



January 27, 2021

VIA ECF

The Honorable Loretta A. Preska
District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: **Giuffre v. Maxwell, Case No. 15-cv-7433-LAP**

Dear Judge Preska,

Pursuant to the Court's orders dated January 19 and January 26, 2021 (ECF No. 1193), Plaintiff files the documents ordered unsealed listed in Exhibit F to Defendant's Reply Memorandum of Law in Further Support of Objections to Unsealing Sealed Materials Related to Docket Entries 231, 279, 315, 320, and 335 (ECF No. 1167-2), as attachments hereto. Material subject to this Court's January 26, 2021, order remains redacted. ECF No. 1193.

Sincerely,

/s/ Sigrid McCawley

Sigrid S. McCawley, Esq.

cc: Counsel of Record (via ECF)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
VIRGINIA L. GIUFFRE,
Plaintiff,
v.
GHISLAINE MAXWELL,
Defendant.
-----X

15-cv-07433-RWS

**DEFENDANT’S SUBMISSION REGARDING “SEARCH TERMS” AND NOTICE OF
COMPLIANCE WITH COURT ORDER
CONCERNING FORENSIC EXAMINATION OF DEVICES**

Laura A. Menninger
Jeffrey S. Pagliuca
HADDON, MORGAN, AND FOREMAN, P.C.
East 10th Avenue
Denver, CO 80203
303.831.7364

Defendant Ghislaine Maxwell (“Ms. Maxwell”) respectfully files the following Submission Concerning Search Terms and Notice of Compliance with Court Order regarding Forensic Examination of Devices, as follows:

INTRODUCTION

Defense counsel has already run the amended list of search terms proposed by Plaintiff on each applicable device and as to each email account to which Ms. Maxwell has access. Based on those searches, not one single additional responsive and non-privileged document has been identified. Ms. Maxwell’s original search for responsive documents was complete at the time it was conducted in February 2016. The recent forensic imaging and searches have merely confirmed as much. Plaintiff has sent defense counsel, this Court and Ms. Maxwell on a costly, time-consuming and burdensome wild goose chase that has yielded not so much as a single goose feather. It is time to call off the hunt.

Submission Concerning Search Terms

The Requests for Production

Ms. Maxwell served Responses and Objections to Plaintiff’s First Discovery Requests on February 8, 2016. Those requests sought, *inter alia*:

- all communications with thirteen specific witnesses, namely Jeffrey Epstein, Virginia Roberts, [REDACTED], Alan Dershowitz, [REDACTED], [REDACTED], [REDACTED];
- documents relating to various topics include massages (RFP 5 and 29), travel records (RFPs 8, 9, 14 and 39), a civil deposition in 2010 (RFP 19), and Ms. Maxwell’s professional affiliation with Jeffrey Epstein (RFPs 10, 11, 12, 15, 20, 23, 24, 30);
- documents relating to any contact between Ms. Maxwell and law enforcement (RFP 13 and 38);
- photos of females under the age of 18 (RFP 7), of any time inside a home or aircraft of Epstein (RFP 15), of Plaintiff (RFP 18);

- documents relating otherwise to Plaintiff including her hospital records (RFP 25), passport (RFP 26), monetary payments made to her (RFP 27), her employment (RFP 28), and any person to whom she gave a massage (RFP 29).

Ms. Maxwell conducted a thorough search of her email systems and her devices prior to her production on February 8, 2016. All documents identified as responsive were reviewed by counsel and either produced or placed on a privilege log. The First Responses were the subject of litigation in March and April 2016. This Court limited the scope of a number of the requests (*see* Transcript of March 17, 2016 and Order of April 15, 2016 (Doc. # 098), and Ms. Maxwell later produced, pursuant to this Court's Order, documents that originally had been withheld pursuant to privilege. As of April 18, Ms. Maxwell's production of documents responsive to Plaintiff's First Request for Production of Documents was complete.

Plaintiff served a Second set of Requests for Production on April 14. Those Requests primarily concerned police reports about Plaintiff's various contacts with law enforcement and how the defense was able to obtain those publicly-available documents (RFP's 1-5, 19). The Second Requests also sought:

- Joint Defense Agreements with Mr. Epstein and Mr. Dershowitz (RFPs 6, 7, 9 and 10) and communications with Mr. Dershowitz's counsel (RFP 11);
- "all documents concerning Virginia Giuffre" (RFP 12);
- any contracts with or agreement for legal fees to be paid by Epstein (RFP 13-15);
- documents concerning public statements made by Ms. Maxwell (RFP 17-18).

Again, Ms. Maxwell and her counsel conducted a thorough search and produced any responsive non-privileged documents.

To date, Ms. Maxwell has produced 1,130 pages of documents. Litigation concerning whether the searches conducted were thorough enough then ensued leading to the instant submission.

Search Terms

On June 20, 2016, this Court Ordered

Defendant is ordered to collect all ESI by imaging her computers and collecting all email and text messages on any devices in Defendant's possession or to which she has access that Defendant used between the period of 2002 to present. Defendant is further directed to run *mutually-agreed upon search terms related to Plaintiff's requests for production* over the aforementioned ESI and produce responsive documents within 21 days of distribution of this opinion.

On June 30, 2016, Plaintiff's counsel provided a list of 368 search terms. See Menninger

Decl. Ex. A. Plaintiff's proposal included astoundingly broad terms, to wit:

- "Terramar" -- both the name of Ms. Maxwell's non-profit and [REDACTED]
- [REDACTED]
- [REDACTED]
- "max*" -- part of Ms. Maxwell's last name, as well as all of her paternal relatives' names.
- "GM" -- Ms. Maxwell's initials.
- common words such as "hotel," suite, villa, "bed," "bath," and "lingerie."

Plaintiff's originally proposed search terms would literally hit on every single email from either Ms. Maxwell's personal or her business email addresses, as well as every document related to the non-profit, The Terramar Project, that Ms. Maxwell founded and runs.

Plaintiff's originally proposed terms also failed to relate to the actual discovery requests upon which they were to be based. For search terms 124-341, Plaintiff took her own Rule 26 disclosures, separated the first and last names of each witness she had identified, and asked that they be searched individually (along with "wild card character searches"), even though, as described above there were only 13 specific witnesses for whom Plaintiff had actually sought all communications. For example, Plaintiff wanted the names [REDACTED]

searched yet there is no RFP related to those names, nor the vast majority of the other listed first and surnames.¹

By correspondence of July 14, Ms. Maxwell's counsel specifically identified the problematic terms, agreed to a limited list, and requested a substantive conferral call on this issue. *See* Menninger Decl., Ex. B. In that correspondence, Defendant's counsel gave specific reasons for the objection to a number of the terms that were problematic in that they called for the search of common words, names or phrases that would likely result pulling documents completely unrelated to this case. *Id.* Counsel also suggested proposed limiting terms with respect to names of individuals to appropriately limit the scope and target the search. *Id.* (suggesting limitations on searches of names to "make some effort to match them to actual people who have some relationship to this case (like first name /3 last name or some parts thereof)").

After explaining the appropriate and well-reasoned objections to certain terms, defense Counsel agreed to search *over 110 of Plaintiff's proposed search terms*, despite the fact that many of those terms were objectionable. *Id.* ("Although many of your other search terms are a

¹ On or about June 27, 2016, Plaintiff's counsel Bradley Edwards and Defendant's counsel Jeffery Pagliuca held a telephone meet and confer conference on a number of issues. Among the issues raised by Mr. Pagliuca was the overbreadth of the proposed search terms. The discussion was left that Mr. Edwards would talk with Plaintiff's team of lawyers to narrow the scope, as Mr. Pagliuca understood it. Thus, contrary to the representation in the Motion, Ms. Maxwell's counsel *did inform* Plaintiff's counsel of their disagreement with the proposed search terms. As well, Mr. Pagliuca informed Mr. Edwards that because he, Laura Menninger and Ms. Maxwell were all traveling on vacations in the weeks before and after the 4th of July holiday, that they would need additional time to comply with the Court's Order and provide the production. Mr. Pagliuca and Mr. Edwards agreed that productions would be made prior to Ms. Maxwell's second deposition, scheduled by agreement on July 22, 2016.

Based on this discussion, defense counsel was blindsided when they received the Motion for Sanctions, anticipating that they would soon be receiving a substantially limited and modified list of proposed search terms to permit search and production prior to the July 22 deposition. In the interim, all of Ms. Maxwell's electronic devices had been sent for imaging.

