

Exhibit A

KAPLAN HECKER & FINK LLP

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October 11, 2019

By Email:

Bennet J. Moskowitz
Troutman Sanders LLP
785 Third Avenue
New York, NY 10022
bennet.moskowitz@troutman.com

Andrew Tomback
White & Case LLP
1221 Avenue of the Americas
New York, NY 10020
andrew.tomback@whitecase.com

Re: Doe v. Indyke et al., No. 19-cv-8673-KPF (S.D.N.Y.)

Dear Bennet and Andy:

We represent Plaintiff Jane Doe in the above matter. We write in response to information we recently obtained regarding your client, Defendant Richard Kahn.

More specifically, on October 7, 2019, the Daily Mail reported that Mr. Kahn was present at Jeffrey Epstein's 71st Street townhouse for about 45 minutes one day after Mr. Epstein committed suicide, and that when he left the townhouse, he took with him a medium-sized blue shopping bag. *See Louise Boyle, Exclusive: Executor of Jeffrey Epstein's Estate – Named in Lawsuit – Was Seen Removing a Bag of Items from the Pedophile's Mansion the Day After his Suicide. . . And After Millionaire had Admitted to Having "Damaging" Dirt on High-Powered House Guests, DAILY MAIL (Oct. 7, 2019).*

Please confirm whether this report is accurate. Is it true that Mr. Kahn entered Mr. Epstein's townhouse and removed documents? If so, we ask that you promptly (1) share with us a list of documents and/or materials Mr. Kahn removed from Mr. Epstein's townhouse that day and on any other occasion after Mr. Epstein's death and (2) confirm in writing that all documents and/or materials relevant to the matter are being retained and preserved pursuant to the requirements outlined in the enclosed notice.

We look forward to hearing from you as soon as possible.

Very truly yours,



Roberta A. Kaplan

cc: Daniel H. Weiner

Enclosure: Document Retention Notice

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Daniel H. Weiner
Hughes Hubbard & Reed
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daniel.weiner@hugheshubbard.com

DOCUMENT RETENTION NOTICE DIRECTED TO THE ESTATE OF JEFFREY EPSTEIN

The Estate of Jeffrey Epstein (“You”), including executors Richard Kahn and Darren Indyke, is hereby put on formal notice of Your obligation to preserve all documents, electronically stored information, and tangible things under Your possession, custody, or control that are relevant to this action and/or have been, or are reasonably likely to be, requested during discovery. Your agents, officers, employees, and other persons under their authority and control are not permitted to destroy such materials either, and materials are “considered to be under a party’s control when that party has the right, authority, or practical ability to obtain [them] from a non-party to the action.” *In re NTL, Inc. Sec. Litig.*, 244 F.R.D. 179, 195 (S.D.N.Y. 2007).

The obligation to preserve relevant evidence covers all documents, electronically stored information, or tangible things in any form whatsoever, including, without limitation: writings; contracts; authorizations; business and financial records; inspections; notes; calendars; drafts; plans; drawings; charts; photographs; sound recordings; video recordings; images; emails; call

records; voicemails; instant messages; text messages; computer files; spreadsheets; data created by the use of banking, asset management, or financial software; all internet and web browser-generated history files, caches, and “cookies”; flash drives; hard drives; cellphones; and other data or data compilations stored in any medium from which information can be obtained.

Accordingly, the obligation requires You to suspend any destruction policies, including but not limited to the deletion of emails, instant messages, text messages, voicemails, and other electronic records, and take any and all measures necessary, including retaining archival documents in storage and backing up and/or mirroring electronic records and metadata, to ensure the retention of all materials that are relevant to this action, are reasonably calculated to lead to the discovery of admissible evidence, or are reasonably likely to be requested during discovery. You must also refrain from causing, ordering, requesting, or suggesting that any third-party delete, alter or restrict access to any websites, social media accounts, or any other repositories containing information potentially relevant to this dispute.

Please also note that electronically stored information typically contains relevant discoverable information beyond what is apparent to the viewer, including, for example, embedded data and metadata. Therefore, it is necessary to preserve all electronically stored information in its original electronic form, even where paper copies might exist. Moreover, electronically stored information can be easily modified, deleted, or corrupted, and You are required to take all reasonable steps to ensure that all relevant, discoverable electronically stored information is preserved. Because modification, deletion, or corruption may result from automatic functions within the routine operation of an electronic information system, or from routine upgrades or recycling of computer-related hardware or software, Your preservation obligation includes, but is not limited to, the obligation to suspend any such operations, upgrades, or recycling features or protocols (including any document or data destruction policies) pending resolution of this action.

