

# EXHIBIT

# 121

**LEWIS TEIN PL**  
ATTORNEYS AT LAW

July 21, 2008

*Copy via facsimile (561) 820-8777*

Ann Marie C. Villafana, Esq.  
Office of the United States Attorney  
500 S. Australian Avenue  
West Palm Beach, Florida 33401

RE: *Jeffrey Epstein*

Dear Ms. Villafana:

Thank you for your letter of July 17, 2008. In it, you ask whether Mr. Epstein "intends to fully abide by the Non-Prosecution Agreement." The answer is yes.

We confirm as you state in your letter that the Agreement requires that "the federal Grand Jury investigation will remain suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until [Mr. Epstein] violates any term of [the Non-Prosecution Agreement]." We also confirm that under the Agreement, "prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the . . . conditions and the requirements of th[e] Agreement."

As you know, there is no provision in the Agreement referring in any way to Section 3509(k). By that statute, Congress imposed a mandatory obligation on federal district courts to stay certain civil cases. Its operation is not subject to the control or discretion of any party. Whether Title 18, United States Code, Section 3509(k) applies to this civil litigation is a question of law for resolution by Judge Marra. Accordingly, we are abiding by our ethical obligation to advise the Court of its statutory mandate under Section 3509(k).

Finally, thank you for notifying me that our motion to quash technically remains outstanding. We had previously notified the Court that the parties did not wish to argue the issue. I agree that the Agreement requires its withdrawal and we will file a formal notice withdrawing it this week.

Please do not hesitate to call me if you wish further clarification of our position or to discuss this matter in any way. Until then, I remain,

Very truly yours,



Michael R. Tein

cc: Jack Goldberger, Esq.  
Roy Black, Esq.  
Alex Acosta, Esq.