MERMELSTEIN & HOROWITZ PA
ATTORNEYS AT LAW

Stuart S. Mermelstein
Tel 305.931.2200
Fax 305.931.0877
ssm@sexabuseattorney.com

18205 Biscayne Blvd.
Suite 2218
Miami, Florida 33160
www.sexabuseattorney.com

March 3, 2009

Via Facsimile
Robert D. Critton, Jr., Esq.
Burman, Critton, Luttier & Coleman
515 N. Flagler Drive, Suite 400
West Palm Beach, FL 33401

Re: *Jane Does 2-7 v. Jeffrey Epstein*

Dear Mr. Critton:

This letter addresses the matters raised in your letter dated February 25, 2009, as follows:

1. The Plaintiffs agree to withdraw the General Objections set forth in their interrogatory responses.

2. The Plaintiffs' responses to interrogatory no. 10 provide as much information as is available to them at this time. Further specificity regarding the amounts of damages claimed will necessarily be the subject of expert testimony. Plaintiffs do not have this information. By their nature, these are not breach of contract or commercial cases in which damages are easily calculated.

3. As to interrogatories nos. 18-21 and document request nos. 10, 11, 17 and 18, Plaintiffs maintain their objections as stated. It is the Plaintiffs' position that you are not entitled to discovery from the Plaintiffs, either in interrogatories, documents requests or depositions, relating to other sexual behavior not involving Mr. Epstein. Your interrogatories and document requests are squarely at odds with the purpose and intent of Fed.R.Evid. 412. In this regard the Comment to the 1994 Amendments to Rule 412 states as follows:

> Rule 412 applies to both civil and criminal proceeding. The rule aims to safeguard the alleged victim against the invasion of privacy, potential embarrassment and sexual stereotyping that is associated with public disclosure of intimate sexual details and the

EXHIBIT "A'

> infusion of sexual innuendo into the factfinding process. By affording victims protection in most instances, the rule also encourages victims of sexual misconduct to institute and to participate in legal proceedings against alleged offenders.

If Rule 412 is to have any meaning, then the protections it affords to victims of sexual misconduct must be considered and applied in discovery proceedings as well as the trial.

4. We disagree that the Plaintiffs' answers to request for production no. 14 is evasive. How would any of the Plaintiffs' know whether photographs and pictures taken of Mr. Epstein or Mr. Epstein's home exist? All they are required to do in response to document requests is produce those documents that are responsive and that are in their possession, custody or control. As we believe it is made clear, none of the Plaintiffs have any documents that are responsive to request no. 14.

5. As to Request for Production no. 1, you state in your letter that tax returns are relevant to "whether Plaintiff has been and continues to be gainfully employed" and "the type of employment in which Plaintiff engaged in." In a separate interrogatory, you request the Plaintiffs' complete employment history. Additionally, we have advised you that the Plaintiffs do not make any claims for lost wages. As a result, we do not understand your argument that the Plaintiffs' tax returns are relevant. Clearly, the discovery you seek on employment history can and should be obtained in a more direct means than through the Plaintiff's tax returns, which necessarily include information that is private and not relevant.

As to the matters discussed above that are in dispute, please be advised that we will oppose any motion to compel and any request by Defendant for expenses and attorneys' fees.

Very truly yours,

Stuart S. Mermelstein

SSM/lr