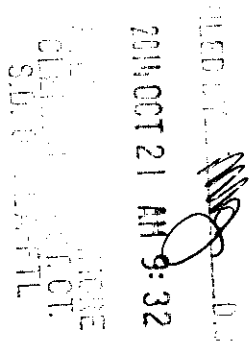


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-80736-Civ-Marra/Johnson

JANE DOE #1 and JANE DOE #2

v.

UNITED STATES
_____/

JANE DOE #1 AND JANE DOE #2'S SEALED SUPPLEMENT SUPPORTING RESPONSE TO GOVERNMENT'S MOTION FOR LEAVE TO FILE RELEVANCE OBJECTIONS TO PETITIONER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

COME NOW Jane Doe #1 and Jane Doe #2 (also referred to as "the victims"), by and through undersigned counsel, to file this sealed supplement containing additional information supporting the victims response to the Government's Relevance Objections to Victims' First Request for Production to the Government (DE 260).

The following e-mails, under seal by order of the Court, demonstrate that the victims' allegations of a conspiracy between the Government and Epstein's attorneys to conceal the existence of a broad, non-prosecution agreement are not mere speculation, but appear to be well supported.

1. E-mail from Marie C. Ann Villafaña to Jay Lefkowitz, Sept. 19, 2007:

> Andy recommended that some of the time issues be addressed only in the state agreement, *so that it isn't obvious to the judge that we are trying to create federal jurisdiction for prison purposes.* . . .
> . . . As I mentioned over the telephone, I cannot bind the girls to the Trust Agreement, and I don't think it is appropriate that a state court would administer a trust that seeks to pay for federal civil claims. We both want to avoid unscrupulous attorneys and/or litigations from coming forward, and I know that your client wants to keep these matters outside of public court filings, but I just

> don't have the power to do what you ask. Here is my recommendation. *During the period between Mr. Epstein's plea and sentencing*, I make a motion for appointment f the Guardian Ad Litem. The three of us sit down and discuss things, and I will facilitate as much as I can getting the girls' approval of this procedure because, as I mentioned, I think it is probably in their best interests. . . .
>
> I will include our standard language regarding resolving all criminal liability and I will mention 'co-conspirators,' but I would prefer not to highlight for the judge all of the other crimes and all of the other persons that we could charge.
>
> . . . maybe we can set a time to meet. I*f you want to meet 'off campus' somewhere, that is fine.* I will make sure that I have all the necessary decision makers present or 'on call' as well.

Source: US-Atty_Cor_0031-32 (emphasis added).

This e-mail shows the parties negotiating to keep the judge in the dark about the full nature of the plea arrangement, as well as keeping the victims (i.e., "the girls") in the dark about the plea agreement until after Epstein's plea. It also shows the prosecutors setting up a meeting with the defense attorneys that would be "off campus" – i.e., outside the ordinary course of business.

2. E-mail from Marie C. Ann Villafaña to Jay Lefowitz, September 24, 2007:

> I wanted to tell you that I have compiled *a list of 34 confirmed minors*. There are six others, whose name we already have, who need to be interviewed by the FBI to confirm whether they were 17 or 18 at the time of their activity with Mr. Epstein.

Source: US-Att_Cor_00135 (emphasis added).

This email demonstrates that on September 24, 2007, the day that the Government and Epstein reached formal agreement on a plea arrangement (*see* DE 48 at 9), the Government had already confirmed at least 34 victims of Epstein's sexual assaults.

3. September 25, 2007 e-mail from AUSA Ann Marie C. Villafaña to Jay Lefkowitz:

> Talk to Jack Goldberg about this group [of possible attorneys for victims in a civil case]. They are all very good personal injury lawyers, but I have concerns about whether there would be an inherent tension because they may feel that THEY might make more money (and get a lot more press coverage) if they proceed outside the terms of te plea agreement. (Sorry – I just have bias against plaintiffs' attorneys.) One nice thing about Bert is that he is in Miami where there has been almost no coverage of this case.

Source: RFP WPB 000384 (emphasis added).

This e-mail shows the Government and defense counsel trying to find a way to move the case to a geographical area distant from the victims and to where there has been a lack of press coverage.

4. Letter from defense counsel Jay P. Lefkowitz to U.S. Attorney R. Alexander Acosta, Oct. 10, 2007:

> *Neither federal agents nor anyone from your Office should contact the identified individuals [i.e., the victims] to inform them of the resolution of the case, including appointment of the attorney representative and the settlement process.* Not only would that violate the confidentiality of the Agreement, but Mr. Epstein also will have no control over what is communicated to the identified individuals at this most critical state. We believe it is essential that we participate in crafting a mutually acceptable communication to the identified individuals.

Source: RFP MIA 000004-5 (emphasis added).

This letter confirms that Epstein was objecting to victim notifications being made by the Government.

