epstein's attorneys sought higher review of the enforceability of the Non-Prosecution Agreement,** the U.S. Attorney's Office never sent the proposed victim notification letter discussed in the previous paragraph to the victims. Instead, a ~~misleading~~ letter stating that the case was "currently under investigation" (described below) was sent in January 2008 and May 2008. ~~At no time before reaching non-prosecution agreement did the Justice Department contact any victims, including for example Jane Doe #1, about their views on the non-prosecution.~~

26. On about December 6, 2007, Jeffrey H. Sloman, First Assistant U.S. Attorney sent a letter to Jay Lefkowitz, , **a copy of which is attached hereto as Exhibit __.** ~~noting the U.S. Attorney's Office's legal obligations to keep victims informed of the status of plea negotiations with Epstein. The letter stated:~~

~~Finally, let me address your objections to the draft Victim Notification Letter. You write that you don't understand the basis for the Office's belief that it is appropriate to notify the victims. Pursuant to the "Justice for All Act of 2004," [another name from the CVRA] crime victims are entitled to: 'The right to reasonable, accurate, and timely notice of any public court proceeding . . . involving the crime' and the 'right not to be excluded from any such public court proceeding . . . ' 18 U.S.C. § 3771(a)(2) & (3). Section 3771 also commands that 'employees of the Department of Justice . . . engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a).' 18 U.S.C. § 3771(e)(1). . . .~~

~~Our Non-Prosecution Agreement resolves the federal investigation by allowing Mr. Epstein to plead to a state offense. *The victims identified through the federal investigation should be appropriately informed,* and our Non-Prosecution Agreement does not require the U.S. Attorney's Office to forego its legal obligation.~~

~~U.S. Attorney's Correspondence at 191-92 (emphasis added).~~

27. ~~Despite this recognition of its obligation to keep victims “appropriately informed” about the non-prosecution agreement, the U.S. Attorney’s Office did not follow through and inform the victims of the non-prosecution agreement. To the contrary, as discussed below, it continued to tell the victims that the case was “under investigation.” Edwards Declaration at ¶ 4 and ¶ 12.~~

28. On December 13, 2007, A. Marie Villafaña sent a letter to Jay Lefkowitz, defense counsel for Epstein, **a copy of which is attached hereto as Exhibit __**.~~rebutting charges that had apparently been made against her by the Epstein defense. The letter stated that a federal indictment against Epstein “was postponed for more than five months to allow you and Mr. Epstein’s other attorneys to make presentations to the Office to convince the Office not to prosecute.” The letter also recounted that “You and I spent hours negotiating the terms [of the non-prosecution agreement], including when to use ‘a’ versus ‘the’ and other minutiae. When you and I could not reach agreement, you repeatedly went over my head, involving Messrs. Lourie, Menchel, Sloman, and Acosta in the negotiations at various times.” U.S. Attorney’s Correspondence at 269.~~

29. ~~The December 13, 2007, letter also reveals that the Justice Department stopped making victim notifications because of objections from Epstein’s criminal defense counsel: “Three victims were notified shortly after the signing of the Non-Prosecution Agreement of the general terms of the Agreement. *You raised objections to any victim notification, and no further notifications were done.*” U.S. Attorney’s Correspondence at 270 (emphasis added).~~

30. Following the signing of the Agreement and the modifications thereto, Epstein’s performance was delayed while he sought higher level review within the Department of Justice. *See U.S. Attorney’s Correspondence passim.*

31. On January 10, 2008, Jane Doe #1 and Jane Doe #2 received letters from the FBI advising them that “[t]his case is currently under investigation. This can be a lengthy process and we request you[r] continued patience while we conduct a thorough investigation.” See Doc. #14 (attachments 3 and 4 to declaration of A. Marie Villafaña) (emphasis added). ~~The statement in the notification letter was false. The case was not currently “under investigation.” To the contrary, the case had been resolved by the non-prosecution agreement entered into by Epstein and the U.S. Attorney’s Office discussed previously. Moreover, the FBI did not notify Jane Doe #1 or Jane Doe #2 that a plea agreement had been reached previously, and that part of the agreement was a non-prosecution agreement with the U.S. Attorney’s Office for the Southern District of Florida. Edwards Declaration at ¶ 9.~~

32. ~~In early 2008, Jane Doe #1 and Jane Doe #2 came to believe that criminal prosecution of Epstein was extremely important. They also desired to be consulted by the FBI and/or other representatives of the federal government about the prosecution of Epstein. In light of the letters that they had received around January 10, they believed that a criminal investigation of Epstein was on-going and that they would be contacted before the federal government reached any final resolution of that investigation. Edwards Declaration at ¶10.~~

33. On about February 25, 2008, Assistant U.S. Attorney Sloman sent an e-mail to Jay Lefkowitz, , **a copy of which is attached hereto as Exhibit __.** ~~Epstein’s criminal defense counsel, explaining that the Justice Department’s Child Exploitation Obscenity Section (CEOS) had agreed to review Epstein’s objections to the proposed plea agreement that had been reached with the U.S. Attorney’s Office for the Southern District of Florida. The letter indicated that, should CEOS reject Epstein’s objections to the agreement, then “Mr. Epstein shall have one week to abide by the terms and conditions of the September 24, 2007 Agreement as amended by~~

~~letter from United States Attorney Acosta to Jay Lefkowitz.” U.S. Attorneys Correspondence at 290-91.~~

34. In about April 2008, Jane Doe #1 contacted the FBI because Epstein's counsel was attempting to take her deposition and private investigators were harassing her. Assistant U.S. Attorney A. Marie Villafaña secured pro bono counsel to represent Jane Doe #1. Pro bono counsel was able to assist Jane Doe #1 in avoiding the improper deposition. AUSA Villafaña secured pro bono counsel by contacting Meg Garvin, Esq. of the ~~the~~ National Crime Victims' Law Center in Portland, Oregon, which is based in the Lewis & Clark College of Law. During the call, Ms. Garvin was not advised that a non-prosecution agreement had been reached.

35. On May 30, 2008, another of Mr. Edwards's clients who was recognized as ~~an a~~ **potential victim of Epstein victim** by the U.S. Attorney's Office, received a letter from the FBI advising her that *"[t]his case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation."* ~~The statement in the notification letter was false. The case was not currently "under investigation." To the contrary, the case had been resolved by the non-prosecution agreement entered into by Epstein and the U.S. Attorney's Office discussed previously. Edwards Declaration at ¶ 12.~~

36. In mid-June 2008, Mr. Edwards contacted AUSA Villafaña to inform her that he represented Jane Doe #1 and, later, Jane Doe #2. Mr. Edwards asked to meet to provide information about the federal crimes committed by Epstein, hoping to secure a significant federal indictment against Epstein. AUSA Villafaña and Mr. Edwards discussed the possibility of federal charges being filed. At the end of the call, AUSA Villafaña asked Mr. Edwards to send any information that he wanted considered by the U.S. Attorney's Office in determining whether to file federal charges. ~~Because of the confidentiality provision that existed in the plea~~

~~agreement, Mr. Edwards was not informed that previously, in September 2007, the U.S. Attorney's Office had reached an agreement not to file federal charges. Mr. Edwards was also not informed that resolution of the criminal matter was imminent. Edwards Declaration at ¶ 13.~~

37. On Friday, June 27, 2008, at approximately 4:15 p.m., AUSA Villafaña received a copy of Epstein's proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. AUSA Villafaña and the Palm Beach Police Department attempted to provide notification to victims in the short time that Epstein's counsel had provided. Attorney Edwards was called to provide notice to his clients regarding the hearing. ~~AUSA Villafaña did not tell Attorney Edwards that the guilty pleas in state court would bring an end to the possibility of federal prosecution pursuant to the plea agreement. Edwards Declaration at ¶ 14.~~ **AUSA Villafaña strongly encouraged Attorney Edwards and his client to attend and address the Court at sentencing if they so desired.**

38. On June 30, 2008, AUSA Villafaña sent an e-mail to Jack Goldberger, criminal defense counsel for Epstein, **a copy of which is attached hereto as Exhibit __.**~~that stated: "Jack: The FBI has received several calls regarding the Non-Prosecution Agreement. I do not know whether the title of the document was disclosed when the Agreement was filed under seal, but the FBI and our office are declining comment if asked."~~ U.S. Attorney's Correspondence at 321.

39. On July 3, 2008, Mr. Edwards sent to AUSA Villafaña a letter. See Affidavit of Bradley J. Edwards, Esq., at 15 (attachment 2). In the letter, Mr. Edwards indicated his client's desire that federal charges be filed against defendant Epstein. In particular, he wrote on behalf of his clients: "We urge the Attorney General and our United States Attorney to consider the fundamental import of the vigorous enforcement of our Federal laws. We urge you to move forward with the traditional indictments and criminal prosecution commensurate with the crimes

Mr. Epstein has committed, and we further urge you to take the steps necessary to protect our children from this very dangerous sexual predator.” When Mr. Edwards wrote this letter, he was still unaware that a non-prosecution agreement had been reached with Epstein[.] – a fact that continued to be concealed from him (and the victims) by the U.S. Attorney’s Office. Mr. Edwards first saw a reference to the NPA on or after July 9, 2008, when the Government filed its responsive pleading to Jane Doe’s emergency petition. That pleading was the first public mention of the non-prosecution agreement and the first disclosure to Mr. Edwards (and thus to Jane Doe #1 and Jane Doe #2) of the possible existence of a non-prosecution agreement. Edwards Declaration at ¶ 15.

40. On July 9, 2008, AUSA Villafañá sent a victim notification to Jane Doe #1 via her attorney, Bradley Edwards. Edwards Declaration, Exhibit “H.” That notification contains a written explanation of some of the terms of the agreement between Epstein and the U.S. Attorney’s Office. A full copy of the terms was not provided. A notification was not provided to Jane Doe #2 because the agreement limited Epstein’s liability to victims whom the United States was prepared to name in an indictment. As a result, Jane Doe #2 never received a notification a letter about the agreement. ~~The notification did not mention the non-prosecution agreement with the U.S. Attorney’s Office.~~ Edwards Declaration at ¶ 16.

41. On July 9, 2008, AUSA Villafañá filed a sworn declaration with the Court in connection with the case (doc. #14). The declaration purported to recount limit parts of the non-prosecution agreement and stated that “these provisions were discussed” with several victims, including Jane Doe #1. *Id.* at 4.

42. On July 11, 2008, the Court held a hearing on Jane Doe #1 and Jane Doe #2’s Emergency Petition for Enforcement of Rights. During the hearing, the Government conceded that Jane Doe

#1 and Jane Doe #2 were “victims” within the meaning of the Crime Victim’s Rights Act. Tr. at 14-15.

43. During the July 11 hearing, the Court and the parties discussed the fact that the petition should not be treated as an “emergency” petition because there was not any particular rush to ruling on it. Tr. at 24-25. The Court further discussed a need to “hav[e] a complete record, and this is going to be an issue that’s ... going to go to the Eleventh Circuit, [s] it] may be better to have a complete record as to what your position is and the government’s is as to what actions were taken. And I don’t know if I have enough information, based on Ms. Villafana’s affidavit or I need additional information. And because it is not an emergency, I don’t have to do something quickly, we can play it b[y] ear and make this into a more complete record for the court of appeals.” Tr. at 25-26. Counsel for Jane Doe #1 and Jane Doe #2 explained: “. . . Your Honor is correct in stating that it is not an emergency and it doesn’t need to happen today. And, I will confer with the government on this and if evidence needs to be taken, it [can] be taken at a later date. It doesn’t seem like there will be any prejudice to any party [from delay].” Tr. at 26. The hearing concluded: “So I’ll let both of you confer about whether there is a need for any additional evidence to be presented. Let me know one way or the other. If there is, we’ll schedule a hearing. If there isn’t and you want to submit some additional stipulated information, do that, and then I’ll take care of this in due course.” Tr. at 32. The Court then adjourned, taking the victims’ petition under advisement.

44. The U.S. Attorney’s Office and the victims then attempted to reach a stipulated set of facts underlying the case. The U.S. Attorney’s Office set a proposed set of facts, and the victims sent a counter-proposal. Rather than respond to the victims’ counter-proposal, however, the U.S. Attorney’s Office suddenly reversed course. (Doc. #19 at 2). On July 29, 2008, it filed a Notice

to Court Regarding Absence of Need for Evidentiary Hearing (doc. #17). The Government took the position that, because no federal criminal charges had been filed in the Southern District of Florida, no additional evidence was required to decide the petition before the Court.

45. On August 1, 2008, Jane Doe #1 and Jane Doe #2 filed (doc. #19) a response to the Government's "Notice." In the response, Jane Doe #1 and Jane Doe #2 gave a proposed statement of facts surrounding the case. The proposed statement of fact was based on the information available to the victims at that time. The proposed statement of facts highlighted the fact that the Government had signed a non-prosecution agreement containing an express confidentiality provision, which prevented the Government from disclosing the agreement to them and other victims. *Id.* at 5. The response also noted that the Court had taken the victims' petition under advisement. The response further noted that the Government had not attempted to work with the victims to draft a full set of undisputed facts and had refused the victims' efforts to obtain documents relevant to the case. *Id.* at 9. The victims response also requested that the Court direct the Government to confer with the victims regarding the undisputed facts of the case, produce the non-prosecution agreement at issue in the case, and produce an FBI Report of Interview with Jane Doe #1. The response also requested that the Court enter judgment for the victims' finding a violation of rights and schedule a hearing on the appropriate remedy. *Id.* at 14.

46. On August 14, 2008, the Court held a hearing on the case. During that hearing, the U.S. Attorney's Office conceded "we do feel bound by the confidentiality provision such that we could not voluntarily disclose this non-prosecution agreement without court order compelling us to do so." Tr. at 8. The Office went on to further concede that it could not justify depriving the victims of the opportunity to see the agreement. *Id.* at 14. The hearing concluded without any schedule or deadlines being put in place.

~~47. On October 9, 2008, Bradley J. Edwards, counsel for Jane Doe #1 and Jane Doe #2, sent a letter to counsel for the U.S. Attorney's Office in this case advising that two possibly false statements had been made to the Court in the July 9th-sworn declaration of AUSA Villafaña. See Oct. 9, 2008, Letter from Bradley J. Edwards to Marie Villafaña at 1, Edwards Declaration, Attachment "I." First, while Ms. Villafaña had described a term as being part of the plea agreement with Epstein, that term later became defunct, at least in the view of Epstein's attorneys (and apparently acceded to by the U.S. Attorney's Office). Second, Ms. Villafaña had said that "four victims [including Jane Doe #1] were contacted and these provisions were discussed," it was not clear what provisions had in fact been discussed.~~

~~48. On December 22, 2008, AUSA Marie Villafaña filed a supplemental affidavit, "correcting" the statement made in her July 8, 2008, declaration about the terms of the plea agreement (doc. #35). The supplemental affidavit stated that "part 3" of the agreement with defendant Epstein was, in the view Epstein' legal counsel, no longer operative. The supplemental affidavit, however, did not clarify what terms of the agreement had been discussed.~~

~~49. On April 9, 2009, counsel for Jane Doe #1 and Jane Doe #2 sent to the Court in this case (via the PACER system) a notice of a change of law firm affiliation. Doc. #37.~~

~~50. In approximately May 2009, counsel for Jane Doe #1 and Jane Doe #2 propounded discovery requests in both state and federal civil cases against Epstein, seeking to obtain correspondence between Epstein and prosecutors regarding his plea agreement—information that the U.S. Attorney's Office was unwilling to provide to Jane Doe #1 and Jane Doe #2. Epstein refused to produce that information, and extended litigation to obtain the materials followed. Edwards Declaration at ¶ 20.~~

51. ~~Because of this extended litigation, Jane Doe #1 and Jane Doe #2 did not have access to important correspondence demonstrating a violation of their rights until June 30, 2010. On that day, counsel for Epstein sent to Bradley J. Edwards, Esq., legal counsel for Jane Doe #1 and Jane Doe #2, approximately 358 pages of e-mail correspondence between his legal counsel and the U.S. Attorney's Office for the Southern District of Florida regarding the plea agreement that had been negotiated between them. See Edwards Declaration, Attachment "J." These e-mails disclosed for the first time the extreme and unusual steps that had been taken by the U.S. Attorney's Office to avoid prosecuting Epstein and to avoid having the victims in the case learn about the non-prosecution agreement that had been reached between Epstein and the Government. Litigation continues to this day to obtain the correspondence regarding the state prosecution and regarding what Epstein's attorneys said in the correspondence with the prosecutors. Edwards Declaration at ¶ 22~~

52. ~~In mid July 2010, Jane Doe #1 and Jane Doe #2 settled their civil lawsuits against Mr. Epstein. Notice of this fact was promptly provided to the Court. Edwards Declaration at xxx.~~

53. ~~On September 8, 2010, the Court entered an order stating that "[a]n examination of the docket reveals that no activity has taken place in this case since April of 2009. In light of the underlying settlements between the victims and Mr. Epstein, it is hereby ordered and adjudged that this case is closed." Doc. #38.~~

54. ~~Promptly on the heels of this administrative order, on September 13, 2010, Jane Doe #1 and Jane Doe #2 filed a notice that they "intend to make subsequent filing in the case shortly. They accordingly request administrative reopening of the case and, if the Court deems it advisable, a scheduling conference with the U.S. Attorney's Office regarding the case." Doc. #39 at 1. They further advised the Court that their settlements with Jeffrey Epstein in no way affected "their~~

determination to move forward with the above-captioned CVRA action against a different entity —the U.S. Attorney’s Office for the Southern District of Florida.” *Id.* at 2. The pleading further advised that “[i]f the Court wishes to proceed to an expeditious conclusion to this Case, Jane Doe #1 and Jane Doe #2 have no objection to the Court setting up an expedited schedule for proceeding on the case.” *Id.* The pleading further advised that the reason the victims had not filed for summary judgment in the case was that they had been attempting to secure correspondence between the U.S. Attorney’s Office and Epstein to corroborate their argument that the Office had violated their rights. They noted that they had just secured half of that correspondence two months earlier. *Id.* at 2. The victim asked that, “if the Court deems it advisable, that a scheduling conference be set for this case.”

55. At all times material to this statement of facts, it would have been practical and feasible for federal government to inform Jane Doe #1 and Jane Doe #2 of the details of the proposed non-prosecution agreement with Epstein, including in particular the fact that the agreement barred any federal criminal prosecution. Edwards Declaration at ¶ 26.

SO AGREED AND STIPULATED TO, THIS _____ DAY OF DECEMBER, 2010.

BRADLEY J. EDWARDS
COUNSEL FOR PLAINTIFFS

WIFREDO A. FERRER
UNITED STATES ATTORNEY

By: _____
DEXTER LEE
ASSISTANT U.S. ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-80736-Civ-Marra/Johnson

JANE DOES #1 and #2

█

UNITED STATES
_____ /

STIPULATION

The parties to this action, that is, Jane Doe #1, Jane Doe #2, and the United States of America, by and through their undersigned counsel, do hereby stipulate and agree that the following facts are true and correct and that no further evidentiary hearing is required with respect to the pending "Victim's Emergency Petition for Enforcement of Crime Victim Right Act, 18 U.S.C. § 3771.

1. In 2006, at the request of the Palm Beach Police Department, the Federal Bureau of Investigation ("FBI") opened an investigation into allegations that Jeffrey Epstein ("Epstein") and his personal assistants had used facilities of interstate commerce to induce young girls between the ages of thirteen and seventeen to engage in prostitution, amongst other offenses. The case was presented to the United States Attorney's Office for the Southern District of Florida, which accepted the case for investigation.

2. At the time that the investigation was opened, the Palm Beach County State Attorney's Office had presented evidence to a state grand jury, which had returned an

indictment charging solicitation of prostitution. That charge made no reference to the ages of the minor victims and, upon conviction, did not require sex offender registration.

3. Jane Doe #1 is a woman with initials C.W., and Jane Doe #2 is a woman with initials T.M. Both were victims of Epstein's while they were minors beginning when they were fifteen years old. Both Jane Does were identified through the Palm Beach Police Department's investigation of Epstein.

4. Attached as Exhibits 1, 2, 3, and 4 to the Declaration of A. Marie Villafaña are true and correct copies of victim notification letters sent to Jane Does 1 and 2 from the United States Attorney's Office and the FBI.

5. Throughout the investigation, the FBI agents and the Assistant U.S. Attorney had several meetings with Jane Doe #1. During those meetings, Jane Doe #1 never expressed a desire to be consulted prior to the resolution of the investigation. Jane Doe #2 was represented by counsel and, accordingly, all contact was made through that attorney. That attorney never expressed that Jane Doe #2 wanted to be consulted prior to the resolution of the investigation.

6. In September 2007, Epstein and the U.S. Attorney's Office reached an agreement whereby the United States would defer federal prosecution in favor of prosecution by the State of Florida, so long as certain basic preconditions were met, those included a conviction on a state sex offense that reflected that the victims were minors at the time the crimes occurred and that would require sex offender registration. Another key objective for the United States Attorney's Office was to preserve a federal remedy for

the young girls whom Epstein had sexually exploited. The Agreement contained an express confidentiality provision. The Agreement was subsequently modified in October and December 2007.

