

EXHIBIT 5

Sigrid McCawley

From: Gregory Poe <gpoe@gpoelaw.com>
Sent: Thursday, June 16, 2016 1:53 PM
To: Brad Edwards
Cc: Laura Menninger; Sigrid McCawley; Martin G. Weinberg; Jeff Pagliuca; cassellp@law.utah.edu; Meredith Schultz
Subject: RE: SERVICE - Epstein Deposition

Brad —

This follows up on our conversation earlier this afternoon. As I mentioned when I called, we will be filing a motion to quash on behalf of Mr. Epstein. If the Court denies the motion we will be filing and Mr. Epstein's deposition ultimately is required to go forward, if the Court extends the discovery deadline that I understand is currently in place, and if the Court permits plaintiff to take depositions in July, then Mr. Epstein and I would be available in the USVI on July 26 or July 27.

Your June 15 email to me below contains various inaccuracies to which I will not respond at this point.

Regards,

Greg

Please note: As of June 1, 2016, my email address has changed to gpoe@gpoelaw.com. Please update your address book accordingly.

Gregory L. Poe
Law Offices of Gregory L. Poe PLLC
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From: Brad Edwards [mailto:brad@pathtojustice.com]
Sent: Wednesday, June 15, 2016 12:40 PM
To: Gregory Poe <gpoe@gpoelaw.com>
Cc: Laura Menninger <lmessenger@hmflaw.com>; Sigrid McCawley <Smccawley@BSFLLP.com>; Martin G. Weinberg <owlmgw@att.net>; Jeff Pagliuca <jpagliuca@hmflaw.com>; cassellp@law.utah.edu; Meredith Schultz

<mschultz@BSFLLP.com>

Subject: RE: SERVICE - Epstein Deposition

Mr. Poe,

While you may not have personally been involved, we have been attempting to coordinate with Mr. Weinberg on setting Mr. Epstein's deposition since March 7. Mr. Weinberg initially refused to accept service. Since that time we spent thousands of dollars trying to serve Mr. Epstein and ultimately filed a Motion for Alternative service after which Mr. Weinberg agreed to accept service of the deposition subpoena which indicated a deposition date of June 14.

We also agreed to accommodate Mr. Epstein's request that the deposition be taken in the Virgin Islands, despite his pilot testifying that he continues to travel to New York. We have also been willing to agree to a mutually agreeable date for this Virgin Islands deposition.

In my last email I asked, "Ok, can you please provide some available dates?" But your response does not provide any dates.

I'm not here to debate the record although I think it is only fair if we work from an accurate record of relevant facts. I just simply want deposition dates, which is what I reasonably expected to get after you accepted service of a deposition subpoena and we agreed to travel to the Virgin Islands. We understand that you disagree with our position that the deposition testimony (including any 5th amendment invocation) will be admissible in this case. It has been clear that we have agreed to disagree on that point since the topic arose in March of this year.

Can you please provide some acceptable dates when we can take Mr. Epstein's deposition? If the dates are outside the current discovery period then we will ask permission to take the deposition in July. That is fine, but before we can get there we need to know what dates will work. Please feel free to call me if you think that would help. I will be the point person for setting a date for this deposition.

Sincerely,



**Farmer, Jaffe, Weissing,
Edwards, Fistos & Lehrman, P.L.**

**Brad Edwards
Board Certified Trial Attorney**

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From: Gregory Poe [mailto:gpoe@gpoelaw.com]

Sent: Wednesday, June 15, 2016 12:05 PM

To: Brad Edwards <brad@pathtojustice.com>

Cc: Laura Menninger <lmenninger@hmflaw.com>; Sigrid McCawley <Smccawley@BSFLLP.com>; Martin G. Weinberg <owimgw@att.net>; Jeff Pagliuca <jpagliuca@hmflaw.com>; cassellp@law.utah.edu; Meredith Schultz

<mschultz@BSFLLP.com>

Subject: RE: SERVICE - Epstein Deposition

Mr. Edwards –

I am out of town this week but expect to be back in the office tomorrow or Friday at the latest. Should I consider you or Sigrid McCawley as the point of contact in this case? I have not received any acknowledgment of receipt or response from Ms. McCawley to my June 9 letter. Whether Mr. Epstein's deposition should occur at all, of course, is a predicate question (at least from our perspective). I am assuming that you are taking the position, given your request for dates, that the deposition should proceed despite the continuing position taken and reservations made in my June 9 letter and previously by Mr. Weinberg in agreeing to accept service. Please let me know whether you have received and have any response to my June 9 letter.

