

FILED

July 01, 2020

TAMARA CHARLES
CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

GOVERNMENT OF THE UNITED STATES)
VIRGIN ISLANDS,)

Plaintiff,)

v.)

DARREN K. INDYKE, in his capacity as the)
EXECUTOR FOR THE ESTATE OF)
JEFFREY E. EPSTEIN and ADMINISTRATOR)
OF THE 1953 TRUST; RICHARD D. KAHN,)
in his capacity as the EXECUTOR FOR THE)
ESTATE OF JEFFREY E. EPSTEIN, and)
ADMINISTRATOR OF THE 1953 TRUST;)
ESTATE OF JEFFREY E. EPSTEIN, THE 1953)
TRUST, PLAN D, LLC; GREAT ST. JIM, LLC;)
NAUTILUS, INC.; HYPERION AIR, LLC;)
POPLAR, INC., SOUTHERN TRUST)
COMPANY, INC.; JOHN AND JANE DOES)

Defendants.)

CASE NO. ST-20-CV-014

ACTION FOR DAMAGES

**GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS’ REPLY BRIEF
IN SUPPORT OF MOTIONS FOR ISSUANCE OF LETTERS ROGATORY**

The Government of the United States Virgin Islands (“Government”) hereby replies to Defendants’ opposition to its Motions for Issuance of Letters Rogatory for the depositions of and production of documents by Cathy Alexander and Miles Alexander. The Government states in reply to Defendants’ opposition as follows.

INTRODUCTION

The Government alleges that Defendants—the Estate of Jeffrey E. Epstein, its co-executors, and various Epstein-controlled entities—violated the Criminally Influenced and Corrupt Organizations Act (“CICO”), 14 V.I.C. §§ 600 *et seq.*, by committing and conspiring to

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commit criminal human trafficking and many other criminal offenses in the Virgin Islands. *See* First Amended Complaint (“FAC”) ¶¶ 115-306 (Counts One to Twenty-Four).

Decedent Epstein for decades conducted an enterprise (the “Epstein Enterprise”) whereby he used his web of businesses in the Virgin Islands to transport female victims, many of them children, to his privately-owned Little St. James Island, where they were sexually abused, injured, and held captive. *Id.*, ¶¶ 5-6, 40-41. Flight logs show that between 2001 and 2019, Epstein and various Defendants transported girls and young women to the Virgin Islands and then helicoptered them to Little St. James. *Id.*, ¶ 46. Air traffic controller reports state that some victims appeared to be as young as 11 years old. *Id.*, ¶ 51. Epstein and his associates lured these girls and young women to his island with promises of modeling careers, but once they arrived, subjected them to sexual abuse and exploitation and held them in captivity. *Id.*, ¶ 49.

In its motions, the Government seeks issuance of letters rogatory to the Humansdorp Magistrate Court of South Africa requesting that the appropriate South African judicial authority compel the appearances for deposition and production of documents by Cathy Alexander and Miles Alexander, both residents of South Africa. The Alexanders both were employed by Epstein as the house managers for his residence on Little St. James Island from approximately 1999 to 2007. Motions, ¶ 3. Their employment for eight years at the scene of the alleged sex-trafficking and sexual abuse crimes makes them obvious sources of highly relevant information.

Defendants nonetheless oppose the Government’s motions for this third-party discovery, contending primarily that the Alexanders do not have knowledge of facts relevant to this case. The Court should reject Defendants’ arguments for two reasons. First, Defendants lack standing to object to the Government’s discovery against third parties. Second, standing aside, Defendants’

relevancy objections clearly are incorrect in light of the conduct alleged and the Alexanders' employment for eight years in direct proximity to this conduct.

ARGUMENT

A. Defendants Lack Standing to Object to Third-Party Discovery on Relevancy Grounds.

Defendants object to the Government's discovery from the Alexanders primarily on the grounds that it is "unlikely to yield any information that is 'relevant to any party's claim or defense.'" Opposition ("Opp.") at 4 (quoting V.I. R. Civ. P. (b)(1)). Defendants have no standing to raise this objection to discovery sought from third parties.

The Virgin Islands Rules of Civil Procedure provide solely for objections to third-party discovery to be made by the third party itself:

Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises – or to producing electronically stored information in the form or forms requested.

V.I. R. Civ. P. 45(d)(2)(B). Based upon this clear command, another Division of this Court recently rejected a defendant's objections to a plaintiff's third-party discovery, holding that "[o]bjections may not be raised on behalf of subpoenaed non-parties" and that, "[g]iven the plain language of the rule, the Defendants may not lodge objections on behalf of the non-parties." *Hodge v. Bobeck*, No. SX-08-cv-201, 2020 WL 3270328, at *3-4 (V.I. Super. Ct. June 12, 2020).

This holding is consistent with substantial federal case law likewise holding that a party does not have standing to raise relevancy or burden objections to discovery served on a third party. *See, e.g., Galloway v. Islands Mechanical Contractor, Inc.*, No. 2008-cv-071, 2013 WL 163985,

at *4 (D.V.I. Jan. 14, 2013) (“Here, the subpoenas at issue were directed at third parties, not the Defendant. Further, Defendant did not assert a claim of privilege or right with regard to the documents being sought from the third-party employers. Thus, Defendant lacks standing to move to quash the subpoenas.”); *Thomas v. Marina Assoc’s*, 202 F.R.D. 433, 434 (E.D. Pa. 2001) (“Generally speaking, a party does not have standing to quash a subpoena served on a third party.”) (quoting *Windsor v. Martindale*, 175 F.R.D. 665, 668 (D. Colo. 1997)).

It is true that party standing is not a jurisdictional requirement in this Virgin Islands Court. *See Benjamin v. AIG Ins. Co. of Puerto Rico*, 56 V.I. 558, 564-65 (2012) (“Because we are not an Article III court and 4 V.I.C. § 32, which sets out this Court’s jurisdiction over appeals from the Superior Court, does not include a case or controversy requirement, we now overrule any language in our older opinions indicating that standing is jurisdictional. Instead, standing, like mootness, functions in the courts of the Virgin Islands as a claims processing rule that is subject to waiver should the party asserting the issue fail to raise it in a timely manner.”). Here, however, the Government timely raises Defendants’ lack of standing in direct reply to their objections, and thus has not waived its requirements. The Court thus should hold, consistent with the foregoing authority, that Defendants’ lack of standing precludes their objection.

