



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

West Palm Beach, FL 33401

Facsimile:

[DATE]

[Victim name and address]

Re: **[Defendant]/[Victim]: NOTIFICATION OF IDENTIFIED
VICTIM**

Dear Ms. [Victim]:

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida provides you with the following notice because you are an identified victim of a federal offense.

On June 30, 2008, [Defendant] entered a plea of guilty to violations of Florida Statutes Sections [insert case information] 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, including you, in connection with civil actions between the victims and [Defendant.] The Special Master selected Robert Josefsberg, Esq. of the firm Podhurst Orseck, P.A., a highly-respected and experienced attorney. You are not obligated to use Mr. Josefsberg as your civil attorney, but, as explained in greater detail below, Mr. Josefsberg's services will be provided at no cost to you because [Defendant] is obligated to pay the costs and fees of the attorney-representative. Also, [Defendant] and his attorneys can only contact you via Mr. Josefsberg, assuming that you would like Mr. Josefsberg to serve as your attorney.

[VICTIM'S NAME]

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2. If you elect to file suit against [Defendant] pursuant to Title 18, United States Code, Section 2255, [Defendant] 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 [Defendant] waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between you and [Defendant], so long as you elect to proceed exclusively under 18 U.S.C. § 2255, and you waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, [Defendant'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, [Defendant] has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate [Defendant] to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, you and Mr. Josefsberg elect to file a contested lawsuit pursuant to 18 U.S.C. § 2255 or you elect 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, shall cease.

Mr. Josefsberg will be contacting you within the next two weeks to explain these terms. If you would like to contact Mr. Josefsberg directly, he can be reached at [REDACTED].

If you have already selected other counsel to represent you, or if you do so in the future, and you decide to file a claim against [Defendant], [Defendant's] attorney, [attorney name], asks that you have your attorney contact him at [firm name and address].

In addition, there has been litigation between the United States and two other victims regarding the disclosure of the entire agreement between the United States and [defendant]. Mr. Josefsberg can provide further guidance on this issue, or if you select another attorney to represent you, that attorney can review the Court's order in the matter of *In re Jane Does 1 and 2*, United States District Court for the Southern District of Florida Court File No. 08-

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80736-CIV-MARRA.

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. Thank you for all of your assistance during the course of the federal and state investigations and please accept the heartfelt regards of myself and Special Agents [REDACTED] for your health and well-being.

Sincerely,

R. Alexander Acosta
United States Attorney

By:

[REDACTED]
Assistant United States Attorney

cc: Robert Josefsberg, Esq.
[Defendant's attorney]