

From: Laura Menninger <lmenninger@hmflaw.com>

To: "██████████)" <██████████>, "██████████)" <██████████>

Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>, "Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com)" <ceverdell@cohengresser.com>, 'BOBBI C STERNHEIM' <bcsternheim@mac.com>

Subject: RE: US v. Maxwell - 20 Cr. 330 (AJN) - Request to view evidence, highly confidential materials, scenes

Date: Mon, 22 Mar 2021 21:18:42 +0000

Inline-Images: image001.jpg

All,

We have considered your proposal. Unfortunately, it does not permit us an adequate ability to review the evidence in the case and does not permit our client to meaningfully participate in her own defense.

First, we are unable to meaningfully review the evidence without the benefit of our laptops and other electronic devices which are needed to take notes of our review. We also need access to our devices during the review to compare the physical evidence with the electronic discovery and with our work product.

Second, we need to provide our client the ability to review all discovery, including any recordings, in order to assist in her own defense. Presuming that she will not be taken to the FBI downtown office, then your proposal offers no means by which she can both inspect a recording in its physical form and listen to the recording at the same time.

In order to address the deficiencies in your proposal, we believe the following are necessary:

Physical Evidence

- All of the physical evidence currently located in the FBI Bronx warehouse will be transported to 500 Pearl Street and made available during the week of April 12, with our client present, in a room sufficiently large to accommodate 8 attorneys and investigators.
 - We do not need the "bulky" massage tables transported; if there are any other extremely large evidence pieces, let us know what they are and we can consider whether we can have someone review and photograph those at the Bronx warehouse at an earlier time.
 - From your email, it appears that only two items are not located at the Bronx warehouse – both envelopes with cash. Please confirm this. We do not need the two "cash" evidence items transported to 500 Pearl.
 - If there are other evidence items housed somewhere other than the Bronx, please let us know what they are and where they are.
- We will be permitted to bring our laptops, and a camera, into 500 Pearl Street; we are happy to seek permission from Judge Nathan to do so.
- Either the FBI can provide the equipment necessary to listen to any of the recordings at 500 Pearl Street or we can bring the necessary equipment. If we are to provide the equipment, we will need to know in advance the formats of each recording so that we can be prepared. You can note that on your Excel spreadsheet by the item number by March 29 to give us adequate time to secure the necessary equipment.
- The FBI can segregate any physical evidence that you deem "highly confidential." You can identify any "highly confidential" physical evidence items on your Excel spreadsheets by April 5 (one week before the evidence view). If we need to photograph or reproduce any such item for expert evaluation, we will seek leave of court. Otherwise, we will not photograph any such items during the review during the week of April 12. This will ensure the evidence review proceeds smoothly and there will not be any need to ask permission to photograph on an item by item basis.
- The FBI also can segregate any recordings which we will be able to inspect, but not listen to, during the evidence view the week of April 12. You can note such designation on your Excel spreadsheet. If we disagree, we can seek

leave of the Court in advance.

- We understand that an FBI Agent and/or AUSA may be present during our physical evidence review at 500 Pearl Street but of course must ensure that no recordings are made of our conversations and also ensure that there is a separate, secure room in which we can confer with our client during the evidence view without monitoring by the government.
- Please confirm whether all electronic recordings (other than the highly-confidential images and videos described below) have previously been produced to us, and if not, please explain which ones were not produced by the discovery deadlines last fall and why.

Highly Confidential Electronic Evidence

- Can you please explain why 2,100 + 7 "highly confidential" images have not been shared with us yet? It was our understanding that you previously provided all "highly confidential" images to our client – and to defense counsel – for review at the MDC in November. We are confused about where these previously undisclosed items were located and why they have not yet been made available for inspection and review.
- During the week of April 19, Ms. Maxwell should be produced to 500 Pearl Street to review (with counsel and a defense staff member, on the 1 laptop provided) all of the 5,507 electronic images and video marked "highly confidential". These should be segregated into the three categories you describe (never-before produced, previously produced, and the 7 hard-copy images).

Please let us know if you will not agree to any of these steps so that we can address the issues with the Court.

Thank you.