7. Although individual victims were not consulted regarding the agreement, several had expressed concerns regarding the exposure of their identities at trial and they desired a prompt resolution of the matter. At the time the agreement and the modifications were signed in September, October, and December 2007, Jane Doe #2 was openly hostile to the prosecution of Epstein.

8. In October 2007, shortly after the initial agreement was signed, Jane Doe #1 was contacted to be advised regarding the resolution of the investigation. On October __, 2007, Special Agents E. Nesbitt Kuyrkendall and Jason Richards met in person with Jane Doe #1. The Special Agents explained that the investigation had been resolved, that Epstein would plead guilty to two state offenses, he would be required to register as a sex offender for life, and he had made certain concessions related to the payment of damages to the victims, including Jane Doe #1. Jane Doe #1 also was advised that Epstein would be entering a guilty plea in state court on October __, 2007, although the October change of plea did not take place. During this meeting, Jane Doe #1 did not raise any objections to the resolution of the matter.

9. Jane Doe #1 misunderstood the explanation provided by the Special Agents, believing that only the State part of the Epstein investigation had been resolved, and that the federal investigation would continue, possibly leading to a federal prosecution.

10. When Epstein's attorneys learned that some of the victims had been notified, they complained that the victims were receiving an incentive to overstate their involvement with Epstein in order to increase their damages claims. Following the signing of the Agreement and the modifications thereto, Epstein's performance was delayed while he sought to rescind the Agreement. Throughout that period, the FBI and the U.S. Attorney's Office maintained contact with the victims, to be prepared if Epstein were to renege on the agreement.

11. After Jane Doe #1 had been notified of the terms of the agreement, but before Epstein performed his obligations, Jane Doe #1 contacted the FBI because Epstein's counsel was attempting to take her deposition and private investigators were harassing her. Assistant U.S. Attorney A. Marie Villafaña secured pro bono counsel to represent Jane Doe #1 and several other identified victims in connection with the criminal investigation. Pro bono counsel was able to assist Jane Doe #1 in avoiding the improper deposition.

12. In mid-June 2008, Attorney Edwards contacted AUSA Villafaña to inform her that he represented Jane Doe #1 and, later, Jane Doe #2. Attorney Edwards asked to meet to provide information regarding Epstein. Attorney Edwards was asked to send any information that he wanted considered, but did not send anything.

13. On Friday, June 27, 2008, at approximately 4:15 p.m., AUSA Villafaña received a copy of Epstein's proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. AUSA Villafaña and the Palm Beach Police Department attempted to provide notification to victims in the short time that

Epstein's counsel had provided. Attorney Edwards was called to provide notice to his clients regarding the hearing.

14. On July 9, 2008, AUSA Villafaña sent a victim notification to Jane Doe #1 via her attorney, Bradley Edwards, which is attached as Exhibit 6 to the Villafaña Declaration. That notification contains a written explanation of the full terms of the agreement between Epstein and the U.S. Attorney's Office. A notification was not provided to Jane Doe #2 because the agreement limited Epstein's liability to victims whom the United States was prepared to name in an indictment.

SO STIPULATED AND AGREED.

Dated: _____

BRADLEY EDWARDS, ESQ.
Attorney for Plaintiffs Jane Does #1 & 2

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

By:

DEXTER LEE

ASSISTANT U.S. ATTORNEY

Attorney for Defendant United States

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA/JOHNSON

JANE DOE #1 and JANE DOE #2,

Plaintiffs,

UNITED STATES OF AMERICA,

Defendant,

ROY BLACK, *et al.*,

Intervenors.

**INTERVENORS' MOTION FOR A PROTECTIVE CONFIDENTIALITY
ORDER AND INCORPORATED MEMORANDUM OF LAW**

Intervenors Roy Black, Martin Weinberg, and Jeffrey Epstein, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and Local Rule 26.1, respectfully move this Court for the entry a Protective Confidentiality Order which (1) limits the dissemination of certain Confidential Discovery Material ("CDM") described below, to a designated list of the Plaintiffs' counsel and support staff, and (2) prohibits any party from filing pleadings, briefs, memorandums or exhibits purporting to reproduce, quote, paraphrase or summarize any CDM or portions thereof, absent leave of the Court to file the document or portion thereof under seal in accordance with Local Rules of the United States District Court for the Southern District of Florida. *See Exhibit 1*, Proposed Protective Confidentiality Order.

In support of this motion, the Intervenors submit the following Memorandum. Part I sets forth the background of this matter. Part II demonstrates why the Court can and should issue the requested protective order.

MEMORANDUM

I. BACKGROUND

Intervenor Jeffrey Epstein entered into a Non-Prosecution Agreement (“NPA”) with the government in September, 2007. Under that agreement, Mr. Epstein pled guilty to two state felony offenses and served a prison sentence and a term of community control probation. The agreement, with which he has fully complied, also required that he pay the legal fees of the attorney-representative of identified victims and that he not contest liability in any cases brought against him solely under 18 U.S.C. § 2255. Plaintiffs sued under § 2255 and received settlements as the direct result of Mr. Epstein’s agreement not to contest liability in those cases. Plaintiffs, such as the Jane Does in this case, “relied on the [NPA] when seeking civil relief against Epstein . . . and affirmatively advanced the terms of the [NPA] as a basis for relief from Epstein.” United States’ Reply in Support of its Motion to Dismiss for Lack of Subject Matter Jurisdiction, Doc. 205-6 at 12-13.

After reaping the benefits of the NPA, the plaintiffs seek herein, among other remedies, the rescission of that agreement. During the course of civil litigation against Mr. Epstein, Mr. Epstein was ordered, over his strenuous objection, to produce documents given to him by the government during the course of his settlement/plea negotiations with it. *See*

Jane Doe #2 ■. Epstein, No. 08-80119-MARRA, Doc. 462. Once the CVRA action was reactivated – after plaintiffs had successfully pursued their civil monetary remedies against Mr. Epstein to completion – plaintiffs sought to use that correspondence in the CVRA case and thereafter also sought disclosure from the government of correspondence authored and sent to the government by Mr. Epstein’s attorneys in the course of their efforts on behalf of their client to resolve the ongoing criminal investigation of him. Both Mr. Epstein and his criminal defense attorneys – Intervenor Roy Black and Martin Weinberg – filed motions to intervene for the limited purpose of challenging the use and disclosure of the settlement/plea negotiation correspondence (Doc. 56, 93), followed by supplemental briefing and motions contending, among other things, that the correspondence fell within the bounds of privilege under Fed. R. Evid. 501. Doc. 94, 160,161, 162.

This Court granted the motions to intervene (Doc. 158, 159), but ultimately ruled that the correspondence – the CDM at issue in the instant motion – was subject to disclosure. Doc. 188. Among other things, the Court rejected Intervenor’s argument based on Rule 501 on the ground that Congress has already addressed the issue in Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 and likewise rejected the Intervenor’s request that the Court recognize a privilege for plea negotiation communications. *Id.* at 8-9. The Intervenor appealed the Court’s ruling to the Eleventh Circuit. However, on April 14, 2014, the Eleventh Circuit affirmed the Court’s rulings using the same rationales.

II. ARGUMENT

Although the Court ruled that the Plaintiffs could *discover* the CDM, the Court reserved ruling on how the Plaintiffs could *use* the material thereafter, expressly cautioning that “this order is not intended to operate as a ruling on the relevance or admissibility of any particular piece of correspondence, a matter expressly reserved for determination at the time of final disposition.” Doc 188, p. 10. Unless and until the Court determines those reserved issues, the Court should bar the Plaintiffs from disseminating and/or publicly disclosing the substance of the CDM absent further order of the Court.

A. Discovery Should Not Be Routinely Made Available to the Public

“The Eleventh Circuit has repeatedly acknowledged the private nature of discovery” *Looney* ■ *Moore*, No. 2:13-CV-00733-KOB (N.D. Ala. April 7, 2014), 2014 U.S. Dist. LEXIS 48349, at *3, citing *Chicago Tribune Co.* ■ *Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1316 (11th Cir. 2001) (“Discovery, whether civil or criminal, is essentially a private process because the litigants and the courts assume that the *sole purpose* of discovery is to assist trial preparation.”) (quoting *United States* ■ *Anderson*, 799 F.2d 1438, 1441 (11th Cir. 1986; emphasis in original). See also *Anderson*, 799 F.2d at 1441 (“Historically, discovery materials were not available to the public or press.”) (citation omitted); *In re: Denture Cream Products Liability Litigation*, No. 09-2051-MD-Altonaga/Simonton (S.D. Fla. Jan. 18, 2013), 2013 U.S. Dist. LEXIS 8114, at *37 (“the common law right of access to judicial proceedings does not apply to discovery materials, ‘as these materials are neither public

documents nor judicial records”) (quoting *Chicago Tribune*, 263 F.3d at 1311; citation omitted). Thus, “[a] court may restrict distribution of discovery material even if there ‘certainly is a public interest in knowing more’ about its contents.” *Tillman* █. *C.R. Bard, Inc.*, Case No. 3:13-cv-222-J-34JBT (M.D. Fla. March 13, 2014), 2014 U.S. Dist. LEXIS 41406, at *6, quoting *Seattle Times Co.* █. *Rhinehart*, 467 U.S. 20, 31 (1984)

Placing limitations on the dissemination and use of pretrial discovery is particularly important since “[t]he overwhelming majority of documents disclosed during discovery are likely irrelevant to the underlying issues....” *Federal Trade Commission* █. *Abbvie Products LLC*, 713 F.3d 54, 63 (11th Cir. 2013). Therefore, “[s]uch documents, prior to admission into the record in support of a motion or as evidence at trial, ‘play no role in the performance of Article III functions’ of a federal judge.” *Travelers Indemnity Co.* █. *Excalibur Reinsurance Corp.*, No. 3:11-CV-1209 (CSH) (D. Conn. Aug. 5, 2013), 2013 U.S. Dist. LEXIS 110400, at *37, quoting *United States* █. *Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995).

These principles are vitally important here where counsels’ private communications with prosecutors “if publicly released could be damaging to reputation and privacy” and would likely constitute an “abuse of [a court’s] processes.” *Seattle Times*, 467 U.S. at 35 While courts have recognized that settlement agreement materials may sometimes be discoverable, see, e.g., *In re MSTG, Inc.*, 675 F.3d 1337, 1348 (Fed. Cir. 2012),¹ they are

¹ *But see Wagner* █. *Wastiffs*, Case No. 2:08-cv-431 (S.D. Ohio May 14, 2013), 2013 U.S. Dist. LEXIS 68349 (denying motion to compel discovery of settlement agreement on relevancy grounds); *Duncan* █. *Phoenix Supported Living, Inc.*, No. 2:05cv1 (W.D. N.C. Sept. 12, 2006), 2006 U.S. Dist. (continued...)

rarely admissible as evidence at trial, *see, e.g., LaserDynamics, Inc.* ¹ *Quanta Computer, Inc.*, 694 F.3d 51, 78 (Fed. Cir. 2012) (reversing district court for admitting settlement agreement at trial); *Apple, Inc.* ² *Samsung Electronics Co., Ltd.*, Case No. 11-CV-01846-LHK (N.D. Cal. Nov. 7, 2013), 2013 U.S. Dist. LEXIS 160337, at **51-54 (barring parties from relying on settlement agreement at trial under Fed. R. Evid. 403).

For this reasons alone, it is appropriate to limit the dissemination and use of discovery concerning settlement discussions, even if not privileged. *See Charles E. Hill & Associates, Inc.* ³ *ABT Electronics, Inc.*, 854 F. Supp. 2d 427, 430 (E.D. Tex. 2012) (designating discovery material including settlement communications as “Outside Counsel Eyes Only Confidential Information” and cautioning parties that while it is allowing the discovery it intends to later weigh relevance carefully and noting that settlement negotiations are “always suspect to some degree and are often littered with unreal assertions and unfounded expectations ... And are not always grounded in facts or reason.”). Indeed, unless and until the Plaintiffs demonstrate a bona fide need to use the discovery at trial or in pleadings, the Intervenors need not even demonstrate “good cause” in order to obtain relief. As the Hon. Karon Owen Bowdre, Chief Judge of the U.S. District Court for the Northern District of Alabama recently held:

¹(...continued)

LEXIS 66742, at **9-11 (finding settlement communications non-discoverable as “not .. Likely to lead to the disclosure of admissible evidence” and would tend to chill settlement efforts) (citations omitted).

Based on this standard of practice, the court finds that restricting the use of discovery materials to case-related purposes only, even over Plaintiffs' objection, is within this court's discretion and authority even without the application of the Rule 26(c) good cause standard. By its text, Rule 26(c) applies to situations where the court is either limiting what a party has to produce *at all* in the discovery process, or limiting public access to documents that are *actually filed* in the case. Fed. R. Civ. Pro. 26(c). The disputed limitation in this case does not fall into either of these categories....

Looney ■ *Moore*, No. 2:13-CV-00733-KOB (N.D. Ala. April 7, 2014), 2014 U.S. Dist. LEXIS 48349, at ** 4-5 (emphasis in original).

B. Good Cause Exists For the Protective Order In Any Event

Even if the Intervenors would be required to demonstrate "good cause" for the requested protective order at this point, that standard is met where restrictions are appropriate under Rule 26(c) to protect the Intervenors from "annoyance, embarrassment, oppression, or undue burden or expense." See *Looney*, 2014 U.S. Dist. LEXIS 48349, at *5; *Irizarry-Santiago* ■ *Essilor Industries*, 293 F.R.D. 100, 104 (D. P.R. 2013). The Intervenors include not only the third-party *client* whose non-prosecution agreement is the one Plaintiffs are trying to undo but also the client's *attorneys*, who are even further removed from the actual litigants. Counsels' lengthy arguments may or may not have had any influence on the government's decision-making and, therefore, their relevance is particularly remote. Cf. *United States* ■ *Byrd*, Crim. No. 13-0266-WS (S.D. Ala. April 7, 2014), 2014 U.S. Dist. LEXIS 48035, at **14-18 (denying newspaper's motion to obtain copies of unsolicited sentencing letters mailed to the judge prior to sentencing, despite "no formal promises of

secrecy or confidentiality,” because “the privacy interests of the letter writers and the interests of the judicial system in obtaining honest, uncensored input” outweighed public’s interest in disclosure, especially where the sentencing letters “neither drove nor significantly impacted the sentencing decision” which was based on a plea agreement).

Like the situation at issue in *Looney*, the instant case is a “high profile” one and should not be “tried in the media, rather [than] in the courtroom.” *Looney*, 2014 U.S. Dist. LEXIS 48349, at *5. Moreover, there is a well documented history in this case of the media reporting inflammatory statements made by Plaintiffs’ counsel, either directly to the press or in pleadings, and these statements have frequently been based on discovery materials. *See, e.g., Attorneys Say Miami Prosecutors Violated Crime Victims’ Rights Act*, Main Justice, March 22, 2011 (quoting Plaintiffs’ motion asserting that the U.S. Attorney’s Office “deliberately misled” them and claiming that the “only reason” the U.S. Attorney’s Office “concealed the existence of the non-prosecution agreement from them was “to avoid a firestorm of public controversy that would have erupted if the sweetheart plea deal with a politically connected billionaire had been revealed”); *Attorneys want Jeffrey Epstein agreement thrown out*, PalmBeachDailyNews.com, March 21, 2011 (repeating aforementioned accusations from Plaintiffs’ motion attacking the U.S. Attorney’s Office, adding that the Office had allegedly engaged in a “pattern of deception” and noting that Plaintiffs’ motion had made references to “e-mails and letters from the federal office to Epstein’s lawyers”); *News Reports about Billionaire Pedophile Jeffrey Epstein Highlight the*

Importance of Victims Rights, BriefingWire.com, March 8, 2011 (quoting Plaintiffs' counsel saying "we took on powerful people and sought to level the playing field to protect victims" and that he "hopes that the media attention" will "inspire victims" to "hold predators accountable"); *Judge Receives Epstein Tape Ruling Pending*, Palm Beach Daily News, May 5, 2010 (quoting plaintiffs' counsel as arguing that a 22-minute tape recording of Mr. Epstein was "critical" in showing his alleged "lack of remorse" and that he was a "pitiless" sexual abuser); *Lawyer: Epstein Made Admissions On Tape*, Palm Beach Daily News (FL), April 29, 2010 (quoting Plaintiffs' motion concerning the same tape recording); *Attorney For Epstein Victims: 'I have Never Seen A Stranger Case'*, Palm Beach Daily News, September 20, 2009, p. A.1 (quoting Plaintiffs' counsel as opining that Mr. Epstein "could have gone to prison for life," that he had "never seen a stranger case" and that the U.S. Attorney's Office was effectively "saying we'll do everything in our power to see he doesn't get punished"); *Palm Beach sex offender's secret plea deal: Possible co-conspirators not charged, presses victims to settle civil suits*, The Palm Beach Post, September 18, 2009 (quoting Plaintiffs' counsel as saying that non-prosecution agreement "taught [the victims] that someone with money can buy his way out of anything. It's outrageous and embarrassing..."); *Judge to Rule on Sealed Plea-Deal Papers Today*, Palm Beach Daily News, June 25, 2009, p. A.1 (reporting Plaintiffs' counsel saying that he wanted to use the settlement documents in depositions); *Hearing Set to Consider Secrecy of Plea Bargain*, Sun-Sentinel (Ft. Lauderdale, Florida), Palm Beach Edition, June 15, 2009, p. 3B (in

response to reporter's question about whether he thought Mr. Epstein had received special treatment, Plaintiffs' counsel quoted as saying: "Are you kidding? It's transparent. Certainly, no one else gets treated like that"). See **Composite Exhibit 2**.

The publicity-generating comments by Plaintiffs' counsel have continued since the Eleventh Circuit's ruling. The wave began on April 21, 2014. That day, the *Washington Post* published a lengthy letter written by one of Plaintiffs' lead counsel containing his editorialized history of the case criticizing the Intervenors' arguments and concluding with his opinion that "the federal prosecutors deliberately concealed the sweetheart plea deal." See **Composite Exhibit 3**. The same attorney was also quoted by the *Sun-Sentinel* as making the unsupported accusation that somehow Mr. Epstein "used his political connections and great wealth" to secure a plea bargain that, in counsel's opinion "was unheard of, frankly, if you look at these charges." *Id.* Also that same day, the Plaintiffs' other lead counsel was quoted by the *Palm Beach Daily News* as referring to Mr. Epstein as "[a] well-connected billionaire" who "got away with molesting many girls." *Appeals court rules against sex offender; Attorneys for underage victims seek to overturn 'sweetheart plea'*, PalmBeachDailyNews.com, April 21, 2014. *Id.*

On April 22, 2014, the same attorney issued a "press release" likewise trumpeting the appellate victory, identifying Mr. Epstein's counsel by name and containing a personal statement from counsel. See **Composite Exhibit 4**. In a parallel article published in the *Daily Business Review*, Plaintiffs' counsel was quoted as follows: "Edwards said the

documents *at this point* will be disclosed only to the plaintiffs and will not become part of the public record.” *Id.* (emphasis added). The implication of the “at his point” qualifier suggests that Plaintiffs’ counsel plan to inject the private discovery into “the public record” at a later date.

The next day, April 23, 2014, the Facebook page for the Farmer Jaffe Weissing law firm began posting multiple photographs of Mr. Epstein with links to numerous newspaper articles about the case, along with snippets of prejudicial quotations from Plaintiffs’ counsel. *See Composite Exhibit 5.* The same comments were then posted on the law firm’s blog “www.pathtojustice.com with yet another large photograph of Mr. Epstein, resembling a mug shot. *Id.* The blog includes such personalized opinions, such as: “We have a very strong case that, prodded by Epstein, the federal prosecutors deliberately concealed the sweetheart plea deal.” *Id.*

In light of the prominence of this case in the media, the repeated use of the media by Plaintiffs counsel to drum up support for their case (and to prejudice the community against Mr. Epstein and his counsel), and the Plaintiffs’ suggestion that they could make the CDM available to the public in the future (just not “at this point”), the requested protective order is more than justified. As Chief Judge Bowdre likewise concluded in a similar, but less egregious, situation:

The court has already expressed to the parties its concern that this potentially high profile case will be tried in the media, rather in the courtroom. Significant media coverage of the case has already occurred. In the interest of justice, this court is

committed to giving both parties a fair trial, which includes protecting the Defendants from the “annoyance, embarrassment, [and] oppression” that could occur from allowing their names to be dragged through the metaphorical mud before a jury has even made any determination of wrongdoing. At least one other court has cited the risk of excessive publicity preventing the selection of an impartial jury as legitimate support for a finding of good cause under Rule 26(c). *See Anderson v. Cryovac, Inc.*, 805 F.2d 1, 4 (1st Cir. 1986) (overturning the district court’s decision on other grounds). As such, the court finds that good cause exists to support the Protective Order as written....

Looney v. Moore, 2014 U.S. Dist. LEXIS 48349, at **5-6.

LOCAL RULE 7.1(a)(3) CERTIFICATION

Counsel hereby certify that they have conferred with all parties who may be affected by the relief sought in this motion in a good faith effort to resolve the issues raised in the motion and have been unable to do so. Plaintiffs oppose this motion.

