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"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

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CONFIDENTIAL – FILED UNDER SEAL

July 18, 2023

BY ECF

Hon. Jed S. Rakoff
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Government of the U.S. Virgin Islands v. JPMorgan Chase Bank, N.A.*
Case No. 1:22-cv-10904-JSR (S.D.N.Y.)
Motion Regarding JPMorgan’s Late and Incomplete Responses Concerning
2019 Timeline of Transactional Activity

Dear Judge Rakoff:

On the Wednesday, July 5, 2023 teleconference, the Court heard argument on JPMorgan’s responses to USVI’s discovery requests and queries concerning a “timeline” of transactional history that was integrated with a summary of communications between JPMorgan senior executives and Jeffrey Epstein that JPMorgan prepared in 2019. Despite its obvious relevance, JPMorgan did not disclose the existence of this communications summary until the end of fact discovery and did not produce the timeline until one month after the end of fact discovery. The parties have been working cooperatively over the past two weeks to discuss and address the USVI’s concerns to obviate or narrow the need for court intervention. During that time, JPMorgan responded to the USVI’s questions but did not produce the transactional data identified in the timeline until July 14th. It is now refusing to respond to the USVI’s questions regarding the transactional data, which reveals JPMorgan handled more than \$1.1 million in payments from Epstein to girls or women—many with Eastern European surnames—*after* Epstein was terminated by JPMorgan, including over \$320,000 in payments to numerous individuals for whom JPMorgan had not previously identified payments. As laid out below, this information was both directly responsive to the USVI’s discovery requests and relevant to its expert reports and depositions and JPMorgan’s purported statute of limitations defense.

On or about May 30, 2023, JPMorgan produced internal email correspondence dated October 27-28, 2019 with the subject line: “Project Jeep Current Review.” (Jeep refers to the Jeffrey Ep\ Epstein Project.) These emails referenced both an attached “summary of the e-comms



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review that Trade Surveillance conducted regarding Epstein and Staley” and a “timeline combining the e-comms with the relevant transactional activity” that was created by JPMorgan employee [REDACTED]. JPMorgan did not produce the referenced timeline of Epstein and Staley transactions with this or any other document production.

On June 5, 2023, the USVI specifically requested the referenced “timeline” of Epstein and Staley transactions and identified it as being obviously responsive to USVI’s discovery requests.

When JPMorgan did not respond, USVI sent reminder emails about this matter on June 7, June 16, June 20, and June 23, 2023. JPMorgan responded on June 24, 2023, stating that “[w]e have located the information, but it is not easily extracted” and that “we think it will all be solvable and we should be able to produce it this week.”

On the afternoon of Friday, June 30, 2023, one month after the end of fact discovery, JPMorgan produced a spreadsheet listing the dates, beneficiaries—but not senders—and dollar values of over 9,000 transactions payable to Epstein-related persons that occurred between 2005 and 2019 and had a combined value of over \$2.4 billion. Many of the entries reflected accounts and payments, numbering in the thousands and totaling in the hundreds of millions of dollars in value, of which USVI had no prior knowledge or information from JPMorgan’s responses and productions during the fact discovery period.

After considerable back and forth and a meet and confer regarding the data underlying the timeline, on July 14, 2023, JPMorgan produced a spreadsheet with additional fields for the transactions in the timeline spreadsheet, including fields showing the senders and dates of payments (relevant email communication attached as Exhibit A). The data includes transactions from multiple Epstein-related individuals, including Jes Staley, Boris Nikolic, and Leon Black, that JPMorgan never previously disclosed. The data also reveals that JPMorgan processed more than \$1.1 million in payments from Epstein to girls or women—many with Eastern European surnames—after Epstein was terminated by JPMorgan, including over \$320,000 in payments to Eastern European women for whom JPMorgan had not previously identified payments. This information is directly responsive to numerous discovery requests, including Requests 13, 19, 20, 24, and 38-39 (attached collectively as Exhibit B) that seek documents concerning JPMorgan’s knowledge that Epstein was engaged in human trafficking, JPMorgan’s monitoring of Epstein’s accounts, retrospective analyses relating to Epstein, and financial records for Epstein-related individuals.