Laura A. Menninger | Partner
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150 E. 10th Avenue | Denver, CO 80203
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From: [REDACTED] <[REDACTED]>
Sent: Tuesday, March 16, 2021 4:40 PM
To: Laura Menninger <lmenninger@hmflaw.com>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>; Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com) <ceverdell@cohengresser.com>; 'BOBBI C STERNHEIM' <bcsternheim@mac.com>
Subject: RE: US v. Maxwell - 20 Cr. 330 (AJN) - Request to view evidence, highly confidential materials, scenes

All,

Attached please find two spreadsheets documenting all physical evidence in the FBI's custody, as well as a corresponding discovery cover letter. We are sending a copy of these files to the MDC for your client as well.

In response to your questions, the FBI has informed me of the following:

Regarding the Highly Confidential nude/partially nude images to be reviewed at 500 Pearl:

- There are three categories of these images:
 - Approximately 2,100 electronic images and videos seized from Epstein's electronic devices (which have not been previously provided to you)
 - Approximately 3,400 electronic images from discs seized from Epstein's residences in 2019 (which have previously been provided to you and your client for review at the MDC)
 - Approximately 7 hard copy nude images located in the file from the FBI Florida office's investigation of Epstein (which have not been previously provided to you)
- The FBI will make all three of those categories available to you. The electronic files will be provided on hard drives, and the FBI will provide you with the hard copy images for review as well.

- All electronic images should be viewable as thumbnails, except those seized from Apple devices, which must be viewed using Cellebrite.
- The Cellebrite software will be provided on the drive for your review of images and videos seized from Apple devices.
- The electronic files have the same metadata on the hard drive that was available when the FBI seized each image. For images that were carved or deleted, no metadata was recovered, so none is viewable. For all other images, the metadata recovered should be viewable on the hard drive.
- The approximately 2,100 electronic images and videos seized from Epstein's devices are separated by folder to indicate which device each image was seized from.
- Because these images are considered obscene material, the FBI is not permitted to make duplicates of them, and there is a limited number of clean laptops on which these images can be reviewed. As a result, the FBI is only able to provide a single laptop for review of these images.

Regarding the physical evidence:

- Attached are two lists of all physical items in the FBI's custody relating to this case. The first list relates to items associated with the FBI Florida office's investigation of Epstein. The second list relates to items associated with the FBI New York office's current investigation.
- The vast majority of physical evidence in the FBI's custody is located at the FBI's warehouse in the Bronx. Two items (1B 77 & 1B 79) are located at 26 Federal Plaza, but the case agents can check those items out from 26 Federal Plaza and bring them to the Bronx warehouse on whatever day you choose to conduct your review so that you will have all evidence in one place.
- The FBI is able to arrange for the defense team to review all physical evidence at the Bronx warehouse under the following conditions:
 - The warehouse requires at least two weeks' notice in order to pull all of the items for the entire case and place them in a location where a large group of people can view them.
 - The warehouse is open during normal business hours between 9am and 5pm on weekdays.
 - At least two FBI agents and an AUSA will be present at the Bronx warehouse to assist and answer questions.
 - The evidence will be placed in a loading dock at the warehouse to provide additional space for the review. To ensure that there is sufficient space, please let me know how many members of the defense team intend to be physically present for this review.
 - Electronic devices such as cellphones and laptops are not permitted in the warehouse. The defense team may bring a digital camera that is not connected to the Internet or a cellular network into the warehouse. If the defense team wishes to photograph an item of evidence, the defense will need to inform the agents who are present, so that they may confirm that the photographed item is not Highly Confidential based on the presence of nudity.
 - Electronic media such as VHS tapes, cassette tapes, and CDs will not be playable at the warehouse.
- To the extent the defense requests that the FBI bring any physical items to 500 Pearl Street for your client to review, the FBI is prepared to bring items that are reasonably sized to 500 Pearl Street. With respect to bulky or large items, the defense team should be able to photograph those for your client to review, unless they are deemed Highly Confidential, in which case the FBI can make arrangements to transport the item to 500 Pearl Street if necessary.
- The FBI is in the process of confirming that it can provide devices to play all of the electronic media in the case in a single location at the FBI's offices in downtown Manhattan. We are also double-checking to confirm that all media that does not contain witness statements have already been produced to you and your client in discovery. The FBI anticipates that we can arrange for you to review all non-witness statement electronic media at the FBI's office in downtown Manhattan in approximately three weeks.
 - To the extent you wish to review all of the discs containing photographs, which were seized from Epstein's residences in 2019, we note that all of those images have already been produced to you in discovery. For your awareness, the FBI has informed me that it took their team several weeks to review all of the images on all of those discs.

