

EXHIBIT 1

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BY EMAIL

Bennet J. Moskowitz
Troutman Sanders LLP
875 Third Avenue
New York, New York 10022

Re: Jane Doe v. Darren K. Indyke and Richard D. Kahn in their capacities as the executors of the Estate of Jeffrey E. Epstein, Case No. 1:19-cv-08673(KPF)(DCF)

Dear Bennet:

We write in response to your letter dated March 20, 2020 (the “March 20 Letter”), in which you continue to argue that Plaintiff’s Initial Disclosures are deficient with respect to Fed. R. Civ. P. 26(a)(1)(A)(iii) because they do not contain (i) a computation and analysis for each category of damages at issue, or (ii) the documents or other evidentiary material upon which the computations are based.

As we explained in our letter dated March 6, 2020 (the “March 6 Letter”), Fed. R. Civ. P. 26 requires a party to make its initial disclosures based on the information then *reasonably available to it and to supplement its disclosures as additional information is acquired*. See *US Bank Nat. Ass’n v. PHL Variable Ins. Co*, 2013 WL 5495542, at *2, 3 (S.D.N.Y. Oct. 3, 2013). That is exactly what Plaintiff has done, and intends to do, here. Specifically, Plaintiff has disclosed that she will seek damages in the form of, *inter alia*, actual damages, compensatory damages, statutory damages, consequential damages, punitive damages, attorneys’ fees, costs, and interest. See Plaintiff’s Initial Disclosures. We have explained that Plaintiff expects those damages to be comprised of medical expenses, lost wages, and compensation for pain and suffering (which includes both mental and emotional harm),¹ among other categories of damages

¹ In the March 20 Letter, you assert that it is “ironic” that Plaintiff cited a case concerning damages for emotional harm but did not disclose emotional harm as a category of damages she intends to collect. However, we made clear in the March 6 Letter that Plaintiff expects damages to include pain and suffering which, of course, includes emotional harm. See *Rounds v. Rush Trucking Corp.*, 211 F.3d 185, 189 (2d Cir. 2000) (“[W]e have no doubt that [precedents] establish that pain and suffering encompasses [plaintiff’s] alleged emotional distress.”).

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2

that may be identified in the course of discovery. *See* March 6, 2020 Letter at 2. And, of course, Defendants have long known the nature of the harm Plaintiff alleges that she suffered as a result of Mr. Epstein's conduct, as that information is detailed in Plaintiff's Complaint. *See, e.g.*, Compl. ¶¶ 56, 58-59 (detailing the mental anguish and emotional distress suffered by Plaintiff as a result of Epstein's abuse).

It is obvious that you are well-aware of the nature of Plaintiff's disclosure obligations at this stage: indeed, every case quotation provided in your March 20 Letter makes explicitly clear that Plaintiff's disclosures need only be based on the information "reasonably available" to her at the time. *See* March 20 Letter at 2 quoting *U.S. Bank Nat. Ass'n v. PHL Variable Ins. Co.*, 2013 WL 5495542, at *3 (S.D.N.Y. Oct. 3, 2013) (A party "has the responsibility to provide each category of required disclosures based on the information it has at the time, and to supplement those disclosures as more information is gained."), and *Allstate Ins. Co. v. Nassiri*, 2010 WL 5248111, at *4 (D. Nev. Dec. 16, 2010) ("While the precise method of calculation need not be disclosed if it is properly the subject of future expert testimony, this does not relieve the plaintiff from providing reasonably available information concerning its damages computation.").

Nonetheless, without any basis to suggest that such information is or should be reasonably available to Plaintiff at this stage of the litigation, you continue to demand that Plaintiff "immediately" provide a "computation, supported by documents, including an analysis supplying the underlying calculations or formulas used in arriving at the damages claimed." March 30 Letter at 1-2. This demand is entirely premature. As we have explained, a computation of damages in this case depends on detailed expert analysis of the harm that Epstein caused Plaintiff and its impact on her physical and mental health, employment prospects, and other areas of her life. Such computation also depends on documents and materials that will be collected during discovery, including medical, financial, and employment records.

Plaintiff has been working diligently to obtain the necessary expert analyses and to collect documents relevant to her damages claims, and she will continue to make all reasonable efforts to obtain such information promptly. Plaintiff will supplement her Initial Disclosures to reflect this information when it is available.

Very truly yours,


Roberta A. Kaplan

cc: Kate Doniger
Alexandra Conlon
Kyla Magun