

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 09-80656-CIV-Ryskamp

JANE DOE No. 102,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant,

RESPONSE IN OPPOSITION TO MOTION TO PROCEED ANONYMOUSLY

AND

**EPSTEIN'S MOTION TO COMPEL AND/OR IDENTIFY JANE DOE #102 IN
THE STYLE OF THIS CASE AND MOTION TO IDENTIFY JANE DOE #102 IN
THIRD-PARTY SUBPOENAS FOR PURPOSES OF DISCOVERY, WITH
INCORPORATED MEMORANDUM OF LAW**

Defendant, JEFFREY EPSTEIN ("Epstein" or "Defendant"), by and through his undersigned attorneys, hereby files his Response In Opposition to Plaintiff, Jane Doe #102's Motion to Proceed Anonymously and files his Motion requesting that this Court enter an order identifying in the style of this case the complete legal name of the Plaintiff, JANE DOE #102 ("JANE DOE"), to substitute her complete legal name in this case in place of "JANE DOE" and, equally important, allowing Defendant to identify her in various subpoenas that Epstein must serve so Epstein can defend this case. In support, Mr. Epstein states as follows:

denied, but Epstein's Motion to Identify Jane Doe must be granted. Despite Plaintiff's allegations in the Motion to Proceed Anonymously, this Court has not "allowed" any Plaintiff to proceed anonymously. Quite simply, that is the way each Plaintiff chose to file each of their respective cases, all of which are currently being challenged in those other matters by Motion to Identify.

4. Importantly, JANE DOE claims that she has and will suffer ". . . physical injury, pain and suffering, emotional distress, psychological and psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, separation from her family . . . , and medical and psychological expenses. . . , loss on income, loss of the capacity to earn income in the future, and loss of the capacity to enjoy life" ¶¶28, Comp., DE 1; see also ¶¶36, 40, 44, 48, 52, 56, 61, 65, and 69, Comp., DE 1.

5. Epstein has a constitutional due process right to defend himself and to seek the production of information that will assist in his defense of the allegations in the Complaint. In this case, Plaintiff's counsel intends on serving subpoenas on Plaintiff's treating physicians and other third parties. Thus, this motion seeks not only a denial Plaintiff's Motion to Proceed Anonymously but to identify JANE DOE in the style of this case and to identify JANE DOE in various third-party subpoenas for discovery purposes.

6. The undersigned's experience in "Jane Doe" lawsuits is that once a Plaintiff is identified, other individuals come forward in the discovery phase with information which often directly contradicts allegations as to the events and

agreed that the subpoenas filed with the clerk would be redacted. Several attorneys agreed to this procedure in those cases. In Federal Court, subpoenas are not filed with the clerk. Thus, in this matter, the undersigned offered to serve the third-party subpoenas with plaintiff's full name, date of birth and social security number (last four digits) and would agree to redact any identifying information on any documents filed with this court if that ultimately became necessary.

9. Moreover, when an order from the court is attached to the Subpoena, treaters and other third parties produce the records and show up to the depositions with the records requested because the deponent knows what to bring by virtue of knowing the identity of the Plaintiff.

10. Epstein's counsel intends to serve and depose witnesses duces tecum. If Epstein is not permitted to identify JANE DOE (thus allowing her to proceed anonymously), how will any deponent know who the parties are and what to bring to the deposition pursuant to the duces tecum? Further, how will Epstein be able to defend the claims. Just like the Plaintiff, Epstein is entitled to due process. If the Court allows Jane Doe to proceed anonymously, Jane Doe will be permitted to present her case and Epstein will be limited in his defenses.

11. While it is within the sound discretion of this court to allow a party to proceed anonymously, Plaintiff should not attempt to utilize that discretion as a shield from legitimate and necessary discovery. Epstein has a fundamental due process right to conduct discovery.

- b. whether the party defending the suit would be prejudiced;
- c. whether the plaintiff is required to disclose information of utmost intimacy;
- d. whether the plaintiff is compelled to admit an intention to engage in illegal conduct, thereby risking criminal prosecution;
- e. whether the Plaintiff would risk suffering injury if identified;
- f. whether the interests of children are at stake; and
- g. whether there are less drastic means of protecting the legitimate interests of either party.

Doe v. Frank, 951 F.2d at 323.

Plaintiff does not fall under any of the factors. Moreover, even if she did meet one of the factors, "[t]he fact that [a] Doe [Plaintiff] may suffer some personal embarrassment, standing alone, does not require the granting of a request to proceed under a pseudonym." Id.; see also Doe v. Rostker, 89 F.R.D. 159 (N.D. Calif. 1981). Any substantial privacy interests JANE DOE has must outweigh the customary and constitutionally embedded presumption of openness to judicial proceedings. Doe v. Frank, 951 F.2d at 323; Doe v. Bergstron, 2009 WL 528623 (C.A.9(Or.))(denying request to proceed anonymously in civil action by Plaintiff where Plaintiff's arrest, prosecution and acquittal were matters of public record).

14. In Sweetland v. State, 535 So.2d 646 (Fla. 1st DCA 1988), the court reasoned that the purpose of discovery is to eliminate the likelihood of surprise and to insure a fair opportunity to prepare for trial. Florida Rule of Civil Procedure 1.280(b)(1); see also Surf Drugs, Inc., v. Vermette, 236 So.2d 108, 111 (Fla.

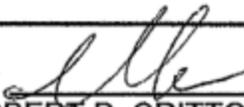
damages. Plaintiff is claiming emotional/psychological damages. Therefore, Epstein is entitled to know her psychological condition(s) before and after the alleged incident(s) she references in the Complaint. In particular, JANE DOE alleges specific disorders as a result of Epstein's alleged conduct – suffer “. . . physical injury, pain and suffering, emotional distress, psychological and psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, separation from her family . . . , and medical and psychological expenses. . . , loss on income, loss of the capacity to earn income in the future, and loss of the capacity to enjoy life.” (Emphasis Added). See supra. Epstein is also entitled to know, among other things, whether she had any physical complaints or whether there was ever any evidence of physical battery on JANE DOE's body from the acts she complains of in the Complaint. The need to serve third-party subpoenas on medical doctors is a basic discovery need related to the claims alleged by JANE DOE for which Plaintiff's counsel refuses to compromise. Balas v. Ruzzo, 703 So.2d 1076 (Fla. 5th DCA 1997), rev. denied, 719 So.2d 286 (Fla. 1998)(discoverability of Plaintiff's history of sexual activity is relevant to damages); United States v. Bear Stops, 997 F.2d 451 (8th Cir. 1993)(deals with “admissibility of other acts of sexual abuse by individuals other than the defendant to explain why a victim of abuse exhibited behavioral manifestations of a sexually abused child.”) If Plaintiff saw a psychologist or other physician during or after the time periods she claims she was assaulted by Epstein but either did not discuss or did discuss the incidents (or lack thereof) would be

was charged with any crimes. If Jane Doe was charged with crimes, Epstein is entitled to obtain certified copies of those crimes Plaintiff may have committed for purposes of discovery and impeachment. Questions will be asked regarding those crimes (e.g., Have you been convicted of a crime of dishonesty or false statement? If so, how many times? Have you been convicted of a felony? If so, how many times?) To hold otherwise would not only prevent broad discovery but would ultimately result in reversible error at any trial.

II. Conclusion and Prayer for Relief

22. Epstein requests the following relief:
- a. That JANE DOE's Motion to Proceed Anonymously be denied;
 - b. That this Court grant Epstein's Motion and that JANE DOE be identified by her legal name in the style of this case; and
 - c. That Epstein be granted leave to identify JANE DOE by her legal name in Third-Party Subpoenas (but not file them in Court or, if required, in a redacted form).

WHEREFORE, Epstein, Jeffrey Epstein, respectfully requests that this Court enter said order granting the relief requested above, and for such other and further relief as this Court may deem just and proper.

By: 
ROBERT D. CRITTON, JR., ESQ.
MICHAEL J. PIKE, ESQ.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following Service List in the manner specified by CM/ECF on this 8 day of May, 2009

AEV

**U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:09-cv-80656-KAM**

Doe No. 102 v. Epstein
Assigned to: Judge Kenneth A. Marra
Lead case: [9:08-cv-80119-KAM](#)
Member case: ([View Member Case](#))
Cause: 28:1391 Personal Injury

Date Filed: 05/01/2009
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Federal Question

Plaintiff

Jane Doe No. 102

represented by **Katherine Warthen Ezell**
Podhurst Orseck Josefsberg et al
City National Bank Building
25 W Flagler Street
Suite 800
Miami, FL 33130-1780
[REDACTED]
Fax: [REDACTED]
Email: [REDACTED]
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert C. Josefsberg
Podhurst Orseck Josefsberg et al
City National Bank Building
25 W Flagler Street
Suite 800
Miami, FL 33130-1780
[REDACTED]
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Email: [REDACTED]
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Jeffrey Epstein

represented by **Robert Dewese Critton, Jr.**
Burman Critton Luttier & Coleman

515 N Flagler Drive
 Suite 400
 West Palm Beach , FL 33401-2918

Fax: [REDACTED]
 Email: [REDACTED]

*LEAD ATTORNEY
 ATTORNEY TO BE NOTICED*

Amicus

United States of America

represented by [REDACTED]
 United States Attorney's Office
 500 East Broward Blvd
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 Ft Lauderdale , FL 33394
 [REDACTED] ext. 3546
 Fax: [REDACTED]
 Email: [REDACTED]
*LEAD ATTORNEY
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Date Filed	#	clear	Docket Text
05/01/2009	<u>1</u>	<input type="checkbox"/>	COMPLAINT and Demand for Jury Trial against Jeffrey Epstein. Filing fee \$350.00. Receipt No. 100030, filed by Jane Doe No. 102.(caw) (Entered: 05/04/2009)
05/01/2009	<u>2</u>	<input type="checkbox"/>	Summons Issued as to Jeffrey Epstein. (caw) (Entered: 05/04/2009)
05/01/2009	3		Sealed Document. (igo) (Entered: 05/04/2009)
05/01/2009	4		Sealed Document. (igo) (Entered: 05/04/2009)
05/11/2009	<u>5</u>	<input type="checkbox"/>	RESPONSE/REPLY to 4 Sealed Document, 3 Sealed Document <i>Opposition to Motion to Proceed Anonymously</i> by Jeffrey Epstein. (Critton, Robert) (Entered: 05/11/2009)
05/11/2009	<u>6</u>	<input type="checkbox"/>	NOTICE of Attorney Appearance by Robert Deweese Critton, Jr on behalf of Jeffrey Epstein (Critton, Robert) (Entered: 05/11/2009)
05/11/2009	7		MOTION to Compel <i>and/or identify jane doe #102 in the style of this case</i> (Responses due by 5/29/2009), MOTION to identify jane doe #102 in the third-party subpoenas for purposes of discovery, with incorporated memorandum of law by Jeffrey Epstein.(see docket entry <u>5</u> for image) (tas) (Entered: 05/12/2009)

05/12/2009	8		Clerks Notice of Docket Correction and Instruction to Filer re <u>5</u> Response/Reply (Other) Error - Two or More Document Events Filed as One ; Correction - Additional event(s) 7 MOTION to Compel <i>and/or identify jane doe #102 in the style of this case</i> MOTION to identify jane doe #102 in the third-party subpoenas for purposes of discovery, with incorporated memorandum of law. docketed by Clerk. Instruction to Filer - In the future, please select all applicable events. It is not necessary to refile this document. (tas) (Entered: 05/12/2009)
05/13/2009	<u>9</u>	<input type="checkbox"/>	ORDER of Transfer/REASSIGNING CASE. Case reassigned to Judge Kenneth A. Marra for all further proceedings. Senior Judge Kenneth L. Ryskamp no longer assigned to case. Signed by Senior Judge Kenneth L. Ryskamp on 5/12/2009. (tas) (Entered: 05/14/2009)
05/14/2009			Cases associated. (ir) (Entered: 05/14/2009)
05/14/2009	<u>10</u>	<input type="checkbox"/>	ORDER CONSOLIDATING CASES. Hereinafter all motions and other court filings that relate to discovery and all procedural motions that relate to multiple cases shall be styled with all of the case names and numbers and shall be filed in Case No. 08-80119-CIV-MARRA. Signed by Judge Kenneth A. Marra on 5/14/2009. Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/14/2009	<u>11</u>	<input type="checkbox"/>	ORDER REQUESTING UNITED STATES PROVIDE POSITION TO MOTION TO STAY. Signed by Judge Kenneth A. Marra on 5/14/2009. (Attachments: # <u>1</u> Appendix Motion to Stay DE 51) Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/14/2009	12		ORDER terminating 7 Motion to Compel; terminating 7 Motion. See Order consolidating cases. See procedural motions pending: DE 91 in 08-80119.. Signed by Judge Kenneth A. Marra on 5/14/2009. (lc3) (Entered: 05/14/2009)
05/20/2009	<u>13</u>	<input type="checkbox"/>	NOTICE by ██████ of Filing Withdrawal of Previously Raised Objections to Defendant, Jeffrey Epstein's Motion to Compel And/Or Identify ██████ in the Style of This Case and Motion to Identify ██████, in Third-Party Subpoenas for Purposes of Discovery, Or, Alternatively, Motion to Dismiss Sua Sponte, With Incorporated Memorandum of Law Associated Cases: 9:08-cv-80119-KAM et al.(Hill, Jack) (Entered: 05/20/2009)
05/20/2009	14		ORDER STRIKING in all Epstein cases EXCEPT case no. 08-80119: Notice by ██████. of Filing Withdrawal of Previously Raised Objections to Epstein's Motion to Compel and/or Identify. This Notice should only be filed in 08-80119, not in all of the Epstein cases.. Signed by Judge Kenneth A. Marra on 5/20/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/20/2009)
05/22/2009	15		Clerks Notice of Docket Correction and Instruction to Filer re <u>13</u> Notice (Other), Notice (Other) filed by ██████.. Error - Incorrect Document