As you know, counsel for Mr. Epstein was first asked about deposition dates last Sunday (June 12), when Ms. McCawley inquired via email whether June 28 is available. Given the communications in the email chain below, and the motions on the docket that I notice are pending (including plaintiff's motion for an extension of time), I don't see how it is possible to set a date in June regardless of our availability (and putting to one side our position that a deposition should not occur at all). In any event, however, please be aware that we are not available in June because of travel and other commitments both for Mr. Epstein and his counsel that preexisted Ms. McCawley's initial scheduling request on June 12.

Regards,

Greg

Please note: As of June 1, 2016, my email address has changed to gpoe@gpoelaw.com. Please update your address book accordingly.

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From: Brad Edwards [<mailto:brad@pathtojustice.com>]

Sent: Tuesday, June 14, 2016 7:22 AM

To: Gregory Poe <gpoe@gpoelaw.com>

Cc: Laura Menninger <lmenninger@hmflaw.com>; Sigrid McCawley <Smccawley@BSFLLP.com>; Martin G. Weinberg <owlmgw@att.net>; Jeff Pagliuca <jpagliuca@hmflaw.com>; cassellp@law.utah.edu; Meredith Schultz

<mschultz@BSFLLP.com>

Subject: Re: SERVICE - Epstein Deposition

I'm sorry Greg. I misunderstood.

Ok, can you please provide some available dates?

Brad

Sent from my iPhone

On Jun 14, 2016, at 7:03 AM, Gregory Poe <gpoe@gpoelaw.com> wrote:

Mr. Edwards and Ms. McCawley –

As I informed Ms. McCawley in my June 9, 2016 letter, I represent Jeffrey Epstein with respect to the Rule 45 subpoena. Marty Weinberg represents Mr. Epstein in *Does*.

Neither June 17 nor June 28 is an available date.

Regards,

Greg Poe

Please note: As of June 1, 2016, my email address has changed to gpoe@gpoelaw.com. Please update your address book accordingly.

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From: Brad Edwards [<mailto:brad@pathtojustice.com>]

Sent: Monday, June 13, 2016 7:42 PM

To: Laura Menninger <lmenninger@hmflaw.com>

Cc: Sigrid McCawley <Smccawley@BSFLLP.com>; Martin G. Weinberg <owimgw@att.net>; Gregory Poe <gpoe@gpoelaw.com>; Jeff Pagliuca <jpagliuca@hmflaw.com>; cassellp@law.utah.edu; Meredith Schultz <mschultz@BSFLLP.com>

Subject: Re: SERVICE - Epstein Deposition

Mr. Epstein's counsel is on this email chain so hopefully Mr. Weinberg will let us know which date works.

Sent from my iPhone

On Jun 13, 2016, at 7:36 PM, Laura Menninger <lmenninger@hmflaw.com> wrote:

Brad –

I do not know, nor have I ever represented to you, what Mr. Epstein's availability is for any deposition. He is not my client, and I do not have access to either his or his attorneys' calendars. I am speaking purely from the perspective of my and Jeff Pagliuca's availability to participate in any such deposition as counsel for Ms. Maxwell.

When I told you Ms. Maxwell's counsel's availability for depositions when we spoke on Friday, I made a point that we are NOT available on the 28th for an in person deposition and that we would only be able to participate by telephone that date. We disagree with being the only party to participate by telephone. I am now repeating to you what I said then regarding our availability to participate in person as counsel for Ms. Maxwell.