You should have already taken appropriate steps to preserve relevant materials. See *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212, 218 (S.D.N.Y. 2003) (“Once a party reasonably anticipates litigation, it must suspend its routine document retention/destruction policy and put in place a ‘litigation hold’ to ensure the preservation of relevant documents.”). This includes, without limitation, any and all documents or other tangible materials at Mr. Epstein’s townhouse, as well as all of his other residences. It also covers any and all of Mr. Epstein’s computers, laptops, cell phones, smart phones, personal digital assistants and other devices, and the data stored therein.

Please confirm to us in writing as soon as feasible that You have implemented an appropriate litigation hold with respect to all appropriate individuals and entities, and please further confirm that You intend to abide by the preservation obligations set forth in this letter. Should you refuse or fail to provide such confirmation, we reserve all rights to seek appropriate relief.

Troutman Sanders LLP
875 Third Avenue
New York, New York 10022

troutman.com



Bennet J. Moskowitz
bennet.moskowitz@troutman.com

E-MAIL

October 22, 2019

Roberta A. Kaplan
Kaplan Hecker & Fink LLP
350 Fifth Avenue, Suite 7110
New York, NY 10118

Re: *Jane Doe v. Darren K. Indyke and Richard D. Kahn, in their capacities as the Executors of the Estate of Jeffrey E. Epstein, 1:19-cv-08673-KPF*

Dear Roberta:

As you know, we represent Darren K. Indyke and Richard D. Kahn, in their capacities as Co-Executors of the Estate of Jeffrey E. Epstein (together, "Defendants"), in the referenced action. We received your letter dated October 11, 2019 addressed to the undersigned and Andrew Tomback. We understand Mr. Tomback has addressed your questions about Mr. Kahn.

As for your "Document Retention Notice Directed to the Estate of Jeffrey Epstein," Defendants fully intend to satisfy their discovery obligations. However, your Notice unreasonably and impermissibly attempts to broaden Defendants' preservation obligations beyond those in applicable law. Your Notice is also otherwise unduly burdensome, overly broad, and not proportional to the needs of the above referenced case.

The foregoing is without prejudice to Defendants' rights and legal positions, all of which are hereby expressly preserved.

Very truly yours,

s/Bennet J. Moskowitz
Bennet J. Moskowitz

Kyla Magun

From: Julie Fink
Sent: Monday, October 28, 2019 6:27 PM
To: Bennet.Moskowitz@troutman.com
Cc: Roberta Kaplan; Kyla Magun
Subject: FW: Letter from R. Kaplan

Dear Bennet:

Thank you for your email.

Per your request, we previously provided you with a list of topics for which we requested that you retain all categories of documents. We then asked that you confirm your agreement with these requests. However, your response does not confirm your agreement and whether your client will be retaining all documents related to these topics. We would appreciate an answer to that question promptly.

We are happy to discuss over the phone if you would prefer. If so, please let us know your availability to speak tomorrow morning.

Very truly yours,

Julie

Julie Fink | Kaplan Hecker & Fink LLP
350 Fifth Avenue | Suite 7110
New York, New York 10118
(W) [212.763.0885](tel:212.763.0885) | (M) [646.856.6431](tel:646.856.6431)
jfink@kaplanhecker.com

From: Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>
Sent: Monday, October 28, 2019 8:30:57 AM
To: Roberta Kaplan <rkaplan@kaplanhecker.com>; Kyla Magun <kmagun@kaplanhecker.com>
Subject: RE: Letter from R. Kaplan

Dear Roberta,

While we continue to seek to accommodate your requests for information, as a courtesy and not because there is any legal obligation to do so, many of your “topics” provided on October 23 assume facts and are argumentative (e.g., “Efforts by Epstein to provide attorneys to persons who recruited girls for him or provided sex-related services to him”).

Moreover, you now demand information that implicates the attorney-client privilege and attorney work product doctrine. Accordingly, and while we will strive to be accommodating whenever possible – especially when, as we have informed you, the Estate is very close to establishing a claims administration process as an alternative to litigation– we decline to make any specific agreements or representations concerning your “topics.”

To further allay any concerns you may have, we assure you nothing has changed in terms of preservation since before you first reached out to us about a news article that, to the extent you believe suggested

otherwise, was wrong. Further, and as we already advised, our clients take their preservation obligations seriously. There is therefore no urgency and, in turn, no justification for judicial intervention.

If you nevertheless insist on seeking the Court's intervention, then we should first meet and confer by phone so we can better understand the relief you would seek and legal and factual bases for it. We do not want to unnecessarily burden the Court.

Best regards,

Bennet

Bennet J. Moskowitz*

troutmansanders

Direct: 212.704.6087

bennet.moskowitz@troutman.com

*Licensed to practice law in New York and Connecticut

From: Roberta Kaplan <rkaplan@kaplanhecker.com>

Sent: Thursday, October 24, 2019 10:07 AM

To: Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>; Kyla Magun <kmagun@kaplanhecker.com>

Subject: Re: Letter from R. Kaplan

EXTERNAL SENDER

Dear Bennet:

Safe travels. We will expect a response before noon on Monday. Presumably, you are already aware of the documents and other information that you are preserving.