It is especially appropriate for the Court to hold that Defendants lack standing to object to the Government’s third-party discovery here because Defendants’ conduct throughout the case shows that their intent is not to advance arguments on the merits, but to obstruct *all* discovery. Defendants have refused for the past two months to provide any discovery to the Government, even though the Court has not stayed discovery and V.I. R. Civ. P. 26(d)(4) requires Defendants to participate in discovery in the absence of a stay. *See Gov’t Opp. to Motion to Stay Discovery*

and Cross-Motion to Compel Production of Documents (filed 5/11/20) at 6-7. Since Defendants' objection to the Government's third-party discovery is just more obstruction, the Court should hold that Defendants lack standing to object and should grant the Government's motion.

B. The Government Seeks Clearly Relevant Information in Any Event.

Defendants' lack of standing aside, the third-party discovery the Government seeks clearly involves information relevant to its claims. The Government alleges that Epstein and various Defendants conducted a criminal sex-trafficking enterprise whereby they transported young women and underage girls to Epstein's privately-owned Little St. James Island, where they subjected these women and girls to sexual abuse and exploitation and held them in captivity. *See* FAC ¶¶ 5-6, 40-61. The Alexanders both worked on the island as house managers of Epstein's residence for eight years. Motions, ¶ 3. They are thus very likely to have first-hand knowledge of Epstein's and Defendants' conduct on the island and of who visited the island. *Id.*

In disputing relevancy, Defendants repeat the argument made in their motion to dismiss that, because of CICO's five-year statute of limitations, the Government's claims can only cover the period from 2015 to 2020, which post-dates the Alexanders' employment from 1999 to 2007. *See* Opp. at 4. Defendants are incorrect that the Government's claims are so limited.¹

As set forth in the Government's opposition to the motion to dismiss, *see* Gov't Opp. (filed 6/11/20) at 14-18, CICO provides that "a civil proceeding or action under this section may be

¹ Moreover, even if the Government's claims were limited to the five years prior to its filing (which they are not for the reasons set forth below), the Estate still would wrongly seek to limit the discovery period to a claims period. Information that the Alexanders possess may assist the Government in identifying additional witnesses and victims who can help shed light on the Epstein Enterprise's later conduct. *See generally* V.I. R. Civ. P. 26(b)(1) ("Information within this scope of discovery need not be admissible in evidence to be discoverable."); *In re Asbestos, Catalyst & Silica Toxic Dust Exposure Litig.*, 68 V.I. 226, 240 (Super. Ct. 2018) ("[T]he scope of relevancy in deposition proceedings is broader than the scope of relevancy at trial.") (internal quotation marks and citation omitted).

commenced within five years after the conduct made unlawful under section 605 [Violations], or when the cause of action otherwise accrues or within any longer statutory period that may be applicable.” 14 V.I.C. § 607(h). This permits application of common law doctrines for tolling the statute of limitations, including the doctrines of fraudulent concealment and continuing violation, both of which apply based on the facts the Government alleges.

First, this Court has adopted the fraudulent concealment tolling doctrine, explaining its application as follows:

In order to toll the statute of limitations for fraudulent concealment, the plaintiff must allege and prove: (1) that the defendant affirmatively concealed or failed to disclose despite a duty to do so, material facts critical to plaintiff's cause of action; (2) that the defendant knew or had reason to know that the material fact had been concealed or suppressed; (3) that the defendant's conduct prevented plaintiff from discovering the nature of the claim within the limitations period; and (4) that the plaintiff could not have discovered the facts to identify the particular cause of action despite reasonable care and diligence.

Gerald v. R.J. Reynolds Tobacco Co., 68 V.I. 3, 136 (Super. Ct. 2017) (Dunston, P.J.) (citation omitted). Here, the Government alleges in detail the measures Epstein Enterprise participants took to conceal their criminal sex-trafficking and sexual abuse conduct. See FAC ¶¶ 25, 29, 66, 74-75 (use of privately-owned islands); ¶¶ 34, 36, 46-47 (use of private transport to the islands); ¶ 63 (use of charitable foundations to conceal victim compensation); ¶ 67 (use of straw purchaser in acquisition of Great St. James Island to conceal involvement of Epstein as sex-offender); ¶¶ 76-77, 90-91 (employee confidentiality requirements); ¶¶ 70, 81, 83 (obstruction of government investigation); ¶ 82 (deception as to Epstein's travel as sex offender); ¶¶ 105-113. These allegations provide a more-than sufficient basis for the Government's criminal sex-trafficking and

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sexual abuse allegations to relate back to the period from 1999 to 2007, when the Alexanders worked for Epstein on Little St. James Island where much of this conduct took place.

Second, under the continuing violations doctrine, “when a claim involves continuing or repeated conduct, the limitations period does not begin to run until the date of the last injury or when the wrongful conduct ceased.” *Brouillard v. DLJ Mortg. Capital, Inc.*, 63 V.I. 788, 796 (2015) (quotation marks and citations omitted). Here, too, the Government alleges facts showing that the Epstein Enterprise engaged in unlawful sex-trafficking conduct occurring continuously over the course of decades. *See* FAC, ¶¶ 34, 46-48, 51 (flight logs and other sources show repeated transport of underage girls and young women to Virgin Islands and then to Epstein’s private island between 2001 and 2019). Epstein Enterprise participants also engaged in continuous conduct to conceal their sex-trafficking during this period, especially in and after 2011 when Epstein was a registered sex offender. *See id.*, ¶¶ 73-92. So, too, did the Epstein Enterprise engage in continuous conduct to fraudulently obtain funding through Defendant Southern Trust Company’s tax fraud on the Government between 2012 and 2019. *See id.*, ¶¶ 104-114. These extensive allegations of continuing unlawful conduct between at least 1998 and 2019 also provide a more-than sufficient basis for the Government’s criminal sex-trafficking and sexual abuse allegations to relate back to the period from 1999 to 2007, when the Alexanders worked for Epstein on Little St. James Island where much of this conduct took place.²

² Defendants also contend that “[t]he Government effectively acknowledges that any information prior to 2015 is not relevant: the Government’s document subpoenas to the Alexanders define the relevant time period as January 1, 2015 to the present.” *Opp.* at 4 (citing subpoenas). The Government concedes no such thing. The Government’s proposed Letters Rogatory (Motions Ex’s A) do not contain this limitation. The subpoenas, which only have been served on Defendants, contained this limitation in error. The Government since has served amended subpoenas with corrected “Scope” provisions covering the period from January 1, 1998 to the present. *See Ex’s A-B* hereto (Amended Subpoenas).

