

June 8, 2020

VIA E-MAIL AND FEDEX

The Honorable Geoffrey S. Berman
United States Attorney for the
Southern District of New York
c/o [REDACTED]
Assistant United States Attorney
[REDACTED]
E-mail: [REDACTED]

Re: Request for Tangible and Documentary Evidence (*Touhy* Request)
Jane Doe v. Indyke et al., SDNY Case No. 1:20-cv-00484-JGK-DCF

Dear Mr. [REDACTED]:

Please be advised that we represent the plaintiff in the above-referenced litigation who is hereby submitting this written request for documentary and tangible evidence relating to the U.S. Government's investigation concerning Jeffrey E. Epstein's repeated acts of sexual abuse against our client, Jane Doe.¹ *See United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951). We believe that such evidence is currently in the possession, custody and control of the Department of Justice ("DOJ") and are highly relevant to Doe's above-referenced civil matter.

This written request is submitted pursuant to 28 C.F.R. § 16.21 et seq., known colloquially as the "*Touhy*" regulations. Because this request is directed to DOJ employees, compliance is subject to the *Touhy* process, and for that reason we have not affected formal service of process and hope that it will be unnecessary.

Summary of Information Sought and its Relevance to the Proceeding

Doe's civil case arises out of years of sexual abuse and exploitation by notorious pedophile and convicted sex offender Jeffrey E. Epstein. It all started in 1994 when 13-year-old Doe met Epstein at a summer camp in Michigan. Doe was Epstein's first known victim and was

¹ To protect her anonymity, our client has elected to file her action as a Jane Doe and will be referred to simply as "Doe" in this letter. The prosecutors handling the Epstein case and any and all related ongoing investigations in your office, however, are aware of our client's true identity.

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subsequently abused by Epstein for years as a young girl, suffering unimaginable physical and psychological trauma and distress.

The United States ultimately investigated and brought charges against Jeffrey E. Epstein for sexual abuse of minors and violations of federal law. We believe the government's investigation spanned several years and collected copious amounts of information and documents regarding Jeffrey E. Epstein and his victims, including Doe.

As summarized below, we request the production of documentary and tangible evidence relating to Doe which was obtained during the government's investigation of Epstein and that is currently in the government's possession. This evidence is highly relevant to Doe's civil case as it will likely provide information regarding Epstein's liability and Doe's significant damages.

Specifically, we seek copies of the following documents currently in the possession of the government:

1. All photographs of Doe
2. All flight logs stating Doe's name
3. All videos of Doe
4. All correspondences between Epstein and his agents, employees and/or attorneys and Doe
5. All records of purchases of airline tickets on behalf of Doe
6. Jeffrey E. Epstein's Trust Agreement of The 1953 Trust dated August 8, 2019
7. Jeffrey E. Epstein's 1953 Trust
8. Any and all other documentary materials relating in any way to Doe

Disclosure is Warranted Under 28 C.F.R. § 16.26

Pursuant to the DOJ's *Touhy* regulations, the Deputy or Associate Attorney General assesses the following considerations in determining whether disclosure is warranted:

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(a)(1) Whether such disclosure is appropriate under the rules of procedure governing the case or matter in which the demand arose;

(a)(2) Whether disclosure is appropriate under the relevant substantive law of privilege.

This request satisfies both of these considerations. As explained previously, the requested non-privileged documentary evidence directly concerns the allegations in Doe's civil case.

Additionally, DOJ's *Touhy* regulations prohibit disclosure, subject to certain exceptions, if any of the following factors exist:

(b)(1) Disclosure would violate a statute, such as the income tax laws, 26 U.S.C.A. 6103 and 7213, or a rule of procedure, such as the grand jury secrecy rule, F.R.Cr.P., Rule 6(e),

(b)(2) Disclosure would violate a specific regulation;

(b)(3) Disclosure would reveal classified information, unless appropriately declassified by the originating agency,

(b)(4) Disclosure would reveal a confidential source or informant, unless the investigative agency and the source or informant have no objection,

(b)(5) Disclosure would reveal investigatory records compiled for law enforcement purposes, and would interfere with enforcement proceedings or disclose investigative techniques and procedures the effectiveness of which would thereby be impaired,

(b)(6) Disclosure would improperly reveal trade secrets without the owner's consent.

This request does not implicate any of the above considerations. The requested information is within the scope of ordinary subpoena practice and does not seek disclosure of information prohibited by statute or regulation, nor information that is classified or that would reveal the source of an informant.

To the extent any of Doe's requests seek the investigatory records compiled for law enforcement purposes, Doe does not request investigatory records that would interfere with ongoing enforcement proceedings.

Expedited Response

**PANISH
SHEA &
BOYLE**
LLP

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Doe's civil case is actively being litigated and the parties have already requested and exchanged initial discovery. Moreover, a victim compensation fund has been recently established that Doe may elect to participate in. Accordingly, Doe respectfully requests that the DOJ expedite the production of these requested documents to assist her obtain long-awaited justice for the atrocities committed against her.

Very truly yours,

PANISH SHEA & BOYLE



Robert S. Glassman
Attorney for Jane Doe

cc: [REDACTED])