

From: Brad Edwards <[REDACTED]>

To: "[REDACTED] (USAFLS)" <[REDACTED]>, Paul Cassell
<[REDACTED]>

Cc: "[REDACTED]. (USAFLS)" <[REDACTED]>

Subject: RE: Draft Protective Order - slight tweak

Date: Fri, 15 Aug 2008 18:49:17 +0000

Importance: Normal

It looks ok. Go ahead and submit it. While we would disagree with your statement that our proposed order goes well beyond what is at issue, since it actually covers very thoroughly the ruling by Judge Marra yesterday, at this point we feel that time is of the essence and we will agree with you submitting your proposed order as is. I think we all heard Judge Marra and are thus all clear as to the terms of the protective order and what is required.

I would prefer that there is some language that the protective order is entered without prejudice to petitioners (seems like it would go in paragraph b), but if you are unable to incorporate it in your order, then I am sure there is a record from yesterday that could be used to help us get relief from the protective order at a later hearing. Anyway, thanks for preparing the order. We will look out for the "agreement". Thanks

From: [REDACTED] (USAFLS) [mailto:[REDACTED]]

Sent: Friday, August 15, 2008 1:24 PM

To: Paul Cassell; Brad Edwards

Cc: [REDACTED]. (USAFLS)

Subject: RE: Draft Protective Order - slight tweak

Judge Cassell and Brad,

I have incorporated the change suggested by Judge Cassell to paragraph (c). I also added language in paragraph (e), referring to other victims, which also provides for petitioners' counsel to promptly provide a copy of the acknowledgment to the U.S. Attorney's Office. The government has no doubts that counsel for petitioners will ensure the authorized recipients are aware of the protective order and agree to abide by it, prior to disclosure. We do not require the acknowledgment in writing prior to the non-prosecution agreement being disclosed to an authorized recipient.

We believe the petitioners' proposed protective order goes well beyond what is at issue, the government's disclosure of the non-prosecution agreement, conditioned on limited dissemination of the document upon receipt by petitioners.

Consequently, we believe the attached proposed order, incorporating your revisions, is appropriate for the task at hand. Thanks.

[REDACTED]

From: Paul Cassell [mailto:[REDACTED]]

Sent: Friday, August 15, 2008 12:21 PM

To: Brad Edwards; [REDACTED] (USAFLS)

Cc: [REDACTED]. (USAFLS)

Subject: RE: Draft Protective Order - slight tweak

Hello [REDACTED] and [REDACTED],

First, I don't know if we've been formally introduced. Nice to meet you ... electronically at least.

Second, on the language -- As Brad mentioned, we need to see this document quite quickly in view of the Government's representations yesterday that Epstein is trying to ignore the agreement. As a result -- and in view of the difficulty of making immediate contact with our clients -- I propose one change. Instead of this:

Prior to producing the documents to Petitioners' counsel, a copy of this Order must be provided to counsel and their clients, who must review and acknowledge their receipt of and agreement to abide by the terms of this Order, and who must provide a copy of that acknowledgment to the USAO.

How about this:

Before counsel for Petitioner's show the agreement to their clients or discuss the specific terms with them, they must provide a copy of this Order to Petitioners, who must review and acknowledge their receipt of and agreement to abide by the terms of this Order. Counsel for Petitioner's must promptly provide a copy of that acknowledgment to the USAO.

I assume that the USAO is not concerned about us as attorneys somehow ignoring the Court's protective order, so this change would focus in on the non-law trained clients.

Paul G. Cassell
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