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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

REC'D by H.H. D.C.

AUG 25 2008

STEVEN M. LARIMORE  
CLERK U. S. DIST. CT.  
S. D. of FLA. - MIAMI

JANE DOE, ) Case No.  
 ) 08-80736-CIV-MARRA

Petitioner, )

-v- )

UNITED STATES OF AMERICA, )

Respondent. )

West Palm Beach, Florida  
August 14, 2008

TRANSCRIPT OF HEARING

BEFORE THE HONORABLE KENNETH A. MARRA

U.S. DISTRICT JUDGE

Appearances:

FOR THE PETITIONER

Bradley J. Edwards, ESQ., and  
Paul G. Cassell, ESQ.

FOR THE RESPONDENT

Dexter Lee, AUSA, and  
Ann Marie C. Villafana, AUSA

Reporter  
(561) 514-3768

Stephen W. Franklin, RMR, CRR, CPE  
Official Court Reporter  
701 Clematis Street, Suite 417  
West Palm Beach, Florida 33401

FILED by \_\_\_\_\_ D.C.

AUG 22 2008

STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - W.R.B.

27

1 (Call to the order of the Court.)

2 THE COURT: Good afternoon.

3 VOICES: Good afternoon, Your Honor.

4 THE COURT: All right. This is the case of In Re:  
5 Jane Does 1 and 2, case number 08-80736-CIV-MARRA.

6 May I have counsel state appearances, please, and  
7 if you can please try and speak up so we can hear you.

8 MR. EDWARDS: Okay. Brad Edwards, on behalf of  
9 Jane Doe 1 and 2.

10 MR. CASSELL: Paul Cassell, along with Mr. Edwards.

11 THE COURT: Good afternoon.

12 MR. LEE: Good afternoon, Your Honor. For the  
13 United States Government, Dexter Lee, Assistant U.S.  
14 Attorney, and Marie Villafana.

15 THE COURT: All right. Good afternoon.

16 Mr. -- everyone, we're having trouble hearing you,  
17 so if you can try and speak up, and also if you could  
18 identify yourself before you begin speaking so the reporter  
19 can accurately indicate on the record who is speaking. I  
20 appreciate that.

21 I scheduled this for a status conference in order  
22 to determine whether I'm going to need additional -- as far  
23 as the parties were concerned, whether either of the parties  
24 thought that I needed additional information in order to  
25 proceed with the pending motion by the Plaintiffs or whether

1 we have a complete record based upon what's already been  
2 submitted, and I wasn't quite sure where we were on that  
3 since we last met.

4 So if I can hear from Mr. Edwards or Mr. Cassell  
5 first what the Plaintiffs' position as far as where we stand  
6 on the record in terms of whether I need additional facts,  
7 evidence, or there's going to be a stipulation submitted to  
8 me upon which I can rely.

9 MR. EDWARDS: Sure.

10 Your Honor, this is Brad Edwards.

11 I believe that you do have a sufficient record, in  
12 that I don't think that -- I think that we're in agreement  
13 that additional evidence does not need to be taken in the  
14 case for Your Honor to make a ruling. We have actually met  
15 with the U.S. Attorney, and we've had meaningful discussions  
16 in an attempt to resolve our issues. I think the only issue,  
17 we can probably agree to this right now, is that the victims  
18 are unable at this point in time to go any further with  
19 requesting a remedy from the Court without the full and  
20 complete plea agreement being produced to us from the U.S.  
21 Government, and the U.S. Government's hands are tied in that  
22 there's a confidentiality agreement within that plea  
23 agreement that prohibits them from turning that over.

24 So at this point in time, we would be asking Your  
25 Honor to enter an order compelling them to turn over that

1 agreement, and at that point in time I think we can meet  
2 again and probably resolve our disputes amongst ourselves.

3 THE COURT: All right. So do I understand that  
4 you're modifying your claim for relief at this point and only  
5 seeking me to compel the Government to produce the plea  
6 agreement, or are you -- or is this a -- a preliminary step,  
7 after which you're then going to evaluate whether you want me  
8 to do something further?

9 MR. EDWARDS: I think it's the latter, Your Honor.  
10 It is, and it will likely always be, our position that the  
11 victims' rights are violated. However, because of the legal  
12 consequences of invalidating the current agreement, it is  
13 likely not in my clients' best interest to ask for the relief  
14 that we initially asked for.

