
From: Richard Kahn <richardkahn12@gmail.com>
Sent: Sunday, April 15, 2018 2:26 PM
To: Jeffrey Epstein
Subject: Fwd: Working to resolution

Richard Kahn
HBRK Associates Inc.
5=5 Lexington Avenue, 4th Floor
New York, NY 10022
Phone 212-971-1306
[REDACTED]

Begin forwarded message:

From: Max Kohlenberg=<[REDACTED]>
Date: April 15, 2018 at 9:57:05 AM EDT
To: 'Richard K=hn' <richardkahn12@gmail.com<=a>>
Subject: RE: Working to resolution
[REDACTED]

Rich -</=pan>

The account reports that we=delivered to Deborah Pechet Quinan last October (and that were copied by he= to you, Noam and Valeria, I believe) showed that all trust accounting income (and more) was paid to Noam in each year from 2010 t=rough 2016. I have not compiled a report for 2017 yet, but I will get=to work on that this week.

I have a call scheduled for=this afternoon with Noam's daughters. I hope to make some pro=ress in that call and have some useful information for you tomorrow.</=:p>

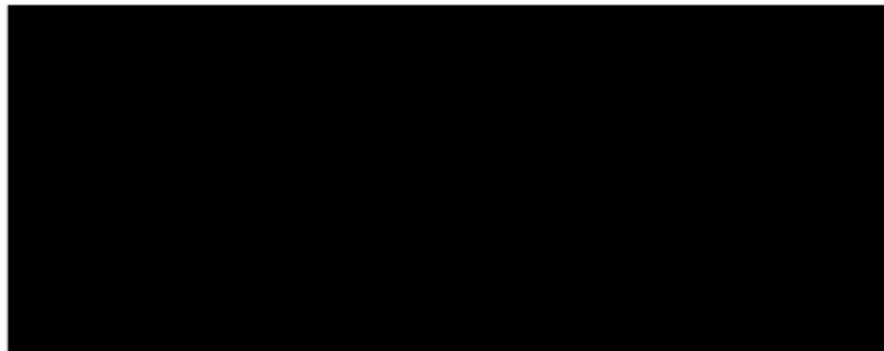
Max

A. Max Kohlenberg

Howland Evangelista Kohlenberg Burnett, LLP

One Financial Plaza --Suite 1600

Providence, Rhode Island 02803



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From: Richard Kahn
Sent: Friday, April 13, 2018 4:25 PM
To: Max Kohlenberg
Subject: Re: Working to resolution

can you please document for me that all income received by the trust was paid out to noam in the previous 4 years...

thank you

Richard Kahn
HBRK Associates Inc.

575 Lexington Avenue 4th Floor
New York, NY 10022



On Apr 13, 2018, at 8:09 AM, Richard Kahn <

it is not=my eagerness for resolution that is the driver , it is my true desire not t= have this blow up and see little justification for the delay .=you and i agreed ,we could choose from clear alternatives that met and alleviated the purported concerns of harry and the girls= I have taken you at your word..

Richard Kahn

HBRK Associates Inc.

575 Lexington Avenue, 4th Floor

New York, NY 10022



On Apr 13, 2018, at 7:54 AM, Max Kohlenberg <

> wrote:

Good morning Rich –

I've had several further exchanges with Harry and have reached out to Avi an= Diane in hopes that I can set up a call with them on Sunday (or early next=week at the latest). I appreciate your eagerness (and Noam's) to get this r=solved. I can assure you that your eagerness cannot be any greater than mine. As soon as I speak wi=h Avi and Diane I will get back to you.

Thanks,

Max

A. Max Kohlenberg

Howland Evangelista Kohlenberg Burnett, LLP
One Financial Plaza – Suite 1600
Providence, Rhode Island 02903



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-----Original Message-----

From: Richard Kahn [mailto:richard.kahn@hbrk.com]

Sent: Thursday, April 12, 2018 3:57 PM

To: Max Kohlenberg

Subject: Re: Working to resolution

tomorrow?

I am sincerely trying to be understanding of the time delay..

Richard Kahn
HBRK Associates Inc.
575 Lexington Avenue 4th Floor
New York, NY 10022

On Apr 11, 2018, at 10:51 AM, Richard Kahn <[REDACTED]> wrote:<=:p>

As im sure you realize. I took you at your word=that the concern was for Noam not depleting the trust in his lifetime. &nbs=; and NOT a money grab by the children. As you and I=can now craft a bullet proof solution to the former . i am very concerned that my fears are coming to fruition in the latter. </=>

Richard Kahn

HBRK Associates Inc.

575 Lexington Avenue 4th Floor

New York, NY 10022



On Apr 11, 2018, at 9:23 AM, Richard Kahn <[REDACTED] wrote:

should we have an all hands conference..</=>

Richard Kahn

HBRK Associates Inc.

575 Lexington Avenue 4th Floor

New York, NY 10022



[REDACTED]
On Apr 11, 2018, at 9:09 AM, Max Kohlenberg <[REDACTED]>

wrote:=o:p>

I'd love to Rich, but Harry is in the process of disc=ssing the options with others and as of last night (when I exchanged emails=with him) there was still discussion going on. I'll keep pushing thin=s forward today.

Thanks,

Max

A. Max Kohlenberg

Howland Evangelista Kohlenberg Burnett, LLP One Finan=ial Plaza –
Suite 1600 Providence, Rhode Island 02903<=p>

[REDACTED]

[www.hekblaw.com</=> <http://www.hekblaw.com/>](http://www.hekblaw.com/)

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-----Original Message-----

From: Richard Kahn [mailto:

 Sent: Wednesday, April 11, 2018 8:49 AM

To: Max Kohlenberg

Subject: Re: Working to resolution

can we resolve this today?