Defense counsel corresponded with Plaintiff's counsel upon receipt of the Motion for Sanctions, requesting that it be withdrawn (without prejudice), pending completion of conferral on the search terms as required by this Court's specific and general orders on conferral. It appears there was a miscommunication between Plaintiff's own counsel on this issue, as well as between counsel for both of the parties; but, it was clearly just that – a miscommunication and misunderstanding on where things stood.

tremendous stretch, I can agree to them in the interest of getting the search done on a timely basis.”).² Having heard nothing from Plaintiff’s counsel by the close of business on July 15, 2016, Ms. Maxwell’s counsel ran the 110 of Plaintiff’s proposed terms on the forensic images of Ms. Maxwell’s electronic devices and email accounts, including both [REDACTED]

Because of the breadth of the 110 terms proposed by Plaintiff, the original search resulted in **approximately 9,000 documents** and communications containing one or more term in the content or meta-data. The volume of the documents is explained by the breadth of the terms searched, resulting in pulling non-relevant, non-responsive information from Ms. Maxwell’s electronic devices and emails, including thousands of underwater photos related to Ms. Maxwell’s non-profit, the word “passport” due to the fact that the Terramar Project includes an “ocean passport” program, as well as numerous family holiday photos. All of the documents were reviewed individually by counsel for Ms. Maxwell for responsiveness to Plaintiff’s discovery request, pursuant to this Court’s Order. Of those documents, the only responsive documents were either communications between Ms. Maxwell and current counsel or were communications with, or prepared at the request of, Ms. Maxwell’s UK Counsel, Philip Barden,

² Defense counsel specifically requested a telephone conference to discuss any of the other terms, noting that the search would need to proceed over the weekend to permit review and production of any documents prior to Defendant’s deposition on July 22, 2016. *Id.* (“***I am available by telephone today and tomorrow to discuss the issues raised herein.*** If I do not hear from you, I will presume that you are in agreement to the remainder of the terms being run on the devices.”). Plaintiff’s counsel did not timely respond to the July 14, 2016 letter, the clearly articulated counter-proposed terms (over 110 of the 368 proposed by Plaintiff), or set a time to discuss the articulated objections to other terms. Instead, on July 18, 2016, Plaintiff’s filed a response to the Letter Motion to Strike for Failure to Confer, inexplicably and inaccurately claiming 1) that defendant is running “secret search terms” and 2) claiming that defendant’s counsel refused to confer *despite the clear conferral letter and request for telephone conference.* See July 18, 2016 Letter to the Court from M. Shultz.

³ Plaintiff also requested searches of old email accounts of Defendant, [REDACTED] Ms. Maxwell has been able to access the [REDACTED] account and it contains no responsive documents. Ms. Maxwell has been unable to access [REDACTED] and does not recall ever using that account.

in anticipation of a potential lawsuit in the United Kingdom. *See* Menninger Decl. at paragraph 8. The documents concerning Mr. Barden have been added to the privilege log. *Id.*

Upon receipt of Plaintiff's Response to the Letter Motion to Strike for Plaintiff's failure to confer, the undersigned reiterated that there were no "secret search terms" and that Plaintiff's own proposed terms were used, as limited. *See* Menninger Decl., Ex. C. Defense counsel also reiterated the request for Court Ordered conferral, again offering times to confer that would permit any additional terms to be run, documents reviewed and production of non-privileged responsive documents (if any) prior to Ms. Maxwell's July 22, 2016 second deposition. *Id.*

Plaintiff's Revised List of Search Terms

Finally, on July 19, 2016, Plaintiff's counsel agreed to a telephone call with the undersigned to discuss the lack of responsive documents to the 110 search terms already run, as well as the remaining objectionable terms and their purported relevance. During the call, Plaintiff's counsel argued that their proposed search terms numbered 124-341 were relevant because they were witness names "related to massages" (RFP 5). That justification was clearly lacking because the terms included names like "Dore Louis," who is a lawyer for witness Johana Sjoberg and whose wife works with Ms. McCawley. They also included Plaintiff's treating physician Karen Kutikoff, Plaintiff's literary agent Jarred Weisfeld, Plaintiff's mother [REDACTED] Detective Joe Recarey, Mr. Edwards' law partner Scott Rothstein, and countless other people who would have no knowledge of any massages nor otherwise were related to the discovery requests at issue. *See* Menninger Decl. Ex. A. Moreover, Ms. Maxwell already had run the Plaintiff's proposed terms related to massages, including "massage," "masseuse," "masseur," and "therapy." In effect, Plaintiff proposed search terms sought to expand her discovery requests from communications with a discrete set of individuals to *all communications*

with anyone that Plaintiff believed was or might be a witness, although no discovery requests called for such communications.

Consequently, during the conferral call, Plaintiff's counsel agreed to withdraw the vast majority of objectionable terms. She also agreed to supply a list of witnesses who she believes truly might in some way relate to "massages" and submit that to defense counsel. *See* Menninger Decl., Ex. D. Plaintiff thereafter provided an additional 66 terms, all names, which Plaintiff claims she has some reason to believe are "related to massages." Menninger Decl. Ex. E. Ms. Maxwell does not believe that searching these terms is appropriate, because, for example, the names include a journalist (Vicky Ward), Mr. Epstein's elderly secretary, and various business people that form part of Plaintiff's false narrative regarding her "sex trafficking," and searching for names in the absence of a topic (i.e., massages) is well-beyond the actual requests for production.

Nevertheless, Ms. Maxwell did in fact run all of the names proposed by Plaintiff against the forensic images of Ms. Maxwell's computers and her email accounts. The second search yielded 284 additional documents, each of which were reviewed individually by counsel for Ms. Maxwell. Menninger Decl. paragraph 8 and 9. Again, not a single responsive, non-privileged document was located; the vast majority of documents were pleadings from this case.

The complete list of terms run against Ms. Maxwell's electronic devices and email accounts as agreed to by the parties is attached. Menninger Decl., Ex. F. Compliance with the Court's Order to run agreed to terms was completed by July 21, 2016, prior to Ms. Maxwell's second deposition.

Other Email Accounts

In addition to her home and work email addresses, Plaintiff also requested that Ms. Maxwell access two other email accounts that Plaintiff believes are associated with Ms. Maxwell, specifically [REDACTED]

Ms. Maxwell has used the “[REDACTED]” account as a “spam account,” i.e., an account address to use when registering for retail sales notifications and the like. Nevertheless, undersigned counsel gained access to that account and searched all of the documents contained therein, including in folders for inbox, trash and sent. The email account contained no responsive documents.

Ms. Maxwell does not recall ever using an account with [REDACTED]. She has attempted unsuccessfully to access that account. Counsel’s own attempts to access the account yields a message: “The email address you entered is not an [REDACTED] email address or ID.” Counsel for Ms. Maxwell has no reason to believe that the account exists.

Conclusion

WHEREFORE, counsel for Ms. Maxwell through a certified forensic examiner has:

- a. imaged the hard-drives of Ms. Maxwell’s devices;
- b. imaged the servers containing emails from Ms. Maxwell’s personal and business email accounts;
- c. searched those forensic images for the search terms *proposed by Plaintiff* – including 110 from the first list and the additional 66 terms sent on July 19.

Counsel for Ms. Maxwell has reviewed the documents obtained from the searches described above as well as thoroughly searched the email account [REDACTED].

No additional responsive, non-privileged documents were identified in that process. An updated privilege log reflecting communications with Mr. Barden has been produced to Plaintiff.

Ms. Maxwell hereby respectfully requests that:

- i. Plaintiff Virginia Giuffre's Motion for an Adverse Inference Instruction Pursuant to Rule 37(b), (e) and (f), Fed. R. Civ. P., be stricken;
- ii. Ms. Maxwell be awarded the costs of engaging the forensic examiner.

Dated: August 1, 2016.

Respectfully submitted,

/s/ Laura A. Menninger

Laura A. Menninger (LM-1374)
Jeffrey S. Pagliuca (*pro hac vice*)
HADDON, MORGAN AND FOREMAN, P.C.
150 East 10th Avenue
Denver, CO 80203
Phone: 303.831.7364
Fax: 303.832.2628
lmenninger@hmflaw.com

Attorneys for Ghislaine Maxwell

CERTIFICATE OF SERVICE

I certify that on August 1, 2016, I electronically served this *Defendant's Submission regarding "Search Terms" and Notice of Compliance with Court Order Concerning Forensic Examination of Computer Device* via ECF on the following:

Sigrid S. McCawley
Meredith Schultz
BOIES, SCHILLER & FLEXNER, LLP
401 East Las Olas Boulevard, Ste. 1200
Ft. Lauderdale, FL 33301
smccawley@bsfllp.com
mschultz@bsfllp.com

Bradley J. Edwards
FARMER, JAFFE, WEISSING, EDWARDS,
FISTOS & LEHRMAN, P.L.
425 North Andrews Ave., Ste. 2
Ft. Lauderdale, FL 33301
brad@pathtojustice.com

Paul G. Cassell
383 S. University Street
Salt Lake City, UT 84112
cassellp@law.utah.edu

J. Stanley Pottinger
49 Twin Lakes Rd.
South Salem, NY 10590
StanPottinger@aol.com

/s/ Nicole Simmons

Nicole Simmons

**United States District Court
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

_____ /

MS. GIUFFRE’S PROPOSED SEARCH TERMS

Pursuant to this Court’s July 21, 2016, Order, Ms. Giuffre hereby submits proposed search terms and a proposed method of employing them.