		Link/No Link; Instruction to filer - In the future, please link the document to the proper entry. It is not necessary to refile this document. (ls) (Entered: 05/22/2009)
05/26/2009	<u>16</u>	<input type="checkbox"/> Plaintiff's MOTION to Preserve Evidence <i>Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Motion for an Order for the Preservation of Evidence and Incorporated Memorandum of Law</i> by Jane Doe No. 101, Jane Doe No. 102. (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B", # <u>3</u> Text of Proposed Order) Associated Cases: 9:08-cv-80119-KAM, 9:09-cv-80591-KAM, 9:09-cv-80656-KAM(Ezell, Katherine) (Entered: 05/26/2009)
05/27/2009	17	ORDER terminating(28) Motion to Preserve Evidence in case 9:09-cv-80591-KAM; terminating(16) Motion to Preserve Evidence in case 9:09-cv-80656-KAM This motion is pending ONLY in case no. 08-80119.. Signed by Judge Kenneth A. Marra on 5/27/2009. (lc3) (Entered: 05/27/2009)
05/27/2009	<u>18</u>	<input type="checkbox"/> NOTICE by Jane Doe re (111 in 9:08-cv-80119-KAM) Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> (Attachments: # <u>1</u> Text of Proposed Order) Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 05/27/2009)
05/28/2009	19	ORDER STRIKING Notice by Jane Doe in all Epstein cases EXCEPT in case 08-80119. This Notice should only be filed in 08-80119, not in all of the Epstein cases... Signed by Judge Kenneth A. Marra on 5/28/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/28/2009)
05/29/2009	<u>20</u>	<input type="checkbox"/> NOTICE of Attorney Appearance by [REDACTED] on behalf of United States of America Associated Cases: 9:08-cv-80119-KAM et al. ([REDACTED], [REDACTED]) (Entered: 05/29/2009)
05/29/2009	<u>21</u>	<input type="checkbox"/> RESPONSE to Motion re (72 in 9:08-cv-80380-KAM) Defendant's MOTION to Stay re (62) Amended Complaint, (57 in 9:08-cv-80232-KAM) Defendant's MOTION to Stay re (50) Amended Complaint, (24 in 9:08-cv-80893-KAM) Defendant's MOTION to Stay re (1) Complaint, (23 in 9:08-cv-80994-KAM) Defendant's MOTION to Stay re (18) Amended Complaint, (22 in 9:08-cv-80993-KAM) Defendant's MOTION to Stay re (19) Amended Complaint, (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint, (68 in 9:08-cv-80381-KAM) Defendant's MOTION to Stay re (60) Amended Complaint, (51 in 9:08-cv-80811-KAM) Defendant's MOTION to Stay re (40) Amended Complaint <i>and or Continue Action Filed Pursuant to Court's Order Requesting Government's Position</i> filed by United States of America.

			Replies due by 6/8/2009. Associated Cases: 9:08-cv-80119-KAM et al. (██████, ██████) (Entered: 05/29/2009)
05/29/2009	<u>22</u>	<input type="checkbox"/>	RESPONSE in Opposition re (90 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identify Doe in Style of Case and in Third-Party Subpoenas</i> , (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> filed by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)
05/29/2009	23		ORDER STRIKING (124 in 9:08-cv-80119-KAM, 105 in 9:08-cv-80811-KAM, 74 in 9:08-cv-80993-KAM, 72 in 9:08-cv-80893-KAM, 106 in 9:08-cv-80232-KAM, 123 in 9:08-cv-80380-KAM, 35 in 9:09-cv-80591-KAM, 25 in 9:09-cv-80469-KAM, 60 in 9:08-cv-80994-KAM, 22 in 9:09-cv-80656-KAM, 107 in 9:08-cv-80381-KAM) Response in Opposition to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 DO NOT FILE IN EVERY EPSTEIN CASE. SEE ORDER CONSOLIDATING CASES.. Signed by Judge Kenneth A. Marra on 5/29/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/29/2009)
05/29/2009	<u>24</u>	<input type="checkbox"/>	MOTION for Leave to File <i>UNDER SEAL RESPONSE IN OPPOSITION TO DEFENDANTS MOTION TO STAY OR, IN THE ALTERNATIVE, TO UNSEAL THE NONPROSECUTION AGREEMENT</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)
05/29/2009	<u>25</u>	<input type="checkbox"/>	MOTION for Hearing <i>MOTION TO RESCHEDULE HEARING</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Josefsberg, Robert) (Entered: 05/29/2009)
06/01/2009	26		ORDER STRIKING (28 in 9:09-cv-80469-KAM, 126 in 9:08-cv-80380-KAM, 109 in 9:08-cv-80232-KAM, 25 in 9:09-cv-80656-KAM, 77 in 9:08-cv-80993-KAM, 38 in 9:09-cv-80591-KAM, 110 in 9:08-cv-80381-KAM, 63 in 9:08-cv-80994-KAM, 75 in 9:08-cv-80893-KAM, 108 in 9:08-cv-80811-KAM) Motion to Continue Hearing filed by Jane Doe No. 102, Jane Doe No. 101, (76 in 9:08-cv-80993-KAM, 109 in 9:08-cv-80381-KAM, 108 in 9:08-cv-80232-KAM, 62 in 9:08-cv-80994-KAM, 125 in 9:08-cv-80380-KAM, 74 in 9:08-cv-80893-KAM, 24 in 9:09-cv-80656-KAM, 37 in 9:09-cv-80591-KAM, 107 in 9:08-cv-80811-KAM, 27 in 9:09-cv-80469-KAM) Motion for Leave to File, filed by Jane Doe No. 102, Jane Doe No. 101. THESE DOCUMENTS SHOULD BE FILED ONLY IN 08-80119. SEE CASE MANAGEMENT ORDER.. Signed by Judge Kenneth A. Marra on 6/1/2009. (lc3) (Entered: 06/01/2009)
06/04/2009	<u>27</u>	<input type="checkbox"/>	REPLY to Response to Motion re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION <i>Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Reply to Defendant Jeffrey Epstein's Response to Plaintiffs Jane Doe No. 101 and</i>

		<i>Jane Doe No. 102's Motion for a No-Contact Order</i> filed by Jane Doe No. 101, Jane Doe No. 102. Associated Cases: 9:08-cv-80119-KAM et al. (Ezell, Katherine) (Entered: 06/04/2009)
06/04/2009	28	ORDER STRIKING (112 in 9:08-cv-80381-KAM, 111 in 9:08-cv-80232-KAM, 136 in 9:08-cv-80119-KAM, 111 in 9:08-cv-80811-KAM, 128 in 9:08-cv-80380-KAM, 65 in 9:08-cv-80994-KAM, 79 in 9:08-cv-80893-KAM, 42 in 9:09-cv-80591-KAM, 27 in 9:09-cv-80656-KAM, 32 in 9:09-cv-80469-KAM, 79 in 9:08-cv-80993-KAM) Reply to Response to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 Document stricken for failure to follow Court's orders. DO NOT FILE A DOCUMENT IN EVERY EPSTEIN CASE if it is to be filed only in 08-80119. See Case Management Order and contact CM/ECF Support for assistance in proper filing.. Signed by Judge Kenneth A. Marra on 6/4/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 06/04/2009)
06/08/2009	<u>29</u>	<input type="checkbox"/> RESPONSE to Motion re (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> filed by Jane Doe. Replies due by 6/18/2009. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)
06/08/2009	<u>30</u>	<input type="checkbox"/> NOTICE by Jane Doe re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION <i>Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order -Plaintiffs Jane Does 2-7 Notice of Joinder</i> Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)
06/10/2009	31	Clerks Notice of Docket Correction and Instruction to Filer re <u>29</u> Response to Motion, filed by Jane Doe. Error - Document Incomplete, i.e. Missing Page 1 on Attachments: #2 Exhibit B . (ls) (Entered: 06/10/2009)
06/10/2009	32	Clerks Notice of Docket Correction and Instruction to Filer re <u>30</u> Notice (Other), Notice (Other) filed by Jane Doe. Error - Wrong Event Selected; Instruction to Filer - In the future, please select the proper event, i.e. Notice of Adoption. It is not necessary to refile this document. (ls) (Entered: 06/10/2009)

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Billable Pages:	4	Cost:	0.32

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08- 80993-CIV-MARRA/JOHNSON

JANE DOE NO. 7,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

AMENDED COMPLAINT

Plaintiff, Jane Doe No. 7 ("Jane" or "Jane Doe"), brings this Complaint against Jeffrey Epstein, as follows:

Parties, Jurisdiction and Venue

1. Jane Doe No. 7 is a citizen and resident of the State of Florida, and is sui juris.
2. This Complaint is brought under a fictitious name to protect the identity of the Plaintiff because this Complaint makes sensitive allegations of sexual assault and abuse upon a minor.
3. Defendant Jeffrey Epstein is a citizen and resident of the State of New York.
4. This is an action for damages in excess of \$50 million.
5. This Court has jurisdiction of this action and the claims set forth herein pursuant to 28 U.S.C. §1332(a), as the matter in controversy (i) exceeds \$75,000, exclusive of interest and costs; and (ii) is between citizens of different states.
6. Additionally, this Court has jurisdiction pursuant to 28 U.S.C. §1331 because Plaintiff alleges a claim under the laws of the United States. This Court has supplemental

generally \$200 to \$300 per "massage" session - and who were perceived as less likely to complain to authorities or have credibility if allegations of improper conduct were made. This was an important element of Epstein's plan.

12. Epstein's plan and scheme reflected a particular pattern and method. The underage victim would be brought to Epstein's mansion, where she would be introduced to [REDACTED] Epstein's assistant. Ms. [REDACTED] would then bring the girl up a flight of stairs to a bedroom that contained a massage table in addition to other furnishings. The girl would then find herself alone in the room with Epstein, who would be wearing only a towel. He would direct her to give him a massage. Epstein would then perform one or more lewd, lascivious and sexual acts, including [REDACTED]

13. Consistent with the foregoing plan and scheme, when Jane Doe was 16 years old, she was recruited by [REDACTED] to give Epstein a massage for monetary compensation. Jane was brought to Epstein's mansion in Palm Beach. Once there, Jane was introduced to [REDACTED] [REDACTED] who led her up the flight of stairs to the room with the massage table. In this room, Jane was directed by Epstein to give him a massage. During this massage, Epstein sexually assaulted Jane and [REDACTED] Epstein then paid Jane money.

14. Jane returned on many occasions to the Palm Beach mansion to provide Epstein with massages for money. On those occasions, Epstein engaged in sexual contact and activity with Jane, which included, among other things, Epstein touching Jane's [REDACTED] placing [REDACTED] on her [REDACTED] This sexual abuse continued over a period of approximately 18-24 months.

15. As a result of these encounters with Epstein, Jane experienced confusion, shame, humiliation and embarrassment, and has suffered severe psychological and emotional injuries.

in mental or sexual injury that caused or were likely to cause Jane Doe's mental or emotional health to be significantly impaired.

26. Epstein's conduct caused severe emotional distress to Jane Doe. Epstein knew or had reason to know that his intentional and outrageous conduct would cause emotional distress and damage to Jane Doe, or Epstein acted with reckless disregard of the high probability of causing severe emotional distress to Jane Doe.

27. As a direct and proximate result of Epstein's intentional or reckless conduct, Jane Doe, has suffered and will continue to suffer severe mental anguish and pain.

WHEREFORE, Plaintiff Jane Doe No. 7 demands judgment against Defendant Jeffrey Epstein for compensatory damages, costs, punitive damages, and such other and further relief as this Court deems just and proper.

COUNT III

Coercion and Enticement to Sexual Activity in Violation of 18 U.S.C. §2422

28. Plaintiff Jane Doe repeats and realleges paragraphs 1 through 15 above.

29. Epstein used a facility or means of interstate commerce to knowingly persuade, induce or entice Jane Doe, when she was under the age of 18 years, to engage in prostitution or sexual activity for which any person can be charged with a criminal offense.

30. On June 30, 2008, Epstein entered a plea of guilty to violations of Florida §§ 796.07 and 796.03, in the 15th Judicial Circuit in and for Palm Beach County (Case nos. 2008-cf-009381AXXXMB and 2006-cf-009454AXXXMB), for conduct involving the same plan and scheme as alleged herein.

31. As to Plaintiff Jane Doe, Epstein could have been charged with criminal violations of Florida Statute §796.07(2) (including subsections (c), (d), (e), (f), (g), and (h) thereof), and other

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/s/ Adam D. Horowitz

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CV-80993-MARRA-JOHNSON

JANE DOE NO. 7

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant.