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In sum, the Alexanders are very likely to have knowledge and/or documentation of highly probative information based on their eight years of employment as Epstein's house managers on Little St. James Island where much of the alleged criminal sex-trafficking and sexual abuse conduct took place. The Court thus should deny Defendants' relevancy objection and should issue the letters rogatory so that the Government may take this important third-party discovery.

C. The Court Also Should Reject Defendants' Privilege-Based Objection.

Defendants also assert without substantiation that the Government's discovery of the Alexanders' communications with Defendant Darren Indyke and/or Erika Kellerhals, both attorneys, is impermissible because "the vast majority of [these communications] are likely to be privileged and not a proper target of discovery." Opp. at 5. Defendants provide no evidence upon which the Court could find that any, let alone most, of these communications are likely to be privileged. The Court thus should permit the Government to take the requested discovery and should not rule upon any assertion of privilege unless and until there is a factual basis for it to make such a ruling.

This is precisely the process the civil rules provide for addressing questions of privilege that may arise after discovery is produced. Under Rule 26,

If information produced in discovery is subject to a claim of privilege or of protection as trial-preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

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V.I. R. Civ. P. 26(b)(5); *cf. Kansas City Power & Light Co. v. U.S.*, 132 Fed. Cl. 28, 45 (2017) (“If AEGIS has already complied with defendant’s subpoena, and if defendant is already in receipt of information the court later deems privileged, an appropriate protective order, with retroactive effect, will be jointly crafted by the parties . . . and then entered by the court.”).

The Court therefore should reject Defendants’ unsubstantiated privilege argument and should issue the letters rogatory for the Government to take depositions of the Alexanders and obtain the requested documents.

CONCLUSION

For all of the reasons set forth herein and in the moving papers, the Court should grant the Government’s motions for issuance of letters rogatory.

Respectfully submitted,

DENISE N. GEORGE, ESQUIRE
ATTORNEY GENERAL
VIRGIN ISLANDS DEPARTMENT OF JUSTICE

Dated: July 1, 2020

By: /s/ Carol Thomas-Jacobs
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that the foregoing **Government of the United States Virgin Islands' Reply Brief In Support of Motions for Issuance of Letters Rogatory** complies with the word and page requirements of V.I.R. Civ. P. 6-1(e) and a true and correct copy of the Reply was served via regular mail, postage prepaid, with a courtesy copy sent by email to counsel of record on July 1, 2020 to:

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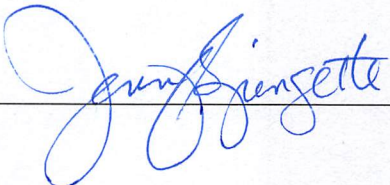


EXHIBIT A

*PLAINTIFF'S NOTICE OF AMENDED SUBPOENA DUCES TECUM TO CATHY ALEXANDER
Government of the United States Virgin Islands v. Darren K. Indyke, in his Capacity as
the Executor of the Estate of Jeffrey E. Epstein, et al.
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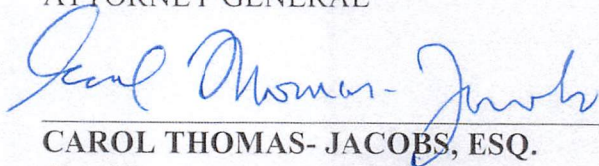
The sole amendment in the Amended Subpoena is to the "Scope" provision on page 10, which is amended to cover the period "January 1, 1998 to the present." The previous "Scope" period of January 1, 2015 to the present was stated in error.

You are invited to attend and participate as you deem appropriate.

Respectfully submitted,

DENISE N. GEORGE, ESQ.
ATTORNEY GENERAL

DATE: June 30, 2020



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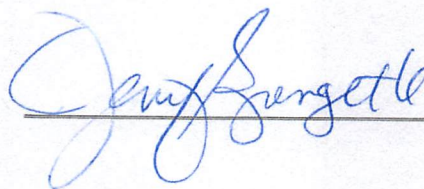
CERTIFICATE OF SERVICE

It is hereby certified that on this 30th day of June, 2020, a true and correct copy of the foregoing *Plaintiff's Notice of Amended Subpoena Duces Tecum to Cathy Alexander*, was duly served upon the following by electronic mail:

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**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
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GOVERNMENT OF THE UNITED STATES)
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DARREN K. INDYKE, in his capacity as the)
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TRUST, PLAN D, LLC; GREAT ST. JIM, LLC;)
NAUTILUS, INC.; HYPERION AIR, LLC;)
POPLAR, INC., SOUTHERN TRUST)
COMPANY, INC.; JOHN AND JANE DOES)

Defendants.)

CASE NO. ST-20-CV-014

ACTION FOR DAMAGES

PLAINTIFF'S AMENDED SUBPOENA TO THIRD-PARTY CATHY ALEXANDER

In accordance with Rule 45 of the Virgin Islands Rules of Civil Procedure, and pursuant to subpoena issued in the pending action *Government of the United States Virgin Islands v. Estate of Jeffrey E. Epstein, et al.*, ST-20-CV-014, before the Superior Court of the Virgin Islands, Division of St. Thomas and St. John, you, Cathy Alexander, are hereby commanded to produce and deliver all documents responsive to the Requests set forth below to Carol Thomas-Jacobs, Esq. within 30 days following receipt of this subpoena. If you have any questions, please contact Carol Thomas-Jacobs, Esq.

GENERAL INSTRUCTIONS

1. Documents shall be produced as they are kept in the usual course of business
2. For each document that you produce, produce the current version together with all earlier editions or predecessor documents during the relevant time period, even though the title of earlier documents may differ from current versions.
3. All attachments to responsive documents shall be produced attached to the responsive documents.
4. Format for documents produced electronically in response to these Requests:
 - a. Any documents produced in response to this Request should be provided as a Group 4 compression single-page "TIFF" image that reflects how the source document would have appeared if printed out to a printer attached to a computer viewing the file. Extracted text will be included in the manner provided herein. To the extent that extracted text does not exist, these images will be processed through Optical Character Recognition ("OCR") so that they are fully searchable. Extracted text and OCR will be provided in the DAT Concordance load file. "Load files" shall be produced to accompany the images and shall facilitate the use of the litigation support database system, Concordance, to review the produced images.
 - b. Document Unitization. Each page of a document shall be electronically converted into an image as described above. If a document is more than one page, the unitization of the document and any attachments and/or affixed notes shall be maintained as it existed in the original when creating the image file and appropriately designated in the load files. The corresponding parent/attachment

relationships, to the extent possible, shall be provided in the load files furnished with each production.