I. GATHERING DATA

To ensure that Defendant captured all her email data, Ms. Giuffre requested that Defendant “please use IMAP Capable software (or a functional equivalent) to capture all of the sent/received emails from Ms. Maxwell’s various email accounts, including but not limited to the following: (1) GMax1@ellmax.com (and any other accounts at ellmax.com); (2) gmax1@mindspring.com (and any other accounts at mindspring.com); (3) any of Ms. Maxwell’s email account associated with The Terramar Project (including any account ending in @theterramarproject.org); and (4) any other email accounts either used in the past, or currently in use.” Ms. Giuffre later requested that data from Ms. Maxwell’s [REDACTED] account be captured. To ensure that Defendant captured her data from her electronic devices, Ms. Giuffre requested: “please use FileSeek software (or a functional equivalent) to retrieve any data, including electronic documents (such as Word documents; PDFs; Excel sheets; etc.), from Ms. Maxwell’s devices, including personal computers, work computers, any tablets, and any phones. This includes any cloud storage

accounts.”

II. APPLYING THE SEARCH TERMS

Ms. Giuffre requested that Defendant apply the search terms in such a way that they would yield documents responsive to Ms. Giuffre’s requests and in such a way wherein responsive documents would not be “missed” as a result of Defendant’s behind-the-scenes maneuvering with the syntax of the search terms. Specifically, Ms. Giuffre requested:

When applying the search terms, the search terms need to “hit” on documents even if the terms are embedded within other words. So, for example, the term “acuity” would yield a hit on the document, even if the word in the document is “acuityreputation.” To return a hit on those embedded terms, I request that you use “wildcards” to ensure that embedded terms are located. (Wildcard characters are used to expand word searches into pattern searches by “replacing” single or multiple characters.) Where there are a specific number of characters needed to be included, a single wildcard will achieve that purpose. For example, in some programs, ! is used for single character wildcards, and * is used for multiple character wildcards. For instance:

- (a) Single character wildcard example: a search for **L!n!** will return “long,” “link,” “lane,” “lone,” etc.
- (b) Multiple character wildcard example: a search for **chil*** will return “children,” “chill,” “chilling,” etc.
- (c) Mixed use of wildcards: a search for **L!n*** will return “lines,” “lining,” “lincy,” etc.

Accordingly, the below search terms are submitted with wildcard characters to be applied in the manner of the examples above. Please apply them as such with whatever characters is required by the software/platform that you will be using.

Similarly, regarding how the terms are combined (**AND** or **OR**). **OR** should expand your results while **AND** will restrict result to only those which include all the terms.

Additionally, I want to clarify that I would like all of the metadata to be searched in addition to the text of the documents. For example, if the search term is “acuity,” “hits” should include all the document that include the word “acuity” in their text OR in their metadata (this includes words in items such as email subjects, filenames, as well as any documents which include that word somewhere within their text).

I also wanted to point out another special syntax with regard to proximity searching. This is a search that finds words within a specified distance from one another. On some software, this is represented as w/#, so a search for “**meet w/2 greet**” will return “meet and greet,” “greet and meet” and “meet and nicely greet.” Please apply accordingly.

Additionally, for searches for people’s initials in the search terms, please use “exact matches,” “stand alone,” or “literal” terms (see, e.g., PA, AD, JE, GM).

Finally, the search terms are **not** to be treated as case-sensitive, meaning that the terms should be searched according to their letters, regardless of whether they are represented in the list as containing upper case or lower case letters.

Should the Court, again, order Defendant to run search terms over her data, Ms. Giuffre respectfully requests that the Court direct Defendant to employ the above methods in applying search terms.

III. PROPOSED SEARCH TERMS

Running search terms necessarily involves some trial-and-error and some negotiation among the parties. Typically, if a proposed term yields an enormous number of “hits,” and the first 50 randomly-chosen documents from different parts of the body of these hit are clearly unresponsive, the party running the term informs the party requesting the term of that fact and further discussions follows. For example, the requesting party might refine the term or eliminate the term entirely. A term can be refined by attaching another term to it or putting other limitations on the term.

By the method proposed by Ms. Giuffre, no party’s search terms can yield an undue number of documents or an undue number of “false hits” for the other party to labor to review, since the search terms are crafted in a dynamic, “negotiated” fashion as describe above. Also, such a method, performed in good faith, does not necessitate motion practice or Court intervention.

In this case, counsel for Defendant has not disclosed to counsel for Ms. Giuffre the number of hits yielded by the terms to which they object. It is unclear whether or not Defendant's counsel has "run" the terms to which they object to see what sort of results are produced. Without taking that step, Defendant simply cannot put forth valid objections to Ms. Giuffre's proposed terms.

Many of Ms. Giuffre's proposed search terms are derived from the names listed in Defendant's Rule 26 disclosures and Plaintiff's Rule 26 disclosures, who, under Rule 26, are "individual[s] likely to have discoverable information." Fed. R. Civ. P. 26(a)(1)(A)(i). Ms. Giuffre has previously agreed to winnow that group down by omitting their first names as search terms. Those changes are reflected in the terms listed below.

Regarding Ms. Giuffre's refinement of those terms - eliminating the first names derived from individuals in the Rule 26 Disclosures - Ms. Giuffre noted to Defendant's counsel: "The vast majority of the surnames are fairly uncommon (e.g., "Kucukkoylu"), therefore, I assume from the outset that any "hits" they yield will relate to the individual, and be limited in number. For those surnames that are more common, or have other meanings (e.g., Grant, Hall), I have noted the full name [below in this email] for ease of reference. For those names, please use a reasonable, good-faith syntax to capture communications with those individuals -- for example: "Alex* w/50 Hall." Sometimes that takes some trial-and-error - I'm happy to be of any assistance with regard to that process. Please let me know what your syntax you ended up using for those terms." Ms. Giuffre's proposal of such syntax limitations shows that Ms. Giuffre is not trying to bury Defendant in a document review, but, instead, trying with precision to obtain relevant and responsive documents.

In addition, Ms. Giuffre has agreed to discard multiple other proposed search terms.

Therefore, those discarded terms are not reflected in the terms below.

Certain terms appear to be very similar. These exist to capture American and British English variations (e.g. e.g. pedophile/ paedophile; “high school”/ “secondary school”), and spelling variations for names (Jeff/ Geoff). Certain other terms are derived from the individuals’ email addresses. This is necessary to capture relevant communications in the case that the individuals are not referred to by name in the communication, the communications with those individuals would still yield a “hit,” because the email address terms capture their email addresses. For example, “jeevacation” is part of Jeffrey Epstein’s email address. In addition, certain individuals have multiple search terms representing them due to their aliases and previous names (for example, Sarah Kellen is also known as Sarah Kensington and Sarah Vickers). Therefore, in the list below, there are often multiple terms designed to capture data concerning a single individual. Ms. Giuffre’s remaining terms are as follows.

1) jef*	19) AD	37) flight*
2) geof*	20) █████	38) passport*
3) epst!n*	21) █████	39) southern* w/3
4) jeevacation*	22) massage*	district*
5) j* w/2 *jep*	23) masseur*	40) palm* w/3 beach*
6) j* w/2 *jeep*	24) therapist*	41) state* /3 attorney*
7) roberts*	25) █████	42) █████
8) g!!ff!!*	26) █████	43) acuity*
9) virginia*	27) █████	44) victoria* w/3
10) jenna*	28) █████	secret*
11) jena*	29) █████	45) al!n*
12) genna*	30) █████	46) all!n*
13) █████	31) █████	47) dersh*
14) █████	32) *copter*	48) █████
15) █████	33) chopper*	49) █████
16) PA	34) pilot*	50) █████
17) JE	35) manifest*	51) new* w/3 mexico*
18) GM	36) log*	52) NM

53) virgin* w/3 island*			
54) usvi*	92)	grill*	132) [REDACTED]
55) little* w/3 st*	93)	illegal*	133) [REDACTED]
56) little* w/3 saint*	94)	immune*	134) [REDACTED]
57) st* w/3 j*	95)	prosecut*	135) [REDACTED]
58) saint* w/3 j*	96)	law* w/3 enforc*	136) [REDACTED]
59) lsj*	97)	jane* w/3 *doe*	137) [REDACTED]
60) lagoon*	98)	hospital*	138) [REDACTED]
61) [REDACTED]	99)	hotel*	139) [REDACTED]
62) [REDACTED]	100)	suite*	140) [REDACTED]
63) [REDACTED]	101)	villa*	141) [REDACTED]
64) [REDACTED]	102)	model*	142) [REDACTED]
65) police*	103)	actress*	143) [REDACTED]
66) cop*	104)	france*	144) [REDACTED]
67) fbi*	105)	paris*	145) [REDACTED]
68) federal* w/3 bur*	106)	zoro*	146) [REDACTED]
69) bur* w/8 inves! *	107)	ranch*	147) [REDACTED]
70) sex*	108)	vanity* w/ 3 fair*	148) [REDACTED]
71) abuse*	109)	[REDACTED]	149) [REDACTED]
72) toy*	110)	[REDACTED]	150) [REDACTED]
73) dildo*	111)	[REDACTED]	151) [REDACTED]
74) strap* w/3 on*	112)	[REDACTED]	152) [REDACTED]
75) vibr*	113)	[REDACTED]	153) [REDACTED]
76) sm* w/3 101*	114)	[REDACTED]	[REDACTED]
77) slave*	115)	[REDACTED]	154) [REDACTED]
78) erotic*	116)	[REDACTED]	155) [REDACTED]
79) servitude*	117)	[REDACTED]	156) [REDACTED]
80) high* w/3 school*	118)	[REDACTED]	157) [REDACTED]
81) secondary* w/3 school*	119)	[REDACTED]	158) pottinger*
82) campus*	120)	[REDACTED]	159) recarey*
83) [REDACTED]	121)	cassell*	160) [REDACTED]
84) [REDACTED]	122)	churcher*	161) [REDACTED]
85) licen!e*	123)	[REDACTED]	162) [REDACTED]
86) assault*	124)	[REDACTED]	163) [REDACTED]
87) juvenile*	125)	[REDACTED]	164) [REDACTED]
88) seal*	126)	edwards*	165) [REDACTED]
89) joint* w/3 defen*	127)	[REDACTED]	166) [REDACTED]
90) jda	128)	[REDACTED]	167) [REDACTED]
91) roadhouse*	129)	[REDACTED]	168) [REDACTED]
	130)	[REDACTED]	169) [REDACTED]
	131)	[REDACTED]	170) [REDACTED]