**DEFENDANT EPSTEIN'S FIRST AMENDED ANSWER & AFFIRMATIVE
DEFENSES TO PLAINTIFF'S (FIRST) AMENDED COMPLAINT**

Defendant, JEFFREY EPSTEIN, (hereinafter "EPSTEIN"), by and through his undersigned attorneys, files his Answer to Plaintiff's Amended Complaint [DE 19] and states:

1. Without knowledge and deny.
2. As to the allegations in paragraphs 2, Defendant asserts his Fifth Amendment privilege against self-incrimination. See DeLisi v. Bankers Ins. Company, 436 So.2d 1099 (Fla. 4th DCA 1983); Malloy v. Hogan, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment's Self-Incrimination Clause applies to the states through the Due Process Clause of the Fourteenth Amendment - "[i]t would be incongruous to have different standards determine the validity of a claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in state or federal court."); 5 Fed.Prac. & Proc. Civ. 3d §1280 *Effect of Failure to Deny – Privilege Against Self-Incrimination* ("...court must treat the defendant's claim of privilege as equivalent to a specific denial."). See also 24 Fla.Jur.2d Evidence §592. *Defendants in civil actions. –*

Jane Doe No. 7 v. Epstein
Page 3

7. As to the allegations in paragraphs 7 through 15 of Plaintiff's Second Amended Complaint, Defendant exercises his Fifth Amendment Privilege against self-incrimination. See DeLisi v. Bankers Ins. Company, 436 So.2d 1099 (Fla. 4th DCA 1983); Malloy v. Hogan, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment's Self-Incrimination Clause applies to the states through the Due Process Clause of the Fourteenth Amendment - "[i]t would be incongruous to have different standards determine the validity of a claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in state or federal court."); 5 Fed.Prac. & Proc. Civ. 3d §1280 *Effect of Failure to Deny – Privilege Against Self-Incrimination* ("...court must treat the defendant's claim of privilege as equivalent to a specific denial."). See also 24 Fla.Jur.2d Evidence §592. *Defendants in civil actions.* - "... a civil defendant who raises an affirmative defense is not precluded from asserting the privilege [against self-incrimination], because affirmative defenses do not constitute the kind of voluntary application for affirmative relief" which would prevent a plaintiff bringing a claim seeking affirmative relief from asserting the privilege.

8. In response to the allegations of paragraph 16, Defendant realleges and adopts his responses to paragraphs 1 through 15 of the Second Amended Complaint set forth in paragraphs 1 through 7 above herein.

9. Defendant asserts the Fifth Amendment Privilege against self-incrimination to the allegations set forth in paragraphs 17 through 22 of the Second Amended Complaint. See DeLisi v. Bankers Ins. Company, 436 So.2d 1099 (Fla. 4th DCA 1983); Malloy v. Hogan, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment's Self-Incrimination

Jane Doe No. 7 v. Epstein
Page 5

§1280 *Effect of Failure to Deny – Privilege Against Self-Incrimination* (“...court must treat the defendant’s claim of privilege as equivalent to a specific denial.”). See also 24 Fla.Jur.2d Evidence §592. *Defendants in civil actions.* – “... a civil defendant who raises an affirmative defense is not precluded from asserting the privilege [against self-incrimination], because affirmative defenses do not constitute the kind of voluntary application for affirmative relief” which would prevent a plaintiff bringing a claim seeking affirmative relief from asserting the privilege.

12. In response to the allegations of paragraph 29, Defendant realleges and adopts his responses to paragraphs 1 through 15 of the Second Amended Complaint set forth in paragraphs 1 through 7 above herein.

13. Defendant asserts the Fifth Amendment Privilege against self-incrimination to the allegations set forth in paragraphs 30 through 35 of the Second Amended Complaint. See DeLisi v. Bankers Ins. Company, 436 So.2d 1099 (Fla. 4th DCA 1983); Malloy v. Hogan, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment’s Self-Incrimination Clause applies to the states through the Due Process Clause of the Fourteenth Amendment - “[i]t would be incongruous to have different standards determine the validity of a claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in state or federal court.”); 5 Fed.Prac. & Proc. Civ. 3d §1280 *Effect of Failure to Deny – Privilege Against Self-Incrimination* (“...court must treat the defendant’s claim of privilege as equivalent to a specific denial.”). See also 24 Fla.Jur.2d Evidence §592. *Defendants in civil actions.* – “... a civil defendant who raises an affirmative defense is not precluded from asserting the privilege [against self-

Jane Doe No. 7 v. Epstein
Page 7

7. Plaintiff's claims are barred by the applicable statute of limitations.

8. As to Plaintiff's claims for punitive damages in Count I – "Sexual Assault & Battery," and Count II – "Intentional Infliction of Emotional Distress," such claims are subject to the limitations as set forth in §768.72, et seq., Florida Statutes.

9. As to Plaintiff's claims for punitive damages in Count I – "Sexual Assault & Battery," and Count II – "Intentional Infliction of Emotional Distress," such claims are subject to the constitutional limitations and guideposts as set forth in BMW of North America v. Gore, 116 S.Ct 1589 (1996); Philip Morris USA v. Williams, 127 S.Ct. 1057 (2007); State Farm v. Campbell, 123 S.Ct 1513 (2003); Engle v. Liggett Group, Inc., 945 So.2d 1246 (Fla. 2006). The Due Process Clause of the Fourteenth Amendment of the United States Constitution and Florida's Constitution, Art. I, §§2 and 9, prohibit the imposition of grossly excessive or arbitrary punishments

10. As to Plaintiff's claims for punitive damages in Count I – "Sexual Assault & Battery," and Count II – "Intentional Infliction of Emotional Distress," the determination of whether or not Defendant is liable for punitive damages is required to be bifurcated from a determination of the amount to be imposed.

11. Plaintiff has failed to state a cause of action for sexual assault and/or battery under Count I.

12. As to Count III, Plaintiff has failed to plead a cause of action as she does not and can not show a violation of a predicate act under 18 U.S.C. §2255 (2005).

Jane Doe No. 7 v. Epstein
Page 9

applying a novel construction of a criminal statute to conduct that neither the statute nor any prior judicial decision has fairly disclosed to be within its scope.

16. The applicable version of 18 U.S.C. §2255 creates a cause of action on behalf of a "minor." Plaintiff had attained the age of majority at the time of filing this action, and accordingly, her cause of action is barred.

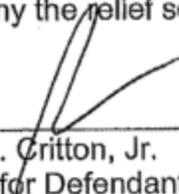
17. Because Plaintiff has no claim under 18 U.S.C. §2255, this Court is without subject matter jurisdiction as to all claims asserted.

18. Application of the 18 U.S.C. §2255, as amended, effective July 27, 2006, is in violation of the constitutional principles of due process, the "Ex Post Facto" clause, and the Rule of Lenity, in that in amending the term "minor" to "person" as to those who may bring a cause of action impermissibly and unconstitutionally broadened the scope of persons able to bring a §2255 claim.

19. 18 U.S.C. §2255 violates the Equal Protection Clause of the 14th Amendment under the U.S. Constitution, and thus Plaintiff's claim thereunder is barred.

20. 18 U.S.C. §2255 violates the constitutional guarantees of procedural and substantive due process. Procedural due process guarantees that a person will not be deprived of life, liberty or property without notice and opportunity to be heard. Substantive due process protects fundamental rights. Accordingly, Plaintiff's cause of action thereunder is barred.

WHEREFORE Defendant requests that this Court deny the relief sought by Plaintiff.



Robert D. Critton, Jr.
Attorney for Defendant Epstein

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 08-CIV-80893 – MARRA/JOHNSON

JANE DOE,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant.

PLAINTIFF'S FIRST AMENDED COMPLAINT

Parties, Jurisdiction and Venue

Plaintiff, Jane Doe, hereby brings this First Amended Complaint against Defendant, Jeffrey Epstein, and states as follows:

1. This is an action for damages in an amount in excess of \$50,000,000.00, exclusive of interest and costs.

2. This First Amended Complaint is brought under a fictitious name in order to protect the identity of Plaintiff, Jane Doe, because this Complaint makes allegations of sexual assault and child abuse of a then minor.

3. At all times material to this cause of action, Plaintiff, Jane Doe, was a resident of Palm Beach County, Florida.

4. At all times material to this cause of action, Defendant, Jeffrey Epstein, was a resident of the State of New York.

5. At all times material to this cause of action, Defendant, Jeffrey Epstein, had a residence located in Palm Beach County, Florida.

12. Plaintiff Jane Doe was contacted by Defendant Jeffrey Epstein himself or ██████████ ██████████ or other unknown employees or assistants of Defendant Epstein on numerous occasions, and she was often times brought to Defendant Epstein's residence with the assistance of Defendant Epstein's assistants.

13. ██████████ ██████████ or other employees/assistants of Defendant Epstein would often arrange with the Yellow Cab cab company to take minor girls, including Jane Doe, to Defendant Epstein's house.

14. Once the then minor girl, including Plaintiff Jane Doe, arrived at Epstein's house, the assistants and employees left the then minor Plaintiff and other minor girls alone in a room at the defendant's mansion. Subsequently, Defendant, Jeffrey Epstein, himself would appear, remove his clothing, and direct the then minor Plaintiff to remove her clothing. He would then perform one or more lewd, lascivious, and sexual acts, including, but not limited to, ██████████ of the then minor Plaintiff's sexual organs, using ██████████ on the then minor Plaintiff, and ██████████ ██████████ the then minor Plaintiff.

15. Defendant Epstein traveled to his mansion in Palm Beach for the purpose of luring minor girls to his mansion to sexually abuse or batter them; he used the telephone to contact these minor girls for the purpose of coercing them into acts of prostitution and to enable himself to commit sexual battery against them and acts of lewdness in their presence, and he conspired with others, including his assistants ██████████ ██████████ and ██████████ ██████████, to further commit these acts and to avoid police detection.

Defendant, Jeffrey Epstein, at all times material to this cause of action, knew and should have known of the plaintiff, Jane Doe's minority.

21. The above-described acts were perpetrated upon the person of the then minor Plaintiff regularly and on dozens of occasions.

22. In June 2008, in the Fifteenth Judicial Circuit in Palm Beach County, Florida, Defendant, Jeffrey Epstein, entered pleas of "guilty" to various Florida state crimes involving the solicitation of minors for prostitution and the procurement of minors for the purposes of prostitution, for which Defendant Epstein was sentenced to 18 months incarceration in Palm Beach County jail to be followed by 12 months community control (house arrest).

COUNT I

Sexual Battery upon a Minor

23. The Plaintiff, Jane Doe, repeats and realleges paragraphs 1 through 21 above.

24. On numerous occasions, Defendant Epstein did in fact intentionally touch Plaintiff, Jane Doe, on her person against her will and/or without her legal consent.

25. Defendant Epstein battered her sexually, in that he touched her in intimate areas of her body and person in an offensive manner while she was a minor child, and therefore the touchings were without legal consent.

26. Defendant Epstein touched her in intimate areas of her body on dozens of occasions between approximately February 2003 and approximately June 2005.

27. The conduct described in this count constitutes battery against the person of the then minor Plaintiff.

federal offenses, the Defendant, Jeffrey Epstein, entered into a Non-Prosecution Agreement with the Federal Government, wherein he acknowledged Plaintiff Jane Doe as a victim of certain criminal offenses he committed against Jane Doe.

32. The Plaintiff, Jane Doe, was in fact a victim of one or more offenses enumerated in Title 18, United States Code, Section 2255, and as such asserts a cause of action against the Defendant, Jeffrey Epstein, pursuant to this Section of the United States Code and the agreement between the Defendant, Jeffrey Epstein, and the United States Government.

33. Specifically, Defendant Epstein:

(a) knowingly conspired with others known and unknown to use a facility or means of interstate commerce to knowingly persuade, induce, or entice minor females, including Plaintiff Jane Doe, to engage in prostitution, in violation of title 18, United States Code, Section 2422(b).

(b) knowingly and willfully conspired with others known (such as [REDACTED] [REDACTED]) and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct with minors, including Plaintiff Jane Doe, as defined in 18 U.S.C. § 2423(f), with minor females, in violation fo Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);

(c) used a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females, including Plaintiff Jane Doe, to engage in prostitution; in violation of Title 18, United States Code, Section 2422(b);

COUNT III

Intentional Infliction of Emotional Distress

35. Plaintiff, Jane Doe, adopts and realleges paragraphs 1 through 22 above.

36. Defendant Jeffrey Epstein's inappropriate sexual conduct towards the then minor Plaintiff was extreme and outrageous; under the circumstances, his conduct was outrageous and so extreme in degree that it should not be tolerated in a civilized community.

37. Defendant Jeffrey Epstein acted with the intent to cause severe emotional distress or with reckless disregard of the high probability of causing severe emotional distress upon the then minor Plaintiff.

38. Defendant Jeffrey Epstein was well aware that Plaintiff was a minor child, and yet he continued to sexually abuse her, intentionally and recklessly causing Plaintiff to suffer extreme emotional distress.

39. Defendant Jeffrey Epstein's intentional, deliberate and reckless conduct caused severe emotional distress to the Plaintiff, Jane Doe. Defendant, at the time he committed these numerous sexual assaults on Plaintiff, Jane Doe, had a specific intent to harm the then minor Plaintiff, and his conduct did so harm the Plaintiff.

40. As a direct and proximate result of Defendant, Jeffrey Epstein's intentional and reckless conduct, Plaintiff, Jane Doe, has in the past suffered and in the future will continue to suffer severe emotional distress, physical injury, pain and suffering, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of her privacy and other damages associated with Defendant, Jeffrey Epstein, controlling, manipulating and coercing her into a perverse and

violation of Florida Statutes §772.103(3)-(4), as further outlined in detail in the RICO statement filed with this court.

