

EXHIBIT

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Re: JE negotiations

1 message

Jay Lefkowitz <JLefkowitz@kirkland.com>

Sun, Sep 16, 2007 at 11:44 AM

To: [REDACTED]

Yes. Will check it out this pm. Sending you various suggested edits shortly as well.

----- Original Message -----

From: "Ann Marie Villafana" [REDACTED]

Sent: 09/16/2007 11:41 AM AST

To: Jay Lefkowitz

Subject: Re: JE negotiations

Hi Jay -- I looked up some 11th Circuit cases on simple assault and found some good language. I also learned that, every moment that one is aboard an enclosed civil airplane, they are in the "special aircraft jurisdiction of the United States," so the assault charge is really a violation of 49 USC 46506, which doesn't change the penalties.

I have drafted up a factual proffer that I would use at the change of plea based upon our brief conversation and the agents' interaction with Ms. [REDACTED] at her home. The agents and I would need to speak with [REDACTED] briefly to confirm that these facts are true. Feel free to make suggestions.

On an "avoid the press" note, I believe that Mr. Epstein's airplane was in Miami on the day of the [REDACTED] telephone call. If he was in Miami-Dade County at the time, then I can file the charge in the District Court in Miami, which will hopefully cut the press coverage significantly. Do you want to check that out?

I will talk to you later. Thanks.

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