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To: "[REDACTED]" <[REDACTED]>, "[REDACTED]" <[REDACTED]>, "[REDACTED] (USANYS)" <[REDACTED]>

Subject: Notes from 2020.11.19 Call with Sternheim, Everdell, and Cohen

Date: Thu, 19 Nov 2020 19:33:56 +0000

2020.11.19 Call with Sternheim, Everdell, and Cohen



- Cohen: two things want to discuss; recent developments related to conditions in MDC; renewed bail application planning to make
- Sternheim: recent conditions are that yesterday she was whisked out of area she spends the day in; she asked what was going on; said they were giving her a test; she wanted to speak to her lawyers before the test; she was told if she did not take the test, she would be put in SHU for 21 days; if she did take the test, would be in SHU for 14 days; then given 2 COVID tests; appears that staff near her had COVID/was coughing; heard other guard say heard that has COVID; she is in her isolation cell; every time open hatch, they spray it so chemicals are in her area; big issue is that they repeatedly search her (strip search, wand); after search, get up close and personal and look in her mouth (invitation to infection);
 - When got her laptop today, it was out of power, had to wait for power cord; environment where can't work; has to balance pad
 - Only reason would get sick it's because of BOP staff; my understanding is that rigid conditions under which detained (and haven't seen ever before, not even Tartaglione) – if that's because of Epstein, she will get sick on BOP's watch, will create another nightmare for the Government
 - Never had clients for terrorism, violence, murder treated the way GM is treated
- Cohen: over 100 years of experience in this district collectively; never seen anything like this before; would like to see you in person ideally next week or at least by Zoom
 - Want to walk you through the renewed bail application have spent 3.5 months putting substantial work into; believe it addresses concerns Government raised at the hearing and in submissions; believe it addresses concerns raised by the Court
 - Would need same level of confidentiality described in the protective order (financial information; personal, private information; suretor information); want to make sure covered by protective order
 - Related request is that when we file, which we feel we have to do soon, if GM remains in, it will likely be the first of many calls in light of current COVID situation; would need to file under seal and would like your consent as well
 - Show real evidence of threats to her and family members and those close to her
- [REDACTED] really appreciate you coming to us with concerns about conditions of confinement and opening dialogue about bail application; in terms of bail application, we are happy to listen and take a look at what you have, will go in with an open mind, but can't at this stage preview or predict what our position will be. In terms of how to treat information you share with us on Monday and sealing, would have to run up the chain; would prefer to do by video
- [REDACTED] able to tell us about what kinds of activities or dissemination concerns you have;
- Cohen: if thought covered by PO, not sure that covered by PO; asking to have things treated as if designated confidential under the order
- Everdell: in order to describe what our proposed bail package is, going to have discuss info that is confidential and sensitive, including for potential co-signers; includes their properties, financial information
- Cohen: understand that everything needs to be made known to gov't, pretrial, and court, but beyond that
- [REDACTED] want us to treat any information provided to us as if marked confidential under PO?

- Everdell: could only use for purposes of bail application; would not publicly disseminate or disclose; would only be shared with prosecution team; individuals looking to come forward are nervous b/c of notoriety of the case; want to give comfort that what telling at meeting will be treated confidentiality and won't be disclosed
- [REDACTED] in evaluating potential bail application, for financial information, might contact bank or vet that information; sometimes take steps to vet cosigners as well; would restrictions prohibit us from doing that
- Everdell: for purposes of meeting, want to describe potential co-signers and what security of bond would look like and discuss certain financial information (most financial information are things already in discovery itself, so some of materials already marked confidential); understand will need to vet co-signers
- Cohen: keep confidential for Monday's purposes and then to extent team needs to vet people, we can work through that
- [REDACTED]: in terms of conditions of confinement, still trying to understand everything that has happened in last 24 hours;
 - Understand that one of staff members on detail who works in area where client is housed tested positive for COVID; understand that everyone who works in that area was sent home to quarantine; rapid test came back negative; sending lab test out; will need to stay in quarantine for 14 days, will test out; during that time she needs to stay in isolation cell; was not aware that searching her the way you described while in quarantine; will reach out to MDC and discuss balancing need for security with disease
 - Understanding is she will still have 3 hours a day to make legal calls; have made request to MDC legal that is going up to warden that she be able to review laptop for 13 hours that she was supposed to be in the day room; will inquire about a writing surface, whether possible to put something into her cell to make review of discovery more practical or move her to somewhere with that kind of furniture; understand that temperate is ; understand no issues with moistness
- Sternheim: anytime anything is given to her, open hatch; every time it is opened and closed it is sprayed; chemical of spray goes into the room where there is no other ventilation; she also has no hot water, soap; not able to self-protect under the conditions
- [REDACTED] will focus on the conditions while she will be in quarantine
- Sternheim: legal calls being done in close proximity to people who are watching her; I could hear people when I was on call with them; was told notetaking was occurring; she is in between 1 to 4 feet distance from these people
- [REDACTED] will follow up
- Everdell: CD that sent with most recent production, can't review that on laptop
- [REDACTED] if want us to load hard drive with just that, can do that; or wait until have hard drive loaded
- Everdell: will get back to you
- [REDACTED]: concerns that expressed before quarantine are mostly on level of searches and surveillance
- Sternheim: she is practically in solitary confinement; when I visit her, there are at least 3 people watching us with a camera; I have asked what camera is for; they say it is not recording; then why is it always set up and moved when they moved us; degree of invasiveness of attorney-client relationship which have not experienced before; she doesn't even have a regular toothbrush; it's one inch
- Cohen: have had same experience with camera; when allowed to see her, not allowed to pass her documents
- [REDACTED] have had multiple conversations with MDC about that
- Sternheim: in most recent visit, was able to hand her something to look at; have put us in a room that's very tight; never seen anything like this
- [REDACTED] client has more access to discovery and more time to review discovery than any other inmate; more time for calls as well
- Sternheim: that may be true; however, whatever is being done to her to prevent what had happened to Epstein, she is being worn down; mentally healthy person; her hair is falling out

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