15 So in order to effectively evaluate the situation  
16 and ask for the appropriate relief, we would just be asking  
17 Your Honor at this point in time to allow us to see the full  
18 entire plea agreement that is purportedly drafted to protect  
19 my victims. That only seems fair to know, you know, what the  
20 plea agreement says, especially in light of the fact that  
21 Mr. Epstein knows what the plea agreement says.

22 THE COURT: All right. And then if I grant that  
23 relief, you will evaluate the agreement and then decide  
24 whether to either dismiss your case or go forward and ask for  
25 some additional relief?

1 MR. EDWARDS: That's correct, Your Honor.

2 THE COURT: Is it your plan or is there any kind  
3 of -- been any kind of discussion between you and the  
4 Government as to what you -- if I grant the relief of  
5 requiring the Government to at least present you with the  
6 agreement and let you view it, has there been any discussion  
7 about you keeping it confidential and not letting it go any  
8 further than your clients and using it for your  
9 decision-making purposes, or do you wish to have it released  
10 to you, and you would be able to use it however you wished?

11 MR. EDWARDS: Well, Your Honor, we would prefer  
12 that it be produced to us and not have to keep it  
13 confidential. I think that that creates an undue hardship on  
14 us. However, if it was Your Honor's order that we do  
15 maintain some confidentiality of the agreement, we would  
16 certainly abide by it.

17 The reason we want it is not so that it's  
18 disseminated everywhere; however, there is a public interest  
19 in viewing what happens in the court process, and this is  
20 just part of it. There's no reason that it should be sealed  
21 or kept confidential. Seems to be an overwhelming reason  
22 to -- to make it public. However, that's not our intention.  
23 Our intention is just to view it, represent my clients and  
24 then evaluate it and ask the Court for the appropriate relief  
25 after we've seen it.

1           THE COURT: All right. And, again, although I hear  
2     you saying you think that it shouldn't be kept confidential  
3     because there's some public interest in it, but if you had it  
4     to use for whatever, to represent your client either in  
5     advising your clients whether to go forward with this case or  
6     not, or I guess to use it in connection with any other  
7     litigation that you might want to initiate on behalf of your  
8     clients where that agreement might have some relevance,  
9     what's the interest in using -- having the ability to  
10    disclose it beyond those purposes?

11           MR. EDWARDS: Well, certainly if -- if the  
12    agreement was designed to protect these victims in a criminal  
13    as well as a civil context, and we are going to be filing  
14    civil cases against Mr. Epstein, and this agreement,  
15    undoubtedly it will play a big role in the amount of  
16    protection the victims have been allotted, as well as the  
17    course of action in the civil cases. It seems inevitable  
18    that it's going to become, you know, more public at that  
19    point in time, and I think that's in the very near future.

20           At this point in time, it's not intention to make  
21    it public, but I think that inevitably happens as soon as  
22    civil litigation begins, and this is at the heart of it,  
23    so . . . .

24           THE COURT: Well, civil litigation has already  
25    begun, hasn't it?

1 MR. EDWARDS: Right.

2 THE COURT: Okay. All right.

3 MR. EDWARDS: At least for some other parties, with  
4 other attorneys and other things, so . . .

5 THE COURT: Well, you filed a case yesterday,  
6 didn't you?

7 MR. EDWARDS: We filed one of them. It is not on  
8 behalf of one of the Jane Does that I'm representing in this  
9 action.

10 THE COURT: Okay. All right.

11 MR. EDWARDS: Just so that we're clear.

12 THE COURT: I haven't seen the name, so I didn't  
13 know who it was on behalf of.

14 All right. Let me hear from Mr. Lee or  
15 Ms. Villafana.

16 I understand that you're under a confidentiality  
17 agreement, and I understand that you feel restricted in what  
18 you can unilaterally do, but I've already entered some  
19 rulings in this case that have made portions of that  
20 agreement public. Is there any reason to keep the rest of  
21 the agreement confidential, other than you're obligated by  
22 the agreement and don't want to be in a position where you've  
23 unilaterally violated it absent a court order?

24 MR. LEE: Yes, Your Honor. This is Dexter Lee.  
25 Good afternoon.

1           Your Honor, we do feel bound by the confidentiality  
2           provision such that we could not voluntarily disclose this  
3           non-prosecution agreement without court order compelling us  
4           to do so.

