

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS,)	
)	Case No. 1:22-cv-10904-JSR
)	
Plaintiff,)	
)	
v.)	
)	
JPMORGAN CHASE BANK, N.A.,)	
)	
Defendant.)	
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**GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS’
MOTION FOR ORDER AUTHORIZING ALTERNATIVE SERVICE
OF SUBPOENA BY CERTIFIED MAIL AND EMAIL UPON
SARAH KELLEN a/k/a SARAH LYNNELLE VICKERS**

NOW COMES the Government of the United States Virgin Islands, the Plaintiff in the above-captioned action, and moves pursuant to Fed. R. Civ. P. 45 for an Order authorizing the Government to provide alternative service by certified mail and email of a Subpoena to Produce Documents upon non-party Sarah Kellen a/k/a Sarah Lynnelle Vickers. As grounds for this Motion, the Government states the following:

The Government brought this civil action against Defendant JPMorgan Chase Bank, N.A. (“JPMorgan”) as part of its ongoing effort to protect public safety and to hold accountable those who facilitated or participated in, directly or indirectly, the trafficking enterprise of Jeffrey Epstein (“Epstein”). The Government’s investigation has revealed that JPMorgan knowingly, recklessly, and unlawfully provided and pulled the levers through which Epstein’s recruiters and victims were paid and was indispensable to the operation and concealment of the Epstein trafficking enterprise. Financial institutions can connect—or choke—human trafficking networks, and enforcement

actions filed and injunctive relief obtained by attorneys general are essential to ensure that enterprises like Epstein's cannot flourish in the future.

At the criminal trial of Ghislaine Maxwell, where Maxwell was sentenced to 20 years in prison for conspiring with Epstein to sexually abuse and exploit minor girls, the Court identified Kellen as "a knowing participant in the criminal conspiracy" and "a criminally responsible participant." See <https://www.insider.com/sarah-kellen-criminally-responsible-jeffrey-epstein-sex-trafficking-judge-says-2022-6>. "[Maxwell] was Epstein's No. 2 and the lady of the house...[at] some point, Kellen took over some of [Maxwell's] duties." *Id.* Kellen had a JPMorgan business card, which noted that she travels through Paris, Europe, the US Virgin Islands, and the US monthly. See JPM-SDNYLIT-00001496 (Ex. A). The Government seeks photographs and videos from the Virgin Islands, including with Epstein or females associated with Epstein; lists of masseurs; schedules maintained for Epstein; communications with Epstein; and communications or other documents related to JPMorgan and/or Jes Staley. Subpoena at 6-7 (Ex. B).

Upon information and belief, Kellen's current address is [REDACTED]. [REDACTED] The Government made four good-faith attempts to serve the Subpoena upon Kellen at her home on February 15, 17, 22, and 25, 2023. There was no answer at the door on any of the visits. Affidavit of Due Diligence of Henry Pinto (Ex. C).

This Court long has recognized that Rule 45 of the Federal Rules of Civil Procedure permits alternative service of a subpoena by certified mail where a party is unable to provide personal service "[i]n accordance with the interpretive principle that the rules 'be construed and administered to secure the just, speedy, and inexpensive determination of every action.'" *Cordius Trust v. Kummerfeld*, 45 Fed. R. Serv. 3d 1151, 2000 WL 10268, at *2 (S.D.N.Y. Jan. 3, 2000)

(quoting Fed. R. Civ. P. 1). The Court has permitted alternative service where a party's repeated attempts at personal service have failed, *see SEC v. David*, No. 19-cv-9013, 2020 WL 703464, at *1-2 (S.D.N.Y. Feb. 12, 2020) (Rakoff, J.), or where there is an "approaching close of discovery," *In re Petrobras Securities Litig.*, No. 14-CV-9662, 2016 WL 908644, at *1-2 (S.D.N.Y. March 4, 2016) (Rakoff, J.) (authorizing alternative service by email and overnight mail 56 days before April 29, 2016 discovery end date).

Both circumstances are present here. The Government has attempted to effectuate service four times at Kellen's residence, but each time was unsuccessful. Moreover, the fact-discovery end date is in less than 2 months on April 24, 2023. In these circumstances, the Court should in the interest of securing just and expeditious resolution authorize the Government to provide alternative service by certified mail and email of its Subpoena upon Ms. Kellen.

Dated: March 3, 2023

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