

Here, the information requested concerns Epstein's dates of travel, health care provider identification, and list of phone numbers. This information is relevant in that it may lead to evidence to support Plaintiff's claims that Epstein lured her to his mansion for the purpose of sexual exploitation. Substantively, the interrogatories are narrowly tailored to discover only information that is directly relevant to Plaintiff's claims and/or Epstein's defenses. Epstein's HIPAA objections are unfounded as the request seeks only the **identification** of Epstein's health care providers.<sup>1</sup>

<sup>1</sup> In addressing Interrogatory 8, both parties refer to the need for the Court to hold an *in camera* inspection of the documents to determine, as to each document, whether Fla. Stat. §39.204 is applicable. The request at issue, however, is an INTERROGATORY request, not a document request, and therefore these concerns are inapplicable.

Finally, the requested ten-year time frame is not overly broad considering the allegation that Epstein has a psychosexual condition, which, if true, could very well have existed most, if not all, of his adult life. The Court agrees with Epstein, however, that Plaintiff's allegation of child abuse, does not alone provide Plaintiff [\*23] with carte blanche access to a list of ALL of Defendant's medical providers. Instead, the undersigned limits the interrogatory to a request for "identification, by name, title and address and/or telephone number, of all of Epstein's psychologists, psychiatrists, therapists, or mental health counselors for the last ten years." Accordingly, except as mentioned above with respect to health care professionals, the Court finds Epstein's objections to Interrogatories 7, 8 and 12 unfounded and orders Epstein to provide responses to same in accordance with the afore-stated terms, within ten (10) days from the date hereof.

### **PRODUCTION REQUESTS**

As noted previously, the Fifth Amendment privilege may not apply to specific documents "even though they contain incriminating assertions of fact or belief, because the creation of those documents was not 'compelled' within the meaning of the privilege." *Hubbell*, 530 U.S. at 35-36. Accordingly, a party cannot avoid discovery merely because demanded documents contain incriminating evidence, "whether written by others or voluntarily prepared by himself." *Id.* In certain instances, however, "'the act of production' itself may implicitly communicate 'statements of fact.'" *Id.* For this reason the Fifth Amendment privilege [\*24] also encompasses the circumstance where the act of producing documents in response to a subpoena or production request has a compelled testimonial aspect *Id.* Thus, in those instances where the existence and/or location of the requested documents are unknown, or where production would "implicitly authenticate" the requested documents, the act of producing responsive documents is considered testimonial and is protected by the Fifth Amendment. *In re Grand Jury Subpoena*, 1 F.3d 87.

In response to Plaintiff's Requests for Production, Epstein has asserted an identical "blanket" objection to each of the 24 requests, stating essentially that while he initially intended to produce all responsive relevant documents, he has been advised by his attorneys to assert his "federal constitutional rights under the fifth, Sixth and Fourteenth Amendments" and refuse to produce them. In his Response Brief Epstein went further and explained that as to each of the production requests at issue, "the act of production itself involves a testimonial compulsion" in that, "[i]n responding to each request, Epstein would

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