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October 4, 2017

VIA ECF

Hon. John G. Koeltl
United States District Court
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

**Re: Jane Doe 43 v. Jeffrey Epstein, et al.
Civil Action No. 17-cv-616**

Dear Judge Koeltl:

We are counsel for Defendants Jeffrey Epstein and Lesley Groff in the above-referenced matter. We write jointly with Defendant Sarah Kellen (together, the "Defendants") to request an adjournment of the conference scheduled for October 10, 2017. This is our first request for adjournment of this conference.

As Your Honor may recall, the Court issued an Order on July 17, 2017 concerning the deposition and documents Plaintiff produced as a non-party witness in an action captioned *Giuffre v. Maxwell*, 15 Civ. 7433 (RWS), pending before Judge Robert Sweet ("July 17 Order" and "Jane Doe Evidence", respectively). Pursuant to the July 17 Order, we have sought consent from Plaintiff's counsel to use the Jane Doe Evidence, but with only limited success.

Specifically, on July 24, I spoke with Plaintiff's counsel Brad Edwards concerning the Jane Doe Evidence. I informed Mr. Edwards that we would like to make an application to Judge Sweet for relief from the Protective Order as it applies to the Jane Doe Evidence. On August 8, I wrote to Mr. Edwards reiterating our request. On August 10, Mr. Edwards informed me that he would consent to the use of Plaintiff's deposition she gave in the *Giuffre* matter, but that he would need an itemized list of the documents we want to use, even though the documents totaled only 557 pages. On August 17, I wrote to Mr. Edwards reiterating our belief that all of the Jane Doe Evidence is relevant to the Motions to Dismiss, but that I would nonetheless provide him with a list of the documents. On September 1, I wrote to Mr. Edwards and reiterated that we want to use all of the Jane Doe Evidence and provided him with copies of the documents that we want to use. We also detailed the reasons as to why the documents are relevant to the

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Defendants' contemplated Motions to Dismiss. On September 18, Plaintiff's counsel (whose response was delayed due to hurricane damages in Florida) agreed to allow Defendants to use Plaintiff's deposition and only some of the documents she produced, but Plaintiff would not, however, consent to the use of all of the Jane Doe Evidence.

On October 3, 2017, we submitted a letter motion to Judge Sweet seeking permission to file under seal a motion to modify the Protective Order entered in the *Giuffre* matter before him. On October 4, 2017, Judge Sweet granted the letter motion to file under seal. As a result, we will be filing tomorrow the motion seeking a modification of the Protective Order so as to permit the use of all of the Jane Doe Evidence to support Defendants' contemplated Motions to Dismiss ("Motion to Modify").¹

In view of the above, we believe that it would make sense to adjourn the conference Your Honor scheduled for October 10, 2017 pending a decision by Judge Sweet on the Motion to Modify. Once Judge Sweet issues his ruling, Defendants will submit their Motions to Dismiss within seven days of the ruling as provided for in the July 17 Order.

Even if the Court were not inclined to adjourn the conference pending Judge Sweet's ruling, Defendants request that the conference be scheduled for a date other than October 10. Counsel for both sets of Defendants have scheduling conflicts on that date.

Plaintiff has not agreed to an adjournment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael C. Miller".

Michael C. Miller
*Counsel for Defendants Jeffrey
Epstein and Lesley Groff*

¹ Once the motion to modify the Protective Order is submitted to Judge Sweet, we will provide Your Honor with a courtesy copy.