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October 4, 2018

VIA CM/ECF

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

**Re: *Jane Doe 43 v. Jeffrey Epstein, et al.*,
Case No.: 17-cv-00616 (JGK) – Letter Motion Seeking Pre-Motion
Conference**

Dear Judge Koeltl,

We write today to request a pre-motion conference, pursuant to Local Civil Rule 37.2 to seek the Court's guidance as to the location and timing of Defendant Maxwell's deposition.

The Court issued its Order denying Defendants' Motions to Dismiss on August 8, 2018. On August 10, 2018 Plaintiff noticed Defendant Maxwell's deposition for August 28, 2018 in New York City, where we believed the depositions should take place. (Plaintiff also noticed the depositions of all other defendants for dates in August and early September.) Ms. Maxwell's counsel informed us she was not available on August 28, 2018. (Each of the other defendant's counsel also stated our noticed dates were unacceptable.) We asked defendants' counsel to confer and propose dates that were acceptable to all of them since we were concerned that the defendants would use each others' asserted unavailability to unduly delay our depositions. It was also important that we have the opportunity to depose the defendants, who we were diligently trying to depose, before they took the deposition of our client, who they had not yet requested to depose.

Thereafter, we reached agreement on the dates for deposing certain of the defendants other than Ms. Maxwell. We also agreed to make Ms. Ransome available for deposition in New York on November 5 assuming we had completed our depositions of defendants by then. Plaintiff offered the following dates as options for the deposition of Ms. Maxwell to ensure we were able to complete her deposition before Ms. Ransome's: September 17, 18, 19, 20, 24, 25, 26, 28, October 11, 12, 15, 16, 17, 18, 19, 22, 25 and 26th. Because we could not get agreement on any of those dates, and because time was passing, Plaintiff noticed the deposition of Defendant Maxwell for October 15, 2018 in New York.



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Thereafter, Defendant Maxwell's counsel said she was unavailable on October 15, 2018. When asked about her availability for the numerous other dates Plaintiff offered in September and October, Defendant's counsel said she was only available on October 25th but insisted that the deposition be taken in London, rather than in New York. Plaintiff explained that the case is pending in the Southern District of New York and Plaintiff should not be required to travel to London to get the Defendant's deposition. We agreed to accommodate counsel for Mr. Epstein by having his deposition in Florida; however, we believe requiring counsel to go to London for Ms. Maxwell's deposition, particularly given how many alternative dates we offered and the fact that Ms. Maxwell resided in New York at the time of the events in question, was unreasonable. (We also note that defendants are requesting that Ms. Ransome's deposition be in New York, rather than in Spain where she resides.) If the Court determines it is appropriate for Ms. Maxwell to be deposed in New York, we are prepared to do so on October 25 or any other day in October other than October 29 and 30.

If the Court were to determine that it is appropriate for Ms. Maxwell to be deposed in London, we request that she be required to appear October 26, 27, 28, or 29. Mr. Boies, who is planning to depose Ms. Maxwell, has a longstanding mediation commitment in the United States on October 24, which would make it very difficult for him to take Ms. Maxwell's deposition in London on October 25.

We believe at least part of the defendants' motivation in making it difficult to depose Ms. Maxwell is to manipulate her deposition after Ms. Ransome's deposition. Accordingly, if it is not possible to depose Ms. Maxwell in either London or New York in October, we request that Ms. Ransome's deposition be delayed from November 5.

The parties conducted a meet and confer conference call on October 1, 2018, and have subsequently exchanged emails with respect to their relative positions. Unfortunately, we have been unable to resolve the issue without the Court's guidance.

Accordingly, Plaintiff respectfully requests a pre-motion discovery conference pursuant to Local Rule 37.2 and Your Honor's Individual Practice Rules.

Sincerely,

Sigrid S. McCawley
Sigrid S. McCawley

cc: All Counsel of Record
