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NIGHT EMERGENCY

EMAIL ADDRESSES:

July 26, 2019

By Electronic Mail

Assistant United States Attorneys
U.S. Attorney's Office for the
Southern District of New York

New York, New York 10007

Re: United States v. Jeffrey Epstein, No. 19-cr-00490
Defendant's First Request for Discovery

Dear [Name]

We represent Jeffrey Epstein in the above-referenced matter. We write to request the preservation and production of several important categories of documents.

The following request and future requests¹ encompass not only documents and information in your office's possession, custody, or control, but also documents that the government has the legal right or practical ability to obtain. Such information includes, but is not limited to, information in the possession, custody, and control of any agency of the United States involved in any way in regulating or investigating the activities alleged in the Indictment or related transactions, including but not limited to the Department of Justice (including but not limited to the Child Exploitation and Obscenity Section, other offices of "Main Justice," the Federal Bureau of Investigation and all United States Attorney's Offices), the Securities and Exchange Commission, and the Department of Homeland Security. In addition, such information includes information in the possession, custody, and control of any local, state, or

¹ All of these requests are/will be continuing in nature, requiring supplementation in accordance with, *inter alia*, Rule 16(c) of the Federal Rules of Criminal Procedure.

foreign law enforcement entities involved in any way in regulating or investigating the activities alleged in the Indictment or related transactions.²

Whether or not you intend to comply with this (or future) requests for discovery, we respectfully request that you: (1) preserve all documents³, communications⁴ and/or tangible objects related to, concerning, or otherwise referring to Mr. Epstein (“Responsive Material”); (2) inform any and all entities described above, who you believe to have Responsive Material to preserve it; and (3) inform defense counsel whether these entities intend to comply with this request. In response to your email of today’s date, we would specifically (and without waiving the other requests contained herein) ask you communicate our preservation request to AUSAs [REDACTED] of the Northern District of Georgia, to CEOS and anyone else at Main Justice that you have knowledge of as being involved in communications regarding the NPA and the decision by the Southern District of New York to indict, and to any prosecutor at either the Southern or Middle Districts of Florida (or anyone other than AUSA [REDACTED] [REDACTED] at the Northern District of Georgia), with whom you have had any communication regarding Mr. Epstein, the NPA, the receipt of evidence, or the decision by the Southern District of New York to seek an indictment of Mr. Epstein. Our request that you preserve documents is spelled out in this broader letter but certainly encompasses the Offices identified above. We additionally request that the FBI agents working with any of these offices, or with the Southern District of New York receive the same preservation request. The types of communications for which we seek preservation (and ultimately production) are set forth below.

While Mr. Epstein intends to provide a more complete request for discovery in the coming days, Mr. Epstein requests that the government expeditiously produce the following categories of documents each of which are highly relevant to Mr. Epstein’s forthcoming motion to dismiss the Indictment as barred by the 2007 non-prosecution agreement between the Department of Justice and Mr. Epstein (the “NPA”). Each is subject to disclosure pursuant to the government’s obligations under, *inter alia*, *Brady v. Maryland*, 373 U.S. 83 (1963) and the Federal Rules of Criminal Procedure.

Mr. Epstein seeks all documents, communications, and/or tangible objects relating to, concerning, or referring to:

1. Any investigatory files provided to the United States Attorney’s Office for the Southern District of New York (or FBI agents working therewith) by the United States Attorney’s

² Such entities include, but are not limited to, the New York Police Department, Manhattan District Attorney’s Office, State Attorney’s Office for the 15th Judicial District in and for Palm Beach County, the Palm Beach County Sheriff’s Office, and New Mexico Attorney General’s Office, which recently confirmed that it would be sharing evidence with “New York prosecutors.” See Patrick Hayes & Chris Ramirez, *Balderas Believes Previous Investigations Failed Epstein’s Alleged NM Victims*. (July 16, 2019), <https://www.kob.com/new-mexico-news/balderas-believes-previous-investigations-failed-epsteins-alleged-nm-victims/5425345/>.

³ The term “documents” should be construed broadly to include do any documents or electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, video recordings, images, and other data or data compilations.

⁴ The term “communications” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

Offices for the Southern District of Florida, the Middle District of Florida, and/or the Northern District of Georgia (or FBI agents working therewith);

2. Any investigatory files that were received or accessed by the United States Attorney's Office for the Southern District of New York (or FBI agents working therewith) that were sent or disclosed by or originated with the United States Attorney's Offices for the Southern District of Florida, the Middle District of Florida, and/or the Northern District of Georgia (or FBI agents working therewith);
3. Communications regarding Mr. Epstein between and among "Main Justice" (including the Child Exploitation and Obscenity Section) and the United States Attorney's Offices for the Southern District of Florida, Middle District of Florida, Northern District of Georgia, and the Southern District of New York;
4. Any decision to initiate (or not initiate) criminal proceedings against Mr. Epstein;
5. The NPA, including but not limited to communications within the Department of Justice, with counsel for Mr. Epstein, with representatives of the United States Attorney's offices for the Southern and Middle District of Florida or the Northern District of Georgia and/or counsel for the alleged victims;
6. Communications with alleged victims (or their counsel), including but not limited to consultations conducted in relation to the government's response to the court's summary judgment order and proposed remedies in *Jane Doe v. United States*, No. 08-cv-80736 (S.D. Fl.);
7. Information provided by alleged victims (or their counsel) related to Mr. Epstein prior to the return of the above-captioned Indictment;

Please advise us whether the government will comply with the above requests so that Mr. Epstein can determine whether it will be necessary to seek judicial intervention. We are available to discuss any of the foregoing requests with you when convenient. We reserve the right to request further discovery and additional particulars as the case progresses.

Finally you have asked why we believe that these materials are necessary. In short, we intend to file a future Motion to Dismiss based on the September 24, 2007 NPA, contending that properly construed it constitutes a global resolution of Mr. Epstein's then-existing offense conduct. Further, we believe that a production of the requested documents would reflect communications between the various identified United States Attorney's Offices that would be inconsistent with the duty to not circumvent or transfer a case from the immunizing district to another district even if the NPA is ultimately determined to be venue specific. We also will contend that the documented efforts of the Southern District of Florida, see *Jane Doe v United States* Dkt 205-2, 08 cv 80736 and more recent interactions between the Northern District of Georgia which stands in the shoes of the Southern District of Florida with victims and their attorneys was inconsistent with the immunity-commitments that were incorporated into the NPA.

We will be addressing all related topics in our future Motion to Dismiss and Motion for Production of Documents relevant to the Motion to Dismiss.

Very truly yours,

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