

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-80736-Civ-Marra/Johnson

JANE DOE #1 and JANE DOE #2

v.

UNITED STATES
_____ /

**JANE DOE #1 AND JANE DOE #2'S MOTION TO SUPPLEMENT AUTHORITIES IN
SUPPORT OF THEIR MOTION FOR AN ORDER DIRECTING THE U.S.
ATTORNEY'S OFFICE NOT TO WITHHOLD RELEVANT EVIDENCE**

COME NOW Jane Doe #1 and Jane Doe #2 (also referred to as "the victims"), by and through undersigned counsel, to move to supplement their authorities in support of their Motion for an Order Directing the U.S. Attorney's Office Not to Withhold Relevant Evidence (DE #50) with a letter just received from the Justice Department's Office of Professional Responsibility.

As the Court is aware, briefing on the victims' motion for an order directing the government not to withhold evidence was completed when the victims filed their reply memorandum on May 2, 2011. On May 10, 2011, however, victims' counsel received a letter from the Justice Department's Office of Professional Responsibility (attached as exhibit 1) that they wish to have the Court consider along with their pleading. This letter makes clear that the Government has in its possession information that will be helpful to the victims' case and further that the Government is not currently investigating these issues. Because this letter arrived only after the filing of their reply, the victims request leave to supplement their pleadings with this letter.

A bit of context may be useful. On December 10, 2010, Jane Doe #1 and her legal counsel, Brad Edwards and Paul Cassell, met in Miami with Wilfredo Ferrer, United States Attorney for the Southern District of Florida; Ben Greenburg, First Assistant U.S. Attorney; Dexter Lee, Assistant U.S. Attorney; and A. Marie Villafaña, Assistant U.S. Attorney and line prosecutor on the Epstein matter. Without going into the details of that settlement discussion, the result of that meeting was a few days later, Mr. Ferrer sent a request to the Justice Department's Office of Professional Responsibility to investigate and determine whether any misconduct had occurred during the Epstein investigation and prosecution. Victim's counsel thereafter repeatedly requested information about the status of the investigation and received no information.

On May 10, 2011, however, victims' counsel received a letter from OPR concluding that OPR had "completed an inquiry" into the issue and had decided not to investigate. The letter acknowledged that the Office had made an inquiry into the facts, but explained that it is "the policy of this Office to refrain from investigating issues or allegations that were, are being, or could have been addressed in the course of litigation" The letter noted that because the issues surrounding the Office's negotiation of the NPA were being litigated in this very case, it was not consistent with OPR policy to further investigate.

The victims wish to include this letter as supplemental authority in support of their motion for an order directing the U.S. Attorney's Office not to withhold relevant information. The letter makes clear that it is only before this Court that such issues can be adjudicated. The letter further makes clear the stark bottom line of the pending motion – at least two Justice Department components (the U.S. Attorney's Office for the Southern District of Florida and the

Office of Professional Responsibility) have both reviewed the issues surrounding the Epstein case and have bundled together information regarding the case. And yet, on the basis that the victims are litigating before this Court, the Justice Department refuses to conduct its own investigation into what happened and refuses to provide that information to the victims. The letter thus makes clear that if the Government is allowed to withhold relevant evidence from the victims' in this case, there will never a full understanding of why the Government violated the victims' rights and why it offered such an extraordinarily lenient non-prosecution agreement to Epstein without the victims' knowledge. For all these reasons, the letter strongly supports the victims' motion that the Court should enter an order directly the Government not to withhold evidence.

The Government opposes the motion.

In light of the foregoing, the Court should allow the victims' to supplement the authorities in support of their motion for an order directing the Government not to withhold evidence with the attached letter from OPR.

DATED: May 16, 2011

Respectfully Submitted,

s/ Bradley J. Edwards

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CERTIFICATE OF SERVICE

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