

# JUDGE RICHARD BERMAN HAD TO REMIND TODD BLANCHE TO THINK OF JEFFREY EPSTEIN'S VICTIMS

In response to his motions to unseal grand jury testimony in the Epstein and Maxwell dockets, Judges Richard Berman and Paul Engelmayer (who got the case on reassignment from Alison Nathan, who is now at Second Circuit) gave Blanche a homework assignment.

[T]he Court cannot rule on the motion without additional submissions.

[snip]

The Second Circuit has identified the following as a non-exhaustive list of factors for district courts to weigh in considering applications for disclosure:

- *the identity of the party seeking disclosure;*
- *whether the defendant to the grand jury proceeding or the Government opposes the disclosure;*
- *why disclosure is being sought in the particular case;*
- *what specific information is being sought for disclosure;*
- *the current status of the principals of the*

*grand jury proceedings and that of their families;*

- *the extent to which the desired material – either permissibly or impermissibly – has been previously made public;*
- *whether witnesses to the grand jury proceedings who might be affected by the disclosure are still alive; and*
- *[whether there is an] additional need for maintaining secrecy in the particular case in question.*

The letters are largely identical. They both ask, for example, whether Blanche bothered to notify the victims.

The Court also directs the Government to state in the memorandum whether, before filing the instant motion, counsel for the Government reviewed the [Epstein/Maxwell] grand jury transcripts and whether the Government provided notice to the victims of the motion to unseal.

Berman, who had this to say at the hearing on dismissing the indictment against Epstein, added one detail.

The victims have been included in the proceeding today both because of their relevant experiences and because they

should always be involved before rather than after the fact.

In his unsealing memo, Blanche cited the DOJ/FBI memo attempting to shut all this down, focusing on whether there was evidence to predicate a case.

On July 6, 2025, the Department of Justice and Federal Bureau of Investigation issued a memorandum describing an exhaustive review undertaken of investigative holdings relating to Jeffrey Epstein (the “Memorandum”).<sup>1</sup> The Memorandum detailed the steps taken by the Department of Justice and Federal Bureau of Investigation to determine whether evidence existed that could predicate an investigation into uncharged third parties.

1.

<https://www.justice.gov/opa/media/1407001/dl?inline.>

It took Judge Berman, in his paragraph instructing victims to weigh in by August 5, to also mention the later reference in the DOJ/FBI letter”

See Gov’t Motion at 1 n.1. (This is a 2 page, undated, unsigned U.S. Department of Justice and Federal bureau of Investigation memo. According to the Government, “Epstein harmed over one thousand victims. Each suffered unique trauma. Sensitive information relating to these victims is intertwined throughout the materials. This includes specific details such as victim names and likenesses, physical descriptions, places of birth, associates, and employment history.”)

Todd Blanche – the President’s defense attorney

– was focused on declaring uncharged third parties free of criminal liability. Berman had to remind him that DOJ claimed this is about victims.

A SDNY AUSA, Jeffrey Oestericher, who is representing the government in some of the high profile immigration cases, has joined these dockets. Sadly, Blanche won't have to do this homework assignment himself. Because I bet that after firing Maurene Comey, it will take some time to do the victim notification that DOJ did not do.

Remember, too, that Blanche said he was making a similar request in SDFL, but thus far it has not been identified yet. For all we know Aileen Cannon could be intervening here without public notice!

Incidentally, the 2019 transcript is worth perusing for the victims' statements, as well as the way that Comey spoke of the victims and vice versa.

I would also like to note that, as the government has previously mentioned, this dismissal in no way lessens the government's resolve to stand up for the victims in this case, both those who have come forward and those who have yet to do so. We agree with your Honor's sentiment that those victims should be respected, and we appreciate your Honor's recognition of that.

[snip]

[Brad Edwards] And on behalf of all of victims, I would like to thank your Honor for the fairness with which they've been treated, and the United States Attorney's office for the way in which you have handled this investigation, and especially how you have treated the victims in this case.

[snip]

[David Boies] I want to, as prior counsel have, commend both the Court and counsel for the Department of Justice for the consideration and respect and attention that they have paid to the victims. We believe that that is not only right, as a matter of human dignity, but we think that is exactly what the law requires and intends.

Update: This, from Lawrence O'Donnell, notes that the only one Trump has said anything nice about was Ghislaine Maxwell.