

**USER LITIGATION HOLD NOTICE AND CERTIFICATION FORM****PRIVACY ACT PROTECTED****I. NOTICE**

Please be advised that, by and through this Notice, we, the United States Attorney's Office for the Southern District of New York ("USAO"), are hereby instituting a "Litigation Hold" in light of a request emailed by representatives of Jeffrey Epstein for the preservation of all documents and evidence relating to or potentially shedding light on the circumstances of his incarceration and of his recent death at the Metropolitan Correctional Center ("MCC"). Specifically, the family's representatives request as follows: "Mr. Epstein's family has asked me to send to you and [REDACTED] at the MCC a request for the preservation of any and all documents, records, reports, videos, pictures, physical evidence, electronic communication data, tape recordings, logs, notes, papers, emails and any and all other forms of information that would be in the possession of the MCC, its Warden, their legal counsel, the USMS, the FBI, the Inspector General, the USAO for the SDNY or any other federal or relevant state or city agency that relate to Jeffrey Epstein's imprisonment/detention since July 6, 2019 and that relate particularly but not exclusively to the July 23, 2019 occurrence which was investigated as an attempted suicide by the MCC and the events relating to his death on August 10, 2019. The request encompasses but is not limited to any videos of the 9th floor area in the proximity of his cell during the evening of August 9 through the time Mr. Epstein was taken out of his cell for the last time on August 10, 2019, or videos of the cell itself during that time period, records of the identities of (i.e. MCC employees or independent contractors or anyone else) who were on duty from midnight through 8 AM on August 10, 2019 or otherwise had access to the 9th floor unit where Mr. Epstein was incarcerated during this time period, records of any observations of Mr. Epstein on August 9-10, 2019, any and all photographs of Mr. Epstein or his cell taken on August 10, 2019, any and all electronic or tape recordings or records of any internal communications within the MCC or any external communications by MCC staff on August 9 and August 10, 2019, records of any mental health interviews or assessments of Mr. Epstein at anytime during his detention, records of any decision to put him on or take Mr. Epstein off suicide watch, photos of his cell taken on or before August 9 or on or after August 10, 2019, memoranda of interviews with any prisoners who were in Mr. Epstein's SHU unit on the 9th floor on or about July 23 or on August 9-10, 2019 relating to Mr. Epstein, the same request for interview memoranda of any MCC employee or independent contractor or any other person in the MCC midnight-8 AM August 10, 2019, any and all medical and EMS and hospital records from July 23 and/or August 10, 2019, and the future pathology and toxicology and medical examiner's reports. Additionally, we would request the preservation of any note or notes found in Mr. Epstein's cell on August 10, 2019, any ligature or other physical evidence related to his cause of death, any bedding, any medication or vitamins, any log showing who entered or were present in the MCC for the 12 hour period before 6:30 AM on August 10, 2019, as well as a list of inmates who were in Mr. Epstein's unit during the evening of August 9 and the morning of August 10, 2019. . . . In short, the family requests a preservation and production of any and all records and documents relevant to his detention, treatment, and death." I am sending this notice and requesting the suspension of routine email and ESI deletions from all persons [REDACTED] has identified as potentially involved in such investigations or possessing such records. Each recipient should respond by informing me of the USAO number of any investigation or matter that falls within the ambit of the request for preservation; we may choose to create backup, preserved copies of relevant shared directories and/or to take other steps to preserve pertinent data. Please do not discard or delete any potentially responsive records; detailed instructions follow.

To institute this Litigation Hold, we are implementing preservation procedures regarding any and all records, data, or other information, whether they exist in paper form or as electronically stored information ("ESI"), within the USAO's possession, custody or control relating to the Complaint/Claims (collectively, "Information"). The USAO's obligation to preserve this Information pertains not only to paper copies, or "hard copies" (whether in draft or final, partial or complete, versions), but also to ESI in its originally-created, or "native" format, as it exists on any computer system (whether it be on the USAO's system or your personal computer), as well as removable or portable electronic storage media. Specific examples of Information subject to this Litigation Hold include, but are not limited to, e-mails and other electronic communications, word processing documents, records, spreadsheets, databases, calendars, telephone logs, internet usage files, network access information, and information on other kinds of media, including PDAs (such as Palm

Pilots, BlackBerries, and cell phones), thumb drives, CDs, as well as digital voicemail and text messages.