c. Bates Numbering. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") electronically branded onto the image at a location that does not obliterate, conceal, or interfere with any information from the source document. In order to ensure that the Bates Numbers do not obscure portions of the documents, the images may be proportionally reduced to create a larger margin in which the Bates Number may be branded. There shall be no other legend or stamp placed on the document image, except those sections of a document that are redacted to eliminate material protected from disclosure by the attorney-client or work product privileges shall have the legend "REDACTED" placed in the location where the redaction(s) occurred or shall otherwise note the location and/or location of the information for which such protections are claimed.

d. File Naming Conventions. Each document image file shall be named with the unique Bates Number of the page of the document in the case of single-page TIFFs, followed by the extension "TIF". Each document shall be named with a unique document identifier. Attachments shall have their own unique document identifiers.

e. Production Media. The documents should be produced on CD-ROM, DVD, external hard drive (with standard Windows PC compatible interface), (the "Production Media"). Each piece of Production Media shall identify a production number corresponding to the production "wave" the documents on the Production Media are associated with (e.g., "V001", "V002"), as well as the volume of the

material in that production wave (e.g., "-001", "-002"). For example, if the first production wave comprises document images on three hard drives, the Respondent shall label each hard drive in the following manner: "V001-001", "V001-002", "V001-003". Additional information that shall be identified on the physical Production Media shall include: (1) text referencing that it was produced in [Case Docket No.], (2) the producing party's name, (3) the production date, and (4) the Bates Number range of the materials contained on the Production Media.

f. Objective Coding/Extracted Meta Data. Respondent shall produce with each production of documents extracted meta data for each document (the "Objective Coding") included in the DAT load file. The data file shall include the fields and type of content set forth in the **SPECIAL INSTRUCTIONS** section. Objective Coding shall be labeled and produced on Production Media in accordance with the provisions set forth above.

g. Native format for Excel and databases. To the extent that such documents exist in Excel or another spreadsheet program, produce the document in its native format. To the extent that the document format constitutes a database created or maintained in Access or another software program, produce the document in its native format. If the database is based upon _proprietary software, produce whatever keys and instructions are necessary to review it.

5. Format for hard copies of documents produced in response to these Requests:
 - a. re-type the question or request to which the documents respond and firmly attach the documents to the re-typed request;

b. number all documents consecutively, consistently with the numbers used for the documents produced electronically;

c. you may, in lieu of producing original documents, produce photographic reproductions of documents, provided that the reproductions are accurate and legible, and provided that you retain the originals from which the reproductions were made until the final disposition of the matter; and

d. file the documents together with your response to the Request.

6. These Requests require you to produce all described documents in your possession, custody or control without regard to the person or persons by whom or for whom the documents were prepared (e.g., your employees, distributors or dealers, competitors, customers or others).

7. If any responsive document was, but no longer is, in your possession, custody or control, produce a description of each such document. The description shall include the following:

a. the name of each author, sender, creator, and initiator of such document;

b. the name of each recipient, addressee, or party for whom such document was intended;

c. the date the document was created;

d. the date(s) the document was in use;

e. the title of the document;

f. a detailed description of the content of the document;

g. the reason it is no longer in your possession, custody or control; and

h. the document's present whereabouts and custodian thereof.

8. In the event a document that is responsive to these requests is not in your possession but you have a right to obtain the document or a copy of the document from a third party, you must obtain it (or a copy) and produce it in response to these requests.

9. If the document is no longer in existence, in addition to providing the information indicated above, state on whose instructions the document was destroyed or otherwise disposed of, and the date and manner of the disposal.

10. If you withhold any responsive document, or portion thereof for any reason, including, but not limited to, a claim of privilege, provide a detailed log that contains the following information for each document that you have withheld:

a. the name of each author, writer, sender, creator, or initiator of such document;

b. the name of each recipient, addressee, or party for whom such document was intended;

c. the date of such document or an estimate thereof if no date appears on the document;

d. the general subject matter of the document; and

e. the claimed grounds for withholding the document, including, but not limited to, the nature of any claimed privilege and grounds in support thereof.

11. Produce documents in the order in which you maintained them in your files, in copies of their original file folders, labeled with the folder's original file labels.

12. Do not mask any portion of any document; produce the entire document.

13. Use of the present tense shall be construed to include the past tense and vice versa, to make the request inclusive rather than exclusive.

SPECIAL INSTRUCTIONS

Electronic documents should be produced in accordance with the following instructions:

1. Single page TIFFs at a 300 DPI resolution which are named for the Bates Number of the page. There should NOT be more than 1000 images per folder.
2. Document level text files containing OCR or extracted text named with the Bates Number of the first page of the document.
3. Data load file containing all of the metadata fields (both system and application — see list below) from the original Native documents — .dat for Concordance.
4. The Concordance .dat file of extracted metadata should be delimited with the Concordance default characters — ASCII 020 for the comma character and ASCII 254 for the quote character. The use of commas and quotes as delimiters is not acceptable.
5. The database field names should be included in the first line of the metadata file listed in the order they appear in the file.
6. An image load file for Concordance — such as ".opt."
7. For electronic documents created in Excel (spreadsheets) or Access (databases), provide those documents in Native format as well as a TIFF placeholder.
8. For all documents produced, provide the following:

Field #	Field Name	Format	Description
1	BEGDOCNO	Text	Image key of first page of document
2	ENDDOCNO	Text	Image key of last page of document
3	BEGATTACH	Text	For emails/attachments ONLY: Image key of the first page of the parent email. Please DO NOT populate these fields

Field #	Field Name	Format	Description
4	ENDATTACH	Text Image attachment.	For emails/attachments ONLY: key of the last page of the last Please DO NOT populate these fields for emails with no attachments.
5	CUSTODIAN	Text	Custodian from whom documents were collected (semi-colon delimited, if multiple entries)
6	AUTHOR	Text	Email "From" data or user/author name from electronic files
7	RECIPIENT	Text	Email "To" data (semi-colon delimited, if multiple entries)
8	CC	Text	Email "CC" data (semi-colon delimited, if multiple entries)
9	BCC	Text	Email "BCC" data (semi-colon delimited, if multiple entries)
10	MAIL SUBJECT	Text	Email subject. This value should be populated down to any children/attachments of the parent email.
11	MAILDATE	MM/DD/YYYY	Email date sent. This value should be populated down to any children/attachments of the parent email.
12	MAILTIME	HH:MM:SS	Email time sent, in military time. This value should be populated down to any children/attachments of the parent
13	ATTACHMENTS	Text	Semi-colon delimited list of the original file names of any attachments to an email
14	FILENAME	Text	For emails: Mail subject For attachments and e-files: File name from source media
15	HAS HVALUE	Text	Hash value generated for purposes of de-duplication if performed
16	REQUESTNO	Text	Request number to which the document is responsive.