171)	[REDACTED]	197)	[REDACTED]	223)	[REDACTED]
172)	[REDACTED]	198)	[REDACTED]	224)	[REDACTED]
173)	[REDACTED]	199)	[REDACTED]	225)	underage*
174)	[REDACTED]	200)	[REDACTED]	226)	under!age*
175)	[REDACTED]	201)	[REDACTED]	227)	minor*
176)	[REDACTED]	202)	[REDACTED]	228)	daily* w/10 mail*
177)	[REDACTED]	203)	[REDACTED]	229)	daily* w/10 news*
	[REDACTED]	204)	[REDACTED]	230)	lie*
178)	alessi*	205)	[REDACTED]	231)	obvious* w/10 lie*
179)	[REDACTED]		[REDACTED]	232)	sex w/3 toy*
180)	[REDACTED]	206)	[REDACTED]	233)	nipple*
181)	[REDACTED]	207)	[REDACTED]	234)	schoolgirl
182)	[REDACTED]	208)	[REDACTED]	235)	school w/3 girl
183)	[REDACTED]	209)	[REDACTED]	236)	us w/3 att*
184)	[REDACTED]	210)	[REDACTED]	237)	United w/3 states
185)	[REDACTED]	211)	[REDACTED]		w/3 att*
186)	[REDACTED]	212)	[REDACTED]	238)	Guggenheim
187)	[REDACTED]	213)	[REDACTED]	239)	Pedophil*
188)	[REDACTED]	214)	[REDACTED]	240)	Paedophil*
189)	[REDACTED]	215)	[REDACTED]	241)	Traffic*
190)	[REDACTED]	216)	[REDACTED]	242)	Bed*
191)	[REDACTED]	217)	[REDACTED]	243)	Bath*
192)	[REDACTED]	218)	[REDACTED]	244)	Masturbate*
193)	[REDACTED]	219)	[REDACTED]	245)	Ejaculate*
194)	[REDACTED]	220)	[REDACTED]	246)	Masseuse*
195)	[REDACTED]	221)	[REDACTED]	247)	lingerie
196)	[REDACTED]	222)	[REDACTED]		

As this Court is aware, Ms. Giuffre has run a huge number of search terms, including many names, in order to capture documents that may be responsive to Defendant's overly broad requests. She did this - without being asked by Defendant and without being ordered by the Court - so that she could make a robust production and fulfill her discovery obligations. Therefore, the number of search terms proposed by Ms. Giuffre - 247 - is not overly burdensome. These terms, in particular, are not overly burdensome because many of them come from Defendant's own Rule 26 disclosures, which lists 80 individuals, including Ms. Giuffre, who is the second person on her list. Doubling down on her recalcitrance, as of Friday, July 29, 2016 - three days ago - Defendant abjectly refused to even use Ms. Giuffre's name as a search

term.

IV. CONCLUSION

Should this Court Order Defendant to run particular search terms, Ms. Giuffre respectfully requests that the Defendant be directed to run the terms set forth above, incorporating Ms. Giuffre's previous instructions reiterated above so that relevant data is captured. However, it is Ms. Giuffre's position that such a production - long after the close of fact discovery - would be untimely and prejudicial. Accordingly, based on Defendant's systematic foot-dragging and obstructionism during the entire discovery period, and based on the prejudice to Ms. Giuffre concerning the late production, Ms. Giuffre respectfully requests that this Court, also, grant her motion for an adverse inference jury instruction pursuant to Rule 27(b), (e), and (f), with respect to the electronic documents and electronic communications Defendant failed to produce in defiance of this Court's order. The time to negotiate search terms has long passed; this Court should not countenance Defendant profiting from her refusal to comply with her discovery obligations and from her refusal to obey this Court's Order.

Dated: August 1, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley
Sigrid McCawley (Pro Hac Vice)
Meredith Schultz (Pro Hac Vice)
Boies Schiller & Flexner LLP
401 E. Las Olas Blvd., Suite 1200
Ft. Lauderdale, FL 33301
(954) 356-0011

David Boies
Boies Schiller & Flexner LLP
333 Main Street
Armonk, NY 10504

Bradley J. Edwards (Pro Hac Vice)
FARMER, JAFFE, WEISSING,
EDWARDS, FISTOS & LEHRMAN, P.L.
425 North Andrews Avenue, Suite 2
Fort Lauderdale, Florida 33301
(954) 524-2820

Paul G. Cassell (Pro Hac Vice)
S.J. Quinney College of Law
University of Utah
383 University St.
Salt Lake City, UT 84112
(801) 585-5202¹

CERTIFICATE OF SERVICE

¹ This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

I HEREBY CERTIFY that on the 1st day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

Laura A. Menninger, Esq.
Jeffrey Pagliuca, Esq.
HADDON, MORGAN & FOREMAN, P.C.
150 East 10th Avenue
Denver, Colorado 80203
Tel: (303) 831-7364
Fax: (303) 832-2628
Email: lmessenger@hmflaw.com
jpagliariuca@hmflaw.com

/s/ Sigrid S. McCawley
Sigrid S. McCawley

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VIRGINIA L. GIUFFRE,
Plaintiff,
v.
GHISLAINE MAXWELL,
Defendant.
-----X

15-cv-07433-RWS

**Declaration Of Laura A. Menninger In Support Of
Defendant’s Submission Regarding “Search Terms” And Notice Of Compliance With
Court Order Concerning Forensic Examination Of Computer Devices**

I, Laura A. Menninger, declare as follows:

1. I am an attorney at law duly licensed in the State of New York and admitted to practice in the United States District Court for the Southern District of New York. I am a member of the law firm Haddon, Morgan & Foreman, P.C., counsel of record for Defendant Ghislaine Maxwell (“Maxwell”) in this action. I respectfully submit this declaration in support of Reply to Plaintiff’s Opposition to Defendant’s Motion To Reopen Plaintiff’s Deposition.
2. Attached as Exhibit A (filed under seal) is a true and correct copy of correspondence from Meredith Schultz to me dated June 30, 2016.
3. Attached as Exhibit B (filed under seal) is a true and correct copy of correspondence from me to Meredith Schultz dated July 14, 2016.
4. Attached as Exhibit C (filed under seal) is a true and correct copy of correspondence from me to Meredith Schultz dated July 18, 2016.

5. Attached as Exhibit D (filed under seal) is a true and correct copy of correspondence from me to Meredith Schultz dated July 19, 2016.

6. Attached as Exhibit E (filed under seal) is a true and correct copy of correspondence from Meredith Schultz to me dated July 20, 2016.

7. Attached as Exhibit F (filed under seal) are the search terms utilized by the Defendant in searching her devices.

8. I employed a licensed and certified forensic examiner to image Ms. Maxwell's laptop computer and mobile phone. The forensic examiner also captured all email on the servers for Ms. Maxwell's personal and business email accounts. He ran search terms against those images as directed by me and reflected in Exhibit F.

9. I reviewed approximately 6,000 documents that were captured using the search terms listed in Exhibit F from one or more of Ms. Maxwell's devices and email accounts. Apart from privileged documents related to this case, none of the documents captured were responsive to Plaintiff's discovery requests. The privileged documents were added to Ms. Maxwell's privilege log.

10. My law partner and co-counsel, Jeffrey Pagliuca, reviewed approximately 3,500 documents that were captured using the search terms listed in Exhibit F from one or more of Ms. Maxwell's devices and email accounts. Apart from privileged documents related to this case, none of the documents captured were responsive to Plaintiff's discovery requests.

11. I reviewed all documents contained within the [REDACTED] account. There were no responsive documents contained in that account.

12. I also reviewed two devices (an iPhone and an iPad) that Ms. Maxwell uses for reading periodicals and newspapers but does not use for email communications, text messaging

or other document transmissions or photography. Those devices did not contain any responsive documents.