5. E-mail for defense counsel Jay Lefkowitz to AUSA Jeff Sloman, Nov. 28, 2007:

> . . . *We do, however, strongly and emphatically object to your sending a letter to the alleged victims.* Without a fair opportunity to review and the ability to make objections to this letter, it is completely unacceptable that you would send it without our consideration. Additionally, given that the US Attorney's office has made it clear it cannot vouch for the claims of the victims, it would be incendiary and inappropriate for your Office to send such a letter. Indeed, because it is a certainty that any such letter would immediately be leaked to the

> press, your actions will only have the effect of injuring Mr. Epstein and promoting spurious civil litigation directed at him. We believe it is entirely unprecedented, and in any event, inappropriate for the Government to be the instigator of such lawsuits.
> . . . We also request that if your Office believes that it must send a letter to go to the alleged victims, how still have not been identified to us, it should happen only after Mr. Epstein has entered his plea. This letter should then come from the attorney representative, and not from the Government, to avoid any bias.
>
> As you know, Judge Starr has requested a meeting with Assistant Attorney General Fisher to address what we believe is the unprecedented nature of the section 2255 component of the Agreement. We are hopeful that this meeting will take place as early as next week. Accordingly, we respectfully request that we postpone our discussion of sending a letter to the alleged victims until after that meeting. . . . Given that Mr. Epstein will not even enter his plea for another few weeks, time is clearly not of the essence regarding any notification to the identified individuals.

Source: RFP WPB-001979 (emphasis added).

This letter show defense counsel pushing the Government not to send any victim notifications until *after* Epstein had entered his guilty plea to state law crimes pursuant to the non-prosecution agreement.

6. Letter from U.S. Attorney R. Alexander Acosta to defense counsel Kenneth W. Starr, undated but circa Nov. 30, 2007:

> Finally, I am most concerned about any belief on the part of defense counsel that the Agreement is unethical, unlawful or unconstitutional in any way. . . . It is not clear from your letter whether you believe that attorneys in this Office have acted improperly. Your letter, for example, alludes to the need to engage in an inquiry to assure that disclosures to potential witnesses did not undermine the reliability of the results of this federal investigation As a former Department of Justice attorney, I am certain that you recognize that this is a serious allegation. I have raised this matter with AUSA Villafana *who informed me that the victims were not told of the availability of Section 2255 relief* during the investigation phase of this matter.
>
> *. . . I am directing our prosecutors not to issue victim notification letters until this Friday at 5 p.m.*, to provide you with time to review these options [continuing to move forward with the plea or unwinding it]. . . .

Source: RFP MIA 000506 (emphasis added).

This letter confirms that the Government was withholding important information from the victims during the investigation of the case and that, at the insistence of defense counsel, the Government was not providing previously-drafted victim notifications.

7. Letter from AUSA Marie Villlafana to defense counsel Jay Lefkowitz, Dec. 13, 2007:

> Three victims were notified shortly after the signing of the Non-Prosecution Agreement of the general terms of that Agreement. *You raised objections to any victim notification, and no further notifications were done.*

Source: RFP MIA 000467 (emphasis added).

This letter demonstrates that the Government began making some victim notifications shortly after September 24, 2007, but that it stopped after defense counsel objected. The delay in providing victim notifications had, at this point, spanned more than three months.

8. Letter from Jay Lefkowitz to U.S. Attorney R. Alexander Acosta, Dec. 26, 2007:

> . . . although we appreciate your willingness to modify your Office's § 3771 [Crime Victims Rights Act] notice, which is embodied in your latest proposal, we must still object to aspects of your proposal on the ground that notice under § 3771 is per se inapplicable to this case under the Attorney General's own guidelines, because the alleged victims are not 'crime victims' under § 3771.

Source: RFP MIA 000048.

This letter shows continued objections from the defense to victim notifications – objections that the U.S. Attorney's Office was apparently still allowing to block victim notifications.

9. Letter from U.S. Attorney R. Alexander Acosta to defense counsel Jack A. Goldberger, July 8, 2008:

> In accordance with the terms of the Non-Prosecution Agreement, on June 30, 2008, the United States Attorney's Office provided you with a list of thirty-one individuals 'whom it was prepared to name in an Indictment as victims of an

> enumerated offense by Mr. Epstein." Yesterday, I provided you with the identification of another victim who I had erroneously left off of that list. At the time the list was provided, Special Agent Kuyrkendall and I impressed upon you the need to finalize this last piece of the agreement as quickly as possible so that we could fulfill our victim notification obligations. In deference to your vacation, we allowed you a week to provide us with any objections or requested modifications to the list and/or the Notification language. Yesterday, I contacted you via telephone and e-mail, but received no response.
>
> Accordingly, *the United States hereby notifies you that it will distribute the victim notifications tomorrow, July 9, 2008, to each of the thirty-two identified victims,* either directly or via their counsel.

Source: RFP WPB 000512 (emphasis added).

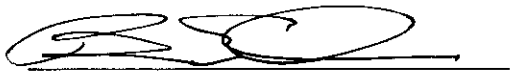
This letter demonstrates that the U.S. Attorney's Office did not ultimately provide victim notifications until (at earliest) July 9, 2008. Epstein pled guilty to a state law offense, pursuant to the non-prosecution agreement, two days later – July 1, 2008.

* * * * *

This is a small fraction of the information that the victims have received so far in this case. This information all supports the victims' arguments, made at greater length in a contemporaneously-filed pleading, that the Court should reject the Government's "relevance" objections to producing additional documents to the victims.

DATED: October 20, 2013

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I certify that the foregoing document was served on October 20, 2014, on the following via regular post delivery:

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