5           The provision in the non-prosecution agreement  
6           required us to notify Mr. Epstein and his attorneys of any  
7           attempts to have this document disclosed in a public forum,  
8           and we have done so. They have expressed their desire that  
9           if this document is to be disclosed to the Petitioners in  
10          this case, that it be done pursuant to a protective order  
11          which would preclude the victims from disseminating it  
12          publicly.

13          We believe that is appropriate in this action. It  
14          would allow them access to the document, which they claim  
15          they have a need to have, and that's fine. They can review  
16          it and determine where they wish to go. We believe there's  
17          no public interest in having this disseminated.

18          Now, should there be subsequent litigation between  
19          Mr. Edwards' clients and Mr. Epstein, and the subject matter  
20          of this agreement should arise, then Mr. Epstein and  
21          Mr. Edwards will be in a position to litigate that in  
22          whatever forum it is, rather than having that issue disposed  
23          of where they're not present to voice their objections.

24          So we would ask the Court to, if it compels us to  
25          disclose it, to do so under a protective order which would



1 provide for no public dissemination.

2 THE COURT: All right.

3 MS. VILLAFANA: Your Honor this is Marie Villafana.

4 Just to add onto what Mr. Lee was saying, one of  
5 our concerns is that there are names of individuals in the  
6 order who are not currently --

7 THE COURT: Ms. Villafana, I'm having trouble  
8 hearing you. I apologize.

9 MS. VILLAFANA: I'm sorry.

10 Your Honor, one of our concerns is that the  
11 agreement contains names of individuals who are not  
12 currently -- haven't pled guilty or haven't -- do not have  
13 certain obligations. And I think that there may be a Rule  
14 6(e) issue if the agreement is made public or available to  
15 the press, et cetera.

16 THE COURT: Okay. So, I'm sorry, you say there are  
17 names of other individuals that do what?

18 MS. VILLAFANA: They were other individuals who are  
19 the subject of these -- who are the subject of the  
20 Government's investigation but who are not necessarily known  
21 to the public in the sense that Mr. Epstein entered the  
22 guilty plea and the public is aware of that, but they may not  
23 know about these other individuals who haven't been indicted,  
24 and therefore I think they have a bit of a privacy interest  
25 here.

1 THE COURT: Okay. But they're not parties to the  
2 agreement.

3 MS. VILLAFANA: No.

4 THE COURT: Okay. Other than the fact that the  
5 Government bound itself in the agreement not to disclose it,  
6 and you require a court order to have it disclosed, what  
7 would be the public interest, or what would be the  
8 justification for denying disclosure of the agreement at  
9 least to purported victims of Mr. Epstein's conduct? Why  
10 shouldn't the victims who the Government, as I understand it,  
11 provided notice of their rights under the Act that they had  
12 the status of victims, why shouldn't they have the  
13 opportunity to see that agreement?

14 MS. VILLAFANA: Your Honor, I guess I will respond.

15 I was prepared to -- I need to highlight an issue  
16 for the Court. I was prepared to argue today that we had  
17 provided the victims with the portion of the agreement that  
18 is relevant to them.

19 Last night and this morning, in conversations with  
20 Mr. Epstein's attorneys, they have said for the first time  
21 that they do not believe that one portion of the agreement is  
22 binding, and that is the portion that has been disclosed to  
23 the victims. So I can no longer say that they have the  
24 portion that is relevant to them.

25 THE COURT: I'm sorry, I didn't quite follow that,

1 Ms. Villafana.

2 You've had discussions with Mr. Epstein's counsel  
3 as to what?

4 MS. VILLAFANA: Your Honor, in preparation for  
5 today's hearing, I was -- I had been working to confirm with  
6 Mr. Epstein's attorney that the agreement that I have  
7 described in my declaration is the one that they are  
8 performing under. Last night and this morning for the first  
9 time, I was told that they believe that a portion of the  
10 agreement that is described in my declaration and that was  
11 disclosed to the victims does not bind them. So as of this  
12 point, the victims have not received at least what  
13 Mr. Epstein claims is the portion relevant to them.

14 THE COURT: Okay. Your understanding is that  
15 Mr. Epstein's taking the position that the portions of the  
16 agreement that have already been disclosed are not -- is not  
17 binding on Mr. Epstein?