Dated: August 1, 2016

By: */s/ Laura A. Menninger*

Laura A. Menninger

CERTIFICATE OF SERVICE

I certify that on August 1, 2016, I electronically served this Declaration Of Laura A. Menninger In Support Of Defendant's Submission Regarding "Search Terms" And Notice Of Compliance With Court Order Concerning Forensic Examination Of Computer Devices via ECF on the following:

Sigrid S. McCawley
Meredith Schultz
BOIES, SCHILLER & FLEXNER, LLP
401 East Las Olas Boulevard, Ste. 1200
Ft. Lauderdale, FL 33301
smccawley@bsfllp.com
mschultz@bsfllp.com

Bradley J. Edwards
FARMER, JAFFE, WEISSING, EDWARDS,
FISTOS & LEHRMAN, P.L.
425 North Andrews Ave., Ste. 2
Ft. Lauderdale, FL 33301
brad@pathtojustice.com

Paul G. Cassell
383 S. University Street
Salt Lake City, UT 84112
cassellp@law.utah.edu

J. Stanley Pottinger
49 Twin Lakes Rd.
South Salem, NY 10590
StanPottinger@aol.com

/s/ Nicole Simmons

Nicole Simmons

EXHIBIT A

BOIES, SCHILLER & FLEXNER LLP

401 EAST LAS OLAS BOULEVARD • SUITE 1200 • FORT LAUDERDALE, FL 33301-2211 • PH. 954.356.0011 • FAX 954.356.0022

Meredith L. Schultz, Esq.
E-mail: mschultz@bsfllp.com

June 30, 2016

VIA E-MAIL

Laura A. Menninger, Esq.
HADDON, MORGAN AND FOREMAN, P.C.
150 East 10th Avenue
Denver, Colorado 80203
lmenninger@hmflaw.com

Re: ***Guiffre v. Maxwell***
Case No. 15-cv-07433-RWS

Dear Laura,

I write pursuant to this Court's June 20, 2016, Order regarding search and production from Defendant's electronic media. Accordingly, please use IMAP Capable software (or a functional equivalent) to capture all of the sent/received emails from Ms. Maxwell's various email accounts, including but not limited to the following: [REDACTED] and any other accounts at [REDACTED] (and any other accounts at [REDACTED]); (3) any of Ms. Maxwell's email account associated with The Terramar Project (including any account [REDACTED]); and (4) any other email accounts either used in the past, or currently in use.

Additionally, please use FileSeek software (or a functional equivalent) to retrieve any data, including electronic documents (such as Word documents; PDFs; Excel sheets; etc.), from Ms. Maxwell's devices, including personal computers, work computers, any tablets, and any phones. This includes any cloud storage accounts. Please confirm that you have imaged Ms. Maxwell's hard drives and other devices.

Once you have gathered that data onto a platform (such as Summation or its functional equivalent), please run the below search terms. Since the Court ordered us to negotiate the search terms, please let me know if you think additional terms would be appropriate or whether you object to any terms, and your basis thereof.

When applying the search terms, the search terms need to "hit" on documents even if the terms are embedded within other words. So, for example, the term "acuity" would yield a hit on the document, even if the word in the document is "acuityreputatoin." To return a hit on those

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embedded terms, I request that you use “wildcards” to ensure that embedded terms are located. (Wildcard characters are used to expand word searches into pattern searches by “replacing” single or multiple characters.) Where there are a specific number of characters needed to be included, a single wildcard will achieve that purpose. For example, in some programs, ! is used for single character wildcards, and * is used for multiple character wildcards. For instance:

- (a) Single character wildcard example: a search for **L!n!** will return “long,” “link,” “lane,” “lone,” etc.
- (b) Multiple character wildcard example: a search for **chil*** will return “children,” “chill,” “chilling,” etc.
- (c) Mixed use of wildcards: a search for **L!n*** will return “lines,” “lining,” “linty,” etc.

Accordingly, the below search terms are submitted with wildcard characters to be applied in the manner of the examples above. Please apply them as such with whatever characters is required by the software/platform that you will be using.

Similarly, regarding how the terms are combined (**AND** or **OR**). **OR** should expand your results while **AND** will restrict result to only those which include all the terms.

Additionally, I want to clarify that I would like all of the metadata to be searched in addition to the text of the documents. For example, if the search term is “acuity,” “hits” should include all the document that include the word “acuity” in their text OR in their metadata (this includes words in items such as email subjects, filenames, as well as any documents which include that word somewhere within their text).

I also wanted to point out another special syntax with regard to proximity searching. This is a search that finds words within a specified distance from one another. On some software, this is represented as w/#, so a search for “**meet w/2 greet**” will return “meet and greet,” “greet and meet” and “meet and nicely greet.” Please apply accordingly.


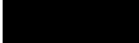
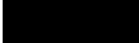


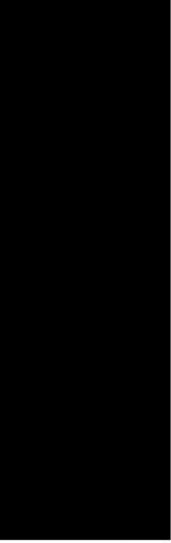
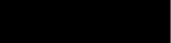
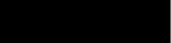
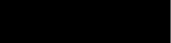
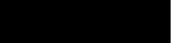
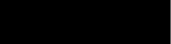
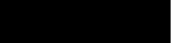
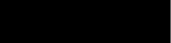
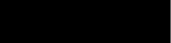
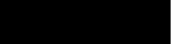
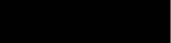
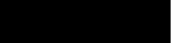
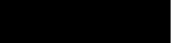
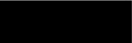
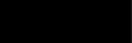
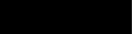
Additionally, for searches for people’s initials in the search terms, please use “exact matches,” “stand alone,” or “literal” terms (see, e.g., PA, AD, JE, GM).

Finally, the search terms are **not** to be treated as case-sensitive, meaning that the terms should be searched according to their letters, regardless of whether they are represented in the list as containing upper case or lower case letters.


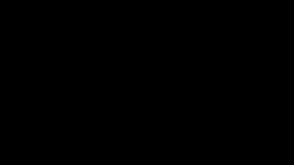
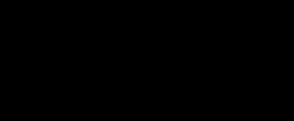
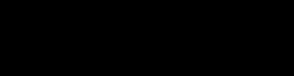
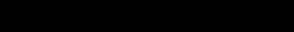


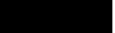

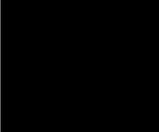
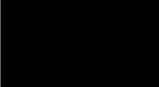
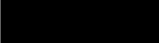
The following are the applicable search terms.

- 1) jef*
- 2) geof*





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- 3) epst!!n*
- 4) jeevacation*
- 5) j* w/2 *jep*
- 6) j* w/2 *jeep*
- 7) roberts*
- 8) g!!ff!!*
- 9) virginia*
- 10) jenna*
- 11) jena*
- 12) genna*
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- 16) PA
- 17) JE
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- 22) massage*
- 23) masseur*
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- 41) 
- 42) *copter*
- 43) chopper*
- 44) pilot*
- 45) manifest*
- 46) log*
- 47) flight*
- 48) passport*
- 49) terramar*
- 50) southern* w/3 district*
- 51) palm* w/3 beach*
- 52) state* /3 attorney*
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- 57) al!n*
- 58) all!n*
- 59) dersh*
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- 64) new* w/3 mexico*
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- 79) cop*
- 80) fbi*
- 81) federal* w/3 bur*
- 82) bur* w/8 inves! *
- 83) sex*
- 84) abuse*
- 85) toy*
- 86) dildo*
- 87) strap* w/3 on*
- 88) vibr*
- 89) sm* w/3 101*
- 90) slave*
- 91) erotic*
- 92) servitude*
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- 95) high* w/3 school*
- 96) secondary* w/3 school*
- 97) campus*
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- 100) licen!e*
- 101) assault*
- 102) juvenile*
- 103) seal*
- 104) joint* w/3 defen*
- 105) jda
- 106) roadhouse*
- 107) grill*
- 108) illegal*
- 109) immune*
- 110) prosecut*
- 111) law* w/3 enforc*
- 112) jane* w/3 *doe*
- 113) hospital*
- 114) hotel*
- 115) suite*
- 116) villa*

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- 117) model*
- 118) actress*
- 119) france*
- 120) paris*
- 121) zoro*
- 122) ranch*
- 123) vanity* w/ 3 fair*
- 124) [REDACTED]
- 125) [REDACTED]
- 126) [REDACTED]
- 127) [REDACTED]
- 128) [REDACTED]
- 129) [REDACTED]
- 130) [REDACTED]
- 131) [REDACTED]
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- 134) [REDACTED]
- 135) [REDACTED]
- 136) [REDACTED]
- 137) [REDACTED]
- 138) [REDACTED]
- 139) [REDACTED]
- 140) [REDACTED]
- 141) [REDACTED]
- 142) [REDACTED]
- 143) paul*
- 144) cassell*
- 145) sharon*
- 146) churcher*
- 147) [REDACTED]
- 148) [REDACTED] *
- 149) [REDACTED] *
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Laura A. Menninger, Esq.
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Page 8 of 12