44. This enterprise was separate and distinct from Epstein himself and had a definite hierarchical structure. Epstein served informally but effectively as the leader, C.E.O, or "boss" of this organization, directing his underlings how to recruit and procure young girls for his sexual activities and when to bring the girls to his mansion. Epstein's key "lieutenant" in the organization was [REDACTED] who served as both his scheduler and a recruiter/procurer of the girls. Marcinkova also served as a recruiter and helped Epstein satisfy his criminal sexual desires by, on occasion, directly participating in sexual abuse and prostitution of the minor girls. Epstein also used otherwise-legitimate business activities to help further the purpose of the criminal enterprise. These apparently legitimate activities provided "cover" for Epstein and his associates to commit the crimes. Epstein and his associates maintained the appearance of running an upstanding investment business, as well as other legitimate businesses with connections to modeling agencies and other powerful business and political people, to discourage the minor girls from reporting the abuse to law enforcement.

45. Defendant Jeffrey Epstein participated in this enterprise through a pattern of criminal activity in that he engaged in at least two incidents of criminal activity, as defined in Florida Statute 772.102 and as described below, that have the same or similar intents, results, accomplices, victims, or methods of commission and are not isolated incidents.

46. Defendant Jeffrey Epstein engaged in criminal activity by committing, attempting to commit, conspiring to commit or soliciting, coercing or intimidating another

47. The criminal acts of Defendant Epstein occurred repeatedly over a substantial period of time and were not isolated events.

48. Under Defendant, Jeffrey Epstein's plan, scheme, and enterprise, Defendant, Jeffrey Epstein, paid employees and underlings, including but not limited to [REDACTED] [REDACTED], to bring him minor girls to his Palm Beach mansion in order for the Defendant to solicit, induce, coerce, entice, compel or force such girls to engage in acts of prostitution and sexual misconduct with Defendant Epstein and sometimes [REDACTED] [REDACTED], and to otherwise commit acts of sexual battery thereon.

49. Plaintiff, Jane Doe, was the victim of Defendant, Jeffrey Epstein's plan, scheme, and enterprise and was so injured by reason of his violations of the provisions of s. 772.104. Plaintiff, Jane Doe, was called on the telephone by Defendant Epstein and other employees of his, including [REDACTED] [REDACTED], and transported to the Defendant, Jeffrey Epstein's residence, where she was placed in a room along with the Defendant, enticed to commit acts of prostitution, and had acts of sexual battery and sexual exploitation committed against her. Defendant, Jeffrey Epstein, conspired with his assistants and employees in order to accomplish their common motive or intent of seeking out, gaining access to, and exploiting minor children such as the Plaintiff, Jane Doe, in the aforementioned ways, and he further conspired with his employees, assistants and underlings to ensure that the crimes of this criminal enterprise were concealed or undetected by law enforcement.

50. After law enforcement began to detect the criminal activities of Defendant Epstein and the other persons involved in the criminal enterprise, the enterprise used resources and information to conceal the illegal activities of the enterprise, threaten the

COUNT V

**Cause of Action Pursuant to Florida Statute 796.09
Against Defendant, Jeffrey Epstein**

54. Plaintiff adopts and realleges paragraphs 1 through 22 above.

55. The allegations contained herein in Count II are a separate and distinct legal remedy.

56. Defendant, Jeffrey Epstein, was a wealthy and powerful man, and Plaintiff was an economically disadvantaged and impressionable minor.

57. Defendant, Jeffrey Epstein, used his vast wealth and power to coerce Plaintiff into prostitution and/or coerced her to remain in prostitution.

58. Defendant, Jeffrey Epstein, coerced Plaintiff into prostitution in one or more of the following ways:

- A. Domination of her mind and body through exploitive techniques;
- B. Inducement;
- C. Promise of greater financial rewards;
- D. Exploitation of a condition of developmental disability, cognitive limitation, affective disorder, and/or substance dependency;
- E. Exploitation of human needs for food, shelter or affection;
- F. Exploitation of underprivileged and vulnerable economic condition or situation;
- G. Use of a system of recruiting other similarly situated minor girls to further coerce and induce Plaintiff into the lifestyle of prostitution; and

Respectfully Submitted,
Plaintiff, by One of Her Counsel,

s/ Bradley J. Edwards
Bradley J. Edwards
ROTHSTEIN ROSENFELDT ADLER
Las Olas City Centre
401 East Las Olas Blvd., Suite 1650
Fort Lauderdale, Florida 33301
Telephone [REDACTED]
Facsimile [REDACTED]
Florida Bar No.: 542075
E-mail: [REDACTED]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 17, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing is being served this day upon all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Bradley J. Edwards
Bradley J. Edwards

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CV-80993-MARRA

JANE DOE NO. 7,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant.

**MOTION TO COMPEL AND/OR IDENTIFY JANE DOE #7 IN THE STYLE OF
THIS CASE AND MOTION TO IDENTIFY JANE DOE IN THIRD-PARTY
SUBPOENAS FOR PURPOSES OF DISCOVERY, OR ALTERNATIVELY,
MOTION TO DISMISS SUA SPONTE, WITH INCORPORATED
MEMORANDUM OF LAW¹**

Defendant, JEFFREY EPSTEIN ("Epstein" or "Defendant"), by and through his undersigned attorneys, hereby requests that this Court enter an order identifying in the style of this case the complete legal name of the Plaintiff, JANE DOE #7 ("JANE DOE"), to substitute her complete legal name in this case in place of "JANE DOE" and, equally important, allowing Defendant to identify her in various subpoenas that Epstein must serve so Epstein can defend this case or, alternatively, Motion to Dismiss Entire Action Sua Sponte. In support, Mr. Epstein states as follows:

¹ Several of the discovery responses attached to this Motion and to the companion "Motions to Identify" filed in other related matters are markedly different. Therefore, each requires the court's attention on an individual basis.

Coercion and Enticement to Sexual Activity in violation of 18 U.S.C. §2422, plaintiff claims entitlement to recover for ". . .personal injury, including mental, psychological and emotional damages" ¶133, Am. Comp., DE 19. **See also Exhibit "A"**, Interrogatory Response Number 9. Plaintiff also claims entitlement to "punitive damages" and "actual and compensatory damages." DE 19.

6. Epstein has a constitutional due process right to defend himself and to seek the production of information that will assist in his defense of the allegations in the Amended Complaint. In this case, Plaintiff's counsel objected to Epstein serving subpoenas on Plaintiff's treating physicians and other third parties. Thus, this motion seeks to identify JANE DOE in the style of this case, to identify JANE DOE in various third-party subpoenas for discovery purposes and, alternatively, to dismiss this entire action sua sponte. The undersigned's experience in "Jane Doe" lawsuits is that once a Plaintiff is identified, other individuals come forward in the discovery phase with information which often directly contradicts allegations as to the events and damages. For instance, witnesses may testify that Plaintiff was paid by others for similar sexual acts she claims Mr. Epstein forced upon her or that she willingly participated in certain act(s) that would negate or lessen her damages. This goes directly to Plaintiff's damage claim.

7. Likewise, subpoenas must be issued to third-party treaters and current and former employers, and those subpoenas will seek to obtain records related directly to Plaintiff's claims and her damages (i.e., her claim for severe and permanent traumatic injuries, including mental, psychological and emotional

is not the case when a Plaintiff places her mental, emotional, psychological and physical condition at issue.

9. Moreover, when an order from the court is attached to the Subpoena, treaters and other third parties produce the records and show up to the depositions with the records requested because the deponent knows what to bring by virtue of knowing the identity of the Plaintiff.

10. Epstein's counsel intends to serve and depose witnesses duces tecum. If Epstein is not permitted to identify JANE DOE, how will any deponent know who the parties are and what to bring to the deposition pursuant to the duces tecum? Further, how will Epstein be able to defend the claims. Just like the Plaintiff, Epstein is entitled to due process.

11. While it is within the sound discretion of this court to allow a party to proceed anonymously, Plaintiff should not attempt to utilize that discretion as a shield from legitimate and necessary discovery. Epstein has a fundamental due process right to conduct discovery.

b. Motion To Identify JANE DOE In Style Of This Case

12. As discussed below, Epstein has fundamental due process right to defend himself in this civil litigation. While JANE DOE travels under a pseudonym, various newspaper articles identifying Epstein have been released discussing the alleged claims against him. Allowing JANE DOE to litigate this matter under a pseudonym is preventing Epstein from defending this suit including, but not limited to, preventing him from locating individuals that may have information about this lawsuit and information about JANE DOE that may

Doe v. Frank, 951 F.2d at 323.

Plaintiff does not fall under any of the factors. Moreover, even if she did meet one of the factors, "[t]he fact that [a] Doe [Plaintiff] may suffer some personal embarrassment, standing alone, does not require the granting of a request to proceed under a pseudonym." Id; see also Doe v. Rostker, 89 F.R.D. 159 (N.D. Calif. 1981). Any substantial privacy interests JANE DOE has must outweigh the customary and constitutionally embedded presumption of openness to judicial proceedings. Doe v. Frank, 951 F.2d at 323; Doe v. Bergstron, 2009 WL 528623 (C.A.9(Or.))(denying request to proceed anonymously in civil action by Plaintiff where Plaintiff's arrest, prosecution and acquittal were matters of public record).

14. In Sweetland v. State, 535 So.2d 646 (Fla. 1st DCA 1988), the court reasoned that the purpose of discovery is to eliminate the likelihood of surprise and to insure a fair opportunity to prepare for trial. Florida Rule of Civil Procedure 1.280(b)(1); see also Surf Drugs, Inc., v. Vermette, 236 So.2d 108, 111 (Fla. 1970)(stating that the rules of discovery should be afforded broad and liberal treatment to effectuate their purpose), citing, Hickman v. Taylor, 329 U.S. 495, 501, 507 (1947).

15. Next, the right to go to court to resolve disputes is a fundamental right. D.R. Lakes, Inc. v. Brandsmart U.S.A. of West Palm Beach, 819 So.2d 971 (Fla. 4th DCA 2002). All litigants are afforded an equal opportunity. Lingle v. Dion, 776 So.2d 1073 (Fla. 4th DCA 2001). The Florida Constitution establishes the right commonly known as access to courts. Mitchell v. Moore, 786 So.2d 521 (Fla.

others, diminished sense of future prospects, corruption of morals, distorted and disrupted development, loss of normal adolescent ideals." (Emphasis Added). Id. Epstein is also entitled to know, among other things, whether she had any physical complaints or whether there was ever any evidence of physical battery on JANE DOE's body from the acts she complains of in the Amended Complaint. The need to serve third-party subpoenas on medical doctors is a basic discovery need related to the claims alleged by JANE DOE for which Plaintiff's counsel refuses to compromise. Balas v. Ruzzo, 703 So.2d 1076 (Fla. 5th DCA 1997), rev. denied, 719 So.2d 286 (Fla. 1998)(discoverability of Plaintiff's history of sexual activity is relevant to damages); United States v. Bear Stops, 997 F.2d 451 (8th Cir. 1993)(deals with "admissibility of other acts of sexual abuse by individuals other than the defendant to explain why a victim of abuse exhibited behavioral manifestations of a sexually abused child.") If Plaintiff saw a psychologist or other physician during or after the time periods she claims she was assaulted by Epstein but either did not discuss or did discuss the incidents (or lack thereof) would be directly relevant to her damage claims. Plaintiff seeks physical and emotional/mental personal injury type damages, and the Epstein must conduct his own discovery thereon. See supra. No valid discovery objections or exemptions exist preventing necessary and reasonable discovery. To hold otherwise prevents Mr. Epstein from preparing and defending this matter.

19. In defending this lawsuit, Mr. Epstein should be permitted broad discovery, whether admissible at trial or not. Fed.R.Civ.Pro. 26 provides, in pertinent part, that "parties may obtain discovery regarding any matter, not

would ultimately result in reversible error at any trial.

II. Conclusion

22. Epstein requests the following relief:

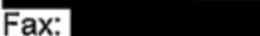
- a. That JANE DOE be identified by her legal name in the style of this case;
- b. That Epstein be granted leave to identify JANE DOE by her legal name in Third-Party Subpoenas (but not file them in Court or, if required, in a redacted form); and
- c. That, on an alternative basis, this court dismiss this action Sua Sponte until such time as JANE DOE identifies herself in the style of this matter. Doe v. Rostker, 89 F.R.D. at 163.

WHEREFORE, Epstein, Jeffrey Epstein, respectfully requests that this Court enter said order granting the relief requested above, and for such other and further relief as this Court may deem just and proper.

By: 
ROBERT D. CRITTON, JR., ESQ.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following Service List in the manner specified by CM/ECF on this 7th day of May, 2009:

Stuart S. Mermelstein, Esq.
Adam D. Horowitz, Esq.
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LRJ, MEDREQ, REF_DISCOV

U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:08-cv-80993-KAM

Jane Doe No. 7 v. Epstein
Assigned to: Judge Kenneth A. Marra
Referred to: Magistrate Judge Linnea R. Johnson
Lead case: [9:08-cv-80119-KAM](#)
Member case: ([View Member Case](#))
Case: [9:09-cv-80802-KAM](#)
Cause: 28:1391 Personal Injury

Date Filed: 09/10/2008
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair
Standards
Jurisdiction: Federal Question

Plaintiff**Jane Doe No. 7**

represented by **Adam D. Horowitz**
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ATTORNEY TO BE NOTICED

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V.