18 MS. VILLAFANA: Yes.

19 MR. LEE: Your Honor, this is Dexter Lee. If I  
20 may?

21 The agreement initially negotiated was executed in  
22 September of 2007. That's part one, I will call it.

23 In October, there was an addendum to the executed  
24 agreement which occurred the month before. There was some  
25 more discussions, and there was a letter that was submitted

1 to Mr. Epstein's attorneys by the United States Attorney in  
2 December. That's part three, I will call it.

3 There is now a dispute between the Government and  
4 Mr. Epstein's attorneys about whether certain portions after  
5 the original agreement are effective and binding. I just  
6 need to make the Court aware of that and also Mr. Edwards and  
7 Judge Cassell.

8 MR. EDWARDS: This is the first time --

9 This is Brad Edwards speaking.

10 This is the first time we're hearing any of this.  
11 This is obviously even further evidence that the victims were  
12 unaware of the plea agreement that was being worked out.

13 But, nonetheless, I don't think that it changes our  
14 position, in that we believe we're entitled to not only the  
15 plea agreement, but all of the addenda that have been  
16 attached to that plea agreement and have become part of that  
17 plea agreement, just so that what we're asking for is clear.

18 MR. LEE: Your Honor, this is Dexter Lee.

19 We are prepared to give all three hopefully, in our  
20 view, pursuant to a protective order preventing public  
21 disclosure, but we just want the Court and the Petitioners'  
22 counsel to know that there is a dispute ongoing right now  
23 about which portions are effective and which are not. And we  
24 can discuss that with them at the conclusion of the hearing.

25 THE COURT: All right. But again, as far as my

1 earlier question, even though there's a dispute now  
2 apparently between Mr. Epstein and the Government as to what  
3 portions of the agreement are or are not binding, does the  
4 Government have any reason why the victims should not have  
5 the benefit of seeing these -- the agreement, whether, you  
6 know, it's going to be held binding down the road or not,  
7 other than you agreed in a confidentiality order not to  
8 disclose it? But beyond that, is there any justification  
9 that the Government can provide to me as to why the victims,  
10 people who have been identified by the Government as victims  
11 of Mr. Epstein, should not have the benefit of seeing this  
12 plea agreement, or non-prosecution agreement, whatever you  
13 want to term it?

14 MR. LEE: Your Honor, this is Dexter Lee. When you  
15 refer to victims, do you mean victims beyond the three that  
16 are parties to the instant litigation?

17 THE COURT: I mean -- yes, I'm talking about anyone  
18 who the Government may have disclosed as a -- as a -- or sent  
19 notice to based upon your understanding of who might have  
20 been a potential or an alleged victim of Mr. Epstein's  
21 conduct, whether they're part of this lawsuit or not.

22 MR. LEE: Well, if the Court is asking whether we  
23 could expand the protective order such that it would permit  
24 disclosure to those other victims identified that have  
25 received notification already, I believe that would be

1 appropriate.

2 THE COURT: Okay. But I guess my real question is  
3 do you have any reason that you could advance why they should  
4 not get it?

5 Let's just limit ourselves to the victims who are  
6 the Jane Does in this case before we go beyond that. Is  
7 there any reason that the Government can advance why the two  
8 Jane Does 1 and 2 in this case should not have the  
9 opportunity to view the plea agreement, or the deferral  
10 agreement or the addenda to it? Can anyone justify not  
11 letting them see it?

12 MR. LEE: Your Honor, this is Dexter Lee.

13 No, we cannot.

14 THE COURT: Okay. All right. Now, Mr. Edwards.

15 MR. EDWARDS: Yes.

16 THE COURT: Is there any reason why I shouldn't,  
17 assuming I'm going to allow or require the Government to  
18 produce the agreement and the addenda to your clients in this  
19 case -- and we'll talk about other victims in a minute -- is  
20 there any reason why, at least initially, it shouldn't be  
21 subject to a protective order so that in the case, for  
22 example, that you filed yesterday on behalf of an alleged  
23 victim under a Jane Doe, where you specifically reference  
24 this agreement in your -- in one the counts, that it  
25 shouldn't remain subject to a protective order at least until

1 Mr. Epstein has the opportunity to litigate whether or not it  
2 should be disclosed beyond -- beyond your clients or other  
3 victims?