Very truly yours,

Robbie

Roberta Kaplan
Kaplan Hecker & Fink LLP
350 Fifth Avenue suite 7110
New York, NY 10118
212 763 0883

From: Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>

Sent: Thursday, October 24, 2019 9:29 AM

To: Kyla Magun; Roberta Kaplan

Subject: Re: Letter from R. Kaplan

Hi Roberta,

I am traveling to Michigan today for an arbitration. However, we will be sure to get back to you by early next week.

Best regards,

Bennet

Bennet J. Moskowitz*

troutmansanders

Direct: 212.704.6087

bennet.moskowitz@troutman.com

*Licensed to practice law in New York and Connecticut

On Oct 23, 2019, at 6:45 PM, Kyla Magun <kmagun@kaplanhecker.com> wrote:

EXTERNAL SENDER

ON BEHALF OF ROBERTA A. KAPLAN

Dear Bennet:

Thank you for your timely response. We write in response to the two aspects of our Document Retention Notice you have suggested are overly broad.

First, regarding timing, in our Complaint, we allege that our client met Epstein in or around 2002. (See, e.g., ECF 1 ¶ 3.) Accordingly, we request that you apply our retention request to documents from 2002 to the present. As you know, there is no statute of limitations with respect to our alleged causes of action, so this timeline is perfectly reasonable.

Second, we request that you retain all categories of documents related to the following topics:

- Epstein's financial records, including those of any and all entities associated with Epstein and those listed among his assets in his will;
- Any and all statements or representations made by Epstein regarding his sexual pursuits;
- Any and all payments made by Epstein related to his sexual pursuits;
- Any and all criminal investigations of Epstein, including the Non-Prosecution Agreement entered into by Epstein in 2008 and the US Attorney's 2019 investigation into Epstein;
- All persons who recruited girls to service Epstein;
- All persons who provided sex-related services to Epstein from 2002 to the present;
- Efforts by Epstein to provide attorneys to persons who recruited girls for him or provided sex-related services to him;
- All properties owned by Epstein on the Upper East Side of Manhattan, including his 71st Street mansion;
- Any and all employees of properties owned by Epstein on the Upper East Side of Manhattan, including his 71st Street mansion;
- Epstein's travel;
- Dates Epstein was present in New York;
- Sarah Kellen;
- Lesley Groff; and,
- Epstein's last will and testament.

Please let us know within 48 hours whether you agree to these preservation requests. Given the sensitivity of this matter, if we do not hear from you within 48 hours, we will have no choice but to consider seeking the intervention of the Court. We reserve all rights.

Finally, we confirm that our client has been and will continue to abide with all discovery obligations.

Very truly yours,

Robbie

Kyla Magun | Kaplan Hecker & Fink LLP

Associate

350 Fifth Avenue | Suite 7110
New York, New York 10118
(W) 929.469.2890 | (M) 646.784.4621
kmagun@kaplanhecker.com

From: Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>

Sent: Wednesday, October 23, 2019 4:24 PM

To: Roberta Kaplan <rkaplan@kaplanhecker.com>

Cc: Kyla Magun <kmagun@kaplanhecker.com>

Subject: RE: Letter from R. Kaplan

Dear Roberta,

Happy to allay your concerns. Among other things, your Document Retention Notice in this action is (1) completely unlimited as to time and (2) ambiguous regarding the scope of subject matter your client contends should be preserved (see page 1, demanding preservation of all documents, ESI and tangible things that are relevant to the action *or* are “reasonably likely” to be requested during discovery).

As we previously advised you, Defendants are fully aware of their discovery obligations (including document preservation) and will comport themselves accordingly. We trust your client will do the same.

Best,
Bennet

Bennet J. Moskowitz*

troutmansanders

Direct: 212.704.6087

bennet.moskowitz@troutman.com

*Licensed to practice law in New York and Connecticut

From: Kyla Magun <kmagun@kaplanhecker.com>

Sent: Tuesday, October 22, 2019 2:57 PM

To: Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>

Cc: Roberta Kaplan <rkaplan@kaplanhecker.com>

Subject: RE: Letter from R. Kaplan

EXTERNAL SENDER

ON BEHALF OF ROBERTA A. KAPLAN

Dear Bennet:

We have reviewed your letter dated October 22, 2019.

In that letter, you write that while you fully intend to satisfy your discovery obligations, our document retention notice attached to our letter to you dated October 11, 2019 somehow “unreasonably and impermissibly attempts to broaden Defendants’ preservation obligations beyond those in applicable law.”

