

FILED

July 16, 2021

ST-2020-CV-00014

TAMARA CHARLES

CLERK OF THE COURT

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

GOVERNMENT OF THE UNITED STATES
VIRGIN ISLANDS

Plaintiff,

v.

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

Defendants.

CASE NO. ST-2020-CV-00014

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

PLAINTIFF'S SUBPOENA TO THIRD-PARTY DAVID MITCHELL

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

INSTRUCTIONS

1. When providing Your responses, indicate the Request to which each Document or answer responds in the metadata field, RequestNo.
2. Documents produced pursuant to these Requests shall be produced as they are kept in the ordinary course of business.
3. For each Document that You produce, produce the current version together with all earlier editions or predecessor Documents during the relevant time period, even though the title of earlier Documents may differ from current versions. Format for Documents produced electronically:
 - a. Data shall be produced in single page TIFFs at a 300 DPI resolution which are named for the Bates Number of the page. There shall be no more than 1000 images per folder. Bates numbers, confidentiality designations, and redactions shall be burned into the TIFF image file so as not to unreasonably obstruct any information on the page.
 - b. Document Unitization. Each page of a Document shall be electronically converted into an image as described above. If a Document is more than one page, the unitization of the Document and any attachments and/or affixed notes shall be maintained as it existed in the original when creating the image file and appropriately designated in the load files. The corresponding parent/attachment relationships, to the extent possible, shall be provided in the load files furnished with each production.
 - c. Include Document level text files containing optical character recognition (“OCR”) or extracted text named with the Bates Number of the first page of the Document.

- d. Include data load files containing all of the metadata fields (both system and application – see list below) from the original Native Documents.
- e. Include the database field name in the first line of the metadata file, in such a manner that it is clear how the metadata is organized in the file.
- f. All hidden text (*e.g.*, track changes, hidden columns, comments, notes, etc.) shall be expanded, extracted, and rendered in the .TIFF file.
- g. Documents created in Excel (spreadsheets), .CSV files, Access (databases), and audio and video media files shall be produced in Native format. The extractable metadata and text shall be produced in the same manner as other Documents that originated in electronic form (as described herein) to the extent that metadata exists or is reasonably accessible.
- h. Email attachments and embedded files or links shall be mapped to their parent.
- i. Produce all attachments to responsive Documents attached to the responsive Documents.
- j. De-duplicate prior to production. To the extent that exact duplicate Documents (based on MD5 or SHA-1 hash values at the Document level) reside within a party's data set, each party is only required to produce a single copy of a responsive Document, so long as there is a data field that identifies each custodian who had a copy. In addition, Documents may be de-duplicated in such a way as to eliminate earlier or incomplete chains of emails, and produce only the most complete iteration of an email chain so long as there is a data field that identifies each custodian who had a copy.

REQUIRED METADATA FIELDS:

BEGDOC	ENDDOC
BEGATTACH	ENDATTACH
ATTCOUNT	ATTACH
CUSTODIAN	AUTHOR
FROM	TO
CC	BCC
FILESIZE	PGCOUNT
DATERECD	TIMERECD
DATESENT	TIMESENT
CRTDATE	CRTTIME
LASTMODDATE	LASTMODTIME
LASTACCDATE	LASTACCTIME
TITLE	SUBJECT
EMAILSUBJECT	FILENAME
FILEEXT	MD5HASH
ORGANIZATION	FULLPATH
RECORD_TYPE	VERSION
VOLUME	COMMENT
PRINTEDDATE	ENTRYID
ATTLST	ITEMTYPE
PSTINSIDEPATH	ITEMCREATIONTIME

REQATTANDEES	REMINDERTIME
REPLYTIME	APPOINTMENTSTARTDATE
APPOINTMENTDURATIONTIME	APPOINTMENTCONTACT
CATEGORY	KEYWORDS
MANAGER	LASTAUTHOR
ENCRYPTED	FAMILYDATE
NATIVELINK	TEXTPATH
REQUESTNO	

