



HADDON
MORGAN
FOREMAN

Haddon, Morgan and Foreman, P.C
Jeffrey Pagliuca

150 East 10th Avenue
Denver, Colorado 80203
PH 303.831.7364 FX 303.832.2628
www.hmflaw.com
jpagliuca@hmflaw.com

August 24, 2020

VIA EMAIL

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Proposed Redactions to Request to Modify Protective Order (Under Seal)
United States v. Ghislaine Maxwell, 20 Cr. 330 (AJN)

Dear Judge Nathan,

In accordance with this Court's Order of August 18, 2020 (Doc. 44), Ms. Maxwell hereby respectfully submits under seal her proposed redactions to her Request to Modify Protective Order ("Request"), filed under seal on August 17, 2020. Ms. Maxwell also has filed her Reply under seal and contemporaneously submits her proposed redactions to that pleading.¹

Ms. Maxwell has no opposition to keeping under seal, and redacting from her Request and Reply, the contents, description and discussion of the sealed materials themselves; because the government has marked them Confidential, the Protective Order requires as much. *See* Doc. 36, ¶ 15.

The government's proposed redactions, however, go further and propose to redact [REDACTED] [REDACTED]. The government would have this Court redact [REDACTED] [REDACTED] on the premise that it would "risk jeopardizing the government's investigation."

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

¹ To the extent this Court believes this letter also should be filed publicly, counsel also has indicated her proposed redactions to this letter.

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[REDACTED]

Moreover, the government has made repeated, highly public statements, including at the press conference following Ms. Maxwell's indictment,² in the press conference following Mr. Epstein's indictment,³ in a press conference convened at the doorstep of Mr. Epstein's former New York mansion,⁴ and in other publicly-released statements⁵ that its investigation into associates of Mr. Epstein is ongoing and active.

[REDACTED]

[REDACTED]. The process to evaluate whether a judicial document should remain under seal is clear. Once a determination is made that the materials are judicial documents the Court is required to determine whether any countervailing interests outweigh the presumptive right to public access. *Brown v. Maxwell*, 929 F.3d 41, 49-50 (2d Cir. 2019).

Frankly, Ms. Maxwell does not believe that the government has established a countervailing interest compelling enough to justify continued sealing of the documents. [REDACTED]

[REDACTED]

[REDACTED] It is also likely that these same documents will be the subject of future motion practice in this Court, [REDACTED]

However, Ms. Maxwell has no interest in additional pretrial publicity related to any of these documents and submits that protecting her right to a fair trial is the countervailing interest that, at this point, requires her proposed redactions and the continued sealing of the materials with the exception of her limited request to file the materials under seal [REDACTED]

² "These charges to be announced today, are the latest result of our investigation into Epstein, and the people around him who facilitated his abuse of minor victims. That investigation remains ongoing." (<https://www.rev.com/blog/transcripts/announcement-transcript-of-charges-against-ghislaine-maxwell-in-new-york-jeffrey-epstein-associate-arrested>).

³ "This in no way is over, OK. There's going to be more investigative steps they're going to take place and the FBI with the U.S. attorney here is going to continue to investigate." (<http://transcripts.cnn.com/TRANSCRIPTS/1907/08/ath.01.html>).

⁴ Sarah Nathan and Kate Sheey, "Prince Andrew refuses to cooperate with feds in Jeffrey Epstein probe," NY Post (Jan. 27, 2020) (<https://nypost.com/2020/01/27/prince-andrew-refuses-to-cooperate-with-feds-in-jeffrey-epstein-probe/>).

⁵ Alan Feuer, "Prince Andrew and U.S. Prosecutor in Nasty Dispute Over Epstein Case," NY Times (June 8, 2020) (<https://www.nytimes.com/2020/06/08/nyregion/jeffrey-epstein-prince-andrew.html>).

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Respectfully Submitted,

A handwritten signature in blue ink, appearing to be 'JP' followed by a stylized flourish.

Jeffrey S. Pagliuca

CC: Counsel of Record (via Email)