

From: "██████████)" <████████>
To: Susan Necheles <████████>
Cc: "Kathleen E. Cassidy" <████████>, "████████)" <████████>
<████████>, "████████ (USANYS)" <████████>,
"████████" <████████>

Subject: Re: Draft Statement

Date: Fri, 11 Dec 2020 00:24:48 +0000

Thanks very much—is there a particular time that works best for your team, maybe in the morning?

Sent from my iPhone

On Dec 10, 2020, at 7:11 PM, Susan Necheles <████████> wrote:

Wow. Strange. I am available except 11-12.

Susan R. Necheles

Sent from my iPhone

On Dec 10, 2020, at 6:46 PM, ██████████) <████████> wrote:

Hi all,

Are you available for a call tomorrow? It would be very helpful to speak with you before the weekend, if you have time. We're available for a call anytime except from 11-12 tomorrow.

Thanks very much,

From: Kathleen E. Cassidy <████████>

Sent: Monday, November 16, 2020 8:39 PM

To: ██████████) <████████>

Cc: ██████████) <████████>; ██████████ (USANYS) <████████>;

Susan Necheles <████████>; ██████████

Subject: Re: Draft Statement

Hi all, sorry for the delay. Would a call tomorrow at 11 or 2 work?

Thank you,

Kate

Sent from my iPhone

On Nov 13, 2020, at 2:08 PM, ██████████) <████████> wrote:

No worries at all— happy to talk Monday instead. Whenever you have a sense of timing, just let us know. Thanks, and hope everyone has a nice weekend.

Sent from my iPhone

EFTA00023221

On Nov 13, 2020, at 1:39 PM, Kathleen E. Cassidy <[REDACTED]> wrote:

All: I apologize but Susan has had a personal situation arise for this afternoon – can we push our call back to Monday? Thanks for your understanding.

From: [REDACTED] <[REDACTED]>

Sent: Friday, November 13, 2020 9:59 AM

To: Kathleen E. Cassidy <[REDACTED]>

Cc: [REDACTED] <[REDACTED]>; [REDACTED] (USANYS)

<[REDACTED]>; Susan Necheles <[REDACTED]>; [REDACTED]

Subject: Re: Draft Statement

That works, thanks. Talk to you then.

Sent from my iPhone

On Nov 13, 2020, at 9:09 AM, Kathleen E. Cassidy <[REDACTED]> wrote:

Great, should we use the same call-in number as the other day?

From: [REDACTED] <[REDACTED]>

Sent: Friday, November 13, 2020 9:03 AM

To: Kathleen E. Cassidy <[REDACTED]>

Cc: [REDACTED] <[REDACTED]>; [REDACTED] (USANYS)

<[REDACTED]>; Susan Necheles <[REDACTED]>; [REDACTED]

Subject: Re: Draft Statement

That works for us, thanks.

Sent from my iPhone

On Nov 12, 2020, at 10:15 PM, Kathleen E. Cassidy <[REDACTED]> wrote:

How about 2:30?

From: [REDACTED] <[REDACTED]>

Sent: Thursday, November 12, 2020 7:48 PM

To: Kathleen E. Cassidy <[REDACTED]>

Cc: [REDACTED] <[REDACTED]>; [REDACTED] (USANYS)

<[REDACTED]>; Susan Necheles <[REDACTED]>; [REDACTED]

Subject: Re: Draft Statement

Hi Kate,

We'd be happy to discuss— unfortunately, we're not available at 1 p.m. tomorrow, but we are free anytime before 11 or between 2 and 4.

Thanks,

[REDACTED]

Sent from my iPhone

On Nov 12, 2020, at 5:23 PM, Kathleen E. Cassidy <[REDACTED]> wrote:

[REDACTED], [REDACTED], and [REDACTED],

Attached is the civil complaint that we discussed on the phone yesterday, which contains the allegation about the incident in the townhouse.

We have also had some further discussion amongst ourselves after our call yesterday and would like to schedule a follow-up call with you. Would tomorrow at 1pm work for you all?

Best,
Kate

EFTA00023222

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, November 11, 2020 12:19 PM
To: Kathleen E. Cassidy <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>; [REDACTED] (USANYS)
<[REDACTED]>; Susan Necheles <[REDACTED]>; [REDACTED]
Subject: Re: Draft Statement

Thanks very much for sending. Our team has reviewed your draft and is prepared to go forward with the call at 12:30pm today.

Best,

On Nov 11, 2020, at 12:08 PM, Kathleen E. Cassidy <[REDACTED]> wrote:

All:

We want to give you a draft of our suggested changes (attached) before our conversation this afternoon. We realize the time is short before our scheduled call, so if you do not have sufficient time to review it in advance of our call, we are happy to push the time for our call back until after you have had a chance to review it.

We have tried to work within the framework you provided. There are some allegations which we do not believe are accurate. Given the long passage of time, however, we understand that there might be different recollections about what occurred. We have tried to set forth both views of what occurred. We understand that you do not want a Fatico hearing and are willing to agree that we will not ask for a Fatico hearing to attempt to resolve the different recollections.

With respect to the specific allegations about [REDACTED] being present during massages when girls were sexually assaulted, [REDACTED] does not believe she was ever present during any of these incidents and believes that the girls misremember the circumstances. We note that these events occurred a long time ago and were emotionally charged, a circumstance which can cause people to have faulty memories.

Indeed, we think that some of the evidence seems to contradict the victim's claims that [REDACTED] was present when they, as minors, were sexually molested by Epstein.

Specifically, based on allegations in a lawsuit, one of the victims referred to in the statement of facts states that she was abused on Epstein's ranch when she was a minor and that [REDACTED] was present. But flight logs reflect that the first time that the victim was on a flight to or from the ranch where she states the abuse occurred was in April 2003, after the victim was 18 years old. Moreover, the victim's attorney has also stated that a photo of the victim and Epstein in which the victim is smiling, taken in December 2002, was taken before the victim knew that Epstein would sexually abuse her. This appears to contradict the victim's allegation that in the summer of 2002 she was flown to the ranch and abused by Epstein in the presence of [REDACTED].

To be clear, we are not asserting that this victim is lying about Epstein abusing her. Our point is simply that this occurred 18 years ago and that she appears to be confused about the timing of events and who was present.

Another victim claims that that [REDACTED] walked in on an incident where the victim was performing [REDACTED] on Epstein in his New York townhouse. This victim has named [REDACTED] as a defendant in her civil suit and has alleged that this incident occurred in 2005. During this time period, [REDACTED] worked out of Maxwell's home and spent little time in Epstein's townhouse. Staff, including [REDACTED], were never allowed to roam the halls or go into private areas of Epstein's Manhattan home unless they were summoned there. [REDACTED] never walked in on someone when that person was giving Epstein [REDACTED] and believes that this victim must be confusing her with someone else.

█████ does not doubt that Epstein abused these women, as he did with almost all young women and girls he came into contact with, but the available evidence does not support the assertion that █████ was present for or witnessed any sexual abuse of these victims while they were minors. Accordingly, we do not object to allowing these women telling their stories but we cannot agree that the allegations in their stories concerning █████ are correct.

Let us know what would work best for a call.

Thanks,

Kate

Kate Cassidy
Nechelles Cassidy LLP

████████
████████
████████
████████
Mobile █████

<2020.10.11 Defense edited SOF.docx>

<2019.11.20 Complaint - █████ v. Indyke (Estate of Epstein) 19cv10758.pdf>