Please let me know how you wish to proceed.

Best,

Assistant United States Attorney
Southern District of New York
1 St. Andrew's Plaza
New York, NY 10007

From: [REDACTED]
Sent: Monday, March 15, 2021 6:00 PM
To: 'Laura Menninger' <lmenninger@hmflaw.com>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>; Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com) <ceverdell@cohengresser.com>; 'BOBBI C STERNHEIM' <bcsternheim@mac.com>
Subject: RE: US v. Maxwell - 20 Cr. 330 (AJN) - Request to view evidence, highly confidential materials, scenes

Laura,

I expect to be able to answer all of your questions about the evidence review by tomorrow.

We have been looking into the discovery request you made last week, and we hope to have a response ready to provide to you by next week.

Best,

Assistant United States Attorney
Southern District of New York
1 St. Andrew's Plaza
New York, NY 10007

From: Laura Menninger <lmenninger@hmflaw.com>
Sent: Monday, March 15, 2021 3:01 PM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>; Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com) <ceverdell@cohengresser.com>; 'BOBBI C STERNHEIM' <bcsternheim@mac.com>
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[REDACTED] -
Now that the FBI team is back, when do you expect to have answers to all of the questions posed? If I had an idea of when you would have answers, it could help me answer your question.

At a minimum, it would not seem to take too much time to know when someone can open the FBI vault and allow the attorneys to make an initial view of the evidence. Also, I understand the FBI did not prepare an inventory of their evidence when they seized it from NY and LSJ, so I don't think we need to wait for them to now prepare an inventory before we start reviewing evidence.

Also, when do you believe you will have a response regarding the discovery I requested last Monday?

Thanks,
Laura

Laura A. Menninger | Partner
Haddon, Morgan & Foreman, P.C.
150 E. 10th Avenue | Denver, CO 80203
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lmenninger@hmflaw.com

From: [REDACTED] <[REDACTED]>
Sent: Friday, March 12, 2021 11:44 AM
To: Laura Menninger <lmenninger@hmflaw.com>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>; Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com) <ceverdell@cohengresser.com>; 'BOBBI C STERNHEIM' <bcsternheim@mac.com>
Subject: RE: US v. Maxwell - 20 Cr. 330 (AJN) - Request to view evidence, highly confidential materials, scenes

Counsel,

The FBI team on this case has been out of the office this week and will not be able to answer all of the questions you asked during our Wednesday call until they are back in the office next week. Please let me know if you would like to wait until all of those questions can be answered to schedule a day for your client to be brought to 500 Pearl Street to review the highly confidential images. My understanding is that the FBI is able to provide at least one laptop containing those highly confidential images in time for such a review to take place on Thursday 5/18, but I may not have the answers to all of your questions about those images before that date, and I do not know whether you will also be able to visit the evidence vault that same week.

Please let me know how you would like to proceed. I will reach back out once I have answers to your questions.

Thank you,
[REDACTED]

[REDACTED]
Assistant United States Attorney
Southern District of New York
1 St. Andrew's Plaza
New York, NY 10007
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Tuesday, March 9, 2021 4:56 PM
To: Laura Menninger <lmenninger@hmflaw.com>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>

EFTA00020326

Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>; Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com)<ceverdell@cohengresser.com>; 'BOBBI C STERNHEIM' <bcsternheim@mac.com>
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That is the only excel spreadsheet indexing physical evidence that we have produced in discovery. That spreadsheet does not include every physical item currently in the FBI's custody related to this case. For example, the August 20, 2020 discovery production also included search warrant returns listing the physical items seized by the FBI's New York Office during the 2019 searches of Jeffrey Epstein's residences in New York and the U.S Virgin Islands (see Bates range SDNY_GM_00166007-SDNY_GM_00166043), but they are not contained in a spreadsheet.

As a courtesy, I have asked the FBI whether it would be possible to provide us with a similar excel index reflecting the physical evidence seized by the FBI's New York Office, though it may take some time to compile such an index.