4. Format for hard copies of Documents produced in response to this Request:
 - a. Re-type the question or request to which the Documents respond and firmly attach the Documents to the re-typed request;
 - b. Number all Documents consecutively, consistently with the numbers used for the Documents produced electronically.
5. Unless otherwise indicated, the relevant time period for this Request for Production of Documents is January 1, 1998 to the present.
6. If no Documents responsive to a particular request exist, so state.
7. As to any Document which no longer exists but which You are aware existed at one time, identify such Document with as much particularity as possible, and in addition, identify the last known location of the Document, the reason the Document is no longer in existence, and the person responsible for the Document's disposition.
8. For information that You withhold on the basis of privilege, provide a descriptive list of each Document stating the grounds for Your refusal and providing the following

information: the name or title of the Document; a description of the nature and subject matter of the Document sufficient to enable a meaningful challenge to the assertion of privilege; the date, author(s), sender(s), and recipient(s) of the Document, including whether the person is an attorney and/or was your employee at the time the Document was authored, sent or received; and the nature of the privilege.

9. These requests shall be deemed continuing in character so as to require prompt supplemental responses if additional Documents called for herein are obtained, discovered, or become known to You between the time of responding to the Requests and the final disposition of this action.
10. Social Security numbers may be redacted from documents to the extent required by applicable law.

DEFINITIONS

Unless otherwise specified, the documents specified below are required to be produced for the time period commencing January 1, 1998 and continuing through the present. Where production of account data is provided in electronic format or media the preferred software format to incorporate the data into is Microsoft Excel.

As used herein, the following terms are defined as indicated:

1. "All/Each." The term "all" and "each" shall be construed as all and each.
2. "And/Or." The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
3. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

4. The terms "Document" or "Documents" are defined to be synonymous and equal in scope to the usage of these terms in Federal Rule of Civil Procedure 34(a), including, without limitation, any written, drawn, printed, typed, photographed or other graphic or electronically or computerized recorded data or compilations of any kind or nature prepared or received by, or in the possession, custody or control of the answering party, its agents, servants, employees or other representatives. Originals, drafts and all non-identical copies are separate documents within the meaning of this term.
5. The term "identify" when used with reference to a person, means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need to be listed in response to subsequent discovery requesting the identification of that person.
6. The term "identify" when used with reference to documents, means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s).
7. The term "identify" when used with reference to an oral communication, discussion, conversation or any other oral statement, shall mean to describe in detail the substance of each such communication, discussion, conversation or statement, state the date of such communication, discussion, conversation or statement, the place where such communication, discussion, conversation or statement was held and identify each person present for such communication, discussion, conversation or statement.
8. "Referring to", "relating to", "reflecting", "regarding" or "with respect to" mean, without limitation the concepts: pertain to, deal with, concern, reflect, record, report, constitute, contain, mention, describe, discuss, analyze, evaluate, estimate, study, survey, project,

assess, support, modify, contradict, criticize, summarize, comment, or otherwise involve, in whole or in part.