CONCLUSION

For all of the foregoing reasons, the Court should GRANT this motion and enter the requested Protective Order.

Respectfully submitted,

/s/Roy Black

Roy Black

Jackie Perczek

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CERTIFICATE OF SERVICE

I HERE CERTIFY that a true copy of the foregoing was filed via CM/ECF, this
2nd day of May, 2014.

/s/Roy Black
Roy Black

COMPOSITE EXHIBIT 4

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Prosecutors Must Turn Over Docs In Billionaire Sex Offender Jeffrey Epstein Case

John Pacenti, Daily Business Review

April 22, 2014

Roy Black

Partner

Black, Srebnick, Kornspan & Stumpf

Attorneys for two alleged sexual assault victims trying to negate a federal nonprosecution agreement with billionaire pedophile Jeffrey Epstein applauded a decision by a federal appellate court as a triumph for victims' rights.

But Epstein's celebrity defense attorney Roy Black said the decision by the U.S. Courts of Appeals for the Eleventh Circuit in Atlanta undercuts the plea negotiation process and attorney-client privilege.

The U.S. Court of Appeals for the Eleventh Circuit affirmed an order requiring prosecutors to turn over documents about plea discussions with Epstein. The decision also lifted an appellate stay on the ruling by U.S. District Judge Kenneth Marra in West Palm Beach to allow the release of documents to the women, identified in court papers only as Jane Doe No. 1 and Jane Doe No. 2.

The women say they were sexually molested as minors by Epstein and claim federal prosecutors violated the Crime Victims' Rights Act when they negotiated the nonprosecution agreement in 2007.

Both sides agreed the opinion sets a precedent unrivaled in other federal circuits.

"So much of the legal area of victims' rights is breaking new ground and new territory," said Jay Howell, a Jacksonville appellate lawyer who represented the women. "The court decision here expands the rights of the victims and the victims' ability to discover information about the criminal case."

He said the women have stuck with the case out of "a fundamental sense of injustice" for the underage victims of Epstein.

Black, a partner at Black, Srebnick, Kornspan & Stumpf in Miami, said the 23-page opinion issued Friday has wider implications in plea bargains. No longer can defense attorneys be candid with prosecutors when trying to negotiate a plea, he said.

"This is now the leading precedent holding that plea bargain discussions are not confidential, and now criminal defense lawyers must censor their communications with prosecutors," Black said. "The Eleventh Circuit has ruled there is no privilege, there is no confidentiality."

Miami attorney Joseph DeMaria, a partner at Fox Rothschild and former federal prosecutor, said while the opinion is legally correct, it could have a significant impact on the 90 percent of federal cases resolved by pleas. He said it now is up to Congress to amend the Crime Victims' Rights Act to carve out a safeguard for defendants.

He foresees "a chilling effect on plea negotiations where victims are aggressively seeking information."

"If these type of plea discussions are now discoverable by victims, then it's going to cause significant problems for the government and defendants in trying to resolve criminal cases," DeMaria said.

Epstein was accused of luring underage women to his Palm Beach mansion for sex. The television show "Law & Order SVU" had a "ripped from the headlines" episode based on Epstein, who is also known for his celebrity connections. Flight logs show former President Bill Clinton flew on Epstein's private plane 10 times from 2002 to 2005.

Plea bargain

The appellate case stems from a decision by federal prosecutors not to charge Epstein if he pleaded guilty to state charges in Palm Beach Circuit Court for soliciting an underage girl for prostitution. He was sentenced to 18 months in jail and house arrest.

Epstein moved back to New York City from Palm Beach after he finished his sentence.

The women contend they could have argued against the nonprosecution agreement if they were informed before the agreement was reached.

"Our clients want to see Mr. Epstein held accountable for the numerous sex offenses he committed against many children," said Bradley Edwards, the women's trial counsel and a partner at Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman in Fort Lauderdale.

Edwards said the documents at this point will be disclosed only to the plaintiffs and will not become part of the public record.

Andrew Levi, a partner at Lehr Levi & Mendez in Miami and former federal prosecutor, said once documents are in the hands of civil attorneys they can easily be passed on to news media or put in other court records.

"It's not as if they are given to the attorney with any type of limitation attached," he said. "We are going to have to see how this plays out in the future to determine if this decision has a chilling effect on the candor and possibly the effectiveness of communications by defense counsel when negotiating a plea."

Unanimous opinion

Epstein's criminal defense attorneys, Black and Martin G. Weinberg of Boston, intervened in the appeal as third parties. The appellate ruling was written by one of the more conservative members of the Eleventh Circuit.

Judge William H. Pryor said the federal rule of evidence cited by Epstein in the interlocutory appeal did not protect him against discoverability of plea negotiations.

"And even if they did, Epstein clearly falls outside its protection because he entered a guilty plea and the victims intend to use the correspondence against the United States, not against Epstein," Pryor wrote.

He was joined in the unanimous decision by Judge Beverly Martin and U.S. District Judge Charlene Edwards Honeywell of Orlando, sitting by designation.

The U.S. attorney's office in Miami argued before Marra that the victims did not need to be notified of the agreement because the women's liberty was not at stake. It also took the position that the Crime Victims Right Act did not apply unless federal charges were filed against Epstein.

Victims' Rights

Howell said the decision indicates how courts have come around to the victim's point of view. He said as a state prosecutor in 1978, victims' rights were nearly non-existent.

"There has been a fundamental change in the courts," he said. "It's only been in the last 30 years that courts examines things from the view point of the victim."

He said plaintiffs attorneys have asked the Justice Department in Washington why Epstein was offered the nonprosecution agreement but were told all decisions on the billionaire were made in Florida.

"Why was such a lenient deal offered?" Howell asked. "Washington is supposed to be tough on crimes against children, but the decision in this case certainly disputes that policy."

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Appeals Court Rules in Favor of Crime Victims' Rights in Registered Pedophile Jeffrey Epstein Case

In a landmark decision, the US Court of Appeals for the Eleventh Circuit Court on April 18, 2014, ruled in favor of two crime victims represented by Farmer Jaffe Weissing Partner Brad Edwards and his co-counsel, Paul Cassell

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PRLog (Press Release) - Apr. 22, 2014 - FORT LAUDERDALE, Fla. - Contact

Brad Edwards, Farmer, Jaffe Weissing, Edwards, Fistos & Lehman, P.L. (800) 400-1098 Kim Sailer, BARD Marketing/PR ksailer@bardmarketing.com

Appeals Court Rules in Favor of Crime Victims' Rights in Registered Pedophile Jeffrey Epstein Case

In a landmark decision, the U.S. Court of Appeals for the Eleventh Circuit Court on April 18, 2014 ruled in favor of two crime victims represented by Farmer, Jaffe Weissing, Edwards, Fistos & Lehman Partner Brad Edwards and his co-counsel, Paul Cassell, Ronald N. Boyce Presidential Professor of Criminal Law - S.J. Quinny College of Law at the University of Utah. The ruling upheld the District Court which ordered the United States Attorney's Office to provide the victims and their advocates the large volume of correspondence exchanged between Jeffrey Epstein and the Government that resulted in the government electing not to Federally prosecute Epstein for his many sexual crimes against children. Attorneys Edwards and Cassell argued the case before the Eleventh Circuit in February, against attorneys Roy Black and Martin Weinberg

The case involves a federal criminal investigation that resulted in the Federal Government learning that Jeffrey Epstein and certain co-conspirators sexually abused dozens and dozens of minor girls in West Palm Beach, Florida. Epstein ultimately reached a plea deal under which he plead guilty only to a state charge of procuring a minor for prostitution in exchange for the Federal Government agreeing not to pursue federal sex crimes on behalf of more than 40 victims. Represented by Attorney Brad Edwards and Paul Cassell, two of the girls sought to have the plea deal thrown out because prosecutors had not informed them of what was happening and had taken steps to conceal the peculiar plea arrangements. The victims moved to have access to the correspondence between prosecutors and defense attorneys to prove their case.

The Eleventh Circuit ruled that that the victims were entitled to have access to the materials. Agreeing with Attorneys Edwards and Cassell, the Eleventh Circuit ruled that the communications were not privileged or otherwise barred from distribution. The Eleventh Circuit explained that the victims should "enjoy an evidentiary benefit from the disclosure of plea negotiations to prove where the United States violated their rights under the [Crime Victims' Rights] Act."

Upon learning of the ruling Attorney Brad Edwards stated: "The victims have fought hard for almost 6 years now to learn why the person who molested them and many other children was ultimately allowed to live above the law and avoid being held accountable for his crimes. I'm pleased that the Eleventh Circuit has made this ruling which will bring the victims one step closer to knowing the truth. Wealth and power should not immunize anyone from punishment for harmful sexual acts against children, in the circumstances when it does the victims should at least have access to the explanation why. These documents should begin to explain."

Farmer, Jaffe, Weissing, Edwards, Fistos & Lehman, P.L., a Fort Lauderdale Litigation firm, focuses on Consumer Class Actions, Personal Injury, Wrongful Death, and Whistleblower Suits (qui tam). The firm is headquartered at 425 N. Andrews Avenue, Suite 2 and may be reached at (800) 400-1098 or (954) 524-2820. Additional information about Brad Edwards, or Farmer, Jaffe, Weissing, Edwards & Lehman, P.L. may be obtained from the firm's website at <http://www.pathtojustice.com/attorneys-brad-edwards/>, <http://www.abuseandassault.com> or <http://www.pathtojustice.com>.

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Farmer Jaffe Weissing April 29

Join us in wishing Farmer Jaffe Weissing - Gary Farmer a Happy Birthday!

Farmer Jaffe Weissing

Rae Sterner Moore Hey Jaff, looks like a good group! Very professional photo... March 26 at 6:26pm

Premier Process Serving Cal Jacksonville's most reliable process servers. Premier Pro. February 26 at 12:02pm

Bonnie Manis *Gabe Zambrano, of Farmer Jaffe Weissing, is a Co-Chair. February 25 at 10:46am

Fitch T-minus 8 hours until game time! Let's go Canes! November 2, 2013 at 12:00pm

Race Point Legal Race Point Legal has delivered technology, multimedia and c. September 12, 2013 at 10:16am

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Sexual Assault by Massage Therapists <http://hub.am/1kscg4D>



Sexual Assault by Massage Therapists <http://www.palhojustice.com/blog/bkd/344185/sexual-assault-by-massage-therapists>

Sexual assaults of clients by massage therapists at the spa are occurring at high rates and lawsuits can be filed.

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April 29

"#Colleges and #universities need to face the facts about #sexualassault," #VicePresidentBiden said in a statement as a 20-page report was released. "No more turning a blind eye or pretending it doesn't exist."



White House releases report on sex assaults at colleges
www.washingtonpost.com

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Farmer Jaffe Weissing Federal officials have launch a Web site called NotAlone.gov to support survivors of sexual assault on campuses and also plan to challenge colleges to survey their students next year about sexual misconduct and other safety issue.
April 29 at 9:49am · Like



Farmer Jaffe Weissing
April 28

Join us in wishing Kristen Wagner a Happy Birthday!

<https://www.facebook.com/FarmerJaffeWeissing>

Farmer Jaffe Weissing created an event.
April 29



7th Annual 4KIDS Big Cardio 5K.
Fitness.Sports
Tomorrow
Central Broward Regional Park, Fort Lauderdale,
Florida in Lauderdale, Florida
Be the first person to join

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April 29 · Edited

Join attorney #MattWeissing on May 3 and run the 7th Annual #4Kids Big Cardio 5K. Help make a difference in the lives of Florida's foster children.

Click link below to sign-up or make a donation.

Event Schedule:		
Registration: All Activities Including 5K, Fitness, Sports.	5/3/2014	6:00 am - 8
Starting Ceremony At Bell Tower	5/3/2014	6:50 am - 7
Walk Starts At Bell Tower	5/3/2014	7
Awards At Main Stage	5/3/2014	8:00 am - 8
Classes And Sports Tournaments	5/3/2014	8:30 am - 11
Tournament Awards At Main Stage	5/3/2014	11:45 am - 12
Live, Food, Activities, And Events	5/3/2014	7:00 am - 12

4KIDS BIG Cardio! Move. Sweat. Give. - Home
www.kintera.org

BIG Cardio 5K. Fitness. Sports. Benefiting 4KIDS of South Florida - Join us May 3, 2014 for an amazing day of fitness, sports, activities, food and fun in the park, while supporting kids in crisis.

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Farmer Jaffe Weissing continues to evaluate legal claims against

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Stryker Corporation over their 'recalled' #Rejuvenate & #ABGII hip implants. Any questions welcome.
<http://www.pathtojustice.com/stryker-lawsuits>



STRYKER HIP RECALL LAWSUITS
www.pathtojustice.com

Nationwide Case Evaluations involving lawsuits against STRYKER HIP REPLACEMENTS following a recall of the REJUVENATE & ABG II. STRYKER REJUVENATE and ABG II modular-neck femoral hip system recalled in July 2013.

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Anastasia Bithos Zambrano Happy Birthday April 28 at 8:50pm · Like



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Newsweek examines Mirena IUD lawsuits and growing number of allegations and claims involving use the contraceptive. Do the benefits outweigh the risks? Are they as safe and effective as claimed? Those questions remain at the heart of ongoing lawsuits and litigation. Farmer Jaffe Weissing Gabe Zambrano remains an original thought leader on the controversy and we are investigating claims, as well as accepting new cases. Contact us with questions. <http://www.newsweek.com/2014/05/02/courtroom-controversy-behind-popular-contraceptive-mirena-248443.html>



The Courtroom Controversy Behind Popular Contraceptive Mirena

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Farmer Jaffe Weissing April 23

Daily Mail reviews 11th Circuit decision and Sun Sentinel article regarding Jeffrey Epstein. Related links appear below.

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Sex offender: Jeffrey Epstein served 13 months in prison in 2007 for relations with teen girls

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Billionaire's victims to see negotiations that led to lenient sentence
www.dailymail.co.uk

The Florida financier had counted numerous celebrities, politicians and social ... See More

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Victims win right to see negotiations that led to 'lenient' plea agreement for billionaire sex...
www.sun-sentinel.com

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Appeals Court Rules In Favor of Crime Victims' Rights in Registered Pedophile Jeffrey Epstein Case
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Farmer Jaffe Weissing

Join us in welcoming attorney #AdamHorowitz to the Farmer Jaffe Weissing Team. Adam joins attorney Brad Edwards to further expand the firm's nationwide #CrimeVictimsRights and #SexualAbuse Practice Group.


<http://www.pathtojustice.com/adam-horowitz/>




Adam Horowitz


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April 23 at 10:36am · Like

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April 24 at 7:57am · Like



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"Our clients want to see Mr. #Epstein held accountable for the numerous #sexoffenses he committed against many children," said #BradleyEdwards, the women's trial counsel and a partner at Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman in Fort Lauderdale.




Prosecutors Must Turn Over Docs In Billionaire Sex Offender Jeffrey Epstein Case

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The front page of today's Sun-Sentinel - Victims win right to see negotiations that led to 'lenient' plea agreement for billionaire sex offender Jeffrey Epstein.




Victims win right to see negotiations that led to 'lenient' plea agreement for billionaire sex...
www.sun-sentinel.com

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April 22

Additional news coverage on attorney #BradEdwards case against #JeffreyEpstein. This is a big victory for his clients and for #crimevictims.




Seventh Circuit rules that discovery can move forward on my Crime Victims' Rights Act case
www.washingtonpost.com

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In recent years, the number of #cyclists and #pedestrians #killed and #injured in #crashes in #Broward and #PalmBeach counties has spiked.

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Sunrise pushes pedestrian, bike safety
www.sun-sentinel.com

Police are targeting two Oakland Park Boulevard intersections with a high number of bicycle and pedestrian crashes, asking to educate everyone about the rules of the road.

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April 21

This is one more step in the fight by victims' attorneys Brad Edwards and Paul Cassell to overturn the secret deal, which saved Epstein from facing serious federal charges and serving a significant prison time.



Appeals court rules against sex offender

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Made Line It's a very good day. 11th circuit got it right. Congratulations!
April 21 at 11:33am Like 1



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April 18

A #TampaDaySchool principal has been arrested after #molesting a student he befriended after the death of his father. The K-8 school specializes assisting students who have mild to moderate #learningdisabilities, dyslexia, anxiety, and ADHD.



Tampa Day School principal arrested after authorities say he molested a student
www.tampabay.com

A Tampa Day School principal was arrested Thursday after authorities said he inappropriately touched a 14-year-old male student he had befriended, according to an arrest report.

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April 17 Edited

Local #teacher rearrested and accused of #sexuallyassaulting a #student after being warned by school officials not to spend any time alone with the #victim.



Broward teacher accused of sex with teen had been warned to stay away
articles.sun-sentinel.com

A religious school biology teacher accused of having sex with one of his 14-year-old students in a car parked behind a strip mall is now facing federal charges. Eric Richard Beasley, 24, of...

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Appeals Court Rules in Favor of Crime Victims' Rights in Registered Pedophile Jeffrey E Epstein Case

Posted on Wed, Apr 23, 2014

CRIM 13-12923 Title (1 of 4) 16/2014 Page 1 of 23

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 13-12923

D.C. Docket No. 9:08-cv-80736-KAM

JANE DOE NO. 1,
JANE DOE NO. 2,

Plaintiffs-Appellees.

versus

UNITED STATES OF AMERICA,

Defendant.

ROY BLACK,
MARTIN G. WEINBERG,
JEFFREY EPSTEIN,

Intervenors-Appellants.

Appeals from the United States District Court
for the Southern District of Florida

(April 16, 2014)

Before PRYOR and MARTIN, Circuit Judges, and HONEYWELL,* District
Judge

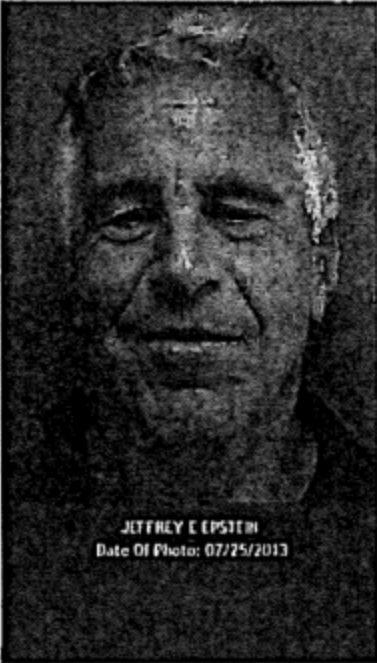
* Honorable Charlene Edwards Honeywell, United States District Judge for the Middle District
of Florida, sitting by designation

On Friday, April 18, 2014, the Eleventh Circuit ruled that discovery can move forward in an important Crime Victims' Rights Act case that my co-counsel Paul Cassell and I (Brad Edwards) have been litigating for nearly six years. The narrow issue before the Circuit was whether prosecutors and defense attorneys share an absolute privilege, to the exclusion of even the victims of the crime, so as to prevent anyone (including the victims) from knowing anything about the plea discussions. The District Court ruled that no such privilege exists and the 11th Circuit has now agreed. In this case, the ruling means that the victims will have a chance to review the correspondence exchanged between Epstein and prosecutors to learn how exactly the secretive deal was reached while the victims were lead to believe a prosecution was underway. The ruling will also get the victims one step closer to returning to the district court and seeking to invalidate the plea agreement that was consummated in violation of their rights. We hope that the case will ultimately set an important precedent establishing the timing for when victim's rights are triggered and ultimately prevent prosecutors from keeping victims in the dark about the plea deals reached with perpetrators.

Florida Department of Law Enforcement - Sexual Offender / Predator Divcr

[Click Here to Track this Offender](#)

Designation:	Sexual Offender
Name:	JEFFREY E EPSTEIN
Status:	Released - Required to Register
Department of Corrections #:	W35755 Search the Dept. of Corrections Website
Date of Birth:	01/20/1953
Race:	White
Sex:	Male
Hair:	Gray
Eyes:	Blue
Height:	6'00"
Weight:	180 lbs



JEFFREY E EPSTEIN
Date Of Photo: 07/25/2013

EPSTEIN is registered as a Sexual Offender. Positive identification cannot be established unless a fingerprint comparison is made.

Here are the important facts, taken from the Eleventh Circuit's opinion: In 2006 the FBI began investigating allegations that Jeffrey E. Epstein had sexually abused dozens and dozens of minor girls. The United States Attorney's Office for the Southern District of Florida accepted Epstein's case for prosecution, and the FBI issued victim notification letters to my two clients, minors Jane Doe No. 1 and Jane Doe No. 2, in June and August 2007. Extensive plea negotiations ensued between the United States and Epstein. Despite the investigation revealing that Epstein had molested more than 40 minor girls, in late 2007, the United States entered into a non-prosecution agreement (NPA) with Epstein - essentially agreeing to immunize Epstein for all of the Federal Sex crimes he committed in exchange for his offer to plead guilty to minor Florida state offenses (e.g., solicitation of prostitution), for which he served the majority of his "time" in a lush private office, as opposed to a cell.