-Laura

From: Brad Edwards [<mailto:brad@pathtojustice.com>]

Sent: Monday, June 13, 2016 5:30 PM

To: Laura Menninger

Cc: Sigrid McCawley; Martin G. Weinberg; gpoel@gpoelaw.com; Jeff Pagliuca; cassellp@law.utah.edu; Meredith Schultz

Subject: Re: SERVICE - Epstein Deposition

Let me just jump in quickly. I can't tell by reading this email whether there is a disagreement about Mr. Epstein's deposition or not. I do understand that you don't think the adverse inference will be admitted in this case and we respectfully disagree. But that is an issue for another day.

On Friday, as you say in the beginning of your email below, we worked through a deposition schedule for the remainder of the month and agreed on Mr. Epstein for the 28th - as the last available day on our tight schedule for his depo. I relayed the schedule exactly as we had discussed. I also relayed that you said you would probably attend by phone (because Mr. Epstein will likely take the 5th anyway).

Are you saying now that Mr. Epstein is available this Friday, the 17th? If so, I will try to arrange my schedule to take it then. But to my knowledge we have not received that information from Mr. Epstein's attorney. If we can confirm that date now, then I will try to make that happen. If not, then we will take it on the 28th.

Brad

Sent from my iPhone

On Jun 13, 2016, at 6:21 PM, Laura Menninger <lmenninger@hmflaw.com> wrote:

Sigrid –

I had a conversation with Brad last Friday afternoon regarding the scheduling of depositions. During that conversation, I stated that the only day remaining in June that we could even potentially participate in a deposition of Mr. Epstein before the end of discovery cut-off would be June 28th, however, I informed him we could only participate by phone on that date.

Just so you are clear, we object to the deposition being held at all, given Mr. Epstein's stated intention to take the 5th Amendment as to all questions, our strongly held and legally supported position that such a non-party 5th Amendment does not have any admissibility in this case, the cost and expense of such a deposition in the U.S. Virgin Islands and your failure to pursue in good faith a deposition of Mr. Epstein during the 5 ½ months of discovery available in this case. Furthermore, including the number of depositions that you have scheduled and cancelled at the last minute in this case, you have already reached the allowable 10 depositions before Mr. Epstein's.

If any deposition of Mr. Epstein is to occur by telephone, we believe all parties should participate by telephone. If it is to be in person, we are available on June 17 and June 21.

-Laura

<image002.jpg>
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From: Sigrid McCawley [<mailto:Smccawley@BSFLLP.com>]
Sent: Sunday, June 12, 2016 9:57 AM
To: Martin G. Weinberg; Laura Menninger; gpoe@gpoelaw.com
Cc: Jeff Pagliuca; brad@pathtojustice.com; cassellp@law.utah.edu;
Meredith Schultz; Sigrid McCawley
Subject: RE: SERVICE - Epstein Deposition

Hello Marty and Mr. Poe,

Per the below - It is my understanding that Maxwell's counsel has confirmed with Mr. Edwards that they are available for the deposition of Mr. Epstein on Tuesday, June 28, 2016 at 9:00 a.m. in the USVI (with Maxwell's counsel participating by phone).

Per the below, we propose the island of St. Thomas as it is my understanding that this island is the closest island with an airport to Mr. Epstein's island. Kindly confirm the date and we will coordinate a location for the deposition.

Thank you,
Sigrid

Sigrid S. McCawley
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From: Martin G. Weinberg [<mailto:owlmgw@att.net>]
Sent: Friday, May 27, 2016 11:12 AM
To: Laura Menninger; Sigrid McCawley
Cc: Jeff Pagliuca; brad@pathtojustice.com; cassellp@law.utah.edu;
Meredith Schultz; owlmgw@att.net
Subject: Re: SERVICE - Epstein Deposition

Sigrid, with everyone in agreement as to both the service and the location issues, I would request that you notify Judge Sweet that the portion of your motion addressing the deposition service issue as to Mr. Epstein has been resolved. I will forward any proposals on dates to the attorney or attorneys who will physically be present at the deposition so that they, Laura, and you can work agree on a schedule and location. Thanks, Marty

From: [Laura Menninger](#)
Sent: Friday, May 27, 2016 10:55 AM
To: [Martin G. Weinberg](#) ; [Sigrid McCawley](#)
Cc: [Jeff Pagliuca](#) ; brad@pathtojustice.com ; cassellp@law.utah.edu ;
[Meredith Schultz](#)
Subject: Re: SERVICE - Epstein Deposition

We do not oppose your agreement with respect to the location of Mr. Epstein's deposition.