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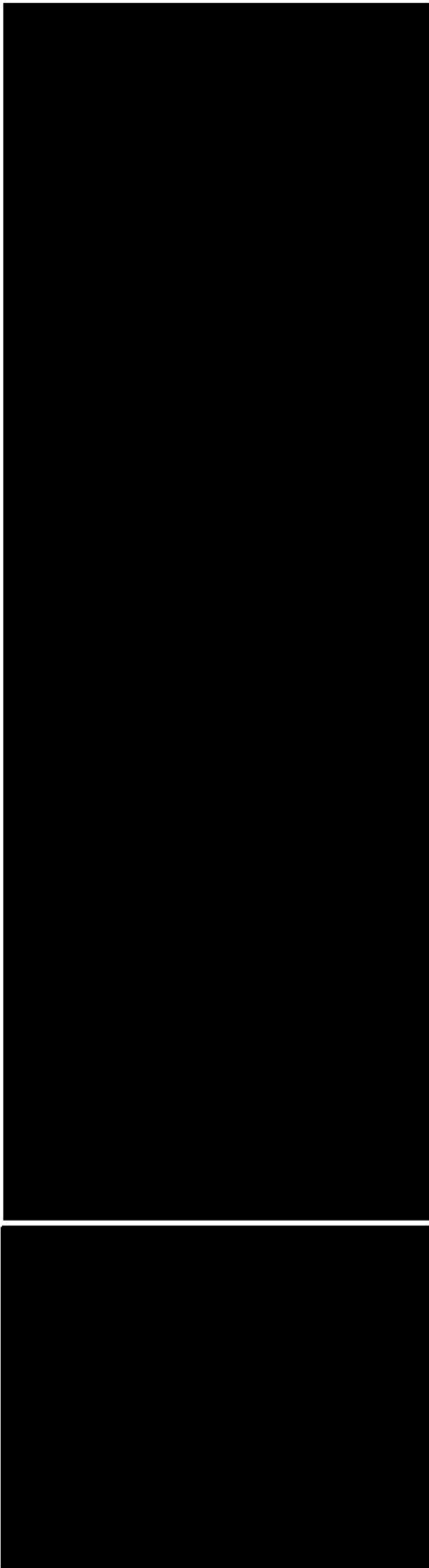


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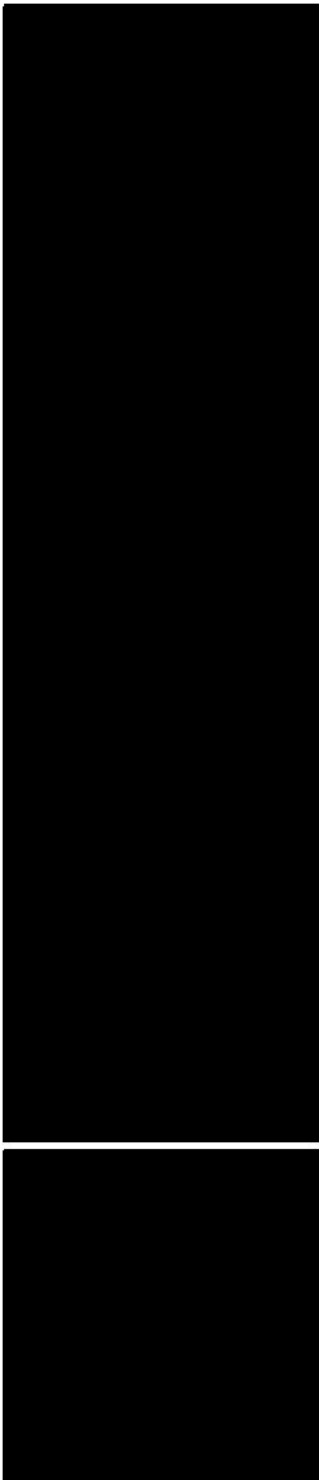
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342) underage*
343) underage*
344) minor*



Laura A. Menninger, Esq.
June 30, 2016
Page 12 of 12

- 345) daily* w/10 mail*
- 346) daily* w/10 news*
- 347) lie*
- 348) obvious* w/10 lie*
- 349) sex w/3 toy*
- 350) nipple*
- 351) schoolgirl
- 352) school w/3 girl
- 353) us w/3 att*
- 354) United w/3 states w/3 att*
- 355) [REDACTED]
- 356) Pedophil*
- 357) Paedophil*
- 358) [REDACTED]
- 359) Traffic*
- 360) Bed*
- 361) Bath*
- 362) Masturbate*
- 363) Ejaculate*
- 364) Masseur*
- 365) Lingerie
- 366) Boies*
- 367) Mccawley*
- 368) Schultz*

Sincerely,



Meredith L. Schultz

MLS:dk

EXHIBIT B

From: Laura Menninger
Sent: Thursday, July 14, 2016 2:35 PM
To: Meredith Schultz
Cc: Jeff Pagliuca; Sigrid S. McCawley - Boies, Schiller & Flexner LLP (smccawley@bsflp.com); 'brad@pathtojustice.com' (brad@pathtojustice.com)
Subject: Giuffre - Conferral regarding search terms

Meredith –

I am writing to you, in compliance with the Court's Order, to negotiate the search terms for the search of our client's electronic devices. While Jeff raised many of these issues orally with Brad last week, I am including them in written form so that there can be no dispute about our position.

I do object to the vast number of your 368 search terms. Most are not tied to any Request for Production served on Ms. Maxwell, nor the Court's Orders limiting those requests.

Terramar –

Search term 49 is "Terramar." While we are searching our client's terramar email address for otherwise responsive documents, this search term would pull up thousands of documents related to her work for that organization which are (a) non-responsive and (b) irrelevant to this action. We will not agree to this standalone search term.

Witness Names

With regard to the search terms numbered 124-341, insofar as I can tell, you have simply broken apart the first and last names of every witness included within your Rule 26 disclosures. However, you never submitted a RFP seeking all communications between our client and your witnesses. There are some RFPs which identify individual witnesses whose communications with our client you sought (e.g., 1 – Epstein, 2, -Plaintiff [REDACTED] and I will include those names within our searches.

As to other names included on the list, many are incredibly common names [REDACTED] which you are asking to search as standalone terms, i.e., divorced from the accompanying surnames or first names. You have included the name "max*" well aware that our client's surname, and that of all of her paternal family members, will begin with those three letters together. Your search terms thus are likely to yield every single email sent or received by our client, or her family members, or any other document in her possession with her own name on the document or in the metadata, in other words hundreds of thousands of non-responsive documents. Your search terms include [REDACTED] and thus are likely to include every bill that our client has received or sent or discussed. Your search terms include [REDACTED] who the court has already ruled maintains an attorney-client relationship with our client (and to the extent others are copied on his emails, those would be captured by searches for the other people's names). [REDACTED] though he is not on any witness list or in any RFP.

In sum, I will not agree to the search terms regarding witness names numbered 124-341 unless you (a) provide me with an actual RFP to which they each relate, and (b) make some effort to match them to actual people who have some relationship to this case (like first name /3 last name or some parts thereof).

Lawyer Names

What is your basis for search terms numbered 366-368: McCawley, Schultz and Boies? Likewise to the extent Mr. Edwards and Cassell are also included in the witness list, what is your basis for searching for documents referencing them? These search terms seemed designed to pull privileged attorney-client communications and do not correspond to any RFP. We will not agree to these terms.

Common Words

You have included a number of words that relate to common items and place names. Please explain which RFP allows for a search of the following terms:

- 50 – Southern District (which will pull up every attorney-client communication that refers to our case and includes any pleading)
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- 64 – New Mexico
- 66-72 – USVI by various names
- 113 – hospital
- 114 – 116 – hotel, suite, villa (every single travel record related to our client’s travel which the Court has not ordered)
- 119 – 120 – Paris, France
- 121 – 122 – Zoro, Ranch
- 360 – Bed
- 361 – Bath
- 365 - Lingerie

Other Words

Many other words have no relationship to this case. Please advise me as to (a) which RFP they correspond to and (b) your good faith basis for seeking these search terms in relation to any such RFP:

- 93 – Abernathy
- 94 – Brillo
- 355 – Guggenheim
- 358 - Gerbil

Conferral

Although many of your other search terms are a tremendous stretch, I can agree to them in the interest of getting the search done on a timely basis. According to our forensic expert, running a search on Ms. Maxwell’s devices of all 368 terms will take more than a week. I am available by telephone today and tomorrow to discuss the issues raised herein. If I do not hear from you, I will presume that you are in agreement to the remainder of the terms being run on the devices. That should allow a production of documents in time for Ms. Maxwell’s continued deposition next week.

I am intentionally not taking a position regarding the other demands you provided in your letter of June 30 at pages 1-2. The searches will be conducted in accordance with standard practices in the industry and the Court ordered us to negotiate search terms only.

-Laura



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Haddon, Morgan and Foreman, P.C.
150 East 10th Avenue
Denver, Colorado 80203
Main 303.831.7364 FX 303.832.2628
lmenninger@hmflaw.com
www.hmflaw.com

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EXHIBIT C

From: Laura Menninger
Sent: Monday, July 18, 2016 2:27 PM
To: 'Meredith Schultz'
Cc: Jeff Pagliuca; 'Sigrid S. McCawley - Boies, Schiller & Flexner LLP (smccawley@bsflp.com)'; 'brad@pathtojustice.com' (brad@pathtojustice.com)
Subject: RE: Giuffre - Conferral regarding search terms

Dear Meredith,

I am in receipt of your opposition to the Letter Motion to Strike your Motion for an Adverse Inference. The representations in the Response are perplexing, particularly in light of the below email communication in which I specifically 1) informed you of the search terms that we would run derived from your list, and 2) specifically requested a telephone conference on the issue of search terms pursuant to the Court's Order and prior to any such search.