4 MR. EDWARDS: At this point, Your Honor, I think  
5 that that would probably be fair.

6 My only real concern is that if there's an order  
7 out there where anybody can access on PACER and it says,  
8 "okay, at this point I'm ordering the Government to disclose  
9 this plea agreement," I just want to make sure if anybody  
10 else feels entitled to that agreement, whether it's other  
11 victims, or counsel, or what have you, that they be required  
12 to request it from the Government or these attorneys rather  
13 than try to subpoena or request it from my office, knowing  
14 that I have access to this confidential agreement.

15 Other than that, no, I don't have any other reasons  
16 why that's not a reasonable order.

17 THE COURT: All right. And let's assume I think it  
18 should be available to any person that the Government has  
19 identified as an alleged victim of Mr. Epstein's conduct, and  
20 they've sent notice of their rights under the statute as a  
21 victim to this -- these individuals, and I permit disclose to  
22 your clients, or anyone else who fits into the category of  
23 victim as described by the Government, and require -- you  
24 know, again, impose a protective order that it shouldn't go  
25 to anyone beyond that until such time as, in a pending

1 lawsuit, I conclude that the protective order should be  
2 lifted after Mr. Epstein has an opportunity to be heard on  
3 that issue, is there anything else that you would need at  
4 this point?

5 MR. EDWARDS: No, Your Honor.

6 This is Brad Edwards.

7 At this point in time that's all we're requesting.

8 THE COURT: And Mr. Lee or Ms. Villafana, if I  
9 conclude that anyone that you've identified as a victim and  
10 notified as a victim of their rights with respect to the  
11 investigation of Mr. Epstein is entitled to view the  
12 agreements, subject to a protective order until such other  
13 time that I say it should be released beyond that, do you --  
14 is there any reason why I shouldn't make it available to all  
15 of the people who have been identified by you as a victim?

16 MR. LEE: This is Dexter Lee, Your Honor.

17 The answer is no, there's no problem, with the  
18 exception of the grand jury issue that my colleague,  
19 Ms. Villafana, mentioned earlier. I may have to defer to her  
20 right now on that issue to see if that would preclude what  
21 the Court is asking.

22 THE COURT: All right. Hold on one second.

23 (Brief pause in proceedings.)

24 THE COURT: Mr. Edwards, is there any reason why  
25 you would need to see the names of others that the Government



1 may have been investigating that might appear -- whose names  
2 might appear in these agreements? Is there any interest that  
3 you would have in that or need to see that information?

4 MR. EDWARDS: Well, the primary interest would be  
5 that those are obviously important witnesses for any case  
6 that my clients have against Mr. Epstein, witnesses that  
7 Mr. Epstein is clearly aware of, since he has access to the  
8 complete full agreement, and it seems inherently unfair that  
9 he would have access to the names -- to a witness list that  
10 my clients would not be privy to.

11 THE COURT: Well, why wouldn't you be able to get  
12 those through discovery in the civil litigation?

13 MR. EDWARDS: And that may be an appropriate time  
14 to get it. But that would be my primary objection for not  
15 getting the names of the victims, whether now or eventually.

16 THE COURT: No, as I understand it, this is not the  
17 names of other victims, this is the names of other  
18 individuals that the Government may have been investigating  
19 in connection with their investigation of Mr. Epstein, and  
20 they're concerned about grand jury secrecy and information  
21 that may have been brought before the grand jury that should  
22 not be made public at this point, as I understood the  
23 Government's position.

24 Is that correct, Ms. Villafana?

25 MS. VILLAFANA: Yes, Your Honor.

1 MR. EDWARDS: Well, Your Honor, as I understand  
2 this -- and correct me if I'm wrong, anybody -- this  
3 non-prosecution agreement provides for a dismissal or  
4 immunity for other individuals, and I think these are the  
5 individuals that we are talking about. But all of that is  
6 inextricably intertwined within this agreement, and it is  
7 this agreement in its total form that is supposed to protect  
8 the victims. I think that the victims have a right to know  
9 of these other individuals, who my clients were also familiar  
10 with during the course of this conduct, and how it protects  
11 them in this case. And I don't see why they should, once  
12 again, get an incomplete version of this. Because these are  
13 characters that are very intertwined with the -- the -- with  
14 Mr. Epstein's conduct. This is not completely and wholly  
15 indifferent or irrelevant conduct for some other people.  
16 This is all part of the same conduct, and I think that's  
17 probably necessary for us to evaluate the effect of this  
18 agreement and whether or not we're going to continue to  
19 pursue this case.