Defendant

Jeffrey Epstein

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ATTORNEY TO BE NOTICED

Amicus

United States of America

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Email: [REDACTED]

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	clear	Docket Text
09/10/2008	<u>1</u>	<input type="checkbox"/> 463.9 KB	COMPLAINT against Jeffrey Epstein Filing fee \$ 350.00. Receipt#: 544158, filed by Jane Doe No. 7.(vt) (Entered: 09/10/2008)
09/10/2008	<u>2</u>	<input type="checkbox"/> 99.1 KB	Summons Issued as to Jeffrey Epstein. (vt) (Entered: 09/10/2008)
09/15/2008	<u>3</u>	<input type="checkbox"/> 130.8 KB	NOTICE of Attorney Appearance by Robert Deweese Critton, Jr on behalf of Jeffrey Epstein (Critton, Robert) (Entered: 09/15/2008)
10/03/2008	<u>4</u>	<input type="checkbox"/> 82.8 KB	ACKNOWLEDGMENT OF SERVICE Executed as to <u>2</u> Summons Issued, <u>1</u> Complaint Acknowledgement filed by Jane Doe No. 7. (Herman, Jeffrey) (Entered: 10/03/2008)
10/03/2008	<u>5</u>	<input type="checkbox"/> 26.1 KB	NOTICE of Striking <u>4</u> Acknowledgment of Service filed by Jane Doe No. 7 by Jane Doe No. 7 (Herman, Jeffrey) (Entered: 10/03/2008)
10/03/2008	<u>6</u>	<input type="checkbox"/> 82.8 KB	SUMMONS (Affidavit) Returned Executed by Jane Doe No. 7. Jeffrey Epstein served on 9/23/2008, answer due 10/14/2008. (Herman, Jeffrey) (Entered: 10/03/2008)
10/14/2008	<u>7</u>	<input type="checkbox"/> 1.1 MB	Defendant's MOTION to Dismiss <u>1</u> Complaint, MOTION for More Definite Statement by Jeffrey Epstein. Responses due by 10/31/2008 (Critton, Robert) (Entered: 10/14/2008)
10/20/2008	<u>8</u>	<input type="checkbox"/> 46.3 KB	ORDER OF TRANSFER. Case is transferred to Judge Kenneth A. Marra for all further proceedings. Judge Daniel T. K. Hurley no longer assigned to case. Signed by Judge Daniel T. K. Hurley on 10/17/2008 and Judge Kenneth A. Marra on 10/17/2008. (jdo) (Entered: 10/20/2008)
10/21/2008	<u>9</u>	<input type="checkbox"/> 33.9 KB	CERTIFICATION AND ORDER OF TRANSFER TO MAGISTRATE JUDGE. Case Transferred to Magistrate Judge Linnea R. Johnson as referral judge in case. Magistrate Judge James M. Hopkins no longer assigned as referral judge(s) in case. Signed by Magistrate Judge James M. Hopkins on 10/21/08. (lw1) (Entered: 10/21/2008)
10/21/2008			Magistrate Judge Linnea R. Johnson added per Order at DE <u>9</u> . (bb) (Entered: 10/28/2008)
10/22/2008	<u>10</u>	<input type="checkbox"/> 63.6 KB	Order Requiring Counsel to Confer and File Joint Scheduling Report. Signed by Judge Kenneth A. Marra on 10/21/2008. (ir) (Entered: 10/22/2008)
10/31/2008	<u>11</u>	<input type="checkbox"/> 161.5 KB	MEMORANDUM in Opposition re <u>7</u> Defendant's MOTION to Dismiss <u>1</u> Complaint MOTION for More Definite Statement filed by Jane Doe No. 7. (Attachments: # <u>1</u> Exhibit A)(Herman, Jeffrey) (Entered: 10/31/2008)
11/10/2008	<u>12</u>	<input type="checkbox"/>	RESPONSE/REPLY to <u>11</u> Memorandum in Opposition to Defendant's

		290.8 KB	<i>Motion to Dismiss</i> filed by Jeffrey Epstein. (Critton, Robert) (Entered: 11/10/2008)
12/17/2008	<u>13</u>	<input type="checkbox"/> 2.1 MB	NOTICE of Filing Discovery: Joint Scheduling and Discovery Report by Jeffrey Epstein.(Pike, Michael) (Entered: 12/17/2008)
12/17/2008	15		JOINT SCHEDULING REPORT - Rule 16.1 . See image DE <u>13</u> (lk) (Entered: 12/18/2008)
12/18/2008	<u>14</u>	<input type="checkbox"/> 82.5 KB	SCHEDULING ORDER: Jury Trial set for 2/8/2010 09:00 AM in West Palm Beach Division before Judge Kenneth A. Marra., Calendar Call set for 2/5/2010 10:00 AM in West Palm Beach Division before Judge Kenneth A. Marra., Amended Pleadings due by 2/2/2009., Discovery due by 10/5/2009., Dispositive Motions due by 10/23/2009. ORDER REFERRING CASE to Magistrate Judge Linnea R. Johnson for Discovery Proceedings, ORDER REFERRING CASE to Mediation. 15 days to appoint mediator. Signed by Judge Kenneth A. Marra on 12/17/2008. (ir) (Entered: 12/18/2008)
12/18/2008	16		Clerks Notice of Docket Correction and Instruction to Filer re <u>13</u> Notice of Filing Discovery filed by Jeffrey Epstein. ERROR - Wrong Event Selected ; Correction - Redocketed by Clerk as Scheduling Report-Rule 26 (f) <u>13</u> . Instruction to Filer - In the future, please select the proper event. It is not necessary to refile this document. (lk) (Entered: 12/18/2008)
02/12/2009	<u>17</u>	<input type="checkbox"/> 100.6 KB	OPINION AND ORDER granting in part and denying in part <u>7</u> Motion to Dismiss; denying <u>7</u> Motion for More Definite Statement. Signed by Judge Kenneth A. Marra on 2/12/2009. (ir) (Entered: 02/12/2009)
02/23/2009	<u>18</u>	<input type="checkbox"/> 21.1 KB	NOTICE by Jane Doe No. <u>7</u> of <i>Change of Name of Plaintiff's Counsel</i> (Horowitz, Adam) (Entered: 02/23/2009)
02/27/2009	<u>19</u>	<input type="checkbox"/> 35.8 KB	AMENDED COMPLAINT, filed by Jane Doe No. <u>7</u> .(Horowitz, Adam) (Entered: 02/27/2009)
03/04/2009	<u>20</u>	<input type="checkbox"/> 376.1 KB	Defendant's MOTION for Extension of Time to File Response as to <u>19</u> Amended Complaint <i>with proposed Order</i> by Jeffrey Epstein. (Critton, Robert) (Entered: 03/04/2009)
03/05/2009	21		ENDORSED ORDER granting <u>20</u> Motion for Extension of Time to Answer Complaint. Jeffrey Epstein response due 4/3/2009. Signed by Judge Kenneth A. Marra on 3/5/2009. (ir) (Entered: 03/05/2009)
03/25/2009	<u>22</u>	<input type="checkbox"/> 2.2 MB	Defendant's MOTION to Stay re <u>19</u> Amended Complaint by Jeffrey Epstein. Responses due by 4/13/2009 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Pike, Michael) (Entered: 03/25/2009)
03/27/2009	<u>23</u>		MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 4, Motion to Consolidate Cases for Purposes of Discovery,</i>

		<input type="checkbox"/>	<i>and Incorporated Memorandum of Law in Support</i> by Jane Doe No. 7. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Mermelstein, Stuart) (Entered: 03/27/2009)
03/27/2009	24		MOTION to Consolidate Cases for purposes of discovery (Responses due by 4/13/2009), MOTION to Quash by Jane Doe No. 7. See image DE <u>23</u> (lk) (Entered: 03/30/2009)
03/30/2009	25		Clerks Notice of Docket Correction and Instruction to Filer re <u>23</u> MOTION for Protective Order and Incorporated Memorandum of Law in Support filed by Jane Doe No. 7. ERROR - Motion with Multiple Reliefs Filed as One Relief ; Correction - Additional relief(s) 24 MOTION TO QUASH AND MOTION CONSOLIDATE CASES docketed by Clerk. Instruction to filer - In the future, please select all applicable reliefs. It is not necessary to refile this document. (lk) (Entered: 03/30/2009)
04/02/2009	<u>26</u>	<input type="checkbox"/>	Defendant's MOTION to Compel <i>Response to 1st RTP</i> by Jeffrey Epstein. Responses due by 4/20/2009 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Critton, Robert) (Entered: 04/02/2009)
04/02/2009	<u>27</u>	<input type="checkbox"/>	Defendant's MOTION to Compel <i>Answers to 1st Interrogs</i> by Jeffrey Epstein. Responses due by 4/20/2009 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Critton, Robert) (Entered: 04/02/2009)
04/02/2009	<u>28</u>	<input type="checkbox"/>	<i>Defendant's ANSWER and Affirmative Defenses to Amended Complaint (Second)</i> by Jeffrey Epstein.(Critton, Robert) (Entered: 04/02/2009)
04/06/2009	<u>29</u>	<input type="checkbox"/>	Defendant's MOTION for Extension of Time to File Response as to 24 MOTION to Consolidate Cases MOTION to Quash, <u>23</u> MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 4, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 04/06/2009)
04/07/2009	30		ENDORSED ORDER granting <u>29</u> Motion for Extension of Time to Respond re 24 MOTION to Consolidate Cases MOTION to Quash, <u>23</u> MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 4, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> . Responses due by 4/13/2009. Signed by Judge Kenneth A. Marra on 4/7/2009. (ir) (Entered: 04/07/2009)
04/10/2009	<u>31</u>	<input type="checkbox"/>	Defendant's MOTION for Extension of Time to File Response as to 30 Order on Motion for Extension of Time to File Response/Reply/Answer, <u>23</u> MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 4, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support (Amended)</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 04/10/2009)

04/13/2009	32	<p>ENDORSED ORDER granting (73) Motion for Extension of Time to Respond re (66 in 9:08-cv-80119-KAM) MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 3, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> in case 9:08-cv-80119-KAM; granting (65) Motion for Extension of Time to Respond re (66 in 9:08-cv-80119-KAM) MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 3, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> in case 9:08-cv-80232-KAM; granting (80) Motion for Extension of Time to Respond re (66 in 9:08-cv-80119-KAM) MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 3, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> in case 9:08-cv-80380-KAM; granting (31) Motion for Extension of Time to Respond re (66 in 9:08-cv-80119-KAM) MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 3, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> in case 9:08-cv-80993-KAM in case 9:08-cv-80119-KAM. Responses due by 4/16/2009. Signed by Judge Kenneth A. Marra on 4/13/2009. (ir) (Entered: 04/13/2009)</p>
04/13/2009	33	<p><input type="checkbox"/> 41.6 KB Unopposed MOTION for Extension of Time to File Response /<i>Memorandum in Opposition to Motion to Stay and/or Continue Action</i> by Jane Doe No. 7. (Attachments: # <u>1</u> Text of Proposed Order) (Mermelstein, Stuart) (Entered: 04/13/2009)</p>
04/14/2009	34	<p>ENDORSED ORDER granting (75) Motion for Extension of Time to Respond re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint in case 9:08-cv-80119-KAM; granting (67) Motion for Extension of Time to Respond re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint in case 9:08-cv-80232-KAM; granting (82) Motion for Extension of Time to Respond re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint in case 9:08-cv-80380-KAM; granting (73) Motion for Extension of Time to Respond re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint in case 9:08-cv-80381-KAM; granting (33) Motion for Extension of Time to Respond re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint in case 9:08-cv-80993-KAM; granting (27) Motion for Extension of Time to Respond re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint in case 9:08-cv-80994-KAM in case 9:08-cv-80119-KAM. (Responses due by 4/23/2009). Signed by Judge Kenneth A. Marra on 4/14/2009. (ir) (Entered: 04/14/2009)</p>
04/16/2009	35	<p>Defendant's MOTION for Extension of Time to File Response as to <u>23</u> MOTION for Protective Order <i>and to Quash Subpoena for Deposition of</i></p>