During the Federal Plea negotiations, not only did the United States neglect to "meaningfully confer" with the victims before it entered into the agreement with Epstein, it also concealed its existence of the agreement for at least 9 months. For example, the United States sent post-agreement letters to the victims reporting that the "case is currently under investigation" and explaining that "[t]his can be a lengthy process and we request your continued patience while we conduct a thorough investigation." Some of those letters were delivered to victims as late as May, 2008 - many months after the NPA was signed and just before Epstein's state court plea that served to permanently extinguish the rights of victims.

On June 27, 2008, the United States informed me that Epstein planned to plead guilty to the Florida state charges three days later. But the United States failed to disclose that Epstein's pleas to those state charges arose from his federal non-prosecution agreement and that the pleas would bar a federal prosecution. As a result, the victims did not attend the state court proceedings. In fact, Federal prosecutors asked that I express my concerns about Mr. Epstein in a letter addressed to them. I sent that letter on July 3, 2008 detailing the reasons why federal prosecution of Mr. Epstein were extremely important for the safety of children. This exercise was obviously futile, especially in light of the fact that the plea to which Epstein had already entered brought an end to any chance of federal prosecution.

On July 7, 2008, while under the mistaken belief (along with my clients) that a federal plea deal was imminent and should be stopped - at least to give my clients a chance to first confer with the prosecutor as to the terms of the plea deal - I filed a petition alleging that Jane Doe No. 1 was a victim of federal sex crimes committed by Epstein and that the United States was wrongfully excluding her from plea negotiations. We also alleged that the prosecutors had violated her rights under the Crime Victims' Rights Act (CVRA) - specifically her rights to confer with federal prosecutors, to be treated with fairness, to receive timely notice of relevant court proceedings, and to receive information about restitution. The United States response was the first time we realized that there was no imminent federal plea to stop - the deal had already been done. By telling my clients to be patient, and by having me spend time writing letters about the need to prosecute Mr. Epstein, the United States had effectively run out the clock on my clients' rights. Remarkably, the United States, in its pleadings, defended the allegations that it had violated the victims' rights by claiming the Act did not apply to pre-indictment negotiations with potential federal defendants; therefore, the victims' "rights" had never been triggered and thus could not have been violated. The defense was that the victims had no rights...despite the CVRA.

After Jane Doe No. 2 joined the initial petition, the district court (Mama, J.) found that both women qualified as "crime victims" under the Act. The district court later rejected the Government's argument that the CVRA only applies after a federal criminal indictment has been filed.

Among other relief, we sought rescission of the non-prosecution agreement as a remedy for the violation of the victims' rights. To make the case for such a remedy, we moved for discovery of the correspondence between the United States and Epstein's attorneys during the plea negotiations. Epstein's attorneys intervened, arguing that Federal Rule of Evidence 410 and Federal Rule of Criminal Procedure 11 create a privilege for plea negotiations blocking release of the correspondence. They also argued that the court should find that the materials were protected under the work product doctrine or, alternatively, should be protected under a new "common-law privilege for plea negotiations." Yes, Epstein's defense attorneys argued at the District level and appellate level that absolute confidentiality should exist between defendants and prosecutors to the exclusion of everyone - including the victims of the crime.

The district court first ruled that rescission of the plea agreement was a possible remedy under the Act. The court then ruled that we were entitled to review the correspondence, rejecting all of Epstein's arguments.

On Friday, the Eleventh Circuit affirmed the district court's decision. At pp. 18-22, the Circuit concluded that there was no basis for restricting access to the correspondence when the victims had a legitimate need to review. The Circuit rejected, for example, the work product argument:

Disclosure of work-product materials to an adversary waives the work-product privilege. See, e.g., *In re Chrysler Motors Corp. Overnight Evaluation Program Litig.*, 860 F.2d 844, 846 (8th Cir. 1988); *In re Doe*, 662 F.2d 1073, 1081-82 (4th Cir. 1981). Even if it shared the common goal of reaching a quick settlement, the United States was undoubtedly adverse to Epstein during its investigation of him for federal offenses, and the intervenors' disclosure of their work product waived any claim of privilege. . .

The Circuit also declined to recognize a new privilege for "plea bargaining":

As a last-ditch effort, the intervenors contend that "[i]f more is needed in addition to the plain language of Rule 410 to preclude disclosure of the correspondence to plaintiffs, it can be found in the conjunction of Rule 410, the work-product privilege, and the Sixth Amendment right to the effective assistance of counsel in the plea bargaining process," but this novel argument fails too. As explained above, Rule 410 does not create a privilege and the intervenors waived any work-product privilege. The intervenors concede too that the right to counsel under the Sixth Amendment had not yet attached when the correspondence was exchanged. *Lumley v. City of Dade City, Fla.*, 327 F.3d 1186, 1195 (11th Cir. 2003) ("[T]he Sixth Amendment right to counsel ordinarily does not arise until there is a formal commitment by the government to prosecute," such as a "formal charge, preliminary hearing, indictment, information, or arraignment."). The "conjunctive" power of three false claims of privilege does not rescue the correspondence from disclosure. . . .

The Supreme Court has identified several considerations relevant to whether a court should recognize an evidentiary privilege—the needs of the public, whether the privilege is rooted in the imperative for confidence and trust, the evidentiary benefit of the denial of the privilege, and any consensus among the states, *Jaffee v. Redmond*, 518 U.S. 1, 10-15, 116 S. Ct. 1923, 1928-31 (1996)—but none of these considerations weighs in favor of recognizing a new privilege to prevent discovery of the plea negotiations. Although plea negotiations are vital to the functioning of the criminal justice system, a prosecutor and target of a criminal investigation do not enjoy a relationship of confidence and trust when they negotiate. Their adversarial relationship, unlike the confidential relationship of a doctor and patient or attorney and client, warrants no privilege beyond the terms of Rule 410. See *Jaffee*, 518 U.S. at 10, 116 S. Ct. at 1928. But the victims would enjoy an evidentiary benefit from the disclosure of plea negotiations to prove whether the United States violated their rights under the Act.

The bigger issue is whether the Crime Victims' Rights Act is going to be taken seriously by prosecutors and the courts. We have a very strong case that, prodded by Epstein, the federal prosecutors deliberately concealed the sweetheart plea deal they had cooked up with him to avoid public criticism of the deal. But the CVRA was the law of the land and required the prosecutors to confer with the victims about the deal - before it was made. I am hopeful that this case substantiates and advances the rights of crime victims in the criminal

process at an early stage, and that ultimately the violation of our clients rights in this case can be resurrected through the invalidation of this agreement that was reached in violation of their rights.

Tags: [Crime Victims Rights Act, CVRA](#), [Jeffrey E Epstein](#), [Florida Registered Sexual Offender](#)

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EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA/JOHNSON

JANE DOE #1 and JANE DOE #2,

Plaintiffs,

UNITED STATES OF AMERICA,

Defendant,

ROY BLACK, *et al.*,

Intervenors

PROPOSED
ORDER OF CONFIDENTIALITY (“PROTECTIVE ORDER”)

THIS CAUSE came before the Court upon the *Intervenors' Motion For a Protective Confidentiality Order and Incorporated Memorandum of Law*. For the reasons that the Court will set forth in a separate forthcoming Order, the motion is hereby **GRANTED**.

Now, therefore, it is **ORDERED** that:

1. This Protective Order applies to all correspondence between the United States Attorney's Office and the Intervenors, including any attachments thereto, that was the subject of the Court's Order of June 18, 2013 (Doc. 188), hereinafter referred to as the "Confidential Discovery Material" or "CDM."
2. The parties shall designate the CDM by marking them on the face of the writing:

**CONFIDENTIAL - SUBJECT TO STIPULATION AND ORDER OF
CONFIDENTIALITY.**

The marking shall be affixed in such a manner as not to obliterate or obscure any written matter. With respect to discovery materials produced electronically, the designation of Confidential may be made on the outside of the disk or cd.

3. In the event that the Producing Party inadvertently fails to designate any CDM as confidential in this Action, it may make such designation subsequently by notifying all parties to whom such discovery material was produced, in writing as soon as practicable. After receipt of such notification, the parties to whom production has been made will treat the discovery material and all copies as having been designated as CDM.

4. The parties agree that the CDM, or any summary thereof, shall be used solely for the purpose of this Action and for no other purpose without prior written approval from the Court or the prior written consent of the Producing Party and the Intervenors. All persons receiving or given access to CDM in accordance with the terms of this Protective Order consent to the continuing jurisdiction of this Court for the purposes of enforcing this Protective Order and remedying any violations thereof.

5. a. CDM shall not be disclosed to anyone other than the following categories of persons:

(i) The Court (and any appellate court), including court personnel.

(ii) Court reporters (including persons operating video recording equipment at depositions) and person preparing transcripts of testimony to the extent necessary to prepare such transcripts, with the consent of counsel.

(iii) Plaintiffs' attorneys who appear as counsel of record in this case, including the attached list of paralegals, clerical, secretarial and other staff employed or retained by such counsel, provided that such staff and employees also comply with the provisions of Paragraph 6 hereof.

(iv) Retained consulting or testifying experts, advisors and consultants, including persons directly employed by such experts, advisors and consultants (collectively "experts") but only to the extent necessary to perform their work in connection with this Action.

¶ Any additional persons as counsel for the parties and Intervenors shall consent to in writing before the proposed disclosures.

b. All parties and their respective counsel, paralegals and employees and assistants of all counsel receiving the CDM shall take all steps reasonably necessary to prevent disclosure of the CDM other than in accordance with the terms of this Protective Order.

c. Disclosure of the CDM other than in accordance with the terms of this Protective Order may subject the disclosing person to such sanctions and remedies as this Court may deem appropriate, including without limitation, contempt, injunctive relief and damages.

6. No copies of any CDM shall be made or delivered to any person other than those categories of persons referred to in paragraph 5 above, and even then only in accordance with paragraphs 7 and 8 herein.

7. CDM may only be disclosed to persons who are not included in those categories referred to in paragraph 5.a. above, upon prior written consent of the Producing Party's and Intervenor's counsel. If either the Producing Party's counsel or the Intervenor's counsel refuses to give consent, the CDM shall not be disclosed. The Receiving Parties may apply to the Court for an order of relief, on notice to the Producing Party and Intervenor's.

8. Any person referred to in paragraphs 5.a.iii through 5.█ above who is furnished a copy of any CDM shall first be given a copy of this Protective Order and required to read it and be bound by its terms.

9. At any time during this Action, the Receiving Parties may challenge the designation of CDM as confidential by written notice to the Producing Party's counsel and counsel for the Intervenor's specifying by exact bates number the materials in dispute and the precise nature of the dispute with regard to each document or portion thereof. The parties and Intervenor's shall have twenty (20) days from receipt of the written notice to determine if the dispute can be resolved without judicial intervention and, if not, the Receiving Parties may move for an Order removing the confidential designation. The Receiving Parties shall have the burden of proof on such a motion to establish good cause for removing the confidential designation and treatment.

10. No party shall be obligated to challenge the propriety of any designation, and a failure to do so shall not preclude a subsequent challenge on the propriety of such designation and shall not constitute an admission that any information is, in fact, confidential.

11. In the event a party seeks to file any pleading, brief or memorandum or other document purporting to reproduce, paraphrase or summarize any CDM or portions thereof, that party shall take appropriate action to insure that the documents receive proper protection from public disclosure and shall seek leave of Court to file the document under seal in accordance with Local Rules of the United States District Court for the Southern District of Florida.

12. a. In the event that a party intends to file CDM with the Court in support of, or in opposition to, a non-discovery motion (e.g. motion for summary judgment or any other dispositive or substantive motion), the filing party shall take appropriate action to insure that the documents receive proper protection from public disclosure and shall seek leave of Court to file the document under seal in accordance with the local rules.

b. The non-discovery motion filing and briefing schedule shall be adjusted and tolled to provide sufficient time for the Court to consider and rule on the motion seeking permission to file the document(s) under seal.

c. Once the matter has been resolved, the filing party may file the document(s) in accordance with the parties' and Intervenors' agreement and/or the Court's instructions, as applicable.

13. The CDM and/or other papers which are filed under seal shall be kept under seal until further order of the Court; however, said CDM and other papers filed under seal shall be available to the Court and counsel of record, and to all other persons entitled to receive the confidential information contained therein under the terms of this Protective Order.

14. This Protective Order is intended to provide a mechanism for the handling of the CDM and is not intended to imply that any CDM is relevant or admissible in this Action or any other litigation. Any party may move for relief from, or general or particular modification of, the mechanism for maintaining confidentiality herein set forth, or the application of this Protective Order in any particular circumstance, and each party specifically reserves all rights to object to the relevance or admissibility of any information produced in accordance with this Protective Order on any grounds it may deem appropriate.

15. If a party receiving CDM in accordance with the terms of this Protective Order is served with a subpoena or other process by any court, administrative or legislative body, or any other person or organization which calls for the production of any CDM, the party to whom the subpoena or other process is directed shall, within two business days of its service, notify the opposing party or parties and the Intervenor of the pendency of such subpoena or order and provide them with a copy of the subpoena or process and the date by which compliance is requested. Any party or the Intervenor opposing the production of the

information demanded in the subpoena or process shall notify the party served of its objections as early as possible prior to the requested compliance date.

16. This Protective Order may be amended with leave of Court, by the agreement of counsel for the parties and Intervenors in the form of a stipulation submitted to the Court for approval, or by the Court *sua sponte* after affording the parties and Intervenors the opportunity to be heard. If the parties and Intervenors cannot agree to an amendment, then a formal motion to amend must be filed with the Court. This Protective Order is intended to regulate the handling of CDM and documents during this litigation, but shall remain in full force and effect until modified, superseded or terminated on the record by agreement of the parties thereto or by order of the Court.

17. All counsel of record in this Action shall make a good faith effort to comply with the provisions of this Protective Order and to ensure that their agents, employees and clients do so as well. In the event of a change of counsel, retiring counsel shall notify new counsel of their responsibilities under this Order.

18. This Protective Order does not restrict or limit the use of CDM at any hearing or trial, which may be the subject of a further protective order and/or appropriate court orders. Prior to any hearing or trial at which the use of CDM is anticipated, the parties and Intervenors shall meet and confer regarding the use of the CDM. If the parties and Intervenors cannot agree, the parties and Intervenors shall request the Court to rule on such procedures. Notwithstanding, this Protective Order shall remain in full force and effect until

modified, superseded, terminated on the record by agreement of the parties and Intervenor or by order of the Court.

19. Within sixty (60) days after the conclusion of this Action, whether by judgment, settlement or otherwise, including conclusion of any appeal, all CDM including but not limited to materials furnished to consultants and/or experts shall be returned to the Producing Party unless the parties stipulate to destruction in lieu of return; provided, however, that counsel of record in this case may retain for their files, copies of any of their work product, pleadings, court filings, brief, and exhibits, which incorporate or contain documents, information or material designated as "CONFIDENTIAL".

20. Upon final termination of this Action, whether by judgment, settlement or otherwise, including all appeals, the Clerk of the Court shall return to counsel for the parties, or destroy, any materials filed under seal. Before destroying any document filed under seal, the Clerk of Court shall advise all parties of their option to accept return or destruction and shall allow no less than thirty (30) days from issuance of the notice for counsel to respond. In the absence of a response, the Clerk of Court may destroy documents filed under seal.

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this ___ day of May, 2014.

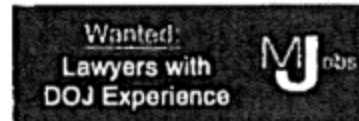
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Attorneys Say Miami Prosecutors Violated Crime Victims' Rights Act

Stephanie Woodrow | March 22, 2011 11:52 am

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 Rights/Reprints

Two attorneys for two girls who contend they were assaulted by billionaire and child sex offender Jeffrey Epstein filed court papers on Monday claiming the U.S. Attorney's office violated the Crime Victims' Rights Act by signing a nonprosecution agreement with Epstein without notifying them, the Palm Beach Daily News reported.

U.S. ATTORNEYS CHART (Interactive)

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Epstein served 13 months in jail from June 2008 to July 2009 for one state count of soliciting an underage girl for prostitution. As a result, he is required to register as a sex offender. While he wasn't prosecuted for additional charges, more than 40 girls under the age of 18 say they came to his home and gave him massages. During the massages, they say, he masturbated and sexually assaulted them.

Jeffrey Epstein (AP)

Brad Edwards and Paul Cassell, attorneys representing two of his alleged victims, say in the filing that the U.S. Attorney's office for the Southern District of Florida deliberately misled the victims by telling them there was an ongoing investigation into their claims. However, they say, the office was concealing the fact that they already had signed a nonprosecution deal with Epstein.

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According to the motion, the U.S. Attorney's office in January 2008 and May 2008 sent "false notification" letters in to Epstein's alleged victims saying "(t)his case is currently under investigation." However, the office had signed the agreement with Epstein in September 2007.

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The attorneys want a court hearing during which they will ask that the agreement be invalidated because it violated the girls' rights. In the motion, the attorneys claim the agreement is illegal because the government did not protect the professionally mandated rights of victims before it entered this agreement.

If the judge grants the request, Epstein could be charged by the U.S. Attorney's office. If he were charged and convicted on multiple charges, he could be sentenced to 10 years to life for each charge.

According to the motion, "The only reason that the (U.S. Attorney's office) concealed the existence of the non-prosecution agreement from the victims was not to comply with some legal restriction, but rather to avoid a firestorm of public controversy that would have erupted if the sweetheart plea deal with a politically connected billionaire had been revealed."

Valle, special counsel for the U.S. Attorney's Office Southern District of Florida, in an email to the newspaper that the Attorney's office will respond in court filings.

Earlier, as we stated more than two years ago in July 2008 in our response to the plaintiffs' then-emergency petition for enforcement of the Crime Victim Rights Act, the CVRA was not violated because no federal charges were ever filed in the Southern District of Florida," Valle said. "Because the matter remains pending in court, it would be inappropriate at this time to provide additional comment on the merits of the current motion."

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By MICHELE DARGAN
DAILY NEWS STAFF WRITER

Updated: 9:41 a.m. Wednesday March 23, 2011
Posted: 7:21 p.m. Monday, March 21, 2011

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Court papers filed Monday say the U.S. Attorney's Office violated the Crime Victims' Rights Act by signing a nonprosecution agreement with sex offender Jeffrey Epstein without notifying his victims.

Attorneys Brad Edwards and Paul Cassell, representing Jane Doe #1 and Jane Doe #2, want a court hearing, where they will ask that the agreement be invalidated because, they say, the victims' rights were violated. If that happens, it could open up the 58-year-old Palm Beach billionaire to a slew of federal charges involving sex crimes with minors that were set aside by the agreement.

The motion, filed Monday in federal court in West Palm Beach, accuses the U.S. Attorney's Office of deliberately misleading the victims by telling them the investigation was ongoing, while concealing they had already signed a deal with Epstein.

According to the motion, the U.S. Attorney's Office sent "false notification" letters in January 2008 and May 2008 to the victims saying "(t)his case is currently under investigation" after the government had signed the agreement with Epstein in September 2007.

"The only reason that the (U.S. Attorney's Office) concealed the existence of the non-prosecution agreement from the victims was not to comply with some legal restriction, but rather to avoid a firestorm of public controversy that would have erupted if the sweetheart plea deal with a politically connected billionaire had been revealed," the motion says.

If Epstein were found guilty on federal charges, statutory penalties ranged from 10 years to life.

Instead, the sealed pact was part and parcel of Epstein's acceptance of a state plea deal, where he received an 18-month sentence for soliciting a minor for prostitution and soliciting prostitution. He served 13 months segregated in a vacant wing of the county stockade and was let out on work release six days a week for up to 16 hours a day.

Edwards and other attorneys fought in court for a year before successfully getting the agreement unsealed in September 2009. More than 30 minor girls were identified as Epstein's victims in the pact.

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Doe 1 and 2, who were 14 and 13, respectively, at the time of the incidents, received monetary settlements in civil cases. They are among more than two-dozen underage girls who filed lawsuits or settled claims against Epstein, alleging they were lured to his Palm Beach mansion to give him sexually charged massages and/or sex in exchange for money.

The motion filed Monday says the agreement is illegal because the government did not protect the "Congressionally mandated rights of victims before it entered this agreement."

Alicia Valle, special counsel for the U.S. Attorney's Office Southern District of Florida, said in an e-mail that the U.S. Attorney's Office will respond in court filings.

"However, as we stated more than two years ago in July 2008 in our response to the plaintiffs' then-emergency petition for enforcement of the Crime Victim Rights Act, the CVRA was not violated because no federal charges were ever filed in the Southern District of Florida," Valle said. "Because the matter remains pending in court, it would be inappropriate at this time to provide additional comment on the merits of the current motion."

The attorneys reference e-mails and letters from the federal office to Epstein's lawyers acknowledging the government's legal obligation to inform victims about the pact. The e-mails are redacted in the motion because they are under seal. The attorneys filed a separate motion Monday to unseal the correspondence.