DEFINITIONS

1. "All" shall be construed to include the collective as well as the singular and shall mean "each," "any," and "every."

2. "Document(s)" means any writing or any other tangible thing, whether printed, recorded (in audio, video, electronically or by any other means), reproduced by any process, or written or produced by hand, including, but not limited to, letters, memoranda, notes, opinions, books, reports, studies, agreements, statements, communications (including inter-company and intra-company communications), correspondence, telegrams, email, instant messages, chat logs, SMS, MMS or other "text" messages, posted information, messages, chat logs on "social networking" sites (including but not limited to, Facebook, Google+, MySpace and Twitter), logs, bookkeeping entries, summaries or records of personal conversations, diaries, calendars, telephone messages and logs, forecasts, photographs, images, tape recordings, models, statistical statements, graphs, laboratory and engineering reports, notebooks, charts, plans, drawings, minutes, bylaws, resolutions, records of conferences, expressions or statements of policy, lists of persons attending meetings or conferences, lists of clients or customers or suppliers, reports or summaries of interviews, opinions or reports of negotiations, brochures, pamphlets, advertisements, circulars, trade letters, press releases, drafts of any document and revisions of drafts of any document, and any other similar paper or record. The terms also include a copy of a document where the copy is not exactly the same as the original. The terms also include emails and other documents made or stored in electronic form, whether kept on computers, computer tapes, disks or drives, including Cloud storage, of any type, or other media upon which information may be recorded.

3. "Including" is used merely to emphasize that a request for certain types of documents or information should not be construed as limiting the request in any way.

4. "You," or "Your" means the third-party to whom these Requests are directed as well as all owners, officers, agents, general partners, limited partners, and employees thereof, and any predecessor, successor, parent, subsidiary, division, d/b/a and affiliated companies or other entities.

SCOPE

Except where otherwise indicated, these Requests cover the period January 1, 1998 to the present.

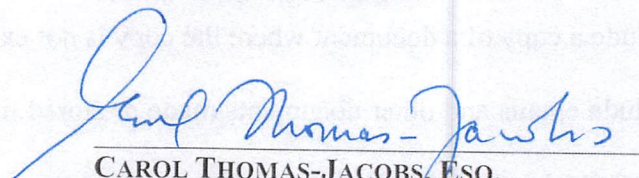
REQUESTS FOR PRODUCTION

REQUEST NO. 1. All Documents, Communications, and agreements related to your employment by Jeffrey Epstein, including but not limited to:

- a. Employment and severance agreements,
- b. Non-disclosure agreements,
- c. All payments, in any form, received from or on behalf of Jeffrey Epstein,
- d. All Communications with Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Erika Kellerhals, Richard D. Kahn, and Darren K. Indyke.

DENISE N. GEORGE, ESQ.
ATTORNEY GENERAL

June 30, 2020



CAROL THOMAS-JACOBS, ESQ.
Chief Deputy Attorney General
Virgin Islands Department of Justice
Office of the Attorney General
34-38 Kronprindsens Gade
G.E.R.S. Complex, 2nd Floor
St. Thomas, USVI 00802
(340) 774-5666 Ext. 359
carol.jacobs@doj.vi.gov

LINDA SINGER
MOTLEY RICE LLC
401 9th Street NW, Suite 1001
Washington, DC 20004
Tel: 202-232-5504
Fax: 202-386-9622
lsinger@motleyrice.com

Attorney for Plaintiff Government of the USVI

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

GOVERNMENT OF THE UNITED STATES
VIRGIN ISLANDS

Plaintiff,

v.

DARREN K. INDYKE, in his capacity as the EXECUTOR FOR THE ESTATE OF JEFFREY E. EPSTEIN and ADMINISTRATOR OF THE 1953 TRUST; RICHARD D. KAHN, in his capacity as THE EXECUTOR FOR THE ESTATE OF JEFFREY E. EPSTEIN, and ADMINISTRATOR OF THE 1953 TRUST; ESTATE OF JEFFREY E. EPSTEIN; THE 1953 TRUST; PLAN D. LLC; GREAT ST. JIM, LLC; NAUTILUS, INC.; HYPERION AIR, LLC; POPLAR, INC.; SOUTHERN TRUST COMPANY, INC.; JOHN AND JANE DOES

Defendant.

CASE NO. ST-20-CV-014

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Cathy Alexander: 7 Harmonie Crescent, Paradise Beach, Jeffreys Bay 6330, South Africa

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place: Carol Thomas-Jacobs, Esq. V.I. Department of Justice 34-38 Kronprindsens Gade GERS BLD, 2 nd floor St. Thomas, VI 00802	DATE AND TIME: Within 30 days following receipt of this subpoena.
--	--

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

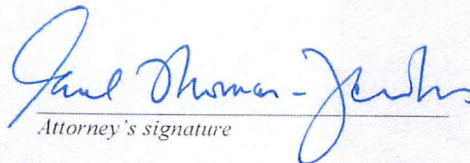
Place:	DATE AND TIME:
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The following provisions of V.I. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 6/30/2020

CLERK OF COURT

OR


Attorney's signature

Signature of Clerk or Deputy Clerk

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiff who issues or requests this subpoena, is: Carol Thomas-Jacobs, Esq., V.I. Department of Justice, 34-38 Kronprindsens Gade, GERS BLD, 2nd floor, St. Thomas, VI 00802

Notice to Other Parties before Service

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then at least 5 days before it is served on the person to whom it is directed -- a notice and a copy of the subpoena must be served on each party. V.I. R. Civ. P. 45(a)(4).

I received this subpoena for (name of individual and title, if any) _____
on (date) _____.

I served the subpoena by delivering a copy to the named person as follows: _____
On (date) _____; or

I returned the subpoena executed because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.

