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VIA EMAIL



United States Attorney's Office
Southern District of New York
1 St. Andrew's Plaza
New York, NY 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)
Defendant's Good Faith, Non-Frivolous Objections to Proffered Co-Conspirator
Hearsay Statements

Dear Counsel,

Pursuant to the Court's November 1, 2021 Order we write to note our good faith objections to certain categories of alleged co-conspirator hearsay statements, and representative examples:

Regarding the first, third, and fourth¹ designated categories, there are two issues for conferral. First, we assume that these proffered statements are limited to those individuals specifically identified by the government as "minor victims" in the indictment or correspondence to defense counsel dated October 11, 2021. There were many alleged minor victims in the Southern Florida state and federal investigations. To the extent that the government intends to include statements made to other alleged "minor victims" not specifically identified, Ms.

¹ "Statements made by Epstein to friends and Family of Minor Victims," "Statements made by CC-2 to friends and Family of Minor Victims," and "Statements made by Jeffrey Epstein to the Minor Victims or in their presence."

Maxwell objects. In addition, these categories do not contain any temporal limitations and we object to any statements allegedly made outside the dates of the alleged conspiracy.

Category 2, “Statements made by Jeffrey Epstein to his employees” appears to, primarily, relate to statements that post-date any alleged conspiracy. The first exemplar is a statement allegedly from Epstein to CC-1 claiming that Ms. Maxwell “used to find girls for him.” This statement, or statements like it, cannot have been made either in the course of or in furtherance of any conspiracy at issue here and are no more than “idle chatter.” *United States v. Lieberman*, 637 F.2d 95, 102 (2d Cir.1980) (challenged testimony “smack[ed] of nothing more than casual conversation about past events. It is difficult to envision how it would have furthered the conspiracy”). Similarly, the second example concerns direction from Epstein and CC-2 to CC-1 to “help someone who was coming to take the computers....” Again, this statement does not appear to be during or in furtherance of any conspiracy alleged in the indictment. *See Lutwak v. United States*, 344 U.S. 604 (1953); *Krulewitch v. United States*, 336 U.S. 440 (1949). We assume the third example relates to the time period alleged in the indictment. To the extent it does not we object.

Best Regards,



Jeffrey S. Pagliuca