"The reasonable inference from the evidence is that the U.S. Attorney's Office wanted to keep the agreement a secret to avoid intense criticism that would surely ensue had the victims and the public learned that a billionaire sex offender with political connections had arranged to avoid federal prosecution for numerous felony sex offenses against minor girls," the motion says. "As part of this pattern of deception, the U.S. Attorney's Office discussed victim notification with the defendant sex offender and, after he raised objections, stopped making notifications."

Epstein sought "a higher level of review" within the Department of Justice, the motion says. "A reasonable inference from the evidence is that Epstein used his significant political and social connections to lobby the Justice Department to avoid significant federal prosecution," the motion states.

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News Reports about Billionaire Pedophile Jeffrey Epstein Highlight the Importance of Victims Rights

Hundreds of news articles have reported billionaire pedophile Jeffrey Epstein's close relationship with Britain's Prince Andrew. Attorney Brad Edwards has pursued victim rights cases on behalf of ten women who were sexually molested by Epstein.

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Fort Lauderdale, FL -- In the last week, hundreds of news articles have reported billionaire pedophile Jeffrey Epstein's close relationship with Britain's Prince Andrew. Attorney Brad Edwards has pursued victim rights cases on behalf of ten women who, between 12 and 15 years of age, were sexually molested and abused by Epstein. The stories of their abuse have all the trappings of a Hollywood movie, including posh settings

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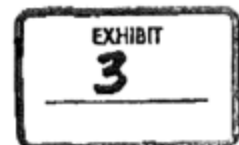
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News Reports about Billionaire Pedophile Jeffrey Epstein Highlight the Importance of Vi... Page 2 of 3

at Epstein's Palm Beach Mansion, private Caribbean island and his jet. But Epstein's heinous sexual abuse of these victims is no fiction.

Edwards successfully represented these women, obtaining justice for each of them, by proving that Epstein and his international sex trafficking criminal enterprise exploited them and hundreds of other underage girls.

This recent wave of news coverage highlight the importance of the victims rights work that Attorney Edwards does on behalf of victims of sexual molestation and other sexual abuse. Edwards conducts extensive investigations and pursues civil lawsuits against sexual predators to protect the rights of his victim clients and to hold sexual predators, like Epstein, accountable.

Many sexual predators, like Epstein, are wealthy and powerful and able to focus vast resources and high profile legal teams in an attempt to deflect attention, avoid criminal liability, and deny justice to their victims. Speaking of his work on the Epstein cases, Edwards says "we took on powerful people and sought to level the playing field to protect victims."

Representing these women has made Edwards aware that child sexual abuse is extremely prevalent. According to a U.S. Health and Human Services study, more than 83,000 substantiated reports of sexually abused children were made in 2006 alone. The actual number of incidents of sexual abuse is likely much higher because it is believed that sexual abuse, especially amongst children, is significantly underreported.

Edwards hopes that the media attention focused on Epstein's sexual abuse will "inspire victims to report these crimes" and will convey his belief "that victims rights cases can effectively protect their rights, maintain their anonymity, and hold predators accountable."

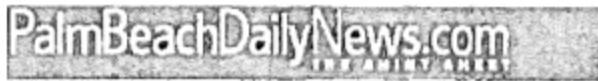
Farmer, Jaffe, Weissing, Edwards, Fistos & Lehman, P.L., a Fort Lauderdale Litigation firm, focuses on Consumer Class Actions, Sexual Abuse Cases as well as other significant Personal Injury, Wrongful Death, and Whistleblower Suits (qui tam). The firm is headquartered at 425 N. Andrews Avenue, Suite 2, Fort

News Reports about Billionaire Pedophile Jeffrey Epstein Highlight the Importance of Vi... Page 3 of 3

Lauderdale, Florida 33301 and may be reached at (800) 400-1098 or (954) 524-2820. Additional information about Brad Edwards or Farmer, Jaffe, Weising, Edwards, Fistos & Lehrman, P.L. may be obtained from the firm's website at www.pathtojustice.com.

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Palm Beach Daily News (FL)

JUDGE RECEIVES EPSTEIN TAPE RULING PENDING

MICHELE DARGAN, Daily News Staff Writer Published: May 5, 2010

NEW YORK -- A Manhattan federal judge Tuesday took into custody a tape-recorded conversation between veteran newspaper reporter [redacted] Rush and convicted sex offender Jeffrey Epstein. But U.S. District Judge [redacted] M. McKenna reserved ruling on whether the recording will be released to attorneys representing young women who were sexually abused by Epstein as minors. McKenna didn't listen to the recording during the hearing. Fort Lauderdale attorney Brad Edwards and Utah attorney and law professor Paul Cassell are fighting to obtain the 22-minute tape on behalf of Epstein victim Jane Doe. She has filed one of a dozen pending civil cases in federal court in West Palm Beach against Epstein. A status check is set for Thursday in those cases before U.S. District Judge Kenneth Marra. Doe could have settled the lawsuit for \$50,000 but is asking for \$50 million in damages, Cassell said Tuesday. "Jane Doe was repeatedly sexually assaulted over a lengthy period of time by this wealthy and powerful man," Cassell said.

Epstein, 57, is currently under house arrest in his Palm Beach home 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 the billionaire money manager -- some already settled -- all alleging Epstein sexually abused them as minors at his El Brillo Way home.

Cites reporter's protected privilege

Rush, of the New York Daily News, was present in the courtroom, but did not have to testify Tuesday. Neither did Fort Lauderdale private investigator Michael Fisten, also in the courtroom. Working on behalf of Epstein victims, Fisten discovered the existence of the tape and had a conversation with Rush about its contents.

Representing Rush and the newspaper, Washington attorney Laura Handman and New York Daily News attorney Anne Carroll argued the tape should not be released under any circumstances, citing reporter's protected privilege. Rush told Epstein the conversation was "off the record" and has never published any portion of that conversation. But even if portions had been printed, the unpublished portions would still be protected, Handman said.

Handman cited cases where interviews were conducted in the presence of other people and privilege was not waived.

In addition, Handman argued that Rush should not have to testify in court.

The ability for reporter's privilege to be protected is crucial in culling sources and gathering information for news stories, Handman said. Reporting is all about give and take between the reporter and the source, that's what reporters have to do, Handman said.

"This is so critical to news gathering," Handman said. "Mr. Rush could find himself testifying in [many] cases just because he had the temerity to do some reporting on a very important story."

There is nothing helpful to Doe's case on the tape and "Jane Doe is not referred to once in that tape," Handman said.

Cassell argued that the tape is "critical in showing Epstein's lack of remorse."

Cassell described Epstein as a pitiless sexual abuser to Jane Doe and at least 30 other minor girls. Even though Jane Doe is not referred to by name on the tape, Epstein refers to his victims as "the girls" and makes disparaging remarks about them on the tape, Cassell said.

Tape played for others

Cassell said privilege does not apply because it was waived when Rush played the tape for three people and verbally divulged its contents to two others, including Fisten and Edwards, who also represents two other victims. But even if there is "qualified privilege," Cassell says, it is outweighed by Doe's inability to obtain the information anywhere else and the jury's need to hear Epstein's own words about his lack of remorse.

Since Epstein has exercised his Fifth Amendment right during questioning by victims' attorneys, the jury

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THE INSIDER BLOG by Shannon Donnelly

will have no other way to hear Epstein's words in his own voice, Cassell said.
Deadline for discovery in the Doe case is May 31, with the trial set for July 14.
-- mdargan@pbdailynews.com

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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 [redacted] 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 [redacted] 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

Epstein
Has 'come close to crossing a line.'

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Palm Beach Daily News

September 20, 2009 Sunday
Dn1 Edition

SECTION: A SECTION; Pg. A.1

LENGTH: 1126 words

HEADLINE: ATTORNEY FOR EPSTEIN VICTIMS: 'I HAVE NEVER SEEN A STRANGER CASE'

BYLINE: MICHELE DARGAN, MICHELE DARGAN, Daily News Staff Writer

BODY:

Sex offender Jeffrey Epstein could have been charged with multiple counts of five federal offenses involving sex acts with minors and faced a life sentence, but, instead, the government agreed not to prosecute him or his procurers if he spent 18 months in the county jail on two state charges.

Those were the details unsealed Friday in a nine-page federal non-prosecution agreement that lets Epstein and co-conspirators Sarah Kellen, [REDACTED] Lesley Groff and Nadia Marcinkova off the hook for any of those past crimes.

"He could have gone to prison for life and somehow he's getting immunity in exchange for nothing?" said Fort Lauderdale attorney Brad Edwards, who represents three Epstein victims. "I have never seen a stranger case. To me, it's more spectacular what's not in it. It's the U.S. Attorney's Office saying we'll do everything in our power to see he doesn't get punished."

Edwards has been fighting for a year in federal and state court to unseal the agreement.

"The non-prosecution agreement raises more questions than it answers," said Miami attorney Adam Horowitz, who represents seven victims. "Why did all the co-conspirators receive immunity? Why were the victims not consulted regarding the sentence? Why did he receive such a minimal sentence?"

The federal deal has remained sealed in Epstein's state court file since he pleaded guilty in June 2008 to state charges of procuring a minor for prostitution and soliciting prostitution.

U.S. Attorney's Office does not comment

The federal charges he could have faced were: conspiracy to persuade minor females to engage in prostitution, conspiracy to travel to engage in illicit sexual conduct with minor females, persuading minor females to engage in prostitution, traveling to engage in illicit sexual conduct with minor females and causing a person under 18 years to engage in sex for money while knowing they are underage.

The charges carry various statutory penalties ranging from 10 years to life, with a minimum mandatory of at least 10 years.

Alicia Valle, spokeswoman for the U.S. Attorney's Office in Miami, declined comment.

Expert: Feds take few sex-assault cases

ATTORNEY FOR EPSTEIN VICTIMS: 'I HAVE NEVER SEEN A STRANGER CASE' Palm Beach Daily News
September 20, 2009 Sunday

North Palm Beach criminal defense attorney Barry Maxwell said he is not surprised that federal charges weren't filed.

"My experience has been that the federal government does not intervene in sex-assault cases, except if we're dealing with a serial rapist or it crosses jurisdictional lines," Maxwell said. "It's either not a big enough case or not atrocious enough for them."

Epstein, 56, served 13 months of his 18-month sentence at the Palm Beach County Stockade and received liberal work-release privileges while in jail. He was able to go to his West Palm Beach office six days a week for up to 16 hours a day.

He is now serving one year of probation at his Palm Beach mansion and is registered as a lifelong sex offender.

Epstein 'fully abided' by deal, says defense

Epstein's attorney Jack Goldberger released the following statement: "This document relates to allegations that were made many years ago. It was by its provisions and agreement of the parties to remain confidential in part to protect the identities of collateral third parties.

"Mr. Epstein has fully abided by all of its terms and conditions. He is looking forward to putting this difficult period of his life behind him. He is continuing his longstanding history of science philanthropy both here in South Florida and nationwide."

Goldberger had blocked the unsealing by filing court papers asking that the documents stay sealed "to prevent a serious imminent threat to the fair, impartial and orderly administration of justice; to protect a compelling government interest; to avoid substantial injury to innocent third parties; and to avoid substantial injury to a party by disclosure of matters protected by a common law and privacy right, not generally inherent in these specific type of proceedings, sought to be closed."

Circuit Judge Jeffrey Colbath ordered the agreement to be unsealed in June, but Epstein's attorneys appealed the ruling to the Fourth District Court of Appeals, which affirmed Colbath's ruling. Colbath had ruled that the federal agreement -- sealed in state court -- was improperly sealed.

'I felt it was my fault'

More than a dozen lawsuits against the billionaire money manager have been filed in federal and state court, all with similar allegations: that a minor girl was taken to Epstein's mansion on El Brillo Way and led upstairs to a spa room by one of Epstein's assistants, where he would ask the girl to perform massages and/or various sex acts, for which he would pay her.

One victim, who is known as Jane Doe #5 in a federal court lawsuit against Epstein, said she didn't find out about the deal until after it was finalized. She was 15 at the time one of her schoolmates told her she could make \$200 by giving a massage to a man in Palm Beach.

She says she was "nervous and scared and wanted to leave" once she got to Epstein's spa room.

"I thought, 'I can't call my dad or my mom because I'm stuck in this situation and didn't know what to do,'" she said. "I really didn't know what this man was capable of. For a long time, I felt like it was my fault and that's exactly what he wanted me to feel."

Epstein has curfew

While he is serving the 12 months of house arrest at his Palm Beach home, Epstein must observe a 10 p.m. to 6 a.m. curfew, have no unsupervised contact with anyone younger than 18 and not view, own or possess pornographic or sexual materials.

The indictment followed an 11-month investigation by Palm Beach police, who said Epstein paid five underage girls for massages and sometimes sex at his El Brillo Way home. Then-State Attorney Barry Krischer declined to prosecute Epstein on multiple charges involving unlawful sex acts with minors. Instead, he brought the case to a grand jury, which charged Epstein on the lesser charge of soliciting prostitution.

Then-Palm Beach Police Chief Michael Reiter wrote Krischer a letter asking him to recuse himself from the case. When that didn't happen, Reiter requested an FBI investigation to determine if any federal laws were broken.

ATTORNEY FOR EPSTEIN VICTIMS: 'I HAVE NEVER SEEN A STRANGER CASE' Palm Beach Daily News
September 20, 2009 Sunday

'Out of the ordinary'

West Palm Beach criminal defense attorney Gregg Lerman said several aspects of the Epstein case are unusual.

"I don't understand why it would be a federal case in this circumstance, and why was there anything in writing at all and why did they seal the agreement?" Lerman said. "Why did it go to the grand jury instead of through the state filing lewd assault charges? That's unusual. And it's very unusual that they structure a plea to get county time rather than prison time. That's definitely out of the ordinary. Nobody goes to county jail as a state criminal punishment."

-- mdargan

@pbdailynews.com

GRAPHIC: Caption: Epstein Deal does not allow prosecution of co- conspirators.

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Palm Beach sex offender's secret plea deal: Possible co-conspirators not charged, presses victims to settle civil suits

By **SUSAN SPENCER-WENDEL**

Palm Beach Post Staff Writer

Friday, September 18, 2009

WEST PALM BEACH — Billionaire financier sex offender Jeffrey Epstein's secret non-prosecution agreement he struck with federal prosecutors was unsealed Friday, offering the first public look at the deal Epstein's high-powered legal counsel brokered on his behalf.

According to the agreement, the Federal Bureau of Investigation and the U.S. Attorney's Office investigated Epstein for various federal crimes, including prostitution, some punishable by a minimum of 10 years up to life in prison.

But federal prosecutors backed down and agreed to recall grand jury subpoenas, if Epstein pleaded guilty to prostitution-related felonies in state court, which he ultimately did. He received an 18-month jail sentence, of which he served 13.

A former federal prosecutor of 15 years, Mark Johnson of Stuart, said the disparity in the potential sentences was unusual.

The United States Attorney's Office also agreed not to charge any of Epstein's possible co-conspirators - Sarah Kellen, Adriana Ross, Lesley Groff and Nadia Marcinkova.

The agreement was negotiated in part by New York heavyweight criminal defense attorney Gerald Lefcourt.

On its first draft in September 2007, it required that Epstein pay an attorney - tapped by the U.S. Attorney's Office and approved by Epstein - to represent some of the victims in civil suits they had filed against Epstein. That attorney is prominent Miami lawyer Bob Josephberg.

Former prosecutor Johnson said he has never seen a provision like that before.

But an addendum to the agreement signed the following month struck Epstein's duty to pay Josephberg if he and the victims did not accept a settlement and instead pursued litigation.

The agreement, signed by Assistant U.S. Attorney Maria Villafana, does not expressly state whether any victims were contacted or consulted before the deal was made.

Attorney Brad Edwards of Fort Lauderdale, who represents three of the young women, believes that none of the between 30 and 40 women identified as victims in the federal investigation were told of the deal. Edwards said his clients were still receiving letters in the mail months afterwards saying the U.S. Attorney's Office assuring them Epstein would be prosecuted.

"Never consulting the victims is probably the most outrageous aspect of it," Edwards said. "It taught them that someone with money can buy his way out of anything. It's outrageous and embarrassing for United States Attorney's Office and the State Attorneys Office."

Epstein now faces many civil lawsuits filed by the women, who are represented by a variety attorneys. In many, the facts alleged are the same that Epstein had a predilection for teenage girls, identified poor, vulnerable ones and lured them to his home via other young women. The teens describe ascending a staircase lined with nude photographs of young girls and to the spa room where Epstein would appear in a small towel.

Former Circuit Judge Bill Berger, who represents one of the victims, and The Palm Beach Post sought the unsealing of the agreement. Berger refers to it as a "sweetheart deal."

"Why was it so important for the government to make this deal?" Berger asked rhetorically. "We have not yet had honest explanation by any public official as to why it was made ... and why the victim's were sold down the river."

Former federal prosecutor Ryon McCabe described the agreement as "very unorthodox." Such agreements, he said, are usually reserved for corporations, not individuals.

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"It's very, very rare. I've never seen or heard of the procedure that was set up here," said McCabe, who has no involvement in any Epstein litigation and is now a securities litigation attorney.

"He's essentially avoiding federal prosecution because he can afford to pay that many lawyers to help those victims review their cases... If a person has no money he couldn't be able to strike a deal like this and avoid federal prosecution."

The back-room deal with federal prosecutors all the more interesting in light of the legal heavyweights who have worked for Epstein, including Harvard professor Alan Dershowitz and Kenneth Starr of Clinton impeachment fame. Lefcourt is a past president of the National Association of Criminal Defense Lawyers.

Epstein's local defense attorney, Jack Goldberger, issued a statement Friday saying he had fought the release of the sealed agreement to protect the third parties named there. "Mr. Epstein has fully abided by all of its terms and conditions. He is looking forward to putting this difficult period in his life behind him. He is continuing his long standing history of science philanthropy..."

Epstein ended up avoiding federal charges, and pleaded guilty in state court to felony solicitation of prostitution and procuring a person under the age of 18 for prostitution. In July 2008, he was sentenced to 18 months in jail, and later allowed out up to six days a week on work release.

Epstein left the jail in late July 2009 after serving not quite 13 months of the sentence, having earned gain time for good behavior.

Palm Beach Police began investigating the "international moneymen of mystery," as the New York magazine dubbed him, after they received a complaint from a relative of a 14-year-old girl who had given Epstein a naked massage at his home on the Intracoastal Waterway.

Police sought and found in poor neighborhoods a variety of tall, thin, model-like young women, who told stories of begin recruiting, then going to Epstein's home and massaging and stimulating him. They walked away with between \$200 and \$1,000.

The investigation triggered tensions between police and prosecutors, with then-Chief Michael Reiter saying in a May 2006 letter to then-State Attorney Barry Krischer that the chief prosecutor should disqualify himself.

"I continue to find your office's treatment of these cases highly unusual," Reiter wrote. He then asked for and got the federal investigation that ended in the sealed deal.

"The Jeffrey Epstein matter was an experience of what a many-million-dollar defense can accomplish," Reiter told the Palm Beach Daily News upon his retirement.



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Palm Beach Daily News

June 25, 2009 Thursday
Final Edition

SECTION: A SECTION; Pg. A.1

LENGTH: 557 words

HEADLINE: JUDGE TO RULE ON SEALED PLEA-DEAL PAPERS TODAY

BYLINE: MICHELE DARGAN, MICHELE DARGAN, Daily News Staff Writer

BODY:

A circuit judge will decide today whether the public will be privy to the federal government's non-prosecution deal with Jeffrey Epstein, which was sealed when the convicted sex offender pleaded guilty in June 2008 to two felony counts.

Epstein, of Palm Beach, will be released from the Palm Beach County Stockade July 22, after serving less than 13 months of his 18-month sentence for procuring a minor for prostitution and solicitation of prostitution.

Teri Barbera, spokeswoman for the Palm Beach County Sheriff's Office, confirmed his release date Tuesday.

Epstein's projected release date had been Sept. 24, but gain time -- which includes his participation in a work-release program -- moves the date up to July 22, Barbera said.

Epstein, 56, has been in the work-release program since Oct. 10, in which he is allowed out of the stockade six days a week, from 10 a.m. to 10 p.m., to go to his West Palm Beach office, the Florida Science Foundation, monitored by an ankle bracelet and accompanied by a deputy.

As part of Epstein's state plea agreement, the U.S. Attorney's Office agreed not to prosecute Epstein on federal charges as long as he fulfills all requirements of his sentence and probation. The federal non-prosecution agreement has been under seal in state court.

Epstein's attorney Jack Goldberger filed court papers asking that the documents stay sealed for the following reasons: "to prevent a serious imminent threat to the fair, impartial and orderly administration of justice; to protect a compelling government interest; to avoid substantial injury to innocent third parties and to avoid substantial injury to a party by disclosure of matters protected by a common law and privacy right, not generally inherent in these specific type of proceedings, sought to be closed."

Fort Lauderdale-based attorney Brad Edwards represents three Epstein victims and has asked Circuit Judge Jeffrey Colbath to unseal the federal agreement to the public. An attorney for The Palm Beach Post also has asked that the records be unsealed.

Edwards and his clients have seen the agreement after a federal judge ruled that they are allowed to see it. But that ruling bars Edwards and anyone else who sees the document from disclosing the terms to anyone else.

