

From: Martin Weinberg <[REDACTED]>
To: " [REDACTED]" <[REDACTED]>
Subject: Re: Epstein - Legal Issues and Requests
Date: Thu, 18 Jul 2019 11:41:15 +0000

[REDACTED], maybe we can find a few minutes after today's hearing to discuss further
Thanks
Marty

Sent from my iPhone

On Jul 17, 2019, at 10:56 PM, [REDACTED] <[REDACTED]> wrote:

Marty,

I stand corrected regarding the timing of the recusal of SDFL from potential prosecution; I hadn't realized that (which may further show that any speculation about the genesis of our investigation being with SDFL is misguided). In any event, as we have represented to the Court, our investigation was initiated internally, and beyond that we're not prepared to make representations about internal communications or to otherwise characterize the investigation. With respect to the preservation of communications, my understanding is that the Department generally retains communications for some period of years, so while we don't believe there is any formal obligation to retain (or produce) such materials, I don't believe there would be any issue with retrieving communications should that be necessary.

Regarding the privilege review, I expect that we will utilize a wall / taint individual or team to screen for privileged materials, as we do in the ordinary course where there are privilege concerns. If in addition to attorney names and law firms there are search terms, phrases, etc., that you want to identify for the review team, you should certainly feel free to do so and we can facilitate that. In the first instance I expect it will take some time to process the drives and devices to make their content reviewable on a web-based platform, so I don't believe anyone is yet reviewing those items (with the possible exception of a required preliminary screen of images for possible child pornography). In terms of the attorney and firm names, my thought was that it would be helpful for the case team to have them in case somehow some material wasn't screened, for easy recognition should we come across those names—and I've had those types of identifying information in other cases—but that certainly isn't a requirement if you prefer otherwise.

Once the materials are in a position to be reviewed by a taint team, we will let you know right away to facilitate the easiest and most straightforward process for screening, review, and eventual production. The lag in setting that up is not to interpose any delay, but rather because there are intermediate technological steps before a review team will have access to those materials.

I hope that's helpful, and keeps the gears turning, and please let us know if additional information would be useful.

thanks,
[REDACTED]

From: Martin G. Weinberg <[REDACTED]>
Sent: Tuesday, July 16, 2019 18:46
To: [REDACTED] <[REDACTED]>; 'Marc Fernich' <[REDACTED]>
Cc: 'Marty Weinberg' <[REDACTED]>; [REDACTED]; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>; 'Martin Weinberg' <[REDACTED]>
Subject: Epstein - Legal Issues and Requests

Hi [REDACTED], the SD Fla was ordered recused by the DOJ from criminal matters concerning Mr Epstein at a much earlier date, see Dkt 205-2 of the CVRA, at pg 12, fn 13 which was filed in our case as Doc 6- Exh 2 (our bail submission of last week). You are correct that the ND Ga did not enter the CVRA proceedings until much later.

I will await further communication on the communications-related request.

I think its more consistent with a taint review - if that is indeed the search protocol that you will use or (if there is a challenge) attempt to use to review the seized Epstein phones/electronics - for the attorney list to go to the taint prosecutor to guard against any risk that identifying an attorney may in combination with other evidence in your possession disclose a privilege. If there is a particular concern with the case team accessing privileged materials absent the list of attorneys, please let me know so we can address it without delay. We have enough legal issues...

Thanks

Best, Marty

Martin G. Weinberg, Esq.

[REDACTED]

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From: [REDACTED] [mailto:[REDACTED]]
Sent: Tuesday, July 16, 2019 11:42 AM
To: Martin G. Weinberg <[REDACTED]>; 'Marc Fernich' <[REDACTED]>
Cc: 'Marty Weinberg' <[REDACTED]>; [REDACTED]; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>
Subject: RE: Epstein Arrest Seizure Items

Hi Marty,

In reverse order, we're not prepared to make any generalized representations regarding any communications within the Department in its entirety, but I note for your reference that the Southern District of Florida apparently recused itself in or about March 2019, and it was only at that point, to my knowledge, that the Northern District of Georgia became involved in the CVRA case. As we have noted, our investigation had been active for several months at that time. And we will further discuss your other communications-related questions and get back to you.

Regarding the review of electronic devices, we'll discuss internally whether we're in a position to specifically describe our review and screening process, but certainly it would be helpful in the first instance for you to provide the list of attorneys and/or firms that could implicate privilege. You can simply send that list to us—unless you have concerns that even the identities of those attorneys and firms would disclose privileged information, though I think ideally the case team would benefit from having that information as further protection against any taint.

thanks,

[REDACTED]

From: Martin G. Weinberg <[REDACTED]>
Sent: Tuesday, July 16, 2019 08:31
To: [REDACTED] <[REDACTED]>; 'Marc Fernich' <[REDACTED]>; 'Martin
Weinberg' <[REDACTED]>
Cc: 'Marty Weinberg' <[REDACTED]>; [REDACTED]; [REDACTED]

<[REDACTED]>; <[REDACTED]> <[REDACTED]>

Subject: RE: Epstein Arrest Seizure Items

Good morning

The purpose of this email is to address two issues separate from the ongoing bail/detention hearings. First, the seizure of various phones and computer-type devices from Mr Epstein and his residence. I would like to discuss the protocol for any search of the devices with the purpose of protecting the confidentiality of a vast amount of attorney-client and work product privileged communications that are within these devices. Can we schedule a call? I have assembled a preliminary list of attorneys. If the matter has been delegated to a taint prosecutor, and without waiving rights to contest the process, I would like to send the list of attorneys to that taint prosecutor.

