



U.S. Department of Justice

United States Attorney
Southern District of Florida

500 S. Australian Ave, Ste 400
West Palm Beach, FL 33401



August 21, 2008

DELIVERY BY ELECTRONIC MAIL

Jay P. Lefkowitz, Esq.
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022-4675

Roy Black, Esq.
Black Srebnick Kornspan & Stumpf P.A.
201 S. Biscayne Blvd, Suite 1300
Miami, FL 33131

Re: Jeffrey Epstein

Dear Jay and Roy:

Thank you for your response to my earlier letter. The U.S. Attorney's Office shares in your desire to implement all of the terms of the Non-Prosecution Agreement. As you are aware, the jointly-approved Special Master, Judge Davis, has already selected an attorney representative, Robert Josefsberg, who was accepted by both parties. The Office has conferred with Mr. Josefsberg, who has agreed to continue in that role. In October 2007, Mr. Josefsberg expended time, effort, and funds in preparing to serve as the attorney representative, and he will need a written confirmation from you that his future fees and expenses will be paid in accordance with the terms of the Non-Prosecution Agreement. Please provide me with a copy of that correspondence for my file.


With that matter settled, I believe that the requirement for a joint written submission to the Special Master has been extinguished. Nonetheless, I have no objection to attempting to create a joint statement to assist Mr. Josefsberg in serving his duties. Regarding your suggestion that we ask Judge Davis to "offer the final word on how certain clauses should be interpreted and satisfied," I believe that the Agreement speaks for itself.

JAY P. LEFKOWITZ, ESQ.
ROY BLACK, ESQ.
AUGUST 21, 2008
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Pursuant to the terms of the Agreement, following Mr. Epstein's sentencing, the U.S. Attorney's Office provided Mr. Epstein's counsel with a list of the individuals whom it was prepared to name in an indictment as victims of an offense enumerated in 18 U.S.C. § 2255, and none of those names will be deleted. By his agreement, Mr. Epstein sought to resolve liability for all criminal activity known to the United States as of the time of his plea and sentencing, and he is responsible for damages to all victims of that criminal activity.

Copies of the victim notifications will continue to be provided to counsel for Mr. Epstein. Please let me know whether I should continue to list Mr. Goldberger as the point of contact for the civil litigation. Regarding your suggestion on the content of the notification letters, I intend to use the same format that was used in the letters previously approved by Messrs. Goldberger and Tein, except that I will include the language from the September and October agreements. I have enclosed a draft herewith. Because I previously provided the victims with incorrect information—albeit with the approval of Mr. Epstein's counsel—it is imperative that I correct the error promptly. Accordingly, if you have any substantive objections to the letter, please advise me by tomorrow afternoon.

Sincerely,


United States Attorney

By: 
Assistant United States Attorney

cc:  Chief, Northern Division

EFTA00211894



U.S. Department of Justice

United States Attorney
Southern District of Florida

500 South Australian Ave., Suite 400
West Palm Beach, FL 33401

August 22, 2008

VIA FACSIMILE AND U.S. MAIL

Michael E. Dutko, Esq.
Bogenschutz & Dutko
600 S. Andrews Ave, Suite 500
Fort Lauderdale, FL 33301-2802

DRAFT

Re: Jeffrey Epstein/[REDACTED]: AMENDED NOTIFICATION
OF IDENTIFIED VICTIM

Dear Mr. Dutko:

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida asks that you provide the following amended notice to your client, [REDACTED]. Some of the information contained in the July 20, 2008 letter to [REDACTED] was inaccurate, so please advise her of the following changes.

As you were previously advised, on June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control 1, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions, including the following:

1. An independent Special Master was assigned the task of selecting an attorney representative to represent the victims in connection with civil

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litigation between the victims and Mr. Epstein. The Special Master selected Robert Josefsberg, Esq. of the firm Podhurst Orseck, P.A., a highly-respected and experienced attorney. [REDACTED] is not obligated to use Mr. Josefsberg as her civil attorney, but, as explained in greater detail below, Mr. Josefsberg's services will be provided at no cost to [REDACTED] because Mr. Epstein is obligated to pay the costs and fees of the attorney-representative. Also, Mr. Epstein and his attorneys can only contact [REDACTED] via Mr. Josefsberg, assuming that she would like Mr. Josefsberg to serve as her attorney.

2. If [REDACTED] elects to file suit against Mr. Epstein pursuant to Title 18, United States Code, Section 2255, Mr. Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Mr. Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between [REDACTED] and Mr. Epstein, so long as [REDACTED] elects to proceed exclusively under 18 U.S.C. § 2255, and she waives any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, Epstein's agreement with the United States, his waivers and failure to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.
3. As stated above, Mr. Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, [REDACTED] and Mr. Josefsberg elect to file a contested lawsuit pursuant to 18 U.S.C. § 2255 or she elects to pursue any other contested remedy, the obligation to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in Section 2255 to bear the costs of the attorney representative, shall cease.

Mr. Josefsberg will be contacting you within the next week to explain these terms and to determine if he may contact [REDACTED] directly. If you would like to contact Mr.

Josefsberg directly, he can be reached at [REDACTED]

If [REDACTED] has selected other counsel to represent her, or if she does so in the future, and she decides to pursue a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that he be contacted at Atterbury Goldberger and Weiss, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401.

In addition, a judge has ordered that the United States make available to any designated victim (and/or her attorney) a copy of the actual agreement between Mr. Epstein and the United States, so long as the victim (and/or her attorney) reviews, signs, and agrees to be bound by a Protective Order entered by the Court. If [REDACTED] would like to review the Agreement, please let me know, and I will forward a copy of the Protective Order for her signature.

As I stated in my earlier notification, please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation, but we again thank you and your client for all of her assistance during the course of this investigation.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

DRAFT

By:

[REDACTED]
ASSISTANT U.S. ATTORNEY

cc: Robert Josefsberg, Esq.
Jack Goldberger, Esq.