Edwards said he wants to use that document "in the deposition of various material witnesses" relative to his cases.

JUDGE TO RULE ON SEALED PLEA-DEAL PAPERS TODAY Palm Beach Daily News June 25, 2009 Thursday

Radaronline.com has reported that Epstein has "secretly been helping the feds unravel a Ponzi scheme" related to the June 2008 indictment of two former managers of Bear Stearns Mortgage Investment Fund.

Epstein's rep, Howard Rubenstein, confirmed last year that Epstein is "Major Investor No. 1" in the indictment, which says he lost about \$57 million.

Goldberger could not be reached for comment.

The Manhattan money manager has been incarcerated since June 30, when he pleaded guilty to the two felony counts. As part of the plea agreement, Epstein must serve one year of house arrest after his release and register as a life-long sex offender.

In addition to the criminal case, there are more than a dozen civil lawsuits -- both state and federal -- pending against Epstein. All contain similar allegations: Epstein, through his employees and assistants, brought minor girls to his Palm Beach home on El Brillo Way for erotic massages and sometimes sex.

-- mdargan@pbdailynews.com

GRAPHIC: Caption: Epstein To be released from jail July 22.

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9 of 13 DOCUMENTS

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Sun-Sentinel (Fort Lauderdale, Florida)

June 15, 2009 Monday
Palm Beach Edition

SECTION: LOCAL; Pg. 3B

LENGTH: 348 words

HEADLINE: HEARING SET TO CONSIDER SECRECY OF PLEA BARGAIN

BYLINE: Susan Spencer-Wendell The Palm Beach Post

BODY:

A Palm Beach Circuit Court judge will not immediately unseal a deal that wealthy Palm Beach money manager Jeffrey Epstein made with federal prosecutors to avoid charges.

Circuit Judge Jeff Colbath acknowledged, though, at a hearing last week that Epstein's deal was not sealed in accordance with state and local court rules.

"I don't see where any of the procedures were ever followed to begin with," Colbath said.

Colbath also set a full hearing on the matter for June 25.

Attorneys for young women now suing Epstein, together with The Palm Beach Post, are asking Colbath to unseal the deal that Epstein made with federal prosecutors.

"It's a secret agreement, a secret sweetheart agreement," said former Circuit Judge Bill Berger, who represents some of the women. "Everybody was in on this deal except the victims and the public. The public should be outraged it has gone as far as it has."

Brad Edwards, a second attorney representing the women, has seen the sealed deal after a federal judge allowed him and his clients to view it, but would not discuss its contents.

Edwards would say only that the women were "outraged" that it had been negotiated behind their backs.

A reporter asked Edwards whether he thought Epstein received special treatment by federal prosecutors.

"Are you kidding? It's transparent. Certainly, no one else gets treated like that," Edwards said.

Epstein, 56, a reported money manager of billionaires, is serving an 18-month sentence in the Palm Beach County Stockade after pleading guilty almost a year ago in state court to felony solicitation of prostitution and procuring teenagers for prostitution. Epstein is allowed out, though, each day from 7 a.m. to 11 p.m., a Sheriff's Office spokesman said.

Displeased with the way the State Attorney's Office handled the case, Palm Beach police forwarded information to the FBI.

INFORMATIONAL BOX:

Young women have sued

Page 2

HEARING SET TO CONSIDER SECRECY OF PLEA BARGAIN Sun-Sentinel (Fort Lauderdale, Florida) June 15, 2009 Monday

Money manager Jeffrey Epstein made a deal and is serving an 18-month sentence in jail. Attorneys for young women suing Epstein are asking a judge to unseal the deal that Epstein made with federal prosecutors.

NOTES: < Informational box at end of text. (TOPIC) Prostitution solicitation case

LOAD-DATE: June 15, 2009

COMPOSITE EXHIBIT 3

The Washington Post [Print](#)

Eleventh Circuit rules that discovery can move forward on my Crime Victims' Rights Act case

By Paul Cassell Updated: April 21 at 9:41 am

On Friday, the 11th Circuit ruled that discovery can move forward in an important Crime Victims' Rights Act case that my co-counsel, Brad Edwards, and I are pursuing. The narrow issue before the court was whether prosecutors and defense attorneys could assert some sort of "privilege" to prevent crime victims from reviewing the correspondence that lead to a plea bargain. More broadly, the ruling means that the victims will have a chance to return to the district court and seek to invalidate a plea agreement that (we alleged) was consummated in violation of their rights. I hope that the case will ultimately set an important precedent that federal prosecutors can't keep victims in the dark about the plea deals that they reach.

Here are the important facts, taken from the 11th Circuit's opinion: The case arose in 2006, the FBI began investigating allegations that wealthy investor Jeffrey Epstein had sexually abused dozens and dozens of minor girls. The U.S. Attorney's Office for the Southern District of Florida accepted Epstein's case for prosecution, and the FBI issued victim notification letters to my two clients, minors Jane Doe No. 1 and Jane Doe No. 2, in June and August 2007. Extensive plea negotiations ensued between the prosecutors and Epstein. On Sept. 24, 2007, the prosecutors entered into a non-prosecution agreement with Epstein in which they agreed not to file any federal charges against Epstein in exchange for his guilty plea to minor Florida offenses (e.g., solicitation of prostitution). Not only did the prosecutors neglect to confer with the victims before they entered into the agreement with Epstein, they also concealed its existence for at least nine months. For example, the prosecutors sent post-agreement letters to the victims reporting that the "case is currently under investigation" and explaining that "[t]his can be a lengthy process and we request your continued patience while we conduct a thorough investigation."

On June 27, 2008, the prosecutors informed my co-counsel, Brad Edwards, that Epstein planned to plead guilty to the Florida charges three days later. But the prosecutors failed to disclose that Epstein's pleas to those state charges arose from his federal non-prosecution agreement and that the pleas would bar a federal prosecution. As a result, the victims did not attend the state court proceedings.

On July 7, 2008, Edwards and I filed a petition alleging that Jane Doe No. 1 was a victim of federal sex crimes committed by Epstein and that the United States had wrongfully excluded her from plea negotiations. We also alleged that the federal prosecutors had violated her rights under the Crime Victims' Rights Act (CVRA) —

specifically her rights to confer with the government, to be treated with fairness, to receive timely notice of relevant court proceedings, and to receive information about restitution. The United States responded by claiming that it used its “best efforts” to comply with the rights afforded to victims under the CVRA, but that the act did not apply to pre-indictment negotiations with potential federal defendants.

After Jane Doe No. 2 joined the initial petition, the district court (Marra, J.) found that both women qualified as “crime victims” under the CVRA. The district court later rejected the government’s argument that the act only applies after the filing of a federal criminal indictment. (I’ve written a law review article about the issue of how early crime victims’ rights attach in the criminal process, which can be downloaded [here](#).)

Among other relief, we sought rescission of the non-prosecution agreement as a remedy for the violation of the victims’ rights. To make the case for such a remedy, we moved for discovery of the correspondence between the U.S. and Epstein’s attorneys during the plea negotiations. Epstein’s attorneys intervened, arguing that Federal Rule of Evidence 410 and Federal Rule of Criminal Procedure 11 create a privilege for plea negotiations, barring release of the correspondence. They also argued that the court should find that the materials were protected under the work product doctrine or, alternatively, should be protected under a new “common-law privilege for plea negotiations.”

The district court first ruled that rescission of the plea agreement was a possible remedy under the act. The court then ruled that we were entitled to review the correspondence, rejecting all of Epstein’s arguments.

On Friday, the 11th Circuit affirmed the district court’s ruling that we could review the plea correspondence. At pp. 18-22 of its published opinion, the court concluded that there was no basis for restricting access to such correspondence when crime victims have a legitimate need to review it. The court rejected, for example, the work product argument because plea discussions are not confidential:

Disclosure of work-product materials to an adversary waives the work-product privilege. See, e.g., *In re Chrysler Motors Corp. Overnight Evaluation Program Litig.*, 860 F.2d 844, 846 (8th Cir. 1988); *In re Doe*, 662 F.2d 1073, 1081–82 (4th Cir. 1981). Even if it shared the common goal of reaching a quick settlement, the United States was undoubtedly adverse to Epstein during its investigation of him for federal offenses, and the intervenors’ disclosure of their work product waived any claim of privilege. . . .

The court also declined to recognize a new privilege for plea bargaining, finding the relationship between prosecutors and defense attorneys did not need special protection:

As a last-ditch effort, the intervenors contend that “[i]f more is needed in addition to the plain language of Rule 410 to preclude disclosure of the correspondence to plaintiffs, it can be found in the conjunction of Rule 410, the work-product privilege, and the Sixth Amendment right to the effective assistance of counsel in the plea bargaining process,” but this novel argument fails too. As explained above, Rule 410

does not create a privilege and the intervenors waived any work-product privilege. The intervenors concede too that the right to counsel under the Sixth Amendment had not yet attached when the correspondence was exchanged. *Lumley v. City of Dade City, Fla.*, 327 F.3d 1186, 1195 (11th Cir. 2003) (“[T]he Sixth Amendment right to counsel ordinarily does not arise until there is a formal commitment by the government to prosecute,” such as a “formal charge, preliminary hearing, indictment, information, or arraignment.”). The “conjunctive” power of three false claims of privilege does not rescue the correspondence from disclosure. . . .

The Supreme Court has identified several considerations relevant to whether a court should recognize an evidentiary privilege—the needs of the public, whether the privilege is rooted in the imperative for confidence and trust, the evidentiary benefit of the denial of the privilege, and any consensus among the states, *Jaffee v. Redmond*, 518 U.S. 1, 10–15 (1996)—but none of these considerations weighs in favor of recognizing a new privilege to prevent discovery of the plea negotiations. Although plea negotiations are vital to the functioning of the criminal justice system, a prosecutor and target of a criminal investigation do not enjoy a relationship of confidence and trust when they negotiate. Their adversarial relationship, unlike the confidential relationship of a doctor and patient or attorney and client, warrants no privilege beyond the terms of Rule 410. *See Jaffee*, 518 U.S. at 10. But the victims would enjoy an evidentiary benefit from the disclosure of plea negotiations to prove whether the United States violated their rights under the Act.

Moving forward, this case raises the important issue of what kinds of remedies are available for violations of the Crime Victims' Rights Act. Our complaint alleges that, prodded by Epstein, the federal prosecutors deliberately concealed the sweetheart plea deal they had reached with him to avoid public criticism of the deal. I am hopeful that in future district court proceedings, we will be able to prove that clear violation of the CVRA and then obtain the remedy of invalidating the illegally-negotiated plea deal.

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Posted: 12:00 a.m. Monday, April 21, 2014

Appeals court rules against sex offender

Attorneys for underage victims seek to overturn 'sweetheart plea.'

Related

By Michele Dargan

Daily News Staff Writer

Underage victims of billionaire sex offender Jeffrey Epstein are entitled to correspondence between federal prosecutors and Epstein's attorneys related to his sweetheart plea deal, a federal appeals court ruled Friday.

This is one more step in the fight by victims' attorneys Brad Edwards and Paul Cassell to overturn the secret deal, which saved Epstein from facing serious federal charges and serving significant prison time.

If Epstein had been found guilty on federal charges, statutory penalties ranged from 10 years to life in prison.

Instead, the sealed pact was part and parcel of Epstein's acceptance of a state plea deal. Epstein pleaded guilty to soliciting a minor for prostitution and soliciting prostitution. He received an 18-month sentence, in a vacant wing of the Palm Beach County Stockade, and was let out on work release six days a week for up to 16 hours a day.

Edwards and Cassell represent Jane Doe No. 1 and Jane Doe No. 2, who say the U.S. Attorney's Office violated the Crime Victims' Rights Act by signing the federal non-prosecution agreement in 2007 without notifying the victims. Their case is pending in U.S. District Court in West Palm Beach.

The 24-page published opinion says U.S. District Judge Kenneth Marra did not err in his June 2013 ruling, when he ordered the correspondence turned over to the victims.

"Sweetheart plea'

"We're now going to get a complete picture of the negotiations that led to this sweetheart plea arrangement," said Cassell, a former federal judge. "We think it will show the part of the discussion to keep the victims in the dark about what was happening. If that's what the correspondence shows, we'll use that as part of our argument for throwing out the plea."

Cassell said he anticipates that 500 pages of correspondence should be released early this week.

The opinion by the three-judge panel ruled against Epstein's arguments that the correspondence was protected by an attorney's work-product privilege. The court says privilege was waived when attorneys voluntarily sent the correspondence to federal prosecutors during negotiations.

"Disclosure of work-product materials to an adversary waives the work-product privilege," the ruling says.

The ruling also dismissed Epstein's claims that a federal rule of evidence protects his plea correspondence. That rule applies only to defendants who withdraw a guilty plea. Because he pleaded guilty, that doesn't apply, the ruling says.

"While respectful of the panel's decision, given issues of overriding importance to the criminal justice system regarding the need for continued confidentiality for communications between defense lawyers and prosecutors, we will be petitioning the court of appeals for further review," said Boston based attorney Martin Weinberg, who represents Epstein.

The U.S. Attorney's Office failed to notify victims prior to striking a non-prosecution agreement with Epstein on Sept. 24, 2007, and didn't tell them of the agreement's existence for at least nine months, the ruling says.

On June 27, 2008, the U.S. Attorney's Office told the victims that Epstein planned to plead guilty to state charges three days later. But federal prosecutors failed to disclose that his pleas to the state charges arose from his federal non-prosecution agreement and would bar federal charges.

Jane Does No. 1 and No. 2, who were, respectively, 12 and 13 at the time they were victimized, received confidential monetary settlements in civil cases.

They are among more than two dozen underage girls who filed lawsuits or settled claims against Epstein. All alleged they were lured to his Palm Beach mansion to give him sexually charged massages and/or sex in exchange for money.

"A well-connected billionaire got away with molesting many girls," Edwards said. "These girls should at least know how and why he was able to get away with these crimes. This ruling will allow us access to the documents that will provide insight into how that happened. I suspect that the answers revealed by these documents will ultimately allow us to invalidate that agreement and permit prosecution of Mr. Epstein."

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Comments

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2 Comment(s)
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- Posted by THEPALMBEACHER1 at 3:02 p.m. Apr. 21, 2014
- Report Abuse

Its inconceivable to see articles like this!! USUALLY, one gets charged with statutory rape, child molestation, etc., and its Guaranteed that they will do prison time.. Now, If your a "BILLIONAIRE". you can BUY yourself freedom, and throw money to the victims and say adios!!!! Its OBVIOUS, payments, kickbacks. DONATIONS, financial promises are all part of this deal. Where is the JUSTICE SYSTEM? Where is the State Attorney, The JUDGES? People go to jail for petty thefts, illegal drugs, assault, battery, domestic violence, but this case is PROOF that the LEGAL system can be BOUGHT for the right price!!!! Its OBVIOUS this individual has a severe mental problem, a sexual predator, who would ship young girls like human trafficking back and forth via his private jets.. Its no different than "THE BACKPAGE" girls being exploited by their pimps

being housed in cheap motels along federal hwy. for GUY LIKE THIS to get their sexual perversions satisfied!! Read the entire case and see that young girls flowed thru Palm Beach South Ocean Blvd and South County Rd ,to his El Brillo "MANSION OF PERVERSION" with this guy as its Master!! For people to think "Palm Beach" has the "Elite", the "Upper Crust" of society, it also is home to some of the worst thieves, sexual predators, financial criminals the world has ever known!! Mr. Epstein has Billions of Dollars, and can afford the Best Criminal Attorneys, yet Can't or WON'T get Professional Mental Help with his sexual desires and fascination with young girls. And the Court systems goes along with him!!! Unbelievable..



- Posted by Adios at 3:12 p.m. Apr. 22, 2014
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I agree with the post by the palm bleacher. This guy is a perv and needs to sit out of society. When listening to his depositions, he pretended to be insulted by the questions being asked of him and his lawyer shut it down quickly. What remains to be seen is if the soon to be released files will bear the fruit we all hope it does. My worry is that the tracks will be covered and he will not get his due.

His opinion of himself allows him to think he did nothing wrong and these BABIES he molested were not of his place in society and were simply objects to be thrown away. What would he think if someone did that to his BABIES if he has any? I can bet that the full force of his money would work against whomever played with his kids.....bloody gross!

2 Comment(s)
Comment(s) 1-2 of 2

p=recruemediallc&type=gif&segment= 84&add=true .Bates Range	Description	Privilege(s) Asserted
Box #1 P-000001 thru P-000039	File folder entitled "CORR RE GJ SUBPOENAS" containing correspondence related to various grand jury subpoenas and attorney (Villafaña) handwritten notes	6(e) Work Product
Box #1 P-000040 thru P-000549	Operation Leap Year Grand Jury Log containing subpoenas OLY-01 through OLY-81, correspondence and research related to enforcement of same, documents produced in response to some subpoenas; and attorney (Villafaña) handwritten notes	6(e) Work Product Contains documents subject to investigative privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000550 thru P-000621	File folder entitled "Ritz Compact Flash SW" containing copies of a sealed search warrant application, warrant, and supporting documents	6(e) Contains information subject to investigative privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000622 thru P-000693	File folder entitled "PNY Technologies Compact Flash SW" containing copies of a sealed search warrant application, warrant, and supporting documents	6(e) Contains information subject to investigative privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000694 thru P-000781	File folder entitled "JE Corporations" containing attorney research on Epstein-owned corporations and prior litigation	Work Product Contains information subject to investigative privilege
Box #1 P-000782 thru P-000803	File folder entitled "Capital One" containing subpoena and correspondence	6(e)
Box #1 P-000804 thru P-000854	File folder entitled "DTG Operations/Dollar Rent-a-Car" containing subpoena and responsive documents	6(e) Contains documents and information subject to investigative privilege Also contains documents and information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-000855 thru P-000937	File folder entitled "JP Morgan Chase" containing subpoena, correspondence, and responsive documents	6(e) Contains documents and information subject to investigative privilege
Box #1 P-000938 thru P-000947	File folder entitled "Washington Mutual" containing subpoena, correspondence, and responsive documents	6(e) Contains documents and information subject to investigative privilege
Box #1 P-000948 thru P-000982	File folder entitled "Computer Search &" containing legal research on computer search and handwritten notes on indictment preparation	Work Product Attorney-Client Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-000983 thru P-001007	File folder entitled "Attorney Notes from Document Review" containing typed and handwritten attorney (Villafaña) notes, target letters, correspondence re grand jury subpoena	Work product 6(e) Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-001008 thru P-001056	File folder entitled "Notes from Fed Ex Records" containing handwritten and typed attorney (Villafaña) notes and screen shots of FedEx subpoena response electronic file	Work Product 6(e) Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-001057 thru P-001959	File folder entitled "Colonial Bank Records" containing records received in response to grand jury subpoena	6(e) Contains information subject to investigative privilege
Box #1 P-001960 Thru P-002089	File folder entitled "OLY Grand Jury Log Vol 2: OLY-51 THROUGH" containing subpoenas numbered OLY-51 through OLY-81 with related correspondence	6(e) Contains information subject to investigative privilege. Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-002090 Thru P-002169	File folder entitled "Epstein Corporate Records: OLY-51, OLY-52, OLY-53, OLY-54" containing subpoenas, records received in response to subpoenas, and related correspondence	6(e) Contains information and documents subject to investigative privilege
Box #1 P-002170 Thru P-002246	File folder entitled "Colonial Bank" containing subpoenas, correspondence related to subpoenas, records received in response to subpoenas	6(e) Contains information and documents subject to investigative privilege
Box #1 P-002247 Thru P-002265	File folder entitled "JEJE & Hyperion from Goldberger OLY-46 & OLY-47" containing documents received in response to subpoenas	6(e) Contains information and documents subject to investigative privilege
Box #1 P-002266 Thru P-002386	Indictment preparation binder containing: Grand jury subpoena log, evidence/activity summary chart, witness/victim names and contact list, attorney (Villafaña) handwritten notes, 302s, portions of state investigative file, attorney (Villafaña) typed notes, of individuals listed as "Additional victims"	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-002387 Thru P-002769	Indictment preparation binder containing: Grand jury subpoena log, evidence/activity summary chart, witness/victim names and contact list, attorney (Villafaña) handwritten notes, 302s, portions of state investigative file, attorney (Villafaña) typed notes, relevant pieces of grand jury materials, telephone records/flight records analysis charts, victim/witness photographs, DAVID records, NCICs, and related materials for persons identified as Jane Does #15, 16, 17, 18, 19, Past Employees, Misc. Witnesses	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-002770 Thru P-003211	Indictment preparation binder containing: witness/victim list with identifying information, sexual activity summary, telephone call summary chart, attorney (Villafaña) handwritten notes, 302s, portions of state investigative file, attorney (Villafaña) typed notes, relevant pieces of grand jury materials, telephone records/flight records analysis charts, victim/witness photographs, DAVID records, NCICs, and related materials for persons identified as Jane Does #1, 2, 3, 4, 5, 6, 7, 8	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-003212 Thru P-003545	Indictment preparation binder containing meta-analysis charts of telephone/flight/grand jury information for a number of victim/witnesses, Nadia Marcinkova, and [REDACTED]	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003546 Thru P-003552	FBI Reports of March 2008 interviews of additional witness/victim located in New York	Work product 6(e) Contains information and documents subject to investigative privilege. Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003553 Thru P-003555B	Printout of filenames from Federal Express subpoena response with Attorney notations	Work product 6(e)
Box #1 P-003556 Thru P-003562	Document entitled "Identified Numbers" with accompanying handwritten attorney list compiled from grand jury materials and attorney analysis of records	Work product 6(e) Contains information subject to investigative privilege
Box #1 P-003563 Thru P-003629	Folder entitled "Flight Manifests" containing manifests received pursuant to grand jury subpoena	6(e) Contains information and documents subject to investigative privilege
Box #1 P-003630 Thru P-003633	File folder entitled "Recent Attorney Notes" containing handwritten attorney (Villafaña) notes regarding document review and case strategy	Work product 6(e) Investigative privilege Deliberative process
Box #1 P-003634 Thru P-003646	File folder bearing victim name containing FBI interview report from May 2008, telephone activity report with attorney (Villafaña) handwritten notes, related grand jury material	Work product Attorney-client privilege 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-003647 Thru P-003651	File folder entitled "Summary of Sexual Activity" containing chart bearing handwritten title "Sexual Activity – Summary" with meta-analysis of information, sorted by name of each victim/witness, including name and identifying information of each victim/witness	Work product 6(e) Investigative privilege Deliberative process Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003652 Thru P-003663	File folder entitled "Victim Civil Suits"	Not privileged. Produced to counsel for Petitioners
Box #1 P-003664 Thru P-003678	File folder entitled "Research re JE Websites" containing attorney research	Work product
Box #1 P-003679 Thru P-003680	File folder entitled "Serene Cano (N.Y. AUSA)" containing attorney (Villafaña) handwritten notes	Work product
Box #1 P-003681 Thru P-003687	File folder entitled "Dr. Anna Salter" containing attorney (Villafaña) memo to expert witness and handwritten attorney notes	Work product Investigative privilege
Box #1 P-003688 Thru P-003693	File folder entitled "I[] G[] Interview" containing attorney handwritten notes of interview, and attorney handwritten notes regarding potential charges	Work product Investigative privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003694 Thru P-003711	File folder entitled "Research re Travel for Prostitution" containing attorney (Villafaña) handwritten notes regarding grand jury presentation, chart entitled "Brought to Epstein's House" with handwritten notes, Message Pad meta-analysis chart, summary of evidence related to one victim/witness, and relevant grand jury information	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-003712	Empty file folder bearing name of victim/witness	Investigative privilege Also contains information subject to privacy rights of victim who is not a party to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #1 P-003713 Thru P-003746	File folder entitled "T[] M[]" containing grand jury subpoenas, motion and order to compel testimony, and correspondence regarding same	6(e) Documents under seal pursuant to court order
Box #1 P-003747 Thru P-003751	File folder entitled [REDACTED] containing subpoena and correspondence regarding same	6(e)
Box #1 P-003752 Thru P-004295	File folder entitled "PBPD Investigative File" obtained via subpoena	6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004296 Thru P-004350	File folder bearing name of victim/witness containing meta-analysis chart showing telephone calls, travel, and grand jury materials relevant to possible charges	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004351 Thru P-004381	File folder entitled "Daniel [REDACTED] Documents 53909-004" containing attorney research related to bias issue	Work product
Box #1 P-004382 Thru P-004478	File Folder entitled "FEDEX" containing documents obtained via subpoena	6(e) Investigative privilege
Box #1 P-004479 Thru P-004551	File Folder entitled "State of Delaware Records" containing documents obtained in preparation for indictment	6(e) Investigative privilege Work product
Box #1 P-004552 Thru P-004555	File folder entitled "Jet Blue Records" containing documents obtained via subpoena	6(e) Work product Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004556 Thru P-004560	File folder entitled "FL EMPLOYMENT RECORDS" containing FDLE records on targets and witnesses obtained at attorney request	Investigative privilege Work product