Your representation to the Court that we are running "secret search terms unilaterally chosen by Defendant" is simply inaccurate. As clearly set forth in the below email communication, in order to move production forward, we invited discussion regarding our plan to run a subset of the search terms that *you* selected. The items excluded from the search were those terms you proposed that were unattached to any discovery request, or would result in the selection irrelevant documents due to the commonality of the term or their irrelevance to this case, such as TerraMar. The terms run are not "secret" and not selected by the defense – they are "the remainder of the terms" not specifically discussed in the below email. For avoidance of doubt, it is your proposed list, *excluding* items 49, 50, 51, 64, 66-72, 93-94, 113, 114-116, 119-120, 121-122, 124-341, 355, 358, 360, 361, and 365, 366-368.

Second, and again contrary to the representation in your Response, I specifically requested a time for a telephone conferral to discuss the search terms. Specifically, I stated "***I am available by telephone today and tomorrow to discuss the issues raised herein.***" Despite this clear request for a call if there were issues you wished to discuss, or if you had specific RFP's to which the excluded terms related, I heard nothing from you on Thursday afternoon or Friday to set a time to discuss the terms or the issues raised regarding overbreadth. As such, we proceeded processing your list with the exceptions set forth.

I will reiterate my offer to set a call to discuss the excluded terms to determine if there are agreeable additions. In light of the deposition scheduled for Friday and the time it takes to run searches, any call would need to be set prior to noon MT tomorrow. Please advise, one way or the other, if you are satisfied with the list or if you would like to set a call.

-Laura



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From: Laura Menninger
Sent: Thursday, July 14, 2016 2:35 PM
To: Meredith Schultz
Cc: Jeff Pagliuca; Sigrid S. McCawley - Boies, Schiller & Flexner LLP (smccawley@bsfllp.com); 'brad@pathtojustice.com' (brad@pathtojustice.com)
Subject: Giuffre - Conferral regarding search terms

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I do object to the vast number of your 368 search terms. Most are not tied to any Request for Production served on Ms. Maxwell, nor the Court’s Orders limiting those requests.

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Search term 49 is “Terramar.” While we are searching our client’s terramar email address for otherwise responsive documents, this search term would pull up thousands of documents related to her work for that organization which are (a) non-responsive and (b) irrelevant to this action. We will not agree to this standalone search term.

Witness Names

With regard to the search terms numbered 124-341, insofar as I can tell, you have simply broken apart the first and last names of every witness included within your Rule 26 disclosures. However, you never submitted a RFP seeking all communications between our client and your witnesses. There are some RFPs which identify individual witnesses whose communications with our client you sought (e.g., 1 – Epstein, 2, [REDACTED] and I will include those names within our searches.

As to other names included on the list, many are incredibly common names ([REDACTED]) which you are asking to search as standalone terms, i.e., divorced from the accompanying surnames or first names. You have included the name “max*” well aware that our client’s surname, and that of all of her paternal family members, will begin with those three letters together. Your search terms thus are likely to yield every single email sent or received by our client, or her family members, or any other document in her possession with her own name on the document or in the metadata, in other words hundreds of thousands of non-responsive documents. Your search terms include “[REDACTED]” and thus are likely to include every bill that our client has received or sent or discussed. Your search terms include “[REDACTED]” who the court has already ruled maintains an attorney-client relationship with our client (and to the extent others are copied on his emails, those would be captured by searches for the other people’s names). [REDACTED] though he is not on any witness list or in any RFP.

In sum, I will not agree to the search terms regarding witness names numbered 124-341 unless you (a) provide me with an actual RFP to which they each relate, and (b) make some effort to match them to actual people who have some relationship to this case (like first name /3 last name or some parts thereof).

Lawyer Names

What is your basis for search terms numbered 366-368: McCawley, Schultz and Boies? Likewise to the extent Mr. Edwards and Cassell are also included in the witness list, what is your basis for searching for documents referencing them? These search terms seemed designed to pull privileged attorney-client communications and do not correspond to any RFP. We will not agree to these terms.

Common Words

You have included a number of words that relate to common items and place names. Please explain which RFP allows for a search of the following terms:

- 50 – Southern District (which will pull up every attorney-client communication that refers to our case and includes any pleading)
- 51 – Palm Beach (a place our client lived for many years)
- 64 – New Mexico
- 66-72 – USVI by various names
- 113 – hospital
- 114 – 116 – hotel, suite, villa (every single travel record related to our client’s travel which the Court has not ordered)
- 119 – 120 – Paris, France
- 121 – 122 – Zoro, Ranch
- 360 – Bed
- 361 – Bath
- 365 - Lingerie

Other Words

Many other words have no relationship to this case. Please advise me as to (a) which RFP they correspond to and (b) your good faith basis for seeking these search terms in relation to any such RFP:

- 93 – Abernathy
- 94 – Brillo
- 355 – Guggenheim
- 358 - Gerbil

Conferral

Although many of your other search terms are a tremendous stretch, I can agree to them in the interest of getting the search done on a timely basis. According to our forensic expert, running a search on Ms. Maxwell’s devices of all 368 terms will take more than a week. I am available by telephone today and tomorrow to discuss the issues raised herein. If I do not hear from you, I will presume that you are in agreement to the remainder of the terms being run on the devices. That should allow a production of documents in time for Ms. Maxwell’s continued deposition next week.

I am intentionally not taking a position regarding the other demands you provided in your letter of June 30 at pages 1-2. The searches will be conducted in accordance with standard practices in the industry and the Court ordered us to negotiate search terms only.

-Laura



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Main 303.831.7364 FX 303.832.2628
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EXHIBIT D

From: Laura Menninger
Sent: Tuesday, July 19, 2016 11:33 AM
To: 'Meredith Schultz'
Subject: RE: Giuffre - Conferral regarding search terms

Meredith:

I write to confirm our oral conferral. Please let me know if you disagree with the following or if there is some other agreement you think we reached:

1. I will endeavor to have my client gain access to an earthlink account that you believe is hers. Your basis for that belief is a disk you produced last week, obtained pursuant to a FOIA request, that contained at Page 2035 an address book from approximately 2005 which has that earthlink account name next to Ms. Maxwell's name.
2. Terramar – You have withdrawn that as a standalone search term. I have represented to you that we have searched all Terramar emails for otherwise responsive documents as well as [REDACTED]
3. Witness names – You believe that search terms 124-341, which are witness names broken up into first and last names from your Rule 26 list, relate to your RFP number 5 (“All documents relating to massages...”). I represented to you that I have searched for the terms “massage,” “masseur,” “therapy” etc. as you requested, but you would still like me to search a subset of 124-341 surnames names for all communications with certain witnesses that you believe relate to “massages.” I said I would look at your list, when you send it, and evaluate whether we still object to running those more limited names to see if there are any communications that “relate to massages.” I still object that the search terms involving names is too broad and burdensome for me to have to review all communications with those individuals to try to discern what you believe may or may not relate to a “massage.”
4. Lawyer names – You have withdrawn.
5. Common words – You have withdrawn with the exception of “lingerie,” which I will run to see if it relates in some way to RFP 5 (“massages”).
6. Other words –
 - a. You have withdrawn #93 Abernathy and #94 Brillo.
 - b. I maintain my objection to Guggenheim, the name of a museum which you represented to me pertains in some way to allegations made by witnesses [REDACTED] but for which no documents or other information has been shared (i.e., I have never seen any allegations by [REDACTED]). Because there is no RFP to which I believe that term relates, and it is the name of a museum, I object to running that search term.
 - c. Gerbil – You have withdrawn.
7. Additionally:
 - a. I advised you that I was not able to search for # [REDACTED] because those letters are the first part of my client's longstanding email address, and search for that term will yield literally every single email she has sent or received. I believe you have withdrawn that requested search term.
 - b. I advised you that I was not able to search for initials at #16-21 and 75-77. To the extent those initials represent people from whom you have requested all communications (and which the Court has limited to 1999-2002 and post-2002 as they relate to sex trafficking), for example, Jeffrey Epstein [REDACTED] [REDACTED], I am searching for and producing responsive documents, so there is no need to search for the

initials. With regards to [REDACTED], you told me that is [REDACTED] and there is no standalone request for communications with her.

-Laura



Laura A. Menninger
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From: Laura Menninger
Sent: Monday, July 18, 2016 2:27 PM
To: 'Meredith Schultz'
Cc: Jeff Pagliuca; 'Sigrid S. McCawley - Boies, Schiller & Flexner LLP (smccawley@bsflp.com)'; 'brad@pathtojustice.com' (brad@pathtojustice.com)
Subject: RE: Giuffre - Conferral regarding search terms

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Cc: Jeff Pagliuca; Sigrid S. McCawley - Boies, Schiller & Flexner LLP (smccawley@bsflp.com); 'brad@pathtojustice.com' (brad@pathtojustice.com)
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Lawyer Names

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- 66-72 – USVI by various names
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Conferral

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EXHIBIT E

From: Meredith Schultz <mschultz@BSFLLP.com>
Sent: Wednesday, July 20, 2016 11:24 AM
To: Laura Menninger
Cc: Sigrid McCawley; Jeff Pagliuca; Brad Edwards; Paul Cassell (cassellp@law.utah.edu)
Subject: RE: Conferral regarding forensic search

Follow Up Flag: Follow Up
Flag Status: Flagged

Laura,

Please see my additions in-line, **in black**, below to your email sent yesterday. My in-line communication should also be responsive to the email that you just sent. If I have left anything out, please let me know.