Best,

[REDACTED]
Assistant United States Attorney
Southern District of New York
1 St. Andrew's Plaza
New York, NY 10007
[REDACTED]
[REDACTED]

From: Laura Menninger <lmenninger@hmflaw.com>
Sent: Tuesday, March 9, 2021 3:44 PM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
(USANYS) <[REDACTED]>
Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>; Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com)<ceverdell@cohengresser.com>; 'BOBBI C STERNHEIM' <bcsternheim@mac.com>
Subject: RE: US v. Maxwell - 20 Cr. 330 (AJN) - Request to view evidence, highly confidential materials, scenes

Thank you. Is that the only index of physical evidence available?

Laura A. Menninger | Partner
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lmenninger@hmflaw.com

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, March 9, 2021 1:38 PM
To: Laura Menninger <lmenninger@hmflaw.com>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
(USANYS) <[REDACTED]>
Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>; Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com)<ceverdell@cohengresser.com>; 'BOBBI C STERNHEIM' <bcsternheim@mac.com>
Subject: RE: US v. Maxwell - 20 Cr. 330 (AJN) - Request to view evidence, highly confidential materials, scenes

Counsel,

In advance of our call tomorrow, I wanted to send a copy of the attached index of physical items in FBI custody from the FBI-Miami office, which we previously produced to you as part of our August 21, 2020 discovery production. Also included in that August 21, 2020 production were scans of numerous items listed on the index. Those scans can be found within Bates range SDNY_GM_00172218-SDNY_GM_00173007. It may be useful to reference some of those items during our conversation tomorrow, so I wanted to make sure you were aware of them.

Best,

████████████████████
Assistant United States Attorney
Southern District of New York
1 St. Andrew's Plaza
New York, NY 10007
████████████████████

From: ██████████
Sent: Tuesday, March 9, 2021 2:03 PM
To: 'Laura Menninger' <lmenninger@hmflaw.com>; ██████████) <████████>; ██████████
(USANYS) <████████>
Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>; Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com)
<ceverdell@cohengresser.com>; 'BOBBI C STERNHEIM' <bcsternheim@mac.com>
Subject: RE: US v. Maxwell - 20 Cr. 330 (AJN) - Request to view evidence, highly confidential materials, scenes

Yes, that works for us, thank you very much. We can use the below dial-in:

Dial-in: ██████████
Code: ██████████

Best,

From: Laura Menninger <lmenninger@hmflaw.com>
Sent: Tuesday, March 9, 2021 11:19 AM
To: ██████████) <████████>; ██████████) <████████>; ██████████
(USANYS) <████████>
Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>; Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com)
<ceverdell@cohengresser.com>; 'BOBBI C STERNHEIM' <bcsternheim@mac.com>
Subject: RE: US v. Maxwell - 20 Cr. 330 (AJN) - Request to view evidence, highly confidential materials, scenes

Good morning,

We are free at 1:30 p.m. ET / 11:30 a.m. MST tomorrow. Would that work? We are generally free thereafter, so please suggest another later time if not.

Thank you,
Laura

Laura A. Menninger | Partner
Haddon, Morgan & Foreman, P.C.

EFTA00020328

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From: [REDACTED] <[REDACTED]>

Sent: Tuesday, March 9, 2021 8:36 AM

To: Laura Menninger <lmenninger@hmflaw.com>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>; Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com) <ceverdell@cohengresser.com>; 'BOBBI C STERNHEIM' <bcsternheim@mac.com>
Subject: RE: US v. Maxwell - 20 Cr. 330 (AJN) - Request to view evidence, highly confidential materials, scenes

Good morning,

It would be helpful to have a call to discuss the requests contained in this letter. Are there times tomorrow when you would be available to speak, please?

Thank you,

[REDACTED]

[REDACTED]
Assistant United States Attorney
Southern District of New York
1 St. Andrew's Plaza
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[REDACTED]
[REDACTED]

From: Laura Menninger <lmenninger@hmflaw.com>

Sent: Monday, March 8, 2021 2:03 PM

To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Cc: Jeff Pagliuca <jpagliuca@hmflaw.com>; Christian R Everdell - Cohen & Gresser LLP (ceverdell@cohengresser.com) <ceverdell@cohengresser.com>; 'BOBBI C STERNHEIM' <bcsternheim@mac.com>
Subject: US v. Maxwell - 20 Cr. 330 (AJN) - Request to view evidence, highly confidential materials, scenes

Counsel –

Please see attached correspondence.

-Laura



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