Bates Range	Description	Privilege(s) Asserted
Box #1 P-004561 Thru P-004565	Filed folder entitled "JANUSZ BANASIAK" containing attorney (Villafaña) handwritten notes of interview	Work product Investigative privilege
Box #1 P-004566 Thru P-004716	File folder entitled "JANUSZ BANASIAK RECORDS 23-0001 THROUGH 23-" containing documents obtained via subpoena	6(e) Work product Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-004717 Thru P-004722	File folder entitled "IGOR ZINOVIEV" containing attorney research regarding witness	Work product Investigative privilege
Box #1 P-004723 Thru P-004725	File folder entitled "BEAR STEARNS RESEARCH" containing attorney research regarding potential witness and subpoena recipient	Work Product Investigative privilege
Box #1 P-004726 Thru P-004819	File folder entitled "LAWSUITS INVOLVING EPSTEIN CORP'S" containing attorney research regarding Epstein's past personal and business litigative practices	Work Product Investigative privilege
Box #1 P-004820 Thru P-004959	Filed folder entitled "SEC RECORDS" containing attorney research regarding Epstein financial relationships	Work Product Investigative privilege
Box #1 P-004960 Thru P-005059	File folder entitled "Message Pads" containing selected items from evidence obtained via subpoena	Work Product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005060 Thru P-005081	File folder bearing name of victim/witness containing correspondence with counsel for victim/witness, attorney witness outline with attorney handwritten notes, attorney handwritten notes regarding witness reports and case preparation	Work Product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005082 Thru P-005083	File folder entitled "New York Trip" containing attorney notes re witness interview	Work product Investigative privilege

Bates Range	Description	Privilege(s) Asserted
	P-005084 thru P-005107 are non responsive documents and have been removed	
Box #1 P-005108 Thru P-005193	File folder entitled "ANNA SALTER" containing attorney research on select expert, use of experts at trials in child exploitation cases, and additional research materials on offenders and victims	Work product Investigative privilege
Box #1 P-005194 Thru P-005300	File folder entitled "Extra Copies" containing meta-analysis chart and 302's of victim/witnesses used in preparing indictment package	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005301 Thru P-005331	File folder entitled "JUAN ALESSI STATEMENT" containing transcript obtained via subpoena	6(e) Investigative privilege
Box #1 P-005332 Thru P-005341	File folder entitled "KEN LANNING" containing attorney research on select expert, including attorney handwritten notes	Work product Investigative privilege
Box #1 P-005342 Thru P-005387	File folder entitled "Info re Planes" containing correspondence regarding subpoenas and documents received in response to subpoenas	6(e) Investigative privilege
Box #1 P-005388 Thru P-005442	File folder entitled "Police Reports & PC Affidavit" containing portions of police reports with attorney notes, related phone records, a list entitled "Victims" with identifying information and attorney handwritten notes, photographs and DAVID information, and additional attorney research regarding Epstein sexual activity	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005443 Thru P-005496	File folder entitled "[Victim name] Transcript of Interview & GJ Transcript"	6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #1 P-005497 Thru P-005556	File folder entitled "Bear Stearns Subpoena Resp." containing material received in response to subpoena	6(e) Investigative privilege

Bates Range	Description	Privilege(s) Asserted
Box #1 P-005557 Thru P-005576	U.S. Attorney's Office Criminal Case File Jacket containing file opening documents, expert witness payment documents	Work product Deliberative process
Box #1 P-005578 Thru P-005583	U.S. Attorney's Office Asset Forfeiture Case File Jacket containing file opening and file closing documents	Work product Deliberative process
Box #1 P-005584 Thru P-005606	File folder entitled "6001 Immunity Request" containing internal memoranda seeking witness immunity and correspondence with counsel for witness regarding same	6(e) Work product and deliberative process (as to internal memoranda) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-005607 Thru P-005914	File folder entitled "MASTER PHONE RECORDS" containing meta-analysis of all phone, travel, and grand jury data for all victim/witnesses for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-005915 Thru P-005977	File folder bearing name of victim/witness containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-005978 Thru P-006050	File folder bearing name of victim/witness containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006051 Thru P-006065	File folder bearing name of victim/witness containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #2 P-006066 Thru P-006220	File folder entitled "JANE DOE #4" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006221 Thru P-006222	File folder entitled ""JANE DOE #12" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006223 Thru P-006522	File folder entitled "CORRECTED PHONE RECORDS 5/31/07" containing meta-analysis of all phone, travel, and grand jury data related to all victims/witnesses for indictment preparation	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006523 Thru P-006802	File folder entitled "[Victim Name] Phone Records" containing telephone records received in response to subpoena	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006803 Thru P-006860	File folder entitled "Lists of Identified Phone Numbers" containing charts of information culled from grand jury materials, interviews, and other investigation, with attorney handwritten notes, and information to issue follow-up grand jury subpoena	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-006861 Thru P-007785	File folder entitled "EPSTEIN/KELLEN CELL PHONE RECORDS" containing documents received via subpoena with attorney handwritten notes and highlighting	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #2 P-007786 Thru P-008120	Folder entitled "OLY GRAND JURY LOG: OLY-01 THROUGH OLY-50" containing subpoenas, correspondence regarding same, 6(e) letters, attorney handwritten notes regarding records received in response to subpoenas	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-008121 Thru P-008139	Handwritten flight logs received in response to subpoena	6(e) Investigative privilege
Box #2 P-008140 Thru P-008298	Grand jury presentation folder containing attorney handwritten notes, typed outline with additional handwritten notes, complete indictment package dated 2/19/2008, victim list with identifying information, photographs, and summary of activity	Work product 6(e) Investigative privilege Also contains information and documents subject to privacy rights of victims who are not parties to this litigation
Box #2 P-008299 Thru P-008363	File folder entitled "FINAL AGREEMENTS" containing subfolder entitled "Agrmts Filed in State Court" (P-008300-P-008327 [not being withheld as privileged – have been produced to opposing counsel]); signed Non-Prosecution Agreement, Addendum, and operative portion of 12/19/2007 Sanchez-Acosta letter (P-008328-P-008343 [not being withheld as privileged – have been produced to opposing counsel]); subfolder entitled "12/19/07 Acosta-Sanchez Ltr" containing unredacted copies of that letter (P-008344-P-008363 [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 th Circuit])	
Box #2 P-008364 Thru P-008382	File folder entitled "Lacerda Immunity Request" containing internal memoranda, Justice Department documentation, and subpoena regarding immunity request	6(e) Work Product Deliberative Process Investigative privilege
Box #2 P-008383 Thru P-008516	File folder containing March 18, 2008 grand jury presentation materials, including "Operation Leap Year Revised Indictment Summary Chart (by victim)," grand jury materials, draft indictments, victim reference list, grand jury subpoena log	Work product 6(e) Investigative privilege Deliberative process Also contains information and documents subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #2 P-008517 Thru P-008535	6/25/2007 Letter from Gerald Lefcourt to Jeffrey Sloman and Andrew Lourie [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 th Circuit]	
Box #2 P-008536 Thru P-008542	Handwritten attorney notes to prepare for interview of Jane Doe #2	Work product Investigative Privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008543 Thru P-008549	Handwritten attorney notes regarding May 8, 2007 grand jury presentation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008550 Thru P-008615	File folder entitled "Most Recent Indictment & Good Cases" containing draft indictment and legal research	Work product 6(e) Investigative privilege Deliberative process Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008616 Thru P-008686	File folder entitled "FBI Summary Charts" containing chart prepared at direction of AUSA, containing victim names, identifying information, summary of activity, and other information relevant to indictment	Work product Attorney-Client Privilege 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008687 Thru P-008776	File folder entitled "[Victim name]/Jane Doe #4" containing phone records and meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information and documents subject to privacy rights of victims who are not parties to this suit
Box #2 P-008777 Thru P-008808	File folder entitled "[Victim name]/Jane Doe #5" containing handwritten notes and meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit

Bates Range	Description	Privilege(s) Asserted
Box #2 P-008809 Thru P-008847	File folder entitled "[Victim name]/Jane Doe #6" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008848 Thru P-008862	File folder entitled "[Victim name]/Jane Doe #7" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008863 Thru P-008890	File folder entitled "[Victim name]/Jane Doe #8" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-008891 Thru P-009103	File folder entitled "Certified Copy of State Case" containing certified copy of Epstein state criminal cases and change of plea transcript [not being withheld as privileged – copy provided to opposing counsel]	
Box #2 P-009104 Thru P-009111	File folder entitled "Meeting Timeline" containing Villafaña typed notes summarizing meetings with opposing counsel prepared at request of R. Alexander Acosta, with handwritten correction and typed guideline estimate	Work product Deliberative process
Box #2 P-009112 Thru P-009113	11/26/2008 Email from Roy Black to A. Marie Villafaña and Karen Atkinson re Jeffrey Epstein (work release) [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 th Circuit]	
Box #2 P-009114 Thru P-009115	7/3/2008 Email from A. Marie Villafaña to Col. M. Gauger at PBSO re Epstein work release with attachment [not being withheld as privileged – produced to opposing counsel]	
Box #2 P-009116 Thru P-009125	12/6/2007 Letter from Jeffrey Sloman to Jay P. Lefkowitz re Jeffrey Epstein (victim notification) [pursuant to Court's Order, not being withheld as privileged – will be produced to opposing counsel upon lift of stay by 11 th Circuit]	

Bates Range	Description	Privilege(s) Asserted
Box #2 P-009126 Thru P-009134	File folder entitled "[Victim name]/Jane Doe #9" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009135 Thru P-009141	File folder entitled "[Victim name]/Jane Doe #13" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009141A Thru P-009141C	File folder entitled "[Victim name]/Jane Doe #12" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009142 Thru P-009152	File folder entitled "[REDACTED]" containing meta-analysis of all phone, travel, and grand jury data related to that individual for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009153 Thru P-009156	File folder entitled "Nadia Marcinkova" containing meta-analysis of all phone, travel, and grand jury data related to that individual for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009157 Thru P-009208	File folder entitled "[Victim name]/Jane Doe #1" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009209 Thru P-009213	File folder entitled "[Victim name]/Jane Doe #2" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit

Bates Range	Description	Privilege(s) Asserted
Box #2 P-009214 Thru P-009271	File folder entitled "[Victim name]/Jane Doe #3" containing meta-analysis of all phone, travel, and grand jury data related to that victim/witness for indictment preparation	Work product 6(e) Investigative privilege Contains information subject to privacy rights of victims who are not parties to this suit
Box #2 P-009272 Thru P-009354	File folder entitled "Purpose of Travel Cases" containing attorney research and handwritten notes	Work product
Box #2 P-009355 Thru P-009403	File folder entitled "Interstate Commerce Cases" containing attorney research and handwritten notes	Work product
Box #2 P-009404 Thru P-009536	File folder entitled "Attorney Conflict Research" containing attorney research and handwritten notes	Work product
Box #2 P-009537 Thru P-009574	File folder entitled "Mann Act/Travel to Have Sex w/Minor" containing attorney research and handwritten notes	Work product
Box #2 P-009575 Thru P-009603	File folder entitled "Travel Act" containing attorney research and handwritten notes	Work Product
Box #2 P-009604 Thru P-009711	File folder entitled "Florida Prostitution/Lewdness Statutes" containing attorney research and handwritten notes	Work Product
Box #2 P-009712 Thru P-009819	Booklet entitled "Attorney General Guidelines for Victim and Witness Assistance" [not being withheld as privileged – produced to opposing counsel]	
Box #2 P-009820 Thru P-009965	File folder entitled "Corporate Liability Rsrch" containing attorney research and handwritten notes	Work Product
Box #2 P-009966 Thru P-010096	File folder entitled "Research re Knowledge of Age Unnecessary" containing attorney research and handwritten notes and copy of grand jury subpoena	Work Product 6(e)

Bates Range	Description	Privilege(s) Asserted
Box #2 P-010097 Thru P-010276	File folder entitled "Money Laundering" containing attorney research and handwritten notes	Work Product
Box #2 P-010277 Thru P-010394	File folder entitled "1960 & Aiding/Abetting" containing attorney research and handwritten notes	Work Product
Box #2 P-010395 Thru P-010488	File folder entitled "18 USC § 2255 Cases" containing attorney research and handwritten notes	Work Product
Box #2 P-010489 Thru P-010509	File folder entitled "Research re Overt Acts & Witness Testimony" containing attorney research and handwritten notes	Work Product
Box #2 P-010510 Thru P-010525	File folder entitled "Extradition" containing attorney research and handwritten notes	Work Product
Box #2 P-010526 Thru P-010641	File folder entitled "Rsrch re Crime Victims Rights" containing attorney research, handwritten notes, draft victim notification letter, and draft correspondence to Jay Lefkowitz (Also contains a November 28, 2007 letter from Kenneth Starr to Alice S. Fisher; and a November 29, 2007 letter from Jay Lefkowitz to R. Alexander Acosta (P-010528 thru P-010530 and P-010556 thru P-010559). Pursuant to the Court's Order, these will be produced to opposing counsel upon lift of stay by 11 th Circuit)	Work Product Deliberative Process
Box #2 P-010642 Thru P-010650	File folder entitled "Immunity" containing attorney research on granting immunity to witnesses	Work Product
Box #2 P-010651 Thru P-010659	File folder entitled "Research re G.J. Transcript" containing attorney research and draft pleadings re compelling production of grand jury transcript with subpoena	Work Product 6(e) Deliberative process
Box #2 P-010660 Thru P-010757	File folder entitled "Research re GJ Transcript" containing grand jury subpoena, 6(e) letters, attorney research and correspondence related to subpoena	Work Product 6(e)

Bates Range	Description	Privilege(s) Asserted
Box #2 P-010758 Thru P-010793	File folder entitled "Original Proposed Ind." containing draft indictment	Work Product 6(e) Deliberative process
Box #2 P-010794 Thru P-010829	File folder entitled "Epstein" containing sample indictments and attorney research re potential charges with attorney notes	Work Product
Box #2 P-010830 Thru P-010853	File folder entitled "1591 & Money Laundering" containing attorney research and handwritten notes	Work Product
Box #2 P-010854 Thru P-010876	File folder entitled "18 USC 2425" containing attorney research and handwritten notes	Work Product
Box #2 P-010877 Thru P-010920	File folder entitled "Knowledge of Age" containing attorney research and handwritten notes	Work Product
Box #2 P-010921 Thru P-011049	File folder entitled "2423(b) Constitutionality and Purpose of Travel" containing attorney research and handwritten notes	Work Product
Box #2 P-011050 Thru P-011212	File folder entitled "Mistake not a Defense" containing attorney research and handwritten notes	Work Product
Box #2 P-011213 Thru P-011237	File folder entitled "Research re 'Pandering'" containing attorney research and handwritten notes	Work Product
Box #2 P-011238 Thru P-011319	File folder entitled "Research re Grand Jury Instructions" containing attorney research and handwritten notes	Work Product 6(e)
Box #2 P-011320 Thru P-011361	File folder entitled "Telephone = Facility of Commerce" containing attorney research and handwritten notes	Work Product
Box #2 P-011362 Thru P-011374	File folder entitled "Def of Prostitution" containing attorney research and handwritten notes	Work Product

Bates Range	Description	Privilege(s) Asserted
Box #2 P-011375 Thru P-011456	File folder entitled "Relevant Florida Statutes" containing attorney research and handwritten notes	Work Product
Box #2 P-011457 Thru P-011626	File folder entitled "Unit of Prosecution Research" containing attorney research and handwritten notes	Work Product
Box #3 P-011627 Thru P-011662	File folder entitled "Attorney Notes" containing attorney handwritten and typed notes	Work Product
Box #3 P-011663 Thru P-011698 and P-012189 thru P-012361 (gap was scanning error)	File folder entitled "Drafts" containing draft indictments with attorney handwritten notes, draft internal memoranda, relevant witness interview reports and grand jury material and attorney handwritten notes	6(e) Work Product Deliberative Process Investigative Privilege Contains information subject to privacy rights of victims who are not parties to this
Box #3 P-011699 Thru P-011777	File folder entitled "6/9/09 Signed Indictment" containing signed indictment package dated 6/9/2009 with corrections	6(e) Work product Deliberative process
Box #3 P-011778 Thru P-011788	File folder entitled "6/12/09 Victim Notif. Log" containing chart with victim contact information and attorney notes regarding dates and type of contacts	Work product
Box #3 P-011789 Thru P-011879	File folder entitled "Breach Memo" containing memorandum analyzing breach of Non-Prosecution Agreement with attachments	Work product Deliberative process
Box #3 P-011880 Thru P-011922	File folder entitled "Overt Act Lists" containing handwritten notes cross-checking all overt acts alleged in draft indictment by victim and typed overt act summary charts for indictment preparation	Work product Attorney-client privilege Deliberative process 6(e)