		<input type="checkbox"/>	<i>Jane Doe No. 4, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> by Jeffrey Epstein. (Pike, Michael) Modified on 4/20/2009 (ls). (Entered: 04/16/2009)
04/17/2009	36	138.8 KB	ENDORSED ORDER granting (77) Motion for Extension of Time to Respond re (66 in 9:08-cv-80119-KAM) MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 3, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> in case 9:08-cv-80119-KAM; granting (84) Motion for Extension of Time to Respond re (66 in 9:08-cv-80119-KAM) MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 3, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> in case 9:08-cv-80380-KAM; granting (35) Motion for Extension of Time to Respond re (66 in 9:08-cv-80119-KAM) MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 3, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> in case 9:08-cv-80993-KAM in case 9:08-cv-80119-KAM. (Responses due by 4/24/2009). Signed by Judge Kenneth A. Marra on 4/17/2009. (ir) (Entered: 04/17/2009)
04/17/2009	37	<input type="checkbox"/> 339.6 KB	RESPONSE to Motion re <u>23</u> MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 4, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> filed by Jeffrey Epstein. Replies due by 4/27/2009. (Pike, Michael) (Entered: 04/17/2009)
04/17/2009	38	<input type="checkbox"/> 42.2 KB	Unopposed MOTION for Extension of Time to File Response as to <u>27</u> Defendant's MOTION to <i>Compel Answers to 1st Interrogs</i> , <u>26</u> Defendant's MOTION to <i>Compel Response to 1st RTP</i> by Jane Doe No. 7. (Attachments: # <u>1</u> Text of Proposed Order)(Mermelstein, Stuart) (Entered: 04/17/2009)
04/23/2009	39	<input type="checkbox"/> 43.6 KB	RESPONSE in Opposition re <u>22</u> Defendant's MOTION to Stay re <u>19</u> Amended Complaint filed by Jane Doe No. 7. (Mermelstein, Stuart) (Entered: 04/23/2009)
04/27/2009	40	<input type="checkbox"/> 50.3 KB	ORDER Granting <u>38</u> Unopposed Motion for Extension of Time to File Memorandum in Opposition to <u>27</u> Defendant's MOTION to Compel Answers to 1st Interrogatories, <u>26</u> Defendant's MOTION to Compel Response to First Request to Produce. Response due by 4/29/2009. Signed by Magistrate Judge Linnea R. Johnson on 4/27/2009. (sa) (Entered: 04/27/2009)
04/27/2009	41	<input type="checkbox"/> 31.6 KB	MEMORANDUM in Support re <u>23</u> MOTION for Protective Order <i>and to Quash Subpoena for Deposition of Jane Doe No. 4, Motion to Consolidate Cases for Purposes of Discovery, and Incorporated Memorandum of Law in Support</i> by Jane Doe No. 7. (Mermelstein, Stuart) (Entered: 04/27/2009)

04/29/2009	<u>42</u>	<input type="checkbox"/> 60.2 KB	ORDER granting <u>23</u> Motion for Protective Order and Consolidating Cases For Purposes of Discovery. Signed by Judge Kenneth A. Marra on 4/28/2009. (cqs) (Entered: 04/29/2009)
04/29/2009	<u>43</u>	<input type="checkbox"/> 42.3 KB	Unopposed MOTION for Extension of Time to File Response as to <u>27</u> Defendant's MOTION to Compel <i>Answers to 1st Interrogs</i> , <u>26</u> Defendant's MOTION to Compel <i>Response to 1st RTP</i> by Jane Doe No. 7. (Attachments: # <u>1</u> Text of Proposed Order)(Mermelstein, Stuart) (Entered: 04/29/2009)
05/04/2009	<u>44</u>	<input type="checkbox"/> 278.6 KB	MEMORANDUM in Opposition re <u>42</u> Order on Motion for Protective Order by Jeffrey Epstein. (Pike, Michael) (Entered: 05/04/2009)
05/05/2009	<u>45</u>	<input type="checkbox"/> 261.1 KB	RESPONSE TO ORDER TO SHOW CAUSE by Jeffrey Epstein. (Pike, Michael) (Entered: 05/05/2009)
05/05/2009	<u>46</u>	<input type="checkbox"/> 67.5 KB	Defendant's MOTION for Extension of Time to File Reply as to <u>39</u> Response in Opposition to Motion <i>to Stay</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 05/05/2009)
05/05/2009	48		MOTION for clarification <u>42</u> Order on Motion for Protective Order by Jeffrey Epstein. Responses due by 5/22/2009. See image DE <u>45</u> (lk) (Entered: 05/06/2009)
05/06/2009	47		ENDORSED ORDER granting (89) Motion for Extension of Time to Reply re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint; granting (81) Motion for Extension of Time to Reply re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint in case 9:08-cv-80232-KAM; granting (97) Motion for Extension of Time to Reply re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint in case 9:08-cv-80380-KAM; granting (82) Motion for Extension of Time to Reply re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint in case 9:08-cv-80381-KAM; granting (46) Motion for Extension of Time to Reply re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint in case 9:08-cv-80993-KAM; granting (37) Motion for Extension of Time to Reply re (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint in case 9:08-cv-80994-KAM in case 9:08-cv-80119-KAM. (Replies due by 5/20/2009.). Signed by Judge Kenneth A. Marra on 5/5/2009. (ir) (Entered: 05/06/2009)
05/06/2009	49		Clerks Notice of Docket Correction and Instruction to Filer re <u>45</u> Response to Order to Show Cause filed by Jeffrey Epstein. ERROR - Two or More Document Events Filed as One ; Correction - Additional event(s) 48 MOTION FOR CLARIFICATION docketed by Clerk. Instruction to Filer - In the future, please select all applicable events. It is not necessary to refile

			this document. (lk) (Entered: 05/06/2009)
05/06/2009	<u>50</u>	<input type="checkbox"/> 37.2 KB	RESPONSE in Opposition re <u>27</u> Defendant's MOTION to Compel <i>Answers to 1st Interrogs and for an Award of Reasonable Expenses</i> filed by Jane Doe No. 7. (Horowitz, Adam) (Entered: 05/06/2009)
05/06/2009	<u>51</u>	<input type="checkbox"/> 340.4 KB	RESPONSE in Opposition re <u>26</u> Defendant's MOTION to Compel <i>Response to 1st RTP , Overrule Objections and for an Award of Reasonable Expenses</i> filed by Jane Doe No. 7. (Attachments: # <u>1</u> Exhibit A)(Horowitz, Adam) (Entered: 05/06/2009)
05/07/2009	<u>52</u>	<input type="checkbox"/> 0.8 MB	Defendant's MOTION to Compel <i>and/or Identify Doe #7 in the Style of this Case and in Third-Party Subpoenas</i> by Jeffrey Epstein. Responses due by 5/26/2009 (Attachments: # <u>1</u> Exhibit A)(Pike, Michael) (Entered: 05/07/2009)
05/07/2009	<u>53</u>		Alternative MOTION to Dismiss <u>1</u> Complaint by Jeffrey Epstein. Responses due by 5/26/2009. See image DE <u>52</u> (lk) (Entered: 05/08/2009)
05/08/2009	<u>54</u>		Clerks Notice of Docket Correction and Instruction to Filer re <u>52</u> Defendant's MOTION to Compel <i>and/or Identify Doe #7 in the Style of this Case and in Third-Party Subpoenas</i> filed by Jeffrey Epstein. ERROR - Motion with Multiple Reliefs Filed as One Relief ; Correction - Additional relief(s) <u>53</u> MOTION TO DISMISS docketed by Clerk. Instruction to filer - In the future, please select all applicable reliefs. It is not necessary to refile this document. (lk) (Entered: 05/08/2009)
05/11/2009	<u>55</u>	<input type="checkbox"/> 203.0 KB	Defendant's MOTION Require Plaintiff to Use Proper Case Style by Jeffrey Epstein. (Critton, Robert) (Entered: 05/11/2009)
05/13/2009	<u>56</u>	<input type="checkbox"/> 400.3 KB	RESPONSE/REPLY to <u>39</u> Response in Opposition to Motion <i>to Stay and/or Continue Action</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 05/13/2009)
05/14/2009			Cases associated. (dg) (Entered: 05/14/2009)
05/14/2009	<u>57</u>	<input type="checkbox"/> 106.5 KB	ORDER CONSOLIDATING CASES. Hereinafter all motions and other court filings that relate to discovery and all procedural motions that relate to multiple cases shall be styled with all of the case names and numbers and shall be filed in Case No. 08-80119-CIV-MARRA. Signed by Judge Kenneth A. Marra on 5/14/2009. Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/14/2009	<u>58</u>	<input type="checkbox"/> 1.3 MB	ORDER REQUESTING UNITED STATES PROVIDE POSITION TO MOTION TO STAY. Signed by Judge Kenneth A. Marra on 5/14/2009. (Attachments: # <u>1</u> Appendix Motion to Stay DE 51) Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/14/2009	<u>59</u>		ORDER denying as moot <u>48</u> Motion for Clarification; denying as moot <u>55</u>

			Motion ; denying as moot 24 Motion to Consolidate Cases; denying as moot 24 Motion to Quash. See Order consolidating cases.. Signed by Judge Kenneth A. Marra on 5/14/2009. (lc3) (Entered: 05/14/2009)
05/14/2009	60		ORDER terminating <u>52</u> Motion to Compel; terminating <u>53</u> Motion to Dismiss; terminating <u>22</u> Motion to Stay. See Order consolidating cases. See procedural motions pending: DE 65 and DE 91 in 08-80119.. Signed by Judge Kenneth A. Marra on 5/14/2009. (lc3) (Entered: 05/14/2009)
05/18/2009	<u>61</u>	<input type="checkbox"/> 174.3 KB	Defendant's MOTION for Extension of Time to File Reply as to (39 in 9:08-cv-80994-KAM) Response in Opposition to Motion, (40 in 9:08-cv-80994-KAM) Response in Opposition to Motion by Jeffrey Epstein. Associated Cases: 9:08-cv-80119-KAM et al.(Pike, Michael) (Entered: 05/18/2009)
05/19/2009	<u>62</u>	<input type="checkbox"/> 0.8 MB	Defendant's MOTION to Strike <i>Cases from Current Trial Docket</i> by Jeffrey Epstein. Responses due by 6/8/2009 (Attachments: # <u>1</u> Exhibit A) Associated Cases: 9:08-cv-80119-KAM et al.(Pike, Michael) (Entered: 05/19/2009)
05/20/2009	63		ORDER terminating (93) Motion to Strike ; terminating (94) Motion in case 9:08-cv-80232-KAM; terminating (110) Motion to Strike ; terminating (111) Motion in case 9:08-cv-80380-KAM; terminating (95) Motion to Strike ; terminating (96) Motion in case 9:08-cv-80381-KAM; terminating (90) Motion to Strike ; terminating (91) Motion in case 9:08-cv-80811-KAM; terminating (62) Motion to Strike in case 9:08-cv-80893-KAM; terminating (62) Motion to Strike in case 9:08-cv-80993-KAM; terminating (50) Motion to Strike in case 9:08-cv-80994-KAM. Signed by Judge Kenneth A. Marra on 5/20/2009. (lc3) (Entered: 05/20/2009)
05/20/2009	64		Clerks Notice of Docket Correction and Instruction to Filer re <u>62</u> MOTION to Strike filed by Jeffrey Epstein. Error - Motion with Multiple Reliefs Filed as One Relief ;. Instruction to filer - In the future, please select all applicable reliefs. It is not necessary to refile this document. (ls) (Entered: 05/20/2009)
05/20/2009	<u>65</u>	<input type="checkbox"/> 363.1 KB	NOTICE by [REDACTED], of <i>Filing Withdrawal of Previously Raised Objections to Defendant, Jeffrey Epstein's Motion to Compel And/Or Identify [REDACTED] in the Style of This Case and Motion to Identify [REDACTED], in Third-Party Subpoenas for Purposes of Discovery, Or, Alternatively, Motion to Dismiss Sua Sponte, With Incorporated Memorandum of Law</i> Associated Cases: 9:08-cv-80119-KAM et al.(Hill, Jack) (Entered: 05/20/2009)
05/20/2009	66		ORDER STRIKING in all Epstein cases EXCEPT case no. 08-80119: Notice by [REDACTED], of <i>Filing Withdrawal of Previously Raised Objections to Epstein's Motion to Compel and/or Identify</i> . This Notice should only be filed in 08-80119, not in all of the Epstein cases.. Signed by Judge Kenneth A. Marra on 5/20/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3)

			(Entered: 05/20/2009)
05/21/2009	<u>67</u>	<input type="checkbox"/> 30.1 KB	Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> by Jane Doe No. 6, Jane Doe No. 7, Jane Doe, Jane Doe No. 5, Jane Doe No. 4, Jane Doe No. 3. Associated Cases: 9:08-cv-80119-KAM et al. (Mermelstein, Stuart) (Entered: 05/21/2009)
05/22/2009	<u>68</u>		ORDER terminating (100) Motion for Extension of Time to Respond in case 9:08-cv-80232-KAM; terminating (117) Motion for Extension of Time to Respond in case 9:08-cv-80380-KAM; terminating (101) Motion for Extension of Time to Respond in case 9:08-cv-80381-KAM; terminating (67) Motion for Extension of Time to Respond in case 9:08-cv-80993-KAM; terminating (54) Motion for Extension of Time to Respond in case 9:08-cv-80994-KAM. The attorneys are instructed again to ONLY file this type of motion in case no. 08-80119. See Order consolidating cases for details.. Signed by Judge Kenneth A. Marra on 5/22/2009. (lc3) (Entered: 05/22/2009)
05/22/2009	<u>69</u>		Clerks Notice of Docket Correction and Instruction to Filer re <u>65</u> Notice (Other), Notice (Other) filed by [REDACTED].. Error - Incorrect Document Link/No Link ;. Instruction to filer - In the future, please link the document to the proper entry. It is not necessary to refile this document. (ls) (Entered: 05/22/2009)
05/27/2009	<u>70</u>	<input type="checkbox"/> 52.0 KB	NOTICE by Jane Doe re (111 in 9:08-cv-80119-KAM) Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> (Attachments: # <u>1</u> Text of Proposed Order) Associated Cases: 9:08-cv-80119-KAM et al. (Horowitz, Adam) (Entered: 05/27/2009)
05/28/2009	<u>71</u>		ORDER STRIKING Notice by Jane Doe in all Epstein cases EXCEPT in case 08-80119. This Notice should only be filed in 08-80119, not in all of the Epstein cases... Signed by Judge Kenneth A. Marra on 5/28/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/28/2009)
05/29/2009	<u>72</u>	<input type="checkbox"/> 11.6 KB	NOTICE of Attorney Appearance by [REDACTED], [REDACTED], [REDACTED] on behalf of United States of America Associated Cases: 9:08-cv-80119-KAM et al. ([REDACTED], [REDACTED]) (Entered: 05/29/2009)
05/29/2009	<u>73</u>		RESPONSE to Motion re (72 in 9:08-cv-80380-KAM) Defendant's MOTION to Stay re (62) Amended Complaint, (57 in 9:08-cv-80232-KAM) Defendant's MOTION to Stay re (50) Amended Complaint, (24 in

