



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 3, 2020

By Electronic Mail

Robert Glassman, Esq.
Panish Shea & Boyle LLP
11111 Santa Monica Boulevard, Suite 700
Los Angeles, CA 90025
[REDACTED]

Re: Request for Information Relating to Jeffrey Epstein

Dear Mr. Glassman:

I write in response to your letter dated June 8, 2020, seeking documents from the Department of Justice (“DOJ”) related to Jeffrey Epstein and plaintiff Jane Doe in *Jane Doe v. Indyke et al.*, No. 20-cv-484 (S.D.N.Y.). Because your request seeks information from Department of Justice (the “Department”) employees acquired during and as part of their performance of their official duties, your request is governed by certain Department regulations—commonly referred to as *Touhy* regulations—which, *inter alia*, prohibit any Department employee from disclosing such information “without prior approval of the proper Department official in accordance with §§ 16.24 and 16.25 of this part.” 28 C.F.R. § 16.22(a); *see also United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951); 28 C.F.R. § 16.21 *et seq.* The “proper official” in this case is Audrey Strauss, the Acting United States Attorney for the Southern District of New York.

The applicable *Touhy* regulations direct the Department to consider *inter alia*, “[w]hether . . . disclosure is appropriate under the rules of procedure governing the case or matter in which the demand arose.” 28 C.F.R. § 16.26(a)(1). The Department understands that there is an initial pretrial conference scheduled for August 5, 2020, in *Doe v. Indyke* and that the parties in that matter have already exchanged discovery demands and responses. *See* Scheduling Order dated July 21, 2020, ECF No. 57, *Doe v. Indyke et al.*, No. 20-cv-484 (S.D.N.Y.). In light of the potential for formal discovery demands to issue in connection with *Doe v. Indyke*, the Department has determined that disclosures in response to your pending request are appropriate at this time and in lieu of any formal discovery request.

The applicable *Touhy* regulations forbid, *inter alia*, “[d]isclosure [which] would violate a statute . . . or a rule of procedure, such as the grand jury secrecy rule,” 28 U.S.C. § 16.26(b)(1). Accordingly, the Department cannot provide any documents in its possession governed by the grand jury secrecy rules set forth in Federal Rule of Criminal Procedure 6(e). *See* 28 U.S.C. § 16.26(b)(1).

Mindful of these considerations, the Acting United States Attorney has authorized the Department to provide certain documents responsive to your request. Please find electronic versions of these documents enclosed. The password for these documents will be sent to you by separate cover.

The enclosed documents are as follows:

- Pages numbered USDOJ_0001-0040 are invoices from FedEx Corporation that reference your client. Information therein has been redacted to exclude references to third parties.
- Pages numbered USDOJ_0041-0052 are documents obtained through electronic search warrants that reference your client. Information therein has been redacted to exclude references to third parties.
- The page number USDOJ_0053 is a photo depicting your client obtained through a physical search of Jeffrey Epstein's residence.

Please contact me once you have had a chance to review this letter if you would like to discuss the issues herein further.

Sincerely,

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

By: /s/

Assistant United States Attorney