

For Sarah Kellen, Defendant (9:09-cv-80469-KAM): Bruce Reinhart, LEAD ATTORNEY, Bruce E. Reinhart, P.A., West Palm Beach, FL; Denise Kalland, Denise Kalland, P.A., West Palm Beach, FL.

For Jane Doe No. 101, Plaintiff (9:09-cv-80591-KAM): Katherine Warthen Ezell, LEAD ATTORNEY, Podhurst Orseck Josefsberg et al, Miami, FL USA; Robert C. Josefsberg, LEAD ATTORNEY, Podhurst Orseck, P.A., Miami, FL USA.

For Jeffrey Epstein, Defendant (9:09-cv-80591-KAM): Michael James Pike, LEAD ATTORNEY, Pike & Lustig, LLP, West Palm Beach, FL; Robert Dewese Critton, Jr., LEAD ATTORNEY, Critton Luttier [\*7] & Coleman, West Palm Beach, FL; Jay P. Lefkowitz, Michael D. Shumsky, PRO HAC VICE, Kirkland & Ellis, Washington, DC.

**JUDGES:** LINNEA R. JOHNSON, UNITED STATES MAGISTRATE JUDGE.

**OPINION BY:** LINNEA R. JOHNSON

## OPINION

### ORDER

**THIS CAUSE** is before the Court on Plaintiff's Motion to Compel Answers to Interrogatories and Production of Documents (D.E. #57). For the following reasons said Motion is granted in part and denied in part as follows.

In this case, which has been consolidated for purposes of discovery, Plaintiffs are former under-age girls who allege they were sexually assaulted by Defendant, **Jeffrey Epstein** ("**Epstein**"), at his Palm Beach mansion home. The scheme is alleged to have taken place over the course of several years in or around 2004-2005, when the girls in question were approximately 16 years of age. As part of this scheme, Epstein, with the help of his assistant Sarah Kellen, allegedly lured economically disadvantaged minor girls to his homes in Palm beach, New York and St. Thomas, with the promise of money in exchange for a massage. Epstein purportedly transformed the massage into a sexual assault. The three-count Complaint alleges sexual assault and battery (Count I), intentional infliction of emotional [\*8] distress (Count II), and, coercion and enticement to sexual activity in violation of 18 U.S.C. §2422 (Count III).

In 2008, Epstein entered into a Non-Prosecution Agreement with the United States Attorney General's Office for the Federal Southern District of Florida and the State Attorney's Office for Palm Beach County. Under the terms of the Non-Prosecution Agreement, any criminal prosecution against Epstein is deferred as long as he abides by the certain terms and conditions contained therein. If at any time the United States Attorney's Office has reason to believe Epstein is in breach of the Agreement, it need only provide Epstein's counsel with notice of the breach and then move forward with Epstein's prosecution. Accordingly, the undersigned would agree with Epstein's statement at page 4 of its Response, that the fact there exists a Non-Prosecution Agreement does not mean

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