		<input type="checkbox"/>	9:08-cv-80893-KAM) Defendant's MOTION to Stay re (1) Complaint, (23 in 9:08-cv-80994-KAM) Defendant's MOTION to Stay re (18) Amended Complaint, (22 in 9:08-cv-80993-KAM) Defendant's MOTION to Stay re (19) Amended Complaint, (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint, (68 in 9:08-cv-80381-KAM) Defendant's MOTION to Stay re (60) Amended Complaint, (51 in 9:08-cv-80811-KAM) Defendant's MOTION to Stay re (40) Amended Complaint <i>and or Continue Action Filed Pursuant to Court's Order Requesting Government's Position</i> filed by United States of America. Replies due by 6/8/2009. Associated Cases: 9:08-cv-80119-KAM et al. (██████, ██████) (Entered: 05/29/2009)
05/29/2009	<u>74</u>	<input type="checkbox"/>	RESPONSE in Opposition re (90 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identify Doe in Style of Case and in Third-Party Subpoenas</i> , (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> filed by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)
05/29/2009	<u>75</u>		ORDER STRIKING (124 in 9:08-cv-80119-KAM, 105 in 9:08-cv-80811-KAM, 74 in 9:08-cv-80993-KAM, 72 in 9:08-cv-80893-KAM, 106 in 9:08-cv-80232-KAM, 123 in 9:08-cv-80380-KAM, 35 in 9:09-cv-80591-KAM, 25 in 9:09-cv-80469-KAM, 60 in 9:08-cv-80994-KAM, 22 in 9:09-cv-80656-KAM, 107 in 9:08-cv-80381-KAM) Response in Opposition to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 DO NOT FILE IN EVERY EPSTEIN CASE. SEE ORDER CONSOLIDATING CASES.. Signed by Judge Kenneth A. Marra on 5/29/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/29/2009)
05/29/2009	<u>76</u>	<input type="checkbox"/>	MOTION for Leave to File <i>UNDER SEAL RESPONSE IN OPPOSITION TO DEFENDANTS MOTION TO STAY OR, IN THE ALTERNATIVE, TO UNSEAL THE NONPROSECUTION AGREEMENT</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)
05/29/2009	<u>77</u>	<input type="checkbox"/>	MOTION for Hearing <i>MOTION TO RESCHEDULE HEARING</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Josefsberg, Robert) (Entered: 05/29/2009)
06/01/2009	<u>78</u>		ORDER STRIKING (28 in 9:09-cv-80469-KAM, 126 in 9:08-cv-80380-KAM, 109 in 9:08-cv-80232-KAM, 25 in 9:09-cv-80656-KAM, 77 in 9:08-cv-80993-KAM, 38 in 9:09-cv-80591-KAM, 110 in 9:08-cv-80381-KAM, 63 in 9:08-cv-80994-KAM, 75 in 9:08-cv-80893-KAM, 108 in 9:08-cv-80811-KAM) Motion to Continue Hearing filed by Jane Doe No. 102, Jane Doe No. 101, (76 in 9:08-cv-80993-KAM, 109 in 9:08-cv-80381-KAM, 108 in 9:08-cv-80232-KAM, 62 in 9:08-cv-80994-KAM, 125 in 9:08-cv-80380-KAM, 74 in 9:08-cv-80893-KAM, 24 in 9:09-cv-80656-KAM, 37 in

			9:09-cv-80591-KAM, 107 in 9:08-cv-80811-KAM, 27 in 9:09-cv-80469-KAM) Motion for Leave to File, filed by Jane Doe No. 102, Jane Doe No. 101. THESE DOCUMENTS SHOULD BE FILED ONLY IN 08-80119. SEE CASE MANAGEMENT ORDER.. Signed by Judge Kenneth A. Marra on 6/1/2009. (lc3) (Entered: 06/01/2009)
06/01/2009			Reset Scheduling Order Deadlines: Calendar Call set for 5/28/2010 10:00 AM in West Palm Beach Division before Judge Kenneth A. Marra., Jury Trial set for 6/1/2010 09:00 AM in West Palm Beach Division before Judge Kenneth A. Marra., Discovery due by 12/11/2009., Dispositive Motions due by 1/8/2010. (ir) (Entered: 06/01/2009)
06/04/2009	<u>79</u>	<input type="checkbox"/> 349.0 KB	REPLY to Response to Motion re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION <i>Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Reply to Defendant Jeffrey Epstein's Response to Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Motion for a No-Contact Order</i> filed by Jane Doe No. 101, Jane Doe No. 102. Associated Cases: 9:08-cv-80119-KAM et al. (Ezell, Katherine) (Entered: 06/04/2009)
06/04/2009	80		ORDER STRIKING (112 in 9:08-cv-80381-KAM, 111 in 9:08-cv-80232-KAM, 136 in 9:08-cv-80119-KAM, 111 in 9:08-cv-80811-KAM, 128 in 9:08-cv-80380-KAM, 65 in 9:08-cv-80994-KAM, 79 in 9:08-cv-80893-KAM, 42 in 9:09-cv-80591-KAM, 27 in 9:09-cv-80656-KAM, 32 in 9:09-cv-80469-KAM, 79 in 9:08-cv-80993-KAM) Reply to Response to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 Document stricken for failure to follow Court's orders. DO NOT FILE A DOCUMENT IN EVERY EPSTEIN CASE if it is to be filed only in 08-80119. See Case Management Order and contact CM/ECF Support for assistance in proper filing.. Signed by Judge Kenneth A. Marra on 6/4/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 06/04/2009)
06/08/2009	<u>81</u>	<input type="checkbox"/> 3.8 MB	RESPONSE to Motion re (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> filed by Jane Doe. Replies due by 6/18/2009. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)
06/08/2009	<u>82</u>	<input type="checkbox"/> 106.1 KB	NOTICE by Jane Doe re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION <i>Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order -Plaintiffs Jane Does 2-7 Notice of Joinder</i> Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)
06/09/2009	<u>83</u>	<input type="checkbox"/> 0.8 MB	Unopposed MOTION to Amend/Correct <u>28</u> Answer to Amended Complaint by Jeffrey Epstein. Responses due by 6/26/2009 (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B", # <u>3</u> Text of Proposed Order Order)(Pike, Michael) (Entered: 06/09/2009)

06/10/2009	84		ENDORSED ORDER granting <u>83</u> Motion to Amend affirmative defenses. Defendant must separately file affirmative defenses. Signed by Judge Kenneth A. Marra on 6/9/2009. (ir) (Entered: 06/10/2009)
06/10/2009	85		Clerks Notice of Docket Correction and Instruction to Filer re <u>82</u> Notice (Other), Notice (Other) filed by Jane Doe. Error - Wrong Event Selected ;. Instruction to Filer - In the future, please select the proper event, i.e. Notice of Adoption. It is not necessary to refile this document. (ls) (Entered: 06/10/2009)
06/10/2009	<u>86</u>	<input type="checkbox"/> 0.5 MB	AMENDED DOCUMENT by Jeffrey Epstein. Amendment to <u>19</u> Amended Complaint, <u>28</u> Answer to Amended Complaint. (Pike, Michael) (Entered: 06/10/2009)

View Selected

Total filesize of selected documents (MB):

or

Maximum filesize allowed (MB): 10

Download Selected

PACER Service Center			
Transaction Receipt			
06/10/2009 14:04:28			
PACER Login:	du4480	Client Code:	
Description:	Docket Report	Search Criteria:	9:08-cv-80993-KAM
Billable Pages:	9	Cost:	0.72

FILED
ELECTRONIC
Mar. 24, 2009
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

09-80469-Civ-RYSKAMP/VITUNAC

JANE DOE II)	CASE NO.:
)	
Plaintiff,)	
)	
vs.)	
)	
JEFFREY EPSTEIN,)	
and [REDACTED])	
)	
Defendants.)	

COMPLAINT

1. Plaintiff, JANE DOE II, hereby sues JEFFREY EPSTEIN and [REDACTED], and states:

JURISDICTION AND VENUE

2. This is an action for damages in excess of \$75,000, exclusive of interests, costs and attorney's fees.

3. Venue is proper in this Court as all acts occurred in Palm Beach County and all parties reside and/or do business herein.

PARTIES

4. Ms. DOE II is a natural person residing in Palm Beach County, Florida. During the events giving rise to this claim, she was a minor but has now reached majority. She files this suit under a pseudonym to protect her privacy because the acts alleged occurred while she was a minor.

SCANNED

11. From about June, 2003 until on or about February, 2005, Defendants EPSTEIN and [REDACTED] persuaded, induced, or enticed the Plaintiff to come to Defendant EPSTEIN's home and provide Defendant EPSTEIN with "massages" which escalated into sexual encounters between Defendant EPSTEIN and the Plaintiff designed to fulfill his unnatural sexual desires for young women or even younger girls who were minors. These acts included Defendant EPSTEIN's request that he wanted the encounter to be like a "porn video." Defendant EPSTEIN would script lines for the Plaintiff to say, including calling out his name and requesting that he perform a certain sexual act "harder," while he touched the Plaintiff's [REDACTED] or with [REDACTED]; alternately, he would [REDACTED] in the presence of the Plaintiff after demanding her to disrobe and walk in front of him in provocative sexual poses. Defendant EPSTEIN would pay the Plaintiff a fee of \$200 on each occasion after he [REDACTED] while [REDACTED] in the presence of the Plaintiff.

12. Defendant EPSTEIN touched Plaintiff's [REDACTED], or [REDACTED] Plaintiff's [REDACTED] on multiple occasions, during the time that Plaintiff was a minor, causing personal injury to her.

13. In violation of 18 U.S.C. §2422(b), Defendants EPSTEIN and [REDACTED] knowingly persuaded, induced, or enticed the Plaintiff to engage in acts of prostitution, when the Plaintiff was under the age of 18, approximately on or about the following dates that Plaintiff can document based on payments received: 6/16/03, 7/2/03, 4/9/04, 6/7/04, 7/30/04, 8/30/04, 10/9/04, 10/12/04, 10/30/04 and 11/9/04. In addition, Plaintiff believes that there were as many as 10 to 20 other occasions during this time frame that Defendant EPSTEIN solicited her and procured her to perform prostitution services, all during the time that she was a minor.

JS 44 (Rev. 2/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

Mar. 24, 2009

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

I. (a) PLAINTIFFS

JANE DOE II

DEFENDANTS

JEFFREY EPSTEIN AND [REDACTED] KELLEN

(b) County of Residence of First Listed Plaintiff **PALM BEACH**
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant **PALM BEACH**
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

GARCIA LAW FIRM, P.A.
224 DATURA STREET SUITE 900
WEST PALM BEACH, FL 33401

Attorneys (If Known)

ROBERT D. CRITTON, ESQ.
JACK A. GOLDBERGER, ESQ.

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

09CV80469 KLR/AEV

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Re-filed- (see VI below)
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

a) Re-filed Case YES NO b) Related Cases YES NO

(See instructions second page): JUDGE _____ DOCKET NUMBER **9:08-cv-80469-KAM**

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. §2422(b)

LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER _____ 23 DEMAND \$ _____

CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE
March 19, 2009

FOR OFFICE USE ONLY
 AMOUNT **350** RECEIPT # **725609** IFF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 09-CIV- 80469 – MARRA/JOHNSON

JANE DOE II,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant.

**DEFENDANT EPSTEIN'S REPLY TO & MOTION TO STRIKE PORTIONS OF PLAINTIFF'S
MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

Defendant, JEFFREY EPSTEIN, ("EPSTEIN"), by and through his undersigned attorneys, replies to and moves to strike Point 4 of *Plaintiff's Memorandum Of Law In Opposition To Defendant Epstein's Motion To Dismiss*, dated May 22, 2009, ("MOL"). Accordingly, Defendant states:

I. Legal Standard (pp. 1-2 of Plaintiff's MOL)

Plaintiff's reliance on Conley v. Gibson, 355 U.S. 41, 45-46 (1957), as the Rule 12(b)(6) pleading standard is misplaced. As discussed in Defendant's motion to dismiss, (pp. 16 – 17), the standard as detailed in Bell Atlantic Corp. V. Twombly, 127 S.Ct. 1955 (2007), is now the applicable standard, not Conley. Although the complaint need not provide detailed factual allegations, the basis for relief in the complaint must state "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." Twombly, at 1965. Further, "[f]actual allegations must be enough to raise a right to relief above the speculative level ... on the assumption that all the allegations in the complaint are true (even if doubtful in fact)." *Id.* The United States Supreme Court very recently made clear in Ashcroft v. Iqbal, No. 07-1015 (U.S. May 18,

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counter and does not appear to directly dispute Defendant's position that the state court would have concurrent jurisdiction over the claim brought pursuant to 18 U.S.C. §2255.

