



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 23, 2020

VIA EMAIL

Marc A. Weinstein, Esq.
Hughes Hubbard & Reed LLP
One Battery Park Plaza, 17th Floor
New York, NY 10004

Andrew E. Tomback, Esq.
White & Case LLP
1221 Avenue of the Americas
New York, NY 10020

Re: *In re SDNY Investigation*

Dear Marc and Andrew:

The Government writes with regard to several matters relevant to the estate of Jeffrey Epstein, which we understand to be under the authority of your clients, Darren K. Indyke and Richard D. Kahn, as co-executors of the estate and co-trustees of the 1953 Trust Agreement.

First, the 1953 Trust Agreement, produced on or about November 1, 2019, contains a provision, at Section 2.5(B), that, among other things, and in sum and substance, states that to provide for the continued maintenance and operations of the assets of the Trust Estate, the Trustees shall ensure that all employees of certain entities shall continue to be employed for a period of two years following the death of Jeffrey Epstein. It further provides that, "however, the Trustees shall have the right [to] terminate the employment or the engagement of any such employees or service providers if and at such times as the Trustees determine in their discretion that there is cause for such termination." Such cause includes, among other things, "insubordination, breach of duty, [and] disloyalty." We request that the Trustees confirm their understanding that whatever the scope of that provision may be, it is not intended to and will not be used to suggest that any current or former employee who chooses to meet with or provide information to law enforcement as part of any ongoing investigation will be retaliated against in any way, or will lose any employment benefit, or any other benefit, inheritance, or bequest, under the Trust Agreement. We also ask you to confirm that this provision has not been invoked for any such reason to date.

Second, as you are aware, Ghislaine Maxwell has been charged with crimes relating to the sexual abuse of minor girls and perjury in *United States v. Maxwell*, 20 Cr. 330 (AJN). Should she be convicted, she will be subject to the mandatory victim restitution provisions associated with certain of the criminal charges against her. Accordingly, we request that your clients confirm whether they have, to date, made any distribution to Maxwell and, if not, further confirm that they


will notify the Government in advance of any disbursement to her during the pendency of the criminal case.

Finally, in connection with the prosecution of Ms. Maxwell, the Government expects to produce certain discovery materials to the defense, including certain materials obtained or seized in connection with the case against Jeffrey Epstein (the "Seized Materials"). These materials will be produced subject to a Court-ordered protective order. In connection with the Government's anticipated production of the Seized Materials in the pending case, please advise whether the co-executors—in their capacity as representatives of the estate—take a position on whether, generally and at this time, any items within the Seized Materials remain subject to a potential claim of attorney-client privilege, or, in the alternative, whether the estate is prepared to waive any claim of privilege with respect to the Seized Materials, for purposes of the review and production of discovery in the charged case.

Very truly yours,

AUDREY STRAUSS
Acting United States Attorney

By: 


Assistant United States Attorneys
Southern District of New York
Tel: 