Rule 45 of the Virgin Islands Rules of Civil Procedure affords you the following protections:

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the division where the action is pending must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

- (A) ***Appearance Not Required.*** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) ***Objections.*** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply: (i) At any time, on notice to the commanded person, the serving party may move the court for the division where the action is pending for an order compelling production or inspection. (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

- (A) ***When Required.*** On timely motion, the court for the division where the action is pending must quash or modify a subpoena that: (i) fails to allow a reasonable time to comply; (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c); (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or (iv) subjects a person to undue burden.
- (B) ***When Permitted.*** To protect a person subject to or affected by a subpoena, the court where the action is pending may, on motion, quash or modify the subpoena if it requires: (i) disclosing a trade secret or other confidential research, development, or commercial information; or (ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party.
- (C) ***Specifying Conditions as an Alternative.*** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party: (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

- (A) ***Documents.*** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

- (B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.
- (D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must: (i) expressly make the claim; and (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the division where the action is pending for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(f) Contempt. The court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT B

*PLAINTIFF'S NOTICE OF AMENDED SUBPOENA DUCES TECUM TO MILES ALEXANDER
Government of the United States Virgin Islands v. Darren K. Indyke, in his Capacity as
the Executor of the Estate of Jeffrey E. Epstein, et al.
Case No. ST-20-CV-014
Page 2*

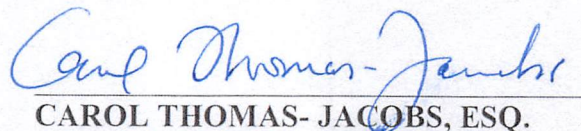
The sole amendment in the Amended Subpoena is to the "Scope" provision on page 10, which is amended to cover the period "January 1, 1998 to the present." The previous "Scope" period of January 1, 2015 to the present was stated in error.

You are invited to attend and participate as you deem appropriate.

Respectfully submitted,

DENISE N. GEORGE, ESQ.
ATTORNEY GENERAL

DATE: June 30, 2020



CAROL THOMAS-JACOBS, ESQ.
Chief Deputy Attorney General
Virgin Islands Department of Justice
Office of the Attorney General
34-38 Kronprindsens Gade
G.E.R.S. Complex, 2nd Floor
St. Thomas, USVI 00802
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Washington, DC 20004
Tel: 202-232-5504
Fax: 202-386-9622
lsinger@motleyrice.com

*Attorney for Plaintiff Government of the
USVI*

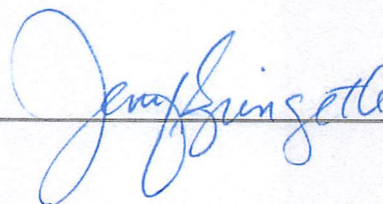
CERTIFICATE OF SERVICE

It is hereby certified that on this 30th day of June, 2020, a true and correct copy of the foregoing *Plaintiff's Notice of Amended Subpoena Duces Tecum to Miles Alexander*, was duly served upon the following by electronic mail:

CHRISTOPHER ALLEN KROBLIN, ESQ.
ANDREW W. HEYMANN, ESQ.,
WILLIAM BLUM, ESQ.
SHARI D'ANDRADE, ESQ.
KELLERHALS FERGUSON KROBLIN PLLC
Royal Palms Professional Building
9053 Estate Thomas, Suite 101
St. Thomas, V.I. 00802-3602
Email: ckroblin@kellfer.com
aheymann@solblum.com
wblum@solblum.com
sdandrade@kellfer.com
mwhalen@kellfer.com

DANIEL WEINER
MARC A. WEINSTEIN
HUGHES HUBBARD & REID, LLP
One Battery Park Plaza
New York, NY 10004-1482
Email: daniel.weiner@hugheshubbard.com
marc.weinstein@hugheshubbard.com

ANDREW TOMBACK
WHITE & CASE, LLP
1221 Avenue of the Americas
New York, New York 10020-1095
Email: andrew.tomback@whitecase.com



**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

GOVERNMENT OF THE UNITED STATES)
VIRGIN ISLANDS,)

Plaintiff,)

v.)

DARREN K. INDYKE, in his capacity as the)
EXECUTOR FOR THE ESTATE OF)
JEFFREY E. EPSTEIN and ADMINISTRATOR)
OF THE 1953 TRUST; RICHARD D. KAHN,)
in his capacity as the. EXECUTOR FOR THE)
ESTATE OF JEFFREY E. EPSTEIN, and)
ADMINISTRATOR OF THE 1953 TRUST;)
ESTATE OF JEFFREY E. EPSTEIN, THE 1953)
TRUST, PLAN D, LLC; GREAT ST. JIM, LLC;)
NAUTILUS, INC.; HYPERION AIR, LLC;)
POPLAR, INC., SOUTHERN TRUST)
COMPANY, INC.; JOHN AND JANE DOES)

Defendants.)

CASE NO. ST-20-CV-014

ACTION FOR DAMAGES

PLAINTIFF'S AMENDED SUBPOENA TO THIRD-PARTY MILES ALEXANDER

In accordance with Rule 45 of the Virgin Islands Rules of Civil Procedure, and pursuant to subpoena issued in the pending action *Government of the United States Virgin Islands v. Estate of Jeffrey E. Epstein, et al.*, ST-20-CV-014, before the Superior Court of the Virgin Islands, Division of St. Thomas and St. John, you, Miles Alexander, are hereby commanded to produce and deliver all documents responsive to the Requests set forth below to Carol Thomas-Jacobs, Esq. within 30 days following receipt of this subpoena. If you have any questions, please contact Carol Thomas-Jacobs, Esq.

GENERAL INSTRUCTIONS

1. Documents shall be produced as they are kept in the usual course of business
2. . For each document that you produce, produce the current version together with all earlier editions or predecessor documents during the relevant time period, even though the title of earlier documents may differ from current versions.
3. All attachments to responsive documents shall be produced attached to the responsive documents.
4. Format for documents produced electronically in response to these Requests:
 - a. Any documents produced in response to this Request should be provided as a Group 4 compression single-page "TIFF" image that reflects how the source document would have appeared if printed out to a printer attached to a computer viewing the file. Extracted text will be included in the manner provided herein. To the extent that extracted text does not exist, these images will be processed through Optical Character Recognition ("OCR") so that they are fully searchable. Extracted text and OCR will be provided in the DAT Concordance load file. "Load files" shall be produced to accompany the images and shall facilitate the use of the litigation support database system, Concordance, to review the produced images.
 - b. Document Unitization. Each page of a document shall be electronically converted into an image as described above. If a document is more than one page, the unitization of the document and any attachments and/or affixed notes shall be maintained as it existed in the original when creating the image file and appropriately designated in the load files. The corresponding parent/attachment

relationships, to the extent possible, shall be provided in the load files furnished with each production.