JPMorgan claims this information was not disclosed earlier because it was not in a custodial production and/or did not relate to individuals specifically identified by the USVI as related to Epstein. The USVI has repeatedly made clear that its discovery requests are not limited to individuals it specifically identified as being related to Epstein. The USVI specifically identified



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the individuals it knew were related to Epstein to make its discovery requests clearer—not relieve JPMorgan of its duty to produce known relevant documents. *See, e.g., Gardner-Alfred v. Fed. Reserve Bank of N.Y.*, 22-cv-01585 (LJL), 2023 WL 3495091, at *15 (S.D.N.Y. May 17, 2023) (“the producing party, even absent agreement or discussion about the appropriate terms, still has an independent obligation to craft search terms to fulfill the requirements of Rules 26 and 34”); *The Raine Group LLC v. Reign Capital, LLC*, No. 21-CV-1898 (JPC) (KHP), 2022 WL 538336, at *1 (S.D.N.Y. Feb. 22, 2022) (“the producing party must search custodians and locations it identifies on its own as sources for relevant information as part of its obligations under Rules 26 and 34”). Thus, there is no legitimate reason for JPMorgan failing to identify payments to girls or women the bank itself identified as being related to Epstein—and potential evidence of Epstein’s sex trafficking venture—*years* before receiving the USVI’s discovery requests.

It is still unclear whether JPMorgan has disclosed all payments from Epstein to girls or women or other information relating to the review JPMorgan conducted after Epstein’s 2019 arrest. Even if it has, the USVI has not been able to question any witnesses regarding these newly disclosed payments or provide them to experts for inclusion in their reports. When the USVI raised these concerns, JPMorgan’s counsel said they were willing to consider a narrow data request that fully resolves all open issues but otherwise believed we reached impasse (relevant email communication attached as Exhibit C). The USVI does not believe, at this late date, with so many issues left unresolved, that further negotiation amongst the parties would be productive.

Thus, the USVI requests that the Court order the following relief:

1. JPMorgan must produce the following to the USVI within 5 days: (1) all documents and information concerning Project Jeep or any other investigation that occurred after Epstein’s 2019 arrest; and (2) all financial records for any newly disclosed girls or women to whom Epstein made payments. To the extent JPMorgan has already produced the relevant documents and information, JPMorgan shall provide a written certification to the USVI stating that fact.
2. JPMorgan shall stipulate that any newly produced documents described above are admissible as business records or provide a corporate representative to testify regarding the documents in a two hour deposition.
3. The USVI shall have 5 days following JPMorgan’s last production of relevant documents to supplement its expert reports.
4. The Court should impose monetary sanctions against JPMorgan as the Court deems appropriate. This is particularly appropriate given the pattern of late



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disclosure previously noted by the Court (relevant email from Court attached as Exhibit D).

Respectfully submitted,

/s/ Linda Singer
Linda Singer

cc: Counsel of record (via ECF)

EXHIBIT C

Marvin, Cynthia

From: Tuttle Newman, Jake <Jacob.TuttleNewman@wilmerhale.com>
Sent: Tuesday, July 18, 2023 10:20 AM
To: Boggs, Paige; WHJPMCSERVICE
Cc: Ackerman, David; Arnold, Andrew P.; Austin, Brendan; Boggs, Paige; Botto, Jessica; Camputaro, Elizabeth A.; Forster, Jenna; Fu, Abigail; Karafian, Nicole; Klink, Rachel; Liu, Mimi Y; Loper, Charlotte; Marvin, Cynthia; Narwold, Bill; Oliver, Meghan; Quirk, Michael; Rublee, Laura; Singer, Linda; Wohlgemuth, Stephen; Schiffmann, Eden
Subject: RE: Friday's Production

CAUTION:EXTERNAL

Paige,

We have now had multiple meet-and-confers and email conversations, and, in the interest in trying to avoid a discovery dispute, JPMC has produced voluminous data that we maintain it had no obligation to produce.

The assertions in your email are incorrect and/or misleading, but it's not constructive for us to continue fighting about them. The salient point is that, from our perspective, the USVI has been moving goal posts on this issue with continual requests for more and attempts to reopen closed issues.

If you have a narrow data request that fully resolves all open issues, we are willing to consider it with our client. But we are not interested in re-opening discovery, entering into stipulations, or continuing to litigate discovery.

Let me know if you have interest in that, but we have otherwise reached impasse.

