

From: [REDACTED] (USAFLS)" [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Epstein -- Upcoming Court Dates and Motion filed by Palm Beach Post

Date: Wed, 03 Jun 2009 19:22:46 +0000

Importance: Normal

[REDACTED]

I will be here on Thursday and Friday.

[REDACTED]

From: [REDACTED] (USAFLS)

Sent: Tuesday, June 02, 2009 4:08 PM

To: [REDACTED]
(USAFLS)

Cc: [REDACTED] (FBI); [REDACTED] (FBI)

Subject: Epstein -- Upcoming Court Dates and Motion filed by Palm Beach Post

Hi all – It is the summer, so Epstein must be back in full swing. There are two court hearings next week that we have been given notice of (one of which we have been “invited” to attend), and we need to discuss our position before I attend. Here are the most recent items:


1. Judge Marra has asked us to appear on Friday, June 12th to address whether “Epstein’s defense of the civil suits breaches the Non-Prosecution Agreement.”
2. The Palm Beach Post has filed a motion to intervene in one of the state court civil suits in order to ask the judge to unseal the Non-Prosecution Agreement.
3. A hearing on the motion to unseal in state court is set for Wednesday, June 10th. We have been given notice of that hearing, along with Michael McAuliffe from the State Attorney’s Office.
4. On May 26, 2009, Epstein’s counsel filed a pleading in federal court that essentially argues that the civil claims filed under 18 USC 2255 must all be dismissed (i.e., that he can never be held liable under that statute) because he was not *convicted* of any federal offense. This directly contradicts the Non-Prosecution Agreement, wherein Epstein agreed that if any identified victim elects to file suit pursuant to 18 USC 2255, “Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and *Epstein waives his right to contest liability . . .*” At this point, I believe that Epstein is probably in breach of the Agreement. I will gather the documentation related to this for your review. We are required to provide him with “timely notice” of his breach and file an indictment within 60 days of learning of the breach. That means that we need to indict by July 24th – my [REDACTED] birthday!
5. Several litigants have asked Judge Marra to unseal the Non-Prosecution Agreement. No hearing has been set on those motions.

Can we do a conference call on Thursday afternoon or Friday morning to discuss? There are a number of things that we have to do before we provide notice of breach, so time is of the essence. I can drive down to Miami on

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Friday if that works better.

Thank you.


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