c. Bates Numbering. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") electronically branded onto the image at a location that does not obliterate, conceal, or interfere with any information from the source document. In order to ensure that the Bates Numbers do not obscure portions of the documents, the images may be proportionally reduced to create a larger margin in which the Bates Number may be branded. There shall be no other legend or stamp placed on the document image, except those sections of a document that are redacted to eliminate material protected from disclosure by the attorney-client or work product privileges shall have the legend "REDACTED" placed in the location where the redaction(s) occurred or shall otherwise note the location and/or location of the information for which such protections are claimed.

d. File Naming Conventions. Each document image file shall be named with the unique Bates Number of the page of the document in the case of single-page TIFFs, followed by the extension "TIF". Each document shall be named with a unique document identifier. Attachments shall have their own unique document identifiers.

e. Production Media. The documents should be produced on CD-ROM, DVD, external hard drive (with standard Windows PC compatible interface), (the "Production Media"). Each piece of Production Media shall identify a production number corresponding to the production "wave" the documents on the Production Media are associated with (e.g., "V001", "V002"), as well as the volume of the

material in that production wave (e.g., "-001", "-002"). For example, if the first production wave comprises document images on three hard drives, the Respondent shall label each hard drive in the following manner: "V001-001", "V001-002", "V001-003". Additional information that shall be identified on the physical Production Media shall include: (1) text referencing that it was produced in [Case Docket No.], (2) the producing party's name, (3) the production date, and (4) the Bates Number range of the materials contained on the Production Media.

f. Objective Coding/Extracted Meta Data. Respondent shall produce with each production of documents extracted meta data for each document (the "Objective Coding") included in the DAT load file. The data file shall include the fields and type of content set forth in the SPECIAL INSTRUCTIONS section. Objective Coding shall be labeled and produced on Production Media in accordance with the provisions set forth above.

g. Native format for Excel and databases. To the extent that such documents exist in Excel or another spreadsheet program, produce the document in its native format. To the extent that the document format constitutes a database created or maintained in Access or another software program, produce the document in its native format. If the database is based upon proprietary software, produce whatever keys and instructions are necessary to review it.

5. Format for hard copies of documents produced in response to these Requests:

a. re-type the question or request to which the documents respond and firmly attach the documents to the re-typed request;

- b. number all documents consecutively, consistently with the numbers used for the documents produced electronically;
- c. you may, in lieu of producing original documents, produce photographic reproductions of documents, provided that the reproductions are accurate and legible, and provided that you retain the originals from which the reproductions were made until the final disposition of the matter; and
- d. file the documents together with your response to the Request.

6. These Requests require you to produce all described documents in your possession, custody or control without regard to the person or persons by whom or for whom the documents were prepared (e.g., your employees, distributors or dealers, competitors, customers or others).

7. If any responsive document was, but no longer is, in your possession, custody or control, produce a description of each such document. The description shall include the following:

- a. the name of each author, sender, creator, and initiator of such document;
- b. the name of each recipient, addressee, or party for whom such document was intended;
- c. the date the document was created;
- d. the date(s) the document was in use;
- e. the title of the document;
- f. a detailed description of the content of the document;
- g. the reason it is no longer in your possession, custody or control; and
- h. the document's present whereabouts and custodian thereof.

8. In the event a document that is responsive to these requests is not in your possession but you have a right to obtain the document or a copy of the document from a third party, you must obtain it (or a copy) and produce it in response to these requests.

9. If the document is no longer in existence, in addition to providing the information indicated above, state on whose instructions the document was destroyed or otherwise disposed of, and the date and manner of the disposal.

10. If you withhold any responsive document, or portion thereof for any reason, including, but not limited to, a claim of privilege, provide a detailed log that contains the following information for each document that you have withheld:

a. the name of each author, writer, sender, creator, or initiator of such document;

b. the name of each recipient, addressee, or party for whom such document was intended;

c. the date of such document or an estimate thereof if no date appears on the document;

d. the general subject matter of the document; and

e. the claimed grounds for withholding the document, including, but not limited to, the nature of any claimed privilege and grounds in support thereof.

11. Produce documents in the order in which you maintained them in your files, in copies of their original file folders, labeled with the folder's original file labels.

12. Do not mask any portion of any document; produce the entire document.

13. Use of the present tense shall be construed to include the past tense and vice versa, to make the request inclusive rather than exclusive.

SPECIAL INSTRUCTIONS

Electronic documents should be produced in accordance with the following instructions:

1. Single page TIFFs at a 300 DPI resolution which are named for the Bates Number of the page. There should NOT be more than 1000 images per folder.
2. Document level text files containing OCR or extracted text named with the Bates Number of the first page of the document.
3. Data load file containing all of the metadata fields (both system and application — see list below) from the original Native documents — .dat for Concordance.
4. The Concordance .dat file of extracted metadata should be delimited with the Concordance default characters — ASCII 020 for the comma character and ASCII 254 for the quote character. The use of commas and quotes as delimiters is not acceptable.
5. The database field names should be included in the first line of the metadata file listed in the order they appear in the file.
6. An image load file for Concordance — such as ".opt."
7. For electronic documents created in Excel (spreadsheets) or Access (databases), provide those documents in Native format as well as a TIFF placeholder.
8. For all documents produced, provide the following:

Field #	Field Name	Format	Description
1	BEGDOCNO	Text	Image key of first page of document
2	ENDDOCNO	Text	Image key of last page of document
3	BEGATTACH	Text	For emails/attachments ONLY: Image key of the first page of the parent email. Please DO NOT populate these fields

Field	Field Name	Format	Description
4	ENDATTACH	Text attachment.	For emails/attachments ONLY: Image key of the last page of the last Please DO NOT populate these fields for emails with no attachments.
5	CUSTODIAN	Text	Custodian from whom documents were collected (semi-colon delimited, if multiple entries)
6	AUTHOR	Text	Email "From" data or user/author name from electronic files
7	RECIPIENT	Text	Email "To" data (semi-colon delimited, if multiple entries)
8	CC	Text	Email "CC" data (semi-colon delimited, if multiple entries)
9	BCC	Text	Email "BCC" data (semi-colon delimited, if multiple entries)
10	MAILSUBJECT	Text	Email subject. This value should be populated down to any children/attachments of the parent email.
11	MAILDATE	MM/DD/YYYY	Email date sent. This value should be populated down to any children/attachments of the parent email.
12	MAILTIME	HH:MM:SS	Email time sent, in military time. This value should be populated down to any children/attachments of the parent
13	ATTACHMENTS	Text	Semi-colon delimited list of the original file names of any attachments to an email
14	FILENAME	Text	For emails: Mail subject For attachments and e-files: File name from source media
15	HASHVALUE	Text	Hash value generated for purposes of de-duplication if performed
16	REQUESTNO	Text	Request number to which the document is responsive.