-Laura

 **Laura A. Menninger**
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From: Martin Weinberg <owlmgw@att.net>
Date: Thursday, May 26, 2016 at 4:13 PM
To: Sigrid McCawley <smccawley@bsfllp.com>
Cc: Laura Menninger <lmenninger@hmflaw.com>, Jeff Pagliuca <jpagliuca@hmflaw.com>, Brad Edwards <brad@pathtojustice.com>, Paul Cassell <cassellp@law.utah.edu>, Meredith Schultz <mschultz@BSFLLP.com>, Martin Weinberg <owlmgw@att.net>
Subject: Re: SERVICE - Epstein Deposition

Hi Sigrid. Mr. Epstein is in agreement to proceed with a VI deposition and to accept service for that deposition. I understand the issue expressed below and will promptly communicate with Ms Maxwell's counsel in order to determine her position.

Thanks, Marty

From: Sigrid McCawley
Sent: Thursday, May 26, 2016 5:45 PM
To: Martin Weinberg
Cc: lmenninger@hmflaw.com ; <mailto:jpagliuca@hmflaw.com> ; brad@pathtojustice.com ; <mailto:cassellp@law.utah.edu> ; Meredith Schultz
Subject: RE: SERVICE - Epstein Deposition

Hello Marty,

Thank you for your response regarding our subpoena to Jeffrey Epstein. You have represented that Mr. Epstein will agree to accept service of the subpoena, "reserving his rights to contest the breadth of the subpoena and whether a deposition should be required at all given his articulated and principled intention to assert the Fifth Amendment in response to questions addressing the subject matter of the Giuffre v. Maxwell lawsuit" if we can accommodate his request to have the deposition take place near Mr. Epstein's Virgin Island residence.

We can agree on behalf of Ms. Guiffre to accommodate Mr. Epstein's location request, however, in an abundance of caution so that there is no misunderstanding, I have copied counsel for Ms. Maxwell for whom Mr. Epstein is in a joint defense agreement with, to confirm their agreement. If Ms. Maxwell's counsel does not agree to Mr. Epstein's deposition location request, then I will have to proceed with the Alternative Service Motion relating to Mr. Epstein that we have filed to have the Court confirm alternative service of Mr. Epstein in NY and the deposition in NY.

If you have not already done so, I ask that you please confer with your joint defense counsel and confirm with us that both Ms. Maxwell and Mr. Epstein are in agreement to proceed as you proposed with the deposition location in the Virgin Islands.

Thank you,
Sigrid

Sigrid S. McCawley
Partner

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From: Martin Weinberg [<mailto:owlmgw@att.net>]

Sent: Thursday, May 26, 2016 12:11 PM

To: Sigrid McCawley; Martin Weinberg

Subject: SERVICE - Epstein Deposition

Sigrid, I am authorized to accept service conditioned on the deposition being located near Mr. Epstein's Virgin Island residence which you indicated in your email of May 25 was acceptable to you, on a date and location (close to but not at the residence) that would be agreeable to all parties, and on Mr. Epstein's reservation of all rights to contest the breadth of the subpoena and whether a deposition should be required at all given his articulated and principled intention to assert the Fifth Amendment in response to questions

addressing the subject matter of the Giuffre v Maxwell lawsuit. Let me know if this resolves the service issue and if so a good time to discuss or exchange emails on dates and other specifics.

Marty

Martin G. Weinberg, Esq.
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