9. “You” and “Your” shall mean David Mitchell, or any individual or entity authorized to act on Your behalf, as well as any business entity in which You have or had an ownership interest, or to which You provide or provided services, including as an employee, consultant, investor, or independent contractor.
10. “Employee” includes, but is not limited to, all current or former salaried employees, hourly employees, independent contractors, and individuals performing work as temporary employees, for the entity referred to in the request.
11. “Epstein Agent” refers to any individual or entity authorized, or apparently authorized, to act on behalf of Jeffrey E. Epstein, including, but not limited to: Darren Indyke; Richard Kahn; [REDACTED]; [REDACTED]; [REDACTED] and/or [REDACTED]
[REDACTED].
12. “Epstein Entities” shall include, but not be limited to, Jeffrey E. Epstein; Estate of Jeffrey E. Epstein; The 1953 Trust; JEGE, LLC; Cypress, Inc.; Financial Ballistics, LLC; FSF, LLC; FT Real Estate, Inc.; Great St. Jim, LLC; Hyperion Air, LLC; IGO Company, LLC; Jeepers, Inc.; Laurel, Inc.; Little St. Jim, LLC; LSJE, LLC; LSJ Emergency, LLC; Maple, Inc.; Michelle’s Transportation Company, L.L.C.; Nautilus, Inc.; Plan D, LLC; Poplar, Inc.; Prytanee, LLC; Southern Country International, Ltd.; Southern Trust Company, Inc.; Southern Trust, LLC; Thomas World Air, LLC; VT&T, LLC; Zorro Management, LLC; Zorro Development Corp.; Mort, Inc.; CDE, Inc.; Freedom Air Petroleum, LLC; C.O.U.Q. Foundation, Inc.; Epstein Foundation, Inc.; Epstein Interests; Gratitude America LTD; J. Epstein Foundation, Inc.; Southern Trust Co.; Financial Trust Co.; IGY-AYH St. Thomas Holdings, LLC; 2013 Butterfly Trust; LSJ Employees, LLC; CDE, Inc.; NES, LLC;

Financial Informatics; Ergo EB 2014 Ltd.; Aviloop, LLC; HBRK Associates; Representation Trust; JSC Interiors, LLC; and SLK Designs, LLC.

REQUESTS FOR PRODUCTION

From January 1, 1998 to present:

REQUEST NO. 1. All Documents and Communications relating to all financial transactions or financial arrangements between You, Jeffrey Epstein, and any Epstein Entity or Epstein Agent, including, but not limited to, any and all wire transfers and/or cash deposits, and any and all financial arrangements or agreements related to real estate or other transactions.

REQUEST NO. 2. All Documents and Communications relating or referring to the Virgin Islands or Little St. James, including, but not limited to, travel to or from the Virgin Islands or Little St. James.

REQUEST NO. 3. All Documents and Communications related to any investment or tax advice You provided to or received from Jeffrey Epstein, or any Epstein Entity or Epstein Agent.

REQUEST NO. 4. All Documents and Communications regarding travel by You or any other person on any airplane used by Jeffrey Epstein, or any travel with Jeffrey Epstein, [REDACTED] or any Epstein Entity or Epstein Agent.

REQUEST NO. 5. All Documents and Communications with or about Jeffrey Epstein sent or received by You.

REQUEST NO. 6. All Documents and Communications evidencing funds provided by You to Jeffrey Epstein or any Epstein Entity or Epstein Agent, or funds provided to You by Jeffrey Epstein or any Epstein Entity or Epstein Agent, including but not limited to cash payments, for any purpose.

REQUEST NO. 7. All Documents and Communications between You, Jeffrey Epstein, and/or any Epstein Entity or Epstein Agent regarding any real estate investments or purchases, including but not limited to any Documents and Communications related to FT Real Estate, Inc.

REQUEST NO. 8. All Documents and Communications related to or reflecting the establishment, purpose, ownership structure, activities, Employees, or expenditures of [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; and [REDACTED].

REQUEST NO. 9. All Documents and Communications between You, Jeffrey Epstein, and/or any Epstein Entity or Epstein Agent regarding Your agreement to serve as a co-surety and pledge Your investment interests in two properties to secure the bond for Jeffrey Epstein's bail.

Respectfully submitted,

DENISE N. GEORGE, ESQ.
ATTORNEY GENERAL

Dated: July 16, 2021

By: _____

CAROL THOMAS- JACOBS, ESQ.
Chief Deputy Attorney General
Virgin Islands Department of Justice
Office of the Attorney General
3438 Kronprindsens Gade
GERS Complex, 2nd Floor
St. Thomas, USVI 00802
(340) 774-5666 Ext. 10101
carol.jacobs@doj.vi.gov

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

*Attorney for Plaintiff Government of
the United States Virgin Islands*