Jake

Jake Tuttle Newman | WilmerHale

he/him/his

617.526.6426

From: Boggs, Paige <pboggs@motleyrice.com>
Sent: Monday, July 17, 2023 1:58 PM
To: WHJPMCSERVICE [REDACTED]
Cc: dackerman@motleyrice.com; Arnold, Andrew P. <aarnold@motleyrice.com>; Austin, Brendan <baustin@motleyrice.com>; pboggs@motleyrice.com; Botto, Jessica <jbotto@motleyrice.com>; Camputaro, Elizabeth A. <ecamputaro@motleyrice.com>; Forster, Jenna <jforster@motleyrice.com>; Fu, Abigail <afu@motleyrice.com>; Karafian, Nicole <nkarafian@motleyrice.com>; Klink, Rachel <rklink@motleyrice.com>; Liu, Mimi Y <mliu@motleyrice.com>; Loper, Charlotte <cloper@motleyrice.com>; Marvin, Cynthia <marvin@motleyrice.com>; bnarwold@motleyrice.com; Oliver, Meghan <moliver@motleyrice.com>; Quirk, Michael <mquirk@motleyrice.com>; Rublee, Laura <lrublee@motleyrice.com>; lsinger@motleyrice.com; Wohlgemuth, Stephen <SWohlgemuth@wc.com>; Schiffmann, Eden <ESchiffmann@wc.com>
Subject: Friday's Production

EXTERNAL SENDER

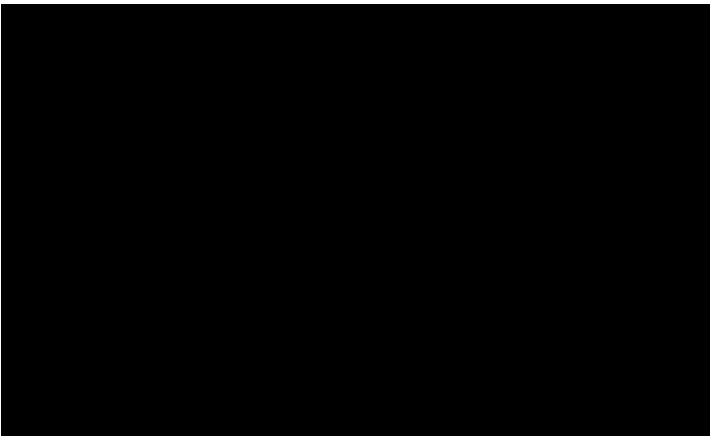
Counsel,

We have had a chance to review the data produced Friday evening. Troublingly, the data reveals that JPMorgan processed substantial payments to girls or women from Epstein even after Epstein was terminated by JPMorgan, including numerous individuals for whom JPMorgan had not previously identified payments. As we have previously noted, this information was responsive to numerous discovery requests, including Requests 13, 19, 20, 24, and 38-39, and should have been produced during the discovery period.

You have asserted that this information was not identified earlier because it was not in a custodial production and/or did not relate to individuals identified by the USVI as Epstein-related accounts. As we have made clear, JPMorgan had an obligation to search non-custodial sources and to search for documents related to individuals it believed to be related to Epstein, whether or not the USVI identified that person. Moreover, your recently-disclosed documents show that JPMorgan internally made the connection between Epstein and these individuals years before the Government issued its discovery requests.

As this production made clear, JPMorgan has identified numerous girls or women to whom Epstein made payments but did not produce their account statements or related information. To confirm that no other responsive information has been missed, in light of this late disclosure, we would like JPMorgan to identify the non-custodial sources it identified and searched and the individuals and entities, beyond those identified by the USVI, that JPMorgan searched as Epstein-related.

Specifically, we want confirmation that financial records for the following individuals have either been produced or shortly will be produced:



(Note that we do not limit our prior request to these individuals, but want to make sure that they are addressed in your response.)

Please also confirm that all documents and data related to Project JEEP or any other investigation that occurred after Epstein's 2019 arrest have now been identified and disclosed. To the extent that you are withholding any information as privileged or otherwise, please explain what you have not produced and why.

In addition, we assume that JPMorgan has no objection to the USVI supplementing its expert reports to reflect this information. Please let us know if that is not the case.

You previously indicated that you would not provide a deponent related to this data source. Please confirm that this remains your position. If the USVI agrees not to seek an additional deponent, will you agree that you will stipulate that the data you produced is admissible as a business record?

You also represented that you would further investigate whether any of the data related to the individuals searched was not included in the data you sent. Have you reached resolution on that question? Relatedly, have you concluded your investigation regarding additional payments to the girls or women identified above? To the extent you identify additional individuals or additional payments from Epstein to previously disclosed individuals, the USVI requests the relevant financial records.

Please provide your answers by 6 pm today, given tomorrow's briefing deadline. We are available this afternoon to meet and confer.

Best,

Paige



Paige Boggs Attorney at Law

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