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March 8, 2021

VIA EMAIL

[REDACTED]

United States Attorney's Office
Southern District of New York

[REDACTED]
New York, NY 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)
Discovery request pertaining to FOIA productions

Dear Counsel:

I write to request certain discovery pursuant to Fed. R. Cr. P. 16.

Under Rule 16(a)(1)(E), I ask that you provide to us the documents produced by the FBI to news media, as described in *Radar Online v. FBI*, 17 Civ. 3956 (PGG). The FBI in New York released to *Radar Online* some 1,232 pages "relating to the FBI's investigation and prosecution of Jeffrey Edward Epstein." *Id.* at Dkt. 25, p. 1. According to a letter signed by your office, 181 pages were released in full and 1,051 were released with partial redactions. *Id.* at 2. Your office made these representations and therefore presumably is aware of the documents' existence and constructively aware that their contents relate to the FBI investigation and prosecution of Jeffrey Edward Epstein *and* relate to the investigation and prosecution of Ghislaine Maxwell. We perceive no legal basis for you to refuse to produce the records; the records have previously been released to a news media outlet, "relate to" the investigation and prosecution of Ms. Maxwell's alleged co-conspirator, and are in the government's "possession, custody, or control."

We also request that your office detail when each batch of documents, by Bates number or some other identifier, were released to *Radar Online*. The public availability of, for example, witness statements and other investigative materials is relevant to this case because we believe there have been efforts by certain witnesses to conform their testimony to the public statements and police reports made by other witnesses. It is relevant and material to Ms. Maxwell's defense to know when the FBI made any such witness statements (even if redacted) or other materials available to a tabloid news organization.

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March 8, 2021

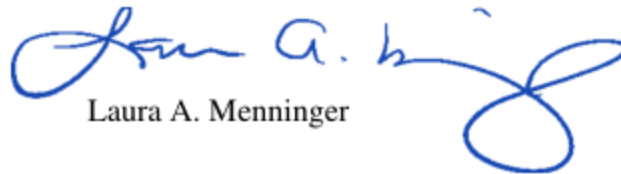
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Further, we request that you make inquiry of your "Prosecution Team," to include the USAO-SDNY, FBI-New York Office, and FBI Florida Office, regarding any other FOIA requests that have produced documents pertaining to any investigation of Jeffrey Epstein or Ghislaine Maxwell and produce to us the documents made public through the FOIA requests, the dates the documents were produced and the identity of the recipient of the documents.

Finally, in your letter to Judge Nathan of October 7, 2020, you represented that your "Prosecution Team . . . had no involvement in the Florida Investigation." (Dkt. 63 at 4.) You defined your "Prosecution Team" to include not only of the USAO-SDNY but also the FBI-New York Office. We believe that the FBI-New York Office participated in the USAO-SDFL investigation by, *inter alia*, arranging for interviews and testimony of certain New York witnesses between 2005 and 2010. We urge you to look again at your files to ascertain whether your statement to Judge Nathan was accurate and to produce any materials that reflect the involvement of the FBI-New York Office in the USAO-SDFL investigation.

Given that we are rapidly approaching trial, I ask that you please provide these materials by the end of the week, March 15, 2021.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Laura A. Menninger", with a large, stylized flourish at the end.

Laura A. Menninger

CC: Counsel of Record via Email