Second, yesterday [REDACTED] stated that there had been no communications with the SD Fla. That is not surprising since they are recused. Would you inform the defense whether there has been a similar absence of any contact with the ND Ga prosecutors (in particular Ms [REDACTED] and/or Mr [REDACTED]) or with Main Justice (eg CEOS or others)? I would also want to explore with you an agreement on preserving emails, texts, voicemessages, documents that would be relevant to the genesis of the SDNY investigation given the issues that we have raised regarding the NPA. I am not by this email seeking their discovery (a future issue), only an agreement on their preservation.

Thanks

Marty

Martin G. Weinberg, Esq.

[REDACTED]

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From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, July 15, 2019 8:35 PM

To: Marc Fernich <[REDACTED]>

Cc: Marty Weinberg <[REDACTED]>; Martin Weinberg <[REDACTED]>;

<[REDACTED]>; <[REDACTED]> <[REDACTED]>; <[REDACTED]>

<[REDACTED]>

Subject: RE: Epstein Arrest Seizure Items

Marc,

Circling back on this, I'll ask the agents to bring the cash and other personal effects seized from Mr. Epstein to the hearing on Thursday, unless it is important to receive them before then, in which case please let me know and I'll try to arrange that. With respect to the electronic devices, we've obtained a warrant to search them and so will be retaining them as evidence.

thanks,

[REDACTED]

From: Marc Fernich <[REDACTED]>

Sent: Thursday, July 11, 2019 15:54

To: [REDACTED] <[REDACTED]>

Cc: Marty Weinberg <[REDACTED]>; Martin Weinberg <[REDACTED]>;

<[REDACTED]>

Subject: Epstein Arrest Seizure Items

EFTA00028151

Hi [REDACTED]. Sorry to bug you while you may be working on a bail reply.

I'm having trouble reaching Agent [REDACTED] to coordinate pickup of the cellphone and other items seized upon Epstein's arrest. She said she'd be out in the field, but I don't hear from the intermediary agent — identity unknown — who was supposed to handle it in her absence. Can you step in and try to move this along?

Thanks a lot.

Marc Fernich, Esq.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sent from my iPhone

On Jul 9, 2019, at 3:26 PM, [REDACTED] <[REDACTED]> wrote:

Marc,

It is the right number, so feel free to follow up later, but I can also give you her cell number which is [REDACTED].

thanks,

[REDACTED]

From: Marc Fernich <[REDACTED]>

Sent: Tuesday, July 09, 2019 14:56

To: [REDACTED] <[REDACTED]>

Cc: Marty Weinberg <[REDACTED]>; Martin Weinberg <[REDACTED]>;

Subject: Re: U.S. v. Epstein, 19 Cr. 490 (RMB), Government bail memorandum

Sorry to trouble again. No answer or VM pickup at that number. I'll try again later so long as it's the right number. Can you confirm? Many thanks.

Marc Fernich, Esq.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sent from my iPhone

EFTA00028152

On Jul 9, 2019, at 2:45 PM, [REDACTED] <[REDACTED]> wrote:

Marc,

Apologies for the delay on this, and thanks for following up. The best way to coordinate this is to contact the case agent directly – I just spoke to her so she'll be expecting your call. They're running around, so if you reach out and aren't able to connect today please let me know, but hopefully we can get it coordinated. The contact is Special Agent [REDACTED], and she can be reached at [REDACTED].

thanks,

[REDACTED]

From: Marc Fernich <[REDACTED]>
Sent: Monday, July 08, 2019 15:40
To: [REDACTED] <[REDACTED]>
Subject: Re: U.S. v. Epstein, 19 Cr. 490 (RMB), Government bail memorandum

[REDACTED]

One of your agents told Marty the case agent would return Epstein's phone, the cash and other items taken from his person upon arrest. Marty's returning to Boston shortly. Can you arrange for me to take possession of those items?

Thanks,

Marc

Marc Fernich, Esq.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPhone

On Jul 8, 2019, at 10:53 AM, [REDACTED] <[REDACTED]> wrote:

Marc,

Wanted to send this to you as well in case your co-counsel can't receive it in the Court. Please let me know if it would be helpful to get a hard copy – I'm copying two of our paralegals who can bring you (or co-counsel) a copy; I'll be unreachable for the next hour or so.

thank you,

[REDACTED]

From: [REDACTED]
Sent: Monday, July 08, 2019 10:43

EFTA00028153

To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>;
[REDACTED]; 'Martin Weinberg' <[REDACTED]>; [REDACTED]
<[REDACTED]>; [REDACTED) <[REDACTED]>; [REDACTED])
<[REDACTED]>

Subject: RE: U.S. v. Epstein, 19 Cr. 490 (RMB), Government bail memorandum

To the Chambers of Judge Pitman:

In advance of the expected bail argument in the above-captioned case, in connection with the presentment and arraignment referred by Judge Berman, attached please find a memorandum from the government on the issue of detention. Defense counsel is copied, as is the chambers of Judge Berman at their request.

Thank you,

[REDACTED]

[REDACTED]
Assistant U.S. Attorney
Southern District of New York
[REDACTED]

<U.S. v. Epstein, 19 Cr. 490 (RMB), Government bail memorandum.pdf>

EFTA00028154