20 THE COURT: All right. So you're assuming that the  
21 agreement also provides that the Government will not  
22 prosecute these other individuals? That's what your  
23 assumption is?

24 MR. EDWARDS: Yes, Your Honor.

25 THE COURT: Do you have any information to -- upon

1 which you make that conclusion, or is that just an  
2 assumption?

3 MR. EDWARDS: That is all just, you know, the  
4 discussions that we've had with various individuals, law  
5 enforcement, clients, things like that. And putting it  
6 together, that's what we believe is a portion of this  
7 agreement. If I'm wrong about that, one of the U.S.  
8 Attorneys on the phone can probably correct me. But that's  
9 my belief.

10 THE COURT: All right. Well, assume they're just  
11 mentioned in the agreement in some way. And I'm not sure how  
12 or why they would be mentioned. But assume they're mentioned  
13 in the agreement, but there's no agreement by the Government  
14 not to prosecute them. Is there any reason for you to have  
15 their names if it's other than for the purpose of finding out  
16 the extent to which the Government has agreed not to  
17 prosecute Mr. Epstein and other individuals?

18 MR. EDWARDS: That's a tough question for me to  
19 answer without knowing in what context those individuals are  
20 listed. However, I just renew my previous argument that I do  
21 believe they're intertwined, and I think that, once again, if  
22 we get a version of this plea agreement without the portions  
23 that pertain to these other individuals, then we could  
24 possibly be in the same position where we are not sure as to  
25 the full extent of the protection allowed under this

1 agreement. That would be -- without knowing how they're  
2 mentioned, I can't voice any other objection to not getting  
3 those portions but I could certainly foresee where, you know,  
4 we're not going to get out of it what we're asking.

5 THE COURT: All right. Well, again, I didn't  
6 understand the Government to want to redact the entire  
7 provisions that relate to these individuals. I understood  
8 that they just wanted to redact their names.

9 Am I correct, Ms. Villafana?

10 MS. VILLAFANA: Yes.

11 THE COURT: Okay. So if you were given the  
12 agreement with these names redacted but you saw the context  
13 in which they were listed, and then, after seeing the  
14 agreement and the context in which their names were  
15 mentioned, if it presented a problem to you that they were  
16 being withheld, couldn't you then just, you know, file  
17 another motion for disclosure of the names after you've had  
18 an opportunity to, you know, evaluate whether or not there's  
19 any real need for you to get these names?

20 MR. EDWARDS: Okay. We could do that at that time,  
21 Your Honor.

22 THE COURT: All right. Anything else that anybody  
23 wants to add to what -- our discussion?

24 MR. EDWARDS: One more thing, Your Honor. This is  
25 Brad Edwards.

1           Same topic. My clients are currently in a position  
2       where they may be speaking to local law enforcement regarding  
3       certain issues pertaining to this case, and if we are unable  
4       to have access to the other named people in this agreement,  
5       it may put them at a disadvantage in terms of whether or not  
6       it would be in their benefit to speak with other law  
7       enforcement about this case. I mean, certainly if there's  
8       individuals who have been given immunity in this agreement,  
9       then it would only be to the disadvantage of my clients to  
10      continue to try to pursue criminal charges.

11           So in that regard, that would be my only objection  
12      to not having the names of these other individuals.

13           THE COURT: All right. Well, again, you're  
14      assuming that there's some kind of immunity or deferral of  
15      prosecution --

16           MR. EDWARDS: That's correct.

17           THE COURT: -- given to people other than  
18      Mr. Epstein, correct?

19           MR. EDWARDS: That's correct.

20           THE COURT: Okay. And that's something that would  
21      be clear once you got the agreement and you read it, and if  
22      the names were -- you know, if that was apparent in the  
23      agreement, then you could come back and ask me to require the  
24      disclosure of the names.