Bates Range	Description	Privilege(s) Asserted
Box #3 P-011923 Thru P-011966	Folder entitled "Responses to Arguments from JE Counsel" containing: <ul style="list-style-type: none"> ■ 7/13/2007 letter from Lilly Ann Sanchez to Andrew Lourie with handwritten attorney (Lourie) notes; ■ 6/25/2007 letter from Gerald Lefcourt to Jeffrey Sloman, Matt Menchal, Andrew Lourie, and Marie Villafaña with handwritten attorney (Villafaña) notes; ■ 6/25/2007 email from Andrew Lourie to Matt Menchel and Marie Villafaña entitled "Thoughts on Lefcourt's letter" Handwritten and typed attorney (Villafaña) notes regarding main themes raised by Epstein counsel	Work product Deliberative process 6(e) Attorney-Client Privilege
Box #3 P-011967 Thru P-012016	Composition book entitled "Operation Leap Year" containing attorney handwritten notes regarding investigation and case strategy	Work product Investigative privilege 6(e) Contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012017 Thru P-012055	Motion of Jeffrey Epstein to Intervene and to Quash Grand Jury Subpoenas and Incorporated Memorandum of Law	6(e)
Box #3 P-012056 Thru P-012088	Affidavit of Roy Black, Esq. in Support of Motion of Jeffrey Epstein to Intervene and to Quash Grand Jury Subpoenas	6(e)
Box #3 P-012089 Thru P-012129	United States' Response to Motion of Jeffrey Epstein to Intervene and to Quash Grand Jury Subpoenas and Cross-Motion to Compel	6(e)
Box #3 P-012130 Thru P-012150	Declaration of Joseph Recarey	6(e)
Box #3 P-012151 Thru P-012167	Ex Parte Declaration Number One in Support of United States' Response to Motion to Quash Subpoenas	6(e) Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #3 P-012168 Thru P-012170	Ex Parte Declaration Number Two in Support of United States' Response to Motion to Quash Subpoenas	6(e) Investigative Privilege
Box #3 P-012171 Thru P-012173	Supplement to Ex Parte Declaration Number One in Support of United States' Response to Motion to Quash Subpoenas	6(e) Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012174 Thru P-012176	Draft of September 2009 letter from Marie Villafaña to Roy Black regarding breach of Non Prosecution Agreement with handwritten attorney (Villafaña) notes	Work Product Attorney-Client Privilege Deliberative Process
Box #3 P-012177 Thru P-012178	Undated handwritten attorney (Villafaña) notes regarding negotiations and allegations	Work Product Attorney-Client Privilege Deliberative Process
Box #3 P-012179 Thru P-012188	File Folder entitled "FBI G.J. Log" containing copy of FBI grand jury subpoena log with attorney (Villafaña) handwritten notes	6(e) Work Product Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012362 Thru P-012451	File folder entitled "Key Documents" containing correspondence between AUSA and case agent regarding indictment prep questions, victim identification information, corrections to draft indictment, indictment preparation timeline, key grand jury material	6(e) Work Product Attorney-Client privilege Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012451 Thru P-012452	File folder entitled "Victim List" containing list of victims with dates of birth and age information	Work Product Investigative Privilege Also contains information subject to privacy rights of victims who are not parties to this litigation

Bates Range	Description	Privilege(s) Asserted
Box #3 P-012453 Thru P-012623	Complete indictment package marked "Originals 12/12/07"	Work-product Deliberative process 6(e) Also contains documents subject to investigative privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012624 Thru P-012653	Folder entitled "(Victims) Additional 302's" containing reports of interviews conducted in June 2007, October 2007, and March 2008.	Investigative Privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #3 P-012654 Thru P-012864	3-ring binder entitled "Child Molesters: A Behavioral Analysis" with attorney (Villafaña) handwritten notes	Work-product
Box #3 P-012865 Thru P-013226	Indictment preparation binder containing: witness/victim list with identifying information, sexual activity summary, telephone call summary chart, attorney (Villafaña) handwritten notes, 302s, portions of state investigative file, attorney (Villafaña) typed notes, relevant pieces of grand jury materials, telephone records/flight records analysis charts, victim/witness photographs, DAVID records, NCICs, and related materials for persons identified as Jane Does #9, 10, 11, 12, 13, 14	Work Product Deliberative Process 6(e) Also contains documents subject to investigative privilege Also contains documents subject to privacy rights of victims who are not parties to this litigation
Box #3 P-013227	April 23, 2008 Memo from Jeffrey Sloman to Office of Professional Responsibility re Self Reporting, Corrected Version of the previously submitted April 21, 2008 Letter to OPR	Privacy Act
Box #3 P-013226 Thru P-013230	April 21, 2008 Letter from Jeffrey Sloman to Office of Professional Responsibility re Self Reporting	Privacy Act
Box #3 P-013231 Thru P-013239	April 22, 2008 Letter from A. Marie Villafaña to Office of Professional Responsibility re Self-Report of Allegation of Conflict of Interest	Privacy Act

Bates Range	Description	Privilege(s) Asserted
Box #3 P-013240 Thru P-013247	April 21, 2008 Letter from Jeffrey Sloman to Office of Professional Responsibility re Self Reporting with attachments	Privacy Act
Box #3 P-013248 Thru P-013251	Emails between Richard Sudder, Assistant General Counsel, Executive Office for United States Attorneys, and Benjamin Greenberg, First Assistant U.S. Attorney, Southern District of Florida, regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated August 24 and August 29, 2011	Attorney-Client Privilege
Box #3 P-013252 Thru P-013253	Emails between Richard Sudder, Assistant General Counsel, Executive Office for United States Attorneys, and Benjamin Greenberg, First Assistant U.S. Attorney, Southern District of Florida, regarding Recusal matter, dated July 28, August 3, and August 24, 2011	Attorney-Client Privilege
Box #3 P-013254 Thru P-013257	Emails between Richard Sudder, Assistant General Counsel, Executive Office for United States Attorneys, and Benjamin Greenberg, First Assistant U.S. Attorney, Southern District of Florida, regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated August 24 and August 29, 2011	Attorney-Client Privilege
Box #3 P-013258 Thru P-013259	Emails between Richard Sudder, Assistant General Counsel, Executive Office for United States Attorneys, and Benjamin Greenberg, First Assistant U.S. Attorney, Southern District of Florida, regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated July 28 and August 3, 2011	Attorney-Client Privilege
Box #3 P-013260 Thru P-013262	Email from Richard Sudder, Assistant General Counsel, Executive Office for United States Attorneys, to Wifredo Ferrer (U.S. Attorney, SDFL), Robert O'Neill (U.S. Attorney, MDFL), Benjamin Greenberg, (FAUSA, SDFL), and Lee Bentley (FAUSA, MDFL) regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated August 24, 2011. CC's David Margolis (ODAG), Jay Macklin (USAEO), Thomas Anderson (USAEO), [REDACTED] Tapken (USAEO), James Read (USAEO)	Attorney-Client Privilege

Bates Range	Description	Privilege(s) Asserted
Box #3 P-013263 Thru P-013271	Emails between Richard Sudder, Assistant General Counsel, Executive Office for United States Attorneys, and Benjamin Greenberg, First Assistant U.S. Attorney, Southern District of Florida, regarding recusal of Southern District of Florida, dated July 29, 2011, with attached memorandum from A. Marie Villafaña to Benjamin Greenberg summarizing Jeffrey Epstein Investigation	Attorney-Client Privilege Deliberative Process Work Product
Box #3 P-013272 Thru P-013278	Emails between Peter Mason, Executive Office for United States Attorneys, and Dexter Lee, Southern District of Florida, seeking advice regarding office-wide recusal, dated December 16 and 17, 2010, with attached letter from Paul Cassell to Wifredo A. Ferrer, dated December 10, 2010	Attorney-Client Privilege

To: BigJimLaw@aol.com[BigJimLaw@aol.com];
Subject: RE: [REDACTED] [REDACTED]
Sent: Tue 10/24/2006 5:51:08 PM
From: Villafana, Ann Marie C. (USAFLS)

Hi Jim -- Thank you for the e-mail, and I will even forgive the football reference. I was just set for trial, so the earliest I will be able to reschedule the testimony will be after Thanksgiving. I will give you a call to discuss the immunity issue but I am concerned about other things we have talked about -- if Ms. [REDACTED] is given immunity, will she be forthcoming and answer the questions? Or am I going to jump through hoops to get her immunity and then have to worry about filing motions to compel, motions for orders to show cause why she shouldn't be held in contempt, etc., etc.?

As always, thank you for your assistance.

Regards,
Marie

A. Marie Villafana
Assistant U.S. Attorney
561 209-1047
Fax 561 820-8777
ann.marie.c.villafana@usdoj.gov

From: BigJimLaw@aol.com [mailto:BigJimLaw@aol.com]
Sent: Tuesday, October 24, 2006 12:00 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: [REDACTED] [REDACTED]

Sorry I did not get back to you sooner. I have been out of town for several weeks. As to Miss [REDACTED], she still does not wish to testify in this case and has a Fifth Amendment basis for her position. She wishes not to accept the "proffer letter" cover of immunity, which again is her right. I think it is a waste of time to have her appear Friday to just take the Fifth. I suggest that you huddle with your people. (It is football season). If you want to push the issue you will have to get formal immunity. I will accept service now and in the future for you so you don't have to chase [REDACTED] down. Jim Eisenberg

Memorandum



Subject

Re: Jeffrey Epstein Investigation

Date

July 26, 2011

To

Benjamin Greenberg, First Assistant U.S. Attorney

From

A. Marie Villafañá

I. Introduction

This memorandum summarizes the conflict of interest related to the investigation by the Federal Bureau of Investigation ("FBI") of additional crimes committed by Jeffrey Epstein ("Epstein"). The memo begins with a brief overview of the original investigation of Epstein, dubbed "Operation Leap Year"; summarizes the resolution of Operation Leap Year by the Southern District of Florida; and addresses the events following the resolution of Operation Leap Year, including the basis for the conflict. Lastly, the memo briefly addresses the additional crimes that the FBI wants to investigate.

II. "Operation Leap Year"

The investigation of Jeffrey Epstein initially was undertaken by the City of Palm Beach Police Department in response to a complaint received from the parents of a 14-year-old girl, [REDACTED], from Royal Palm Beach. When [REDACTED] and another girl began fighting at school because the other girl accused [REDACTED] of being a prostitute, one of the school principals intervened. The principal searched [REDACTED] purse and found \$300 cash. The principal asked [REDACTED] where the money came from. [REDACTED] initially claimed that she earned the money working at "Chik-Fil-A," which no one believed. [REDACTED] then claimed that she made the money selling drugs; no one believed that either. [REDACTED] finally admitted that she had been paid \$300 to give a massage to a man on Palm Beach island. [REDACTED] parents approached the Palm Beach Police Department ("PBPD") about pressing charges.

PBPD began investigating the recipient of the massage, Jeffrey Epstein, and two of his assistants, Sarah Kellen and Nadia Marcinkova. PBPD identified 27 girls who went to

Epstein's house to perform "massage services" (not including one licensed massage therapist). The girls' ages ranged from 14 years' old to 23 years' old. Some girls saw Epstein only once and some saw him dozens of times. The "massage services" performed also varied. Some girls were fully clothed while they massaged Epstein; some wore only their underwear; and some were fully nude. During all of these massages, Epstein masturbated himself and he would touch the girl performing the massage, usually fondling their breasts and touching their vaginas - either over their clothing or on their bare skin. Epstein often used a vibrator to masturbate the girls and digitally penetrated a number of them. For the girls who saw him more often, Epstein graduated to oral sex and vaginal sex. Epstein sometimes brought his assistant/girlfriend, Nadia Marcinkova, into the sexual activity. One of the girls described Marcinkova as Epstein's "sex slave".

On October 18, 2005, PBPD obtained a search warrant with the assistance of the Palm Beach County State Attorney's Office ("PBSAO"). By this time, PBSAO had already been contacted by Epstein's cadre of lawyers. When PBPD arrived at Epstein's home two days later (10/20/05) to execute the search warrant, they found several items conspicuously missing. For example, computer monitors and keyboards were found, but the CPUs were gone.¹ Similarly, surveillance cameras were found, but they were disconnected and the videotapes were gone. Nonetheless, the search did recover some evidence of value, including message pads showing messages from many girls over a two year span. The messages show girls returning phone calls to confirm appointments to "work." Messages were taken by three of Epstein's "personal assistants."

Photographs taken inside the home showed that the girls' descriptions of the layout of the home and master bedroom/bathroom area were accurate. PBPD also found massage tables and oils, the high school transcript of one of the girls, and sex toys.

¹During a meeting, two of Epstein's attorneys, Gerald Lefcourt and Lilly Ann Sanchez, admitted that attorney Roy Black instructed Epstein to have the CPUs removed although they insisted that those instruction were given well in advance of the execution of the search warrant - not in response to a "leak."

In sum, the PBPD investigation showed that girls from Royal Palm Beach High School would be contacted by one of Epstein's assistants to make an appointment to "work." Up to three appointments each day would be made. The girls would travel to Epstein's home in Palm Beach where they would meet Epstein's chef and Epstein's assistant—usually Sarah Kellen—in the kitchen. The assistant would escort the girls upstairs to the master bedroom/bathroom area and set up the massage table and massage oils. The girl sometimes was instructed to remove her clothing. The assistant would leave and Epstein would enter the room wearing a robe. He would remove the robe and lie face down and nude on the massage table. Epstein would then instruct the girl on what to do and would ask her to remove her clothing. After some time, Epstein would turn over, so that he was lying face up. Epstein would masturbate himself and fondle the girl performing the massage. When Epstein climaxed, the massage was over, and the girl was instructed to get dressed and to go downstairs to the kitchen while Epstein showered. Epstein's assistant would be in the kitchen and the girl would be paid—usually \$200—and if it was a "new" girl, the assistant would ask for the girl's phone number to contact her in the future.² Girls were encouraged to find other girls to bring with them. If a girl brought another girl to perform a "massage," each girl would receive \$200. Each time a girl returned to the house, Epstein would pressure the girl to go further sexually, advancing to oral sex and sexual intercourse. Epstein would pay more for these acts – in the words of one girl, "the more you do, the more you make."

The PBPD investigation consisted primarily of sworn taped statements from the girls. When PBPD began having problems with PBSAO, they approached the FBI. The investigation was formally presented to the FBI and to the U.S. Attorney's Office after PBSAO "presented" the case to a state grand jury and the state grand jury returned an indictment charging Epstein only with one felony count of solicitation of [adult] prostitution.

After the matter was presented to the U.S. Attorney's Office and there was a determination that federal statutes had been violated, FBI, ICE, and the U.S. Attorney's Office opened files. The federal investigation focused on the interstate nexus required for all of the federal violations, so a number of grand jury subpoenas were issued for telephone records, flight manifests, and credit card records. The federal agents also re-interviewed some of the girls. The agents delved into Epstein's history and interviewed other girls and obtained records to corroborate the girls' stories. FBI also interviewed

²Sometimes Epstein made the payment and asked for the phone number, sometimes it was the assistant.

girls who came forward after the PBSAO indictment was reported in the papers and the additional girls identified through those interviews.

The attempt to handle secretly the federal case was doomed from the start when the Chief of the Palm Beach Police Department gave a letter to each of the victims identified through his investigation telling them that, because of his disappointment in the way that the PBSAO had handled the case, the matter had been referred to the FBI. Almost immediately, Epstein's attorneys began calling to request a meeting with the U.S. Attorney's Office. When one attorney was unable to schedule a meeting, Epstein hired another attorney who called up the chain of command until someone agreed to a meeting.

Between January and May 2007, an indictment package was prepared, charging Epstein and three of his personal assistants with a number of child exploitation offenses. The case agent made several appearances before the grand jury. Attorneys for Epstein made several presentations to the U.S. Attorney's Office to convince the Office not to prosecute, and made allegations of prosecutorial misconduct against the line Assistant and the First Assistant U.S. Attorney. Epstein also challenged the legal analysis behind the prosecution, both within the U.S. Attorney's Office (up to the U.S. Attorney) and to the Child Exploitation and Obscenity Section at the Justice Department. All of Epstein's challenges were considered and rejected.

III. The Resolution of "Operation Leap Year"

On September 24, 2007, Epstein signed a Non-Prosecution Agreement wherein the U.S. Attorney's Office for the Southern District of Florida promised not to prosecute Epstein for the crimes that were the subject of the grand jury investigation if: (1) he pled guilty to two crimes in state court – the state felony prostitution charge and a state charge of procuring minors into prostitution, which would require Epstein to register as a sex offender; (2) he were sentenced to at least 18 months' imprisonment, and (3) he agreed to pay damages to the victims of his offenses. After signing this Agreement, Epstein and his counsel decided that they were dissatisfied with its terms, and again complained to the Justice Department, seeking review to the Deputy Assistant Attorney General and the Deputy Attorney General.

After those attempts also failed, on June 30, 2008, Epstein entered his guilty plea in state court and began serving his sentence.

IV. Post-Resolution Events

A few days before the plea and sentencing (in state court those occur on the same

day), the Assistant U.S. Attorney handling the matter contacted counsel for three of Epstein's identified victims and informed him of the upcoming court date, encouraging his clients to attend and be heard. They did not appear. On July 7, 2008, two of those victims filed suit against the United States in federal court claiming that their rights had been violated under the Crime Victims' Rights Act because they had not been consulted before the Office entered into the Non-Prosecution Agreement. (This will be referred to as the "CVRA Action.")

After an initial flurry of activity, the Petitioners obtained a copy of the confidential Non-Prosecution Agreement, and the Court ordered that it be shared with all of the identified victims. After it was provided, the Petitioners and most of Epstein's victims focused on their civil suits against him.

In 2009, the U.S. Attorney's Office in Fort Lauderdale initiated an investigation into a Ponzi scheme operated by Scott Rothstein through his law firm. As part of his Ponzi scheme, Rothstein told investors that his law firm represented several of Epstein's victims and that Epstein was willing to pay huge sums of money to avoid exposing his criminal activities. The attorney representing the victims in the CVRA Action, Brad Edwards ("Edwards"), worked at the Rothstein firm. Epstein sued Edwards, alleging that Edwards was part of the Ponzi scheme, and alleging that Edwards' attempts to subpoena some of Epstein's high-powered friends were done to increase the value of the Ponzi scheme, rather than for legitimate discovery purposes.

In the summer of 2010, most of the civil suits against Epstein were settled, including the suits filed by the two victims in the CVRA Action. All of the settlements were confidential, so it is unknown how much each of the victims received.

In September 2010, U.S. District Judge Kenneth Marra, who handled most of the civil cases and the CVRA Action, issued an Order closing the CVRA Action. Almost immediately thereafter, the Petitioners filed a Motion to Reopen, stating that they had obtained discovery through their civil suits against Epstein that showed that the U.S. Attorney's Office had violated their rights as victims.

For several months, attempts were made to resolve the matter. In short, the victims have asked that the U.S. Attorney's Office disavow the Non-Prosecution Agreement, on the basis that the CVRA was violated, and bring charges against Epstein. Edwards has said that one of his clients repeatedly calls and asks him when Epstein is going to jail. One of the other attorneys on the case has suggested that emails he

considers to be embarrassing to the Office will not be disclosed if we re-open our investigation of Epstein and prosecute him.

Herein lies the conflict. If the U.S. Attorney's Office for the Southern District of Florida re-initiates a grand jury investigation of Jeffrey Epstein, it will be perceived - correctly or incorrectly - as having been done at the insistence of the victims in the CVRA Action. And Epstein will allege that any prosecution arising therefrom will have been undertaken in an effort to resolve the CVRA Action, not based upon the merits of the investigation itself.

■ The FBI's Current Investigation

The main focus of the FBI's current investigation is a victim, ■■■■■, who refused to speak with agents during the "Operation Leap Year" investigation. Based upon her debriefing, Epstein engaged in several additional crimes, in the Southern District of Florida and, more importantly, in several other Districts, with ■■■■■ and other minor females. Epstein transported ■■■■■ in his private airplanes to engage in sexual activity with him. Epstein also "pimped" ■■■■■ to several of his other important friends, and transported her to those sexual encounters. This activity was not part of the initial investigation.

■■■■■ also reported that, during the "Operation Leap Year" investigation, she was contacted by Epstein's investigators, lawyers, and Epstein himself, and offered payment to remain silent when contacted by the police.

FBI agents are seeking grand jury subpoenas at this time to corroborate ■■■■■ statement. They also are asking for permission to approach one of Epstein's "personal assistants," who was served with a target letter during the "Operation Leap Year" investigation, to give her a "de-target" letter and interview her.

There are several other Districts that may have jurisdiction over the additional crimes under investigation. Epstein lived and still lives in the Southern District of New York; he engaged in sexual activity with ■■■■■ in the S.D.N.Y.; and it is believed that he made the calls from the S.D.N.Y. to ■■■■■ wherein he offered to pay her to keep her from speaking to law enforcement. When Epstein would fly into and out of New York, however, he used the airport in Teterboro, New Jersey, so the District of New Jersey also has jurisdiction over charges related to traveling in interstate commerce to engage in illicit sexual conduct and transporting minors in interstate commerce. ■■■■■ reported

that Epstein engaged in sexual activity with her on his private island in the U.S. Virgin Islands and also had her engage in sexual activity with one of his friends on that island, so the District of the Virgin Islands also would have jurisdiction. [REDACTED] also reported frequent sexual activity with Epstein in the District of New Mexico and the Central District of California. In both of those Districts there is evidence (from [REDACTED] or other witnesses) of Epstein engaging in illegal sexual activity with other underage victims, as well.