

EXHIBIT

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KIRKLAND & ELLIS LLP

Villafana emailed the defense stating that United States Attorney Acosta would accept no less than 18 months of incarceration, following by a one-year term of house arrest.

Federal Prosecutors Misrepresented the Number of Alleged "Victims."

17. In September 2007, in order to add additional pressure on Mr. Epstein to execute a deferred prosecution agreement, AUSA Villafana claimed that there were "40" minors on the government's list of purported § 2255 victims. To compound that misleading characterization, she continued to insist that a guardian-ad-litem be appointed to represent these purported "minors" in the proceedings. See Tab 24, September 19, 2007 Email from M. Villafana to J. Lefkowitz.
18. When challenged as to whether there was a genuine need for a *guardian*, given that Ms. Villafana continued to refuse to disclose the names or any other information about her putative list of "minors," she eventually conceded that *only "1 is definitely under 18 still, and I think there is another minor."* See Tab 25, September 23, 2007 Email from M. Villafana to J. Lefkowitz (emphasis added).
19. The next day, AUSA Villafana retreated from the number "40," stating that she had now "compiled a list of *34 confirmed minor victims with no definition of how they would be considered as such.*" There are six others, whose names we already have, who need to be interviewed by the FBI to confirm whether they were 17 or 18 at the time of their activity with Mr. Epstein." See Tab 26, September 24, 2007 Email from M. Villafana to J. Lefkowitz (emphasis added). This statement indicated that, at least the "six others" (and, as it turns out, all those identified except two) had reached the age of majority, and, in fact, no guardian was necessary to represent their interests.

Defense Counsel was Falsely Advised That the Non Prosecution Agreement Would Be Kept Confidential.

20. On September 24, Epstein and the USAO executed a Non Prosecution Agreement.
21. His attorneys asked Ms. Villafana to "please do whatever you can to keep this from becoming public." See Tab 27, September 24, 2007 Email from J. Lefkowitz to M. Villafana.
22. Ms. Villafana replied that she had "forwarded your message *only to Alex [Acosta], Andy [Lourie], and Rolando [Garcia].* I don't anticipate it going any further than that." *Id.*
23. Ms. Villafana stated that the agreement would be "placed in the case file, which will be kept confidential since it also contains identifying information about the girls." *Id.*

The Prosecution Immediately Notifies Three Plaintiffs That Mr. Epstein Has Executed A Non Prosecution Agreement

24. In direct violation of these representations, "shortly after the signing," the government notified "three victims" of the "general terms" of the Non Prosecution Agreement. See