

IN THE SUPERIOR COURT  
OF THE VIRGIN ISLANDS

**FILED**

September 22, 2020

TAMARA CHARLES  
CLERK OF THE COURT

**EXHIBIT**  
**M**



## Kellerhals Ferguson Kroblin PLLC

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September 15, 2020

### By E-Filing

Honorable Carolyn P. Hermon-Percell  
Superior Court of the U.S. Virgin Islands  
Magistrate Division  
Barbell Plaza South  
St. Thomas, U.S. Virgin Islands

**Re: Estate of Jeffrey E. Epstein**  
**Probate No. ST-19-PB-80**

Dear Magistrate Hermon-Percell:

We write on behalf of the Estate in response to the Government's September 10, 2020 letter. The Government's letter, as well as the Government's August 18, 2020 letter, is yet further confirmation that the Attorney General is improperly usurping the roles of the Court and the Co-Executors in this probate proceeding. Although the Attorney General's liens are invalid, she is unfairly making use of the fact that there is no assigned judge in that case to rule on the Co-Executors' motions to vacate those liens and dismiss that action. Just as Your Honor directed the Attorney General in February 2020 to lift her liens to allow the Estate to operate, the Court should do so again here, where the Attorney General is crippling the administration of the Estate.

The Attorney General's suggestion in her August 18 Letter<sup>1</sup> that the Co-Executors seek to conceal information about the administration of the Estate is not only unfounded, unfair, and misleading, it is squarely at odds with reality. By making those accusations, the Attorney General not only suggests that the Government is entitled to such information -- it is not -- but also pretends that the Government does not already have that information and that the Co-Executors are improperly seeking to withhold it. That is false: the Attorney General has issued two subpoenas, purportedly as a discovery tool in the Government's ongoing investigation, to FirstBank for records of the Estate's operating account. The first subpoena, served in February 2020, covered the period from 1998 through February 2020. The second subpoena, served in June 2020, called for all records of every transaction conducted from the Estate's operating account from February 1, 2020 through June 30, 2020. Putting aside whether those subpoenas, issued without notice to the Estate, comport with the legitimate exercise of the Government's authority under CICO, they provide the Government with the very information it complains to the Court it needs to release funds for administration of the Estate. The Estate has confirmed that FirstBank produced records for every transaction, of every size, conducted by the Estate from that account through June 30, 2020. For example, the Attorney General, having received and reviewed such records, required FirstBank to provide additional

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<sup>1</sup> To the extent the Attorney General served her August 18 letter on counsel for the Estate, we are not aware of that service and were not aware of that letter until the Attorney General attached it to her September 10 filing. That is the only reason the Estate did not previously respond to the Attorney General's August 18 letter.

information for 37 transactions during the period May through June 2020 which were described generically on the account statements as "ACH Offset." These transactions for which the Attorney General required such additional information included 16 transactions involving less than \$1,000, two of which were for as little as \$60. FirstBank provided the requested detail for all of the 37 transactions. Thus, the Attorney General's suggestion that she needs information for transactions above \$5,000 is disingenuous, since the Attorney General has information about every transaction by the Estate down to the penny.

The Attorney General also argues that the Estate is trying to "protect participants in Epstein's criminal enterprise" simply because the Estate is indemnifying certain current and former employees of and professionals on behalf of one or more defendants in the Attorney General's suit. The Attorney General has it backwards. Despite the fact that the Estate has a long-pending motion to stay discovery in the Attorney General's suit, and the Court in that action has not adopted a discovery plan for that matter, the Attorney General continues to serve wide-ranging subpoenas to a swath of individuals and entities, including certain defendants in that action as well as current and former employees and professionals. Given the Attorney General's penchant for leveling serious (and false) accusations against any individual associated with Mr. Epstein, and her apparent belief that any financial transaction conducted by Mr. Epstein or his various entities somehow constitutes a criminal act, many current and former employees have determined that they need counsel. Many cannot afford counsel. And many have understandably requested indemnification for legal fees for legal representation, which they otherwise cannot afford. It is deeply troubling that a government law enforcement agency contends that affording individuals the opportunity for legal representation in the face of a scope-less law enforcement investigation constitutes an act of concealment.

Finally, the Attorney General's suggestion that Co-Executor Indylke "structured" financial transactions is absolutely false and libelous. To make such a baseless accusation in a letter to the Court is not only unprofessional and unbecoming of the Territory's highest law enforcement officer, it betrays an ongoing effort by the Attorney General to intimidate the Co-Executors intended to prevent them from carrying out their fiduciary duties. While the Court expressly directed the Attorney General to permit the Co-Executors to administer the Estate and exercise their fiduciary duties in doing so, the Attorney General appears intent on ignoring the Court's instructions.

As set forth in our letters dated August 14 and September 9, 2020, we urgently ask the Court to schedule a videoconference to resolve this matter, or alternatively, to issue an Order for the Attorney General to release the liens on the Estate's FirstBank account in the amount requested in the Estate's correspondence with the Attorney General. The Estate is on the verge of suffering irreparable harm.

Respectfully submitted,



Christopher Allen Kroblin

Counsel for the Co-Executors

cc: Counsel of record