Richard Kahn

HBRK Associates Inc.

575 Lexington Avenue 4th Floor

New York, NY 10022



On Apr 6, 2018, at 1:54 PM, Max Kohlenberg <[REDACTED]>
wrote:<=:p>

Thanks Rich.

-----Original Message-----

From: Richard Kahn [REDACTED]

Sent: Friday, April 06, 2018 12:40 PM

To: Max Kohlenberg

Subject: Re: Working to resolution

max,

if preferred noam can pay the 500k back to the trust,= take the full 3 million
distribuiton and gift the children 500k= same day. for example.

Richard Kahn

HBRK Associates Inc.

575 Lexington Avenue 4th Floor

New York, NY 10022

wrote:<=:p>

wrote:<=:p>

Rich -

I'm afraid I don't agree that negotiating the amount the children will receive needs to be gotten out of the way first. I think the first step is to figure out which of the three alternatives that we've discussed are actually viable. I am not concerned about Mass. law, but if a "carve off" for the children can't be accomplished without triggering a retroactive estate tax (with interest and penalties) then it may be that the unitrust (at some agreed rate) will be the only alternative worth considering. I am looking into that (as I said) and I will also calculate the tax cost if we do follow a course that results in loss of the marital deduction, in case that cost turns out to be little enough not to dissuade us from an approach that triggers it. If my concerns turn out to be unfounded that will be great, of course, but some review of this issue at your end (whether by Beth Trachtenberg or some other attorney trusted by Noam) would be helpful.

As noted, given the children's concern that the money doesn't run out during Noam's lifetime, I'd really like to see what the annuity figures might be for a life annuity (as opposed to a fixed term annuity). That could be run assuming funding with \$2M. The result would provide us with a baseline which we could scale from depending on what amount might actually end up being allocated to the children.

I am also following up with Noam's daughters, as note=.

Max

A. Max Kohlenberg

Howland Evangelista Kohlenberg Burnett, LLP One Financial Plaza –
Suite 1600 Providence, Rhode Island 02903<=p>



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-----Original Message-----

From: Richard Kahn [mailto:

Sent: Thursday, April 05, 2018 12:34 PM

To: Max Kohlenberg

Subject:

the first issue is the amount that the children will claim belongs to them. . lets get that out the way. I have taken you at your word as you said that was definitely not the hold up as they only wanted to make sure the assets were there for noam's lifetime. the annuity can be custom structured for a guaranteed 5 year 8 or 10 year payout, for noam and his estate. the trust could buy the policy, no violation of mass law. I expect noam to receive 2 million dollars of the 2.5 and the children can have the balance. we will need to deal with the 500k note. Beth will join the litigation if need be, so no advice for the moment.

Richard Kahn

HBRK Associates Inc.

575 Lexington Avenue 4th Floor

New York, NY 10022



On Apr 5, 2018, at 10:28 AM, Max Kohlenberg [REDACTED]

wrote:=o:p>

Rich -

I will definitely be in touch with any questions (today if I can).

But a resolution today will not be possible. Harry is

considering the alternatives you've suggested, as am I. I will

also want to review the alternatives with Noam's daughters. (As I have noted, although they are not trustees they remain essential parties to any settlement.)

In addition to the substantive pros and cons of each approach, I will also need to consider the tax implications of the various alternatives that have been suggested (annuity, unitrust or division/distribution), since we don't want any resolution to constitute an impermissible disposition of a marital trust, as that would trigger very substantial Massachusetts and federal estate taxes= interest and penalties, based on the retroactive disallowance of the marital deduction taken at the time of Carol Chomsky's death. With respect to this aspect, if Beth Tractenberg is already familiar with this case, perhaps we could have the benefit of her insight on these issues? I would be grateful for that.

With respect to the annuity alternative, I'm not entirely sure I understand the materials provided by Jarad Minsky. In particular=it's not clear to me whether the annuity illustration shows a five year payout, with no further payments even if Noam is still living in 2023, or whether it illustrates a minimum five year payout (even if Noam dies during that time period). Would you have any objection to my speaking with Jarad directly to clear up that question (and perhaps others)?

Thanks,

Max

A. Max Kohlenberg

Howland Evangelista Kohlenberg Burnett, LLP One Financial Plaza –
Suite 1600 Providence, Rhode Island 02903<=p>



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-----Original Message-----

From: Richard Kahn [mailto: [REDACTED]]

Sent: Thursday, April 05, 2018 9:26 AM

=

To: Max Kohlenberg

Subject:

I'm hoping for a resolution today . If you have any questions
please lets set a time to speak. Thank you=

Richard Kahn

HBRK Associates Inc.

575 Lexington Avenue 4th Floor

New York, NY 10022

fax 212-320-0381

cell 917-414-7584

On Apr 4, 2018, at 9:09 AM, Max Kohlenberg [REDACTED]

wrote:<=:p>

Thanks for this Rich. I will review it (and the=prior email with attachments). I will get back to you ASAP with any q=estions.

A. Max Kohlenberg

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- Suite 1600 Providence, Rhode Island 02903



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-----Original Message-----

From: Richard Kahn [REDACTED]

Sent: Tuesday, April 03, 2018 5:15 PM

To: Max Kohlenberg

Subject:

max:

without noams approval: which i would undertake=to get - we can do a guaranteed 5 year payout for the 2 million leave the balance for harry and sisters.

if noam passes the balance of the 5 year goes to his estate... easy

Richard Kahn

HBRK Associates Inc.

575 Lexington Avenue 4th Floor

New York, NY 10022



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