In light of that response, we ask that you explain with reasonable specificity which components of our notice you find to be overly broad and whether there are particular requests in our October 11 letter or notice with which Defendants do not intend to comply. Again, please identify any such requests (including types of documents or other information as well as geographic/physical locations) with reasonable specificity so that we can actually understand what you are talking about.

Given the risks of spoliation due to the lack of clarity in your response, we ask that you respond within 48 hours.

Very truly yours,

Robbie

Kyla Magun | Kaplan Hecker & Fink LLP

Associate

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(W) 929.469.2890 | (M) 646.784.4621
kmagun@kaplanhecker.com

From: Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>

Sent: Tuesday, October 22, 2019 11:12 AM

To: Kyla Magun <kmagun@kaplanhecker.com>

Cc: Roberta Kaplan <rkaplan@kaplanhecker.com>

Subject: RE: Letter from R. Kaplan

Please see the attached letter.

Best regards,

Bennet

Bennet J. Moskowitz*

troutmansanders

Direct: 212.704.6087

bennet.moskowitz@troutman.com

*Licensed to practice law in New York and Connecticut

From: Kyla Magun <kmagun@kaplanhecker.com>

Sent: Friday, October 11, 2019 6:09 PM

To: Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>

Cc: Roberta Kaplan <rkaplan@kaplanhecker.com>

Subject: Letter from R. Kaplan

EXTERNAL SENDER

ON BEHALF OF ROBERTA A. KAPLAN

Dear Bennet,

Attached, please find a letter relating to *Doe v. Indyke et al.*, No. 19-cv-8673-KPF (S.D.N.Y.).

Thank you,

Robbie

Kyla Magun | Kaplan Hecker & Fink LLP

Associate

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Bennet J. Moskowitz
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October 28, 2019

E-MAIL

Roberta A. Kaplan
Kaplan Hecker & Fink LLP
350 Fifth Avenue, Suite 7110
New York, NY 10118

Re: *Jane Doe v. Darren K. Indyke and Richard D. Kahn, in their capacities as the Executors of the Estate of Jeffrey E. Epstein, 1:19-cv-08673-KPF*

Dear Roberta:

As you know, we represent Darren K. Indyke and Richard D. Kahn, Co-Executors of the Estate of Jeffrey E. Epstein (together, “Defendants”), in the referenced action (the “Action”). Without limiting or waiving your client Jane Doe’s discovery obligations, we write to: (1) request immediate confirmation that your client has preserved all materials -- including without limitation hardcopy documents,¹ electronically stored information (“ESI”) and tangible things -- relevant or potentially relevant to the subjects of Jane Doe’s Complaint (ECF # 1); and (2) ensure Jane Doe continues to preserve such materials until the Action is fully concluded.

Such materials include, without limitation, all documents and communications² within Jane Doe’s possession, custody or control concerning (i.e., embodying, mentioning, or concerning, directly or indirectly) Jeffrey E. Epstein.

Please confirm in writing no later than November 4, 2019 that Jane Doe has preserved and will continue to preserve all documents and communications described above, and all other information relevant or potentially relevant to the subject matter of the Action.

This letter contains only non-exhaustive references to relevant and potentially relevant information and is without prejudice to Defendants’ rights and legal positions, all of which are expressly reserved. Specifically, and without limitation, this letter shall in no way limit what Defendants may

¹The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term.

² The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

October 28, 2019
Page 2



seek during discovery in the Action. It is essential that Jane Doe preserve -- and not alter, delete, discard, or otherwise destroy -- all information relevant or potentially relevant to the Action.

Very truly yours,

Bennet J. Moskowitz
Bennet J. Moskowitz

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October 29, 2019

By Email:

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Re: Doe v. Indyke et al., No. 19-cv-8673-KPF (S.D.N.Y.)

Dear Counsel:

As you know, we represent Plaintiff Jane Doe in the above matter.

We write in response to your letter dated October 28, 2019. We can confirm that our client continues to abide by her discovery obligations and has preserved and will continue to preserve through the end of this matter all materials relevant to the subjects in her Complaint. It is worth noting, however, that our client's claims relate to crimes committed by Mr. Epstein **when our client was a child**—only 14 years old, 17 years ago.

But unlike our client, Mr. Epstein was an adult during the relevant period. We have repeatedly asked that you confirm with us that you are preserving Mr. Epstein's documents related to the specific topics relevant to our Complaint, which we listed for you in our email dated October 23, 2019. We still have not received a simple answer from you on this. As stated in our emails dated October 23, 24, and 28, 2019, you need to respond immediately. In any event, we continue to reserve all rights.

We look forward to hearing from you shortly.

Very truly yours,



Roberta A. Kaplan