Because the USAO must take reasonable steps to preserve such Information in whatever form it has been created and maintained, the USAO's Lit Hold Coordinator and Systems Manager must coordinate with all those who may have such Information. We therefore require your assistance to both identify and preserve any and all Information relating to the Complaint/Claims, whether or not the Information is ultimately discoverable. Furthermore, we must confirm that you understand and accept your preservation obligations under this Litigation Hold.

Accordingly, you are required to take the two following steps: (1) Identify to us all such Information and where it resides (in Section II below); and (2) Certify having received notice of this Litigation Hold and understanding and accepting your preservation obligations under this Litigation Hold (in Section III below). [NOTE: *While seeking to identify all such Information, please refrain to the maximum extent possible from opening emails/files you believe to be relevant.*]

## II. IDENTIFY ALL INFORMATION SUBJECT TO THE LITIGATION HOLD

Please identify all locations where the Information described above may exist: **CHECK ALL THAT APPLY**

Hard Copy Documents:  Printed Emails  Case Files/Logs  Calendars/Appointment Books  Other

USAO System – Microsoft Outlook:

Email Messages  Calendar Items  Tasks  Telephone Data  
 Notes  Public Folders  Contacts  
 .PST Files ("Archive")  Office Communicator

USAO System – EVoIP:

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## ATTACHMENT 1

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USAO System – Network Data (i.e., documents/files and folders residing on network drives):

Personal (N, H & M) Drive Document/Files/Folders    Shared Files/Folders    LIONs/Alcatraz/USA-5  
 Inter- and Intra-net    Other

USAO System – Mobile PIN/SMS:

Blackberry/Other   USAO System – Classified/Special Data:  
 Document/Files/Folders/Other

Non-Network Data (i.e., documents/files and folders residing on local hard drives and thumb drives):

Local (C & D) Drives    Portable Media/Thumb Drives    Deleted Items (Recycle Bin)

Personal Non-Network Data (located or residing somewhere other than the USAO System):

Document/Files/Folders    Internet    Email Messages    Portable Media/Thumb Drives  
 PDAs/Other

### III. CERTIFICATION

By this Notice and Certification, I acknowledge that I have received, understand, and accept my obligations to preserve any and all Information (as defined above) I may have now, as well as all such Information I may subsequently receive, create or modify. I further understand and accept that my continuing Litigation Hold obligations require that I preserve all such Information in "native" format and, conversely, that I not delete or destroy any such Information until I receive formal written notice that this Litigation Hold is discontinued. To fulfill these continuing obligations, I will undertake the necessary steps to preserve this Information, be it "hard copy" and/or ESI, in coordination with the USAO's Lit Hold Coordinator and Systems Manager.

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Please be advised that failure to preserve and retain this Information may result in sanctions and/or implicate professional conduct rules. Consequently, if you are unsure whether certain information should be preserved, err on the side of caution and preserve the information until you have spoken to the USAO's Lit Hold Coordinator about it. If you have any questions about whether to preserve certain ESI, or its native formatting, please contact the USAO's Lit Hold Coordinator or Systems Manager.

Please sign below to acknowledge you have read this Notice and Certification and understand and accept your preservation obligations, then return the executed copy to the USAO's Lit Hold Coordinator. Thank you.

User Signature:

Date of User Signature:

cc:   USAO Lit Hold Coordinator  
National Preservation Officer  
USAO Systems Manager

**INFORMATION CONTAINED IN THIS FORM MAY CONSTITUTE PRIVATE, CONFIDENTIAL AND/OR SENSITIVE, AS WELL AS PERHAPS ALSO PRIVILEGED AND/OR OTHERWISE PROTECTED, INFORMATION**