DEFINITIONS

1. "All" shall be construed to include the collective as well as the singular and shall mean "each," "any," and "every."
2. "Document(s)" means any writing or any other tangible thing, whether printed, recorded (in audio, video, electronically or by any other means), reproduced by any process, or written or produced by hand, including, but not limited to, letters, memoranda, notes, opinions, books, reports, studies, agreements, statements, communications (including inter-company and intra-company communications), correspondence, telegrams, email, instant messages, chat logs, SMS, MMS or other "text" messages, posted information, messages, chat logs on "social networking" sites (including but not limited to, Facebook, Google+, MySpace and Twitter), logs, bookkeeping entries, summaries or records of personal conversations, diaries, calendars, telephone messages and logs, forecasts, photographs, images, tape recordings, models, statistical statements, graphs, laboratory and engineering reports, notebooks, charts, plans, drawings, minutes, bylaws, resolutions, records of conferences, expressions or statements of policy, lists of persons attending meetings or conferences, lists of clients or customers or suppliers, reports or summaries of interviews, opinions or reports of negotiations, brochures, pamphlets, advertisements, circulars, trade letters, press releases, drafts of any document and revisions of drafts of any document, and any other similar paper or record. The terms also include a copy of a document where the copy is not exactly the same as the original. The terms also include emails and other documents made or stored in electronic form, whether kept on computers, computer tapes, disks or drives, including Cloud storage, of any type, or other media upon which information may be recorded.
3. "Including" is used merely to emphasize that a request for certain types of documents or information should not be construed as limiting the request in any way.

4. "You," or "Your" means the third-party to whom these Requests are directed as well as all owners, officers, agents, general partners, limited partners, and employees thereof, and any predecessor, successor, parent, subsidiary, division, d/b/a and affiliated companies or other entities.

SCOPE

Except where otherwise indicated, these Requests cover the period January 1, 1998 to the present.

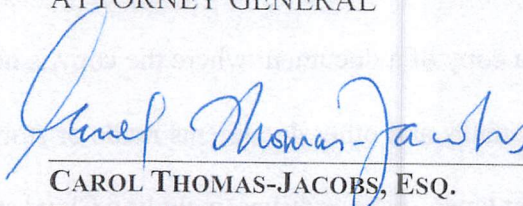
REQUESTS FOR PRODUCTION

REQUEST NO. 1. All Documents, Communications, and agreements related to your employment by Jeffrey Epstein, including but not limited to:

- a. Employment and severance agreements,
- b. Non-disclosure agreements,
- c. All payments, in any form, received from or on behalf of Jeffrey Epstein,
- d. All Communications with Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Erika Kellerhals, Richard D. Kahn, and Darren K. Indyke.

DENISE N. GEORGE, ESQ.
ATTORNEY GENERAL

June 30, 2020



CAROL THOMAS-JACOBS, ESQ.
Deputy Attorney General
Virgin Islands Department of Justice
Office of the Attorney General
34-38 Kronprindsens Gade
G.E.R.S. Complex, 2nd Floor
St. Thomas, USVI 00802
(340) 774-5666 Ext. 359
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Attorney for Plaintiff Government of the USVI

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

GOVERNMENT OF THE UNITED STATES
VIRGIN ISLANDS

Plaintiff,

v.

DARREN K. INDYKE, in his capacity as the EXECUTOR FOR THE ESTATE OF JEFFREY E. EPSTEIN and ADMINISTRATOR OF THE 1953 TRUST; RICHARD D. KAHN, in his capacity as THE EXECUTOR FOR THE ESTATE OF JEFFREY E. EPSTEIN, and ADMINISTRATOR OF THE 1953 TRUST; ESTATE OF JEFFREY E. EPSTEIN; THE 1953 TRUST; PLAN D. LLC; GREAT ST. JIM, LLC; NAUTILUS, INC.; HYPERION AIR, LLC; POPLAR, INC.; SOUTHERN TRUST COMPANY, INC.; JOHN AND JANE DOES

Defendant.

CASE NO. ST-20-CV-014

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Miles Alexander: 7 Harmonie Crescent, Paradise Beach, Jeffreys Bay 6330, South Africa

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place: Carol Thomas-Jacobs, Esq. V.I. Department of Justice 34-38 Kronprindsens Gade GERS BLD, 2 nd floor St. Thomas, VI 00802	DATE AND TIME: Within 30 days following receipt of this subpoena.
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Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

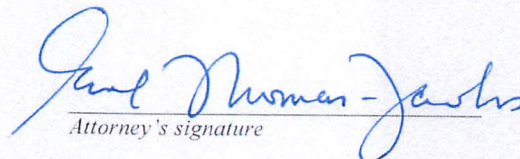
Place:	DATE AND TIME:
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The following provisions of V.I. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 6/30/2020

CLERK OF COURT

OR


Attorney's signature

Signature of Clerk or Deputy Clerk

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiff who issues or requests this subpoena, is: Carol Thomas-Jacobs, Esq., V.I. Department of Justice, 34-38 Kronprindsens Gade, GERS BLD, 2nd floor, St. Thomas, VI 00802

Notice to Other Parties before Service

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then at least 5 days before it is served on the person to whom it is directed -- a notice and a copy of the subpoena must be served on each party. V.I. R. Civ. P. 45(a)(4).

I received this subpoena for (name of individual and title, if any) _____
on (date) _____.

I served the subpoena by delivering a copy to the named person as follows: _____
On (date) _____; or

I returned the subpoena executed because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.

Rule 45 of the Virgin Islands Rules of Civil Procedure affords you the following protections:

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the division where the action is pending must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

- (A) ***Appearance Not Required.*** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) ***Objections.*** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply: (i) At any time, on notice to the commanded person, the serving party may move the court for the division where the action is pending for an order compelling production or inspection. (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

- (A) ***When Required.*** On timely motion, the court for the division where the action is pending must quash or modify a subpoena that: (i) fails to allow a reasonable time to comply; (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c); (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or (iv) subjects a person to undue burden.
- (B) ***When Permitted.*** To protect a person subject to or affected by a subpoena, the court where the action is pending may, on motion, quash or modify the subpoena if it requires: (i) disclosing a trade secret or other confidential research, development, or commercial information; or (ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party.
- (C) ***Specifying Conditions as an Alternative.*** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party: (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

- (A) ***Documents.*** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

- (B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.
- (D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must: (i) expressly make the claim; and (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the division where the action is pending for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(f) Contempt. The court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.