25           MR. EDWARDS: Okay. That sounds fair.

1 THE COURT: All right. Mr. Lee or Ms. Villafana,  
2 did you have anything else you wanted to add?

3 MS. VILLAFANA: Well, Your Honor, I guess I will  
4 just tell the Court this. It does indeed contain language  
5 related to that issue. So I don't know if you want to make  
6 Mr. Edwards jump through that hurdle or if you want to make  
7 that decision now.

8 THE COURT: All right. So you're telling me that  
9 there is some language in the agreements that does obligate  
10 the Government to not prosecute individuals other than  
11 Mr. Epstein?

12 MS. VILLAFANA: Correct.

13 THE COURT: All right. So if that's true, why  
14 should the victims not know who those people are?

15 MS. VILLAFANA: Your Honor, I guess my concern  
16 really relates to disclosure. And if your protective  
17 order -- or I don't know if you need a written protective  
18 order or an ore tenus order, limit Mr. Edwards to disclosing  
19 it only to his clients and to his co-counsel, then I don't  
20 think that we would have a basis to object.

21 THE COURT: Again, with the right for them to come  
22 back and ask for the ability to disclose it beyond that  
23 limited group at a later time after Mr. Epstein has an  
24 opportunity to be heard?

25 MS. VILLAFANA: Right.

1           THE COURT: Again, Mr. Edwards, do you have any  
2           problem with that procedure, you know, you're permitted to  
3           disclose -- the names of these individuals who are also  
4           getting the benefit of a non-prosecution agreement would be  
5           disclosed to you under the terms of the protective order  
6           without prejudice to you being able to, in any litigation  
7           that ensues, seeking to disclose it beyond the limited group?

8           MR. EDWARDS: No, Your Honor, that's fine.

9           THE COURT: All right. Well, then I'm going to  
10          order the Government to produce the agreement and any addenda  
11          to Mr. Epstein -- Mr. Edwards in this case, and it would be  
12          available also to any other individuals who have been  
13          identified by the United States as victims in connection with  
14          the investigation of Mr. Epstein, subject to a protective  
15          order. Which, I'm going to ask the parties to try and work  
16          on the language of a protective order to submit to me that  
17          would prohibit disclosure to anyone other than Mr. -- to the  
18          victim, or victims' counsel, without prejudice to the victims  
19          seeking the ability to disclose it beyond that limited group  
20          after Mr. Epstein has an opportunity to be heard on further  
21          disclosure.

22          MR. EDWARDS: Okay. Thank you, Your Honor.

23          MR. LEE: This is Dexter Lee.

24          Very well, Your Honor. We appreciate your time.

25          THE COURT: All right. So is there any questions

1 about it? Is there anything unclear about what I'm ordering?

2 And I'm also -- okay. And the names of the --  
3 there will be no redaction in the agreements, but any victim  
4 has to -- who gets notice of this has to agree to be bound by  
5 the protective order until further order of the Court.

6 MS. VILLAFANA: Your Honor, this is Marie  
7 Villafana.

8 Just to be clear, we are not under an obligation to  
9 advise the victims of this, but if the victim asks for a copy  
10 of the document, this is the procedure that we'll follow?

11 THE COURT: Well, I'm not going to tell you whether  
12 you have any obligation under the Act to disclose this or  
13 not. I don't want to get into that. I don't know that you  
14 do, but I don't want to say that you don't. So if you have  
15 an independent obligation to disclose this to victims under  
16 the Act, then -- then I'm not telling you not to do it.

17 MS. VILLAFANA: Okay. But your order isn't  
18 ordering us to do it. We will have to make our evaluation.

19 THE COURT: I'm only ordering it to be available to  
20 victims, and the -- and then you have to decide whether  
21 you're obligated under the Act to disclose it to anyone else  
22 who falls into that category.

23 MS. VILLAFANA: Okay. Thank you, Your Honor.

24 THE COURT: All right. Thank you.

25 VOICES: Thank you, Your Honor.



1 THE COURT: Have a good day.

2 (Proceedings concluded.)

3 \* \* \* \* \*

4 CERTIFICATE

5 I, Stephen W. Franklin, Registered Merit Reporter, and  
6 Certified Realtime Reporter, certify that the foregoing is a  
7 correct transcript from the record of proceedings in the  
8 above-entitled matter.

9 Dated this 20th day of AUGUST, 2008.

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11 \_\_\_\_\_  
12 Stephen W. Franklin, RMR, CRR

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