Thanks,

Meredith

Meredith L. Schultz
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, FL 33301
Phone: 954-356-0011 ext. 4204
Fax: 954-356-0022
<http://www.bsflp.com>

From: Laura Menninger [<mailto:lmessenger@hmflaw.com>]
Sent: Tuesday, July 19, 2016 1:33 PM
To: Meredith Schultz
Subject: RE: Giuffre - Conferral regarding search terms

Meredith:

I write to confirm our oral conferral. Please let me know if you disagree with the following or if there is some other agreement you think we reached:

1. I will endeavor to have my client gain access to an earthlink account that you believe is hers. Your basis for that belief is a disk you produced last week, obtained pursuant to a FOIA request, that contained at Page 2035 an address book from approximately 2005 which has that earthlink account name next to Ms. Maxwell's name. Please advise of the processes you are undertaking to access the account, and the process you undertook to ascertain that the mindspring account no longer exists.
2. Terramar – You have withdrawn that as a standalone search term. I have represented to you that we have searched all Terramar emails for otherwise responsive documents as well [REDACTED].
3. Witness names – You believe that search terms 124-341, which are witness names broken up into first and last names from your Rule 26 list, relate to your RFP number 5 (“All documents relating to massages...”). I represented to you that I have searched for the terms “massage,” “masseur,” “therapy” etc. as you requested,

but you would still like me to search a subset of 124-341 surnames names for all communications with certain witnesses that you believe relate to “messages.” I said I would look at your list, when you send it, and evaluate whether we still object to running those more limited names to see if there are any communications that “relate to messages.” I still object that the search terms involving names is too broad and burdensome for me to have to review all communications with those individuals to try to discern what you believe may or may not relate to a “massage.”

I disagree with your objection that reviewing (and producing relevant) documents containing these discrete surnames is too broad a request or overly burdensome, particularly, as you have not presented any numbers of documents associated with those names, since you have not yet run the terms. Should one of the names somehow yield thousands of documents, please let me know, and I’m certain we can come to an agreement to adjust the term so as to not yield an unmanageable result. As it is, I would expect these discrete surnames to yield a reasonable number of “hits,” as most are not common words (more on that below).

Per our conversation, there are a number of individuals who we have reason to believe were either:

- (1) victims of the “messages;”
- (2) witnesses the “messages” (including people who have knowledge of the “messages”); or
- (3) perpetrators of the “messages,” either by having a “massage” themselves, arranging for another to have a “massage,” or by arranging for a girl to give a “massage” (either directly or through another girl).

The following are surnames of the aforementioned individuals, all of which are taken from the parties’ Rule 26 disclosures. Individuals who possess the same last name will be represented once by the common name. Names enumerated in Plaintiff’s individual requests are absent from this list pursuant to your representation that those names have been run. The vast majority of the surnames are fairly uncommon (e.g., [REDACTED]), therefore, I assume from the outset that any “hits” they yield will relate to the individual, and be limited in number. For those surnames are more common, or have other meanings (e.g., [REDACTED]), I have noted the full name for ease of reference. For those names, please use a reasonable, good-faith syntax to capture communications with those individuals -- for example: [REDACTED]” Sometimes that takes some trial-and-error – I’m happy to be of any assistance with regard to that process. Please let me know what your syntax you ended up using for those terms.

• Alessi

[REDACTED]

[REDACTED]

4. Lawyer names – You have withdrawn.

5. Common words – You have withdrawn with the exception of “lingerie,” which I will run to see if it relates in some way to RFP 5 (“massages”).

6. Other words –

a. You have withdrawn #93 Abernathy and #94 Brillo.

b. I maintain my objection to Guggenheim, the name of a museum which you represented to me pertains in some way to allegations made by witnesses [REDACTED] but for which no documents or other information has been shared (i.e., I have never seen any allegation [REDACTED]). Because there is no RFP to which I believe that term relates, and it is the name of a museum, I object to running that search term.

c. Gerbil – You have withdrawn.

7. Additionally:

a. I advised you that I was not able to search for [REDACTED] because those letters are the first part of my client’s longstanding email address, and search for that term will yield literally every single email she has sent or received. I believe you have withdrawn that requested search term.

b. I advised you that I was not able to search for initials at #16-21 and 75-77. To the extent those initials represent people from whom you have requested all communications (and which the Court has limited to 1999-2002 and post-2002 as they relate to sex trafficking), for example, Jeffrey Epstein [REDACTED], I am searching for and producing responsive documents, so there is no need to search for the initials. With regards to [REDACTED], you told me that is [REDACTED] and there is no standalone request for communications with her.

-Laura

Additionally, please inform me what steps you have taken to ascertain that the [REDACTED] is no longer in existence. Similarly, please keep me informed of your steps to access the [REDACTED]. Please pursue all available avenues to access those accounts, as Ms. Giuffre did with regard to her email accounts.

Finally, Ms. Maxwell’s produced documents that indicate that she has an iPad, etc. Please confirm that you have imaged her iPad as well as her phone in order to obtain the data from both (text messages, etc.).

One last thing - it occurred to me that in our discussion of terms that were run/not run and to be run/and not to be run, I don’t believe we discussed the terms containing individuals’ email account addresses, specifically Mr. Epstein and Mr. Dershowitz. (If we did discuss that, apologies for my lack of memory). Please confirm that you have run the terms associated with their email addresses. Specifically, these were the terms:

1)jeevacation*

2)j* w/2 *jep*

3)j* w/2 *jeep*

4)dersh*

[REDACTED]
[6\)alandersh*](#)

Please let me know if you have any questions. Please treat this email as confidential under the Protective Order as it contains the names of underage victims of sexual abuse.

Thank you,

Meredith

Meredith L. Schultz
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, FL 33301
Phone: 954-356-0011 ext. 4204
Fax: 954-356-0022
<http://www.bsflp.com>

From: Laura Menninger [mailto:lmessenger@hmflaw.com]
Sent: Wednesday, July 20, 2016 1:01 PM
To: Meredith Schultz
Cc: Sigrid McCawley; Jeff Pagliuca; Brad Edwards; Paul Cassell (cassellp@law.utah.edu)
Subject: Conferral regarding forensic search

Meredith –

Apart from (i) the list of witness names you believe might be associated with the term “massage” (“massage” and related terms that you requested have been searched), (ii) the word “lingerie”, and (iii) the [REDACTED] we have completed the forensic copy, search, retrieval and review of all hits on our client’s devices and email accounts as directed by the Court based on agreed to search terms, including those agreed to in our conferral yesterday.

After review of more than 9,000 documents and files containing your search terms, the only documents located not previously produced are 6 *privileged* documents which we will add to our log. We also located a number of privileged communications between our client and myself following the onset of litigation in this case which will not be logged consistent with both parties' agreed to practice. As predicted, no responsive non-privileged documents resulted from the exercise.

I will keep you apprised of the results of the “lingerie” and status of ability to access the [REDACTED] account. If you want me to consider running additional witness names because you believe those people may relate to RFP 5 regarding “massages”, please forward those names to me and your basis.

-Laura

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EXHIBIT F

Search Terms Defendant Has Already Searched

From Plaintiff's June 30th proposed list:
(note: Plaintiff's numbers have been used)

- 1) jef*
- 2) geof*
- 3) epst! !n*
- 4) jeevacation*
- 5) j* w/2 *jep*
- 6) j* w/2 *jeep*
- 7) roberts*
- 8) g!!ff!!*
- 9) virginia*
- 10) jenna*
- 11) jena*
- 12) genna*
- [REDACTED]
- [REDACTED]
- [REDACTED]
- 22) massage*
- 23) masseur*
- 24) therapist*
- 26) mindspring*
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- 42) *copter*
- 43) chopper*
- 44) pilot*
- 45) manifest*
- 46) log*
- 47) flight*
- 48) passport*
- 52) state* /3 attorney*
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

57) al!n*

58) all!n*

59) dersh*

[REDACTED]

61) alandersh*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

78) police*

79) cop*

80) fbi*

81) federal* w/3 bur*

82) bur* w/8 inves! *

83) sex*

84) abuse*

85) toy*

86) dildo*

87) strap* w/3 on*

88) vibr*

89) sm* w/3 101 *

90) slave*

91) erotic*

92) servitude*

95) high* w/3 school*

96) secondary* w/3 school*

97) campus*

[REDACTED]

[REDACTED]

100) licen!e*

101) assault*

102) juvenile*

103) seal*

104) joint* w/3 defen*

105) jda

106) roadhouse*

[REDACTED]

108) illegal*

109) immune*

110) prosecut*

111) law* w/3 enforc*

112) jane* w/3 *doe*

117) model*

118) actress*

123) vanity* w/ 3 fair*

342) underage*