Secondly, Plaintiff's assertion, (MOL, p.2, fn. 1), that it is somehow improper to attach a copy of this same Plaintiff's Complaint from the state court proceeding in support of Defendant's motion is ridiculous. It is completely proper and in essence required of any party to give notice to a court of a related pending proceeding. (See for example, Loc. Gen. Rule 3.8 (S.D. Fla. 2009).¹ The fact that there does exist a previously filed action by Plaintiff against Defendant is directly relevant to this Court's decision of whether or not to exercise jurisdiction over the §2255 claim when there exists a previously filed proceeding in which the claim might also be brought. Needless to say, whether or not a Court exercises jurisdiction over a matter is a critical issue.

Finally, Plaintiff completely mischaracterizes what she herself alleged in paragraph 15 of her Complaint. In her MOL, p. 7, Plaintiff falsely asserts that in par. 15 she "pled that Defendant made an agreement with the United States Attorney's Office to not contest the jurisdiction of this Court in exchange for avoiding prosecution under federal law for solicitation of minors for prostitution." What is actually alleged in par. 15 is the following: "***Defendant EPSTEIN has made an agreement with the United States Attorney's Office to not contest liability for claims brought exclusively***

¹See also Bray & Gillespie Management LLC v. Lexington Ins. Co., 2008 WL 4826115, 1 (M.D. Fla. 2008) – "[t]he Court 'may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue.' St. Louis Baptist Temple, Inc. v. FDIC, 605 F.2d 1169, 1172 (10th Cir.1979); accord Coney v. Smith, 738 F.2d 1199, 1200 (11th Cir.1984). Counsel should be given notice of and an opportunity to be heard as to the propriety of taking judicial notice. Fed.R.Civ.P. 201(e)." Here, Plaintiff filed the state court action and is, thusly, well of aware of its existence and details.

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does not provide for a multiplier and speaks in terms of "personal injury" suffered and "actual damages."

Supporting the fact that Defendant properly raised these issues in his motion to dismiss are the allegations set forth in Plaintiff's complaint. In paragraph 11, Jane Doe II alleges that – "From about June, 2003 until about February, 2005, Defendants, EPSTEIN and ██████████ persuaded, induced, or enticed Plaintiff to come to Defendant EPSTEIN's home and provide Defendant EPSTEIN with 'massages'" In paragraph 13, Plaintiff further alleges – "In violation of §2422(b), Defendants EPSTEIN and ██████████ knowingly persuaded, induced, or enticed the Plaintiff to engage in acts of prostitution, when the Plaintiff was under the age of 18, approximately on or about the following dates that Plaintiff can document based on payments received: 6/16/03, 7/2/03, 4/9/04, 6/7/04, 7/30/04, 8/30/04, 10/9/04, 10/12/04 and 11/9/04." In paragraph 14, Plaintiff alleges – "Plaintiff seeks damages for personal injury in accordance with 18 U.S.C. §2255(a) for each of the acts of prostitution set forth above which Defendants solicited her, \$150,000 for each violation, for a total range of damages between \$1.5 million dollars and \$4.5 million dollars, jointly and severally, and a reasonable attorney's fees and costs, as permitted by the statute."

Plaintiff chooses to analyze whether the statute in effect at the time of the alleged conduct or the amended statute applies under a procedural versus substantive analysis. Plaintiff, in short, argues that "the change in the civil remedies available of a statute is a procedural, not a substantive change in the law, and procedural changes to a statute are routinely applied retroactively." (MOL, p. 9). Clearly, the change to the statute was

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quoting as it confirms and supports that an amendment to a statute, such as in the instant case – increasing the penalty or liability for damages by at least triple fold, or under Plaintiff's analysis, by 90 times from \$50,000 to \$4.5 million! - and with no expression that it is to apply retroactively – will not be interpreted to apply retroactively.

Congress may prescribe the temporal reach of a statute by stating that it applies to pre-enactment conduct, the first step in the *Landgraf* analysis, **or a statute may be silent regarding temporal reach, in which case courts apply the judicial presumption against retroactivity.** This presumption and analysis, however, are unwarranted when Congress states its unambiguous intention that the statute apply retroactively to pre-enactment conduct, in language comparable to § 1658(b), that the new or amended statute applies to proceedings commenced on or after enactment. See *Landgraf*, 511 U.S. at 259-60, 114 S.Ct. at 1494 (stating that, if had Congress intended retroactive application, then "it surely would have used language comparable to ... 'shall apply to all proceedings pending on or commenced after the date of enactment'" (citation omitted); accord *INS v. St. Cyr*, 533 U.S. 289, 318-19 & n. 43, 121 S.Ct. 2271, 2289-90 & n. 43, 150 L.Ed.2d 347 (2001) (collecting examples of unambiguous temporal statutory language providing that the statute applies to actions filed "on or after" the date of enactment, which includes violative conduct that occurred prior to the effective date of the statute); *Martin v. Hadix*, 527 U.S. 343, 354, 119 S.Ct. 1998, 2004, 144 L.Ed.2d 347 (1999) (stating that "'new provisions shall apply to all proceedings pending on or commenced after the date of enactment,'" referenced in *Landgraf*, "unambiguously addresses the temporal reach of the statute" (citation omitted)); *Lindh v. Murphy*, 521 U.S. 320, 329 n. 4, 117 S.Ct. 2059, 2064 n. 4, 138 L.Ed.2d 481 (1997) (recognizing from *Landgraf* that statutory language such as, "[This Act] shall apply to all proceedings pending on or commenced after the date of enactment of this Act," "might possibly have qualified as a clear statement for retroactive effect" (quoting *Landgraf*, 511 U.S. at 260, 114 S.Ct. at 1494)); *Rivers v. Roadway Express, Inc.*, 511 U.S. 298, 307-08, 114 S.Ct. 1510, 1517, 128 L.Ed.2d 274 (1994) (noting that the subject statute omitted a provision in the bill that the amendment "'shall apply to all proceedings pending on or commenced after'" a fixed date and describing the bill as containing "express retroactivity provisions"). ...

Unlike other statutory enactments or amendments (cited above) where Congress unambiguously expressed its intent regarding retroactive application, there is no expression with respect to Masha's Law, the 2006 amended version of §2255. An

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discussed in Part III, A. of Defendant's motion to dismiss, unlike other statutes, there is absolutely no language in the statute that suggest that the presumptive damages amount is subject to multiplication on a per violation/incident basis. The statute on its face speaks in terms of "actual damages" and "personal injury suffered."

The recent case of United States v. Berdeal, 595 F.Supp.2d 1326 (S.D. Fla. 2009), further supports Defendant's argument that the "rule of lenity," (Part. [REDACTED] of Defendant's motion), requires that the Court resolve the statutory interpretation conflict in favor of Defendant. Assuming for the sake of argument that Plaintiff's multiple causes of action, leading to a multiplication of the statutory damages amount, is a reasonable interpretation, like Defendant's reasonable interpretation, under the "rule of lenity," any ambiguity is resolved in favor of the least draconian measure. In Berdeal, applying the rule of lenity, the Court sided with the Defendants' interpretation of the Lacey Act which makes illegal the possession of snook caught in specified jurisdictions. The snook had been caught in Nicaraguan waters. The defendants filed a motion to dismiss asserting the statute did not encompass snook caught in foreign waters. The United States disagreed. Both sides presented reasonable interpretations regarding the reach of the statute. In dismissing the indictment, the Court determined that the rule of lenity required it to accept defendants' interpretation.

Point 4. Point 4 is required to be stricken as Plaintiff attempts to argue facts not alleged in the Complaint, and misrepresents what is alleged in the Complaint.

Point 4 of Plaintiff's MOL, p. 15-17, is required to be stricken as it not only argues facts outside of the four corners of the complaint, but it continues to misrepresent what is actually alleged in paragraph 15 of Plaintiff's complaint. See discussion under "Point

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE II

Plaintiff,

vs.

JEFFREY EPSTEIN,
and [REDACTED],

Defendants.

CASE NO.: 09-80469-CIV-MARRA

**PLAINTIFF'S MEMORANDUM OF LAW IN OPPOSITION
TO DEFENDANT EPSTEIN'S MOTION TO DISMISS**

Plaintiff, JANE DOE II, through counsel, opposes Defendant's RICHARD EPSTEIN's Motion to Dismiss. Defendant's argument for a dismissal is premised on the following: 1) Plaintiff is not permitted to file a claim under Florida law in a State of Florida court and then file a federal claim in a federal court; 2) the remedies amendment to 18 U.S.C. §2255 are not retroactive based on the dates Defendant EPSTEIN is alleged to have violated the statute; 3) damages under §2255 cannot be obtained on a per incident basis, but must be lumped together into a single recovery despite multiple violations occurring in temporally distinct time frames, and therefore being different incidents; 4) Plaintiff has failed to state a cause of action under §2255 because she has failed to "allege facts constituting a predicate act"; and 5) Plaintiff has failed to state a cause of action for conspiracy to violate §2255.

I. LEGAL STANDARD

Defendant's motion to dismiss must be denied unless it appears beyond doubt that the plaintiff can prove no set of facts in support of her claims that would entitle her to relief.

under many circumstances.²

28 U.S.C. §1367, "supplemental jurisdiction," provides that:

- ©) The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if--
- (1) the claim raises a novel or complex issue of State law,
 - (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,
 - (3) the district court has dismissed all claims over which it has original jurisdiction, or
 - (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

Courts routinely "are obligated to raise and decide issues of subject matter jurisdiction *sua sponte* any time it appears subject matter jurisdiction is absent." Carias v. Lenox Financial Mortgage Corporation, 2008 U.S. DIST. LEXIS 20345 *1 (N.D. Cal. March 5, 2008). In Carias, after granting summary judgment on the sole federal claim, the Court remanded the State claims to state court, stating: "The Court declines to exercise pendent jurisdiction over the state law claims and remands the action to state court. The Court finds that the issues of economy, convenience, fairness and comity collectively weigh in favor of remand. See Harrell, 934 F.2d at 205. **Comity weighs especially strong, given that the remaining claims are pure state law claims with no connection to federal law.** Economy also weighs in favor of remand as state courts are better equipped to efficiently handle state

² In United Mine Workers v. Gibbs, 383 U.S. 715 (1966), a jury's verdict against a union based on State law claims was reversed, in part, because the federal law claim failed. The Court noted that: "It has consistently been recognized that pendent jurisdiction is a doctrine of discretion, not of plaintiff's right. Its justification lies in considerations of judicial economy, convenience and fairness to litigants; if these are not present a federal court should hesitate to exercise jurisdiction over state claims, even though bound to apply state law to them, Erie R. Co. v. Tompkins, 304 U.S. 64. Needless decisions of state law [by a federal court] should be avoided both as a matter of comity and to promote justice between the parties, by procuring for them a surer-footed reading of applicable law."

inapplicable to this case. Only in "exceptional" circumstances, to promote conservation of judicial resources and comprehensive disposition of litigation, would a federal court be authorized to dismiss federal parallel³ claims that are initiated in state court. Colorado River Water Conservation District v. United States, 424 U.S. 800 (1976). However, for the Colorado River doctrine to even apply, there must be clear Congressional direction that would preclude a federal court's "virtually unflagging obligation ...to exercise federal jurisdiction." Id. at 817. In that case, the Supreme Court found that clear Congressional direction from the McCarran Amendment, which the Court read to counsel against "piecemeal litigation" concerning issues of water rights in a river system, favored abstention Id. at 819. Even with this clear Congressional direction, if other factors had not favored abstention, it may not have been ordered. Id. at 820.

Defendant EPSTEIN does not offer *any* evidence of any Congressional direction that would direct this Court to abstain for claims under 18 U.S.C. §2255.⁴ Further, the Colorado River doctrine only applies when federal courts are presented with "difficult questions of *state*

³The federal claims that are the subject matter of this action are not necessarily parallel, although the incidents that gave rise to both the federal and state claims arise from the same series of events. A Florida appellate court, for example, has refused to apply principles of *res judicata* to bar State discrimination claims after the plaintiff lost federal discrimination claims. Andujar v. National Property & Casualty Underwriters, 659 So. 2d 1214 (Fla. 4th DCA 1995) (adverse judgment against plaintiff in federal court for federal discrimination claims did not bar subsequent action under state discrimination laws). Here, although some of the elements for some of the claims may be similar, they are sufficiently different that application of Andujar would preclude *res judicata*. To determine whether a case is parallel, courts have looked to whether the same issues are being litigated. Calvert Fire Ins. Co. v. American Mut. Reins. Co., 600 F.2d 1228, 1229, n. 1 (7th Cir. 1979); the issues in the State court and in this Court are not the same.

⁴The Supreme Court said that Congressional direction is the "[m]ost important factor." Id. at 819.

Colorado River doctrine has been applied to a federal claim under §2255. The cases cited by Defendant EPSTEIN do not support a decision by this Court to abstain over what is a purely federal claim. In American Bankers Ins. Co. v. First State Ins. Co., 891 F.2d 882 (11th Cir. 1990), the District Court dismissed a purely state law claim for equitable subrogation because there had been an earlier claim for declaratory relief in State Court; the Eleventh Circuit reversed, concluding

...that no exceptional circumstances require dismissal of this case in deference to the pending state court proceeding. If it were simply a question of judicial economy, this litigation probably should proceed in the New York court. A federal court cannot properly decline to exercise its statutory jurisdiction, however, simply because judicial economy might be served by deferring to a state court. Federal courts have a 'virtually unflagging obligation' to exercise the jurisdiction given them.' Colorado River, 424 U.S. at 816, 96 S. Ct. at 1246. The interest in preserving federal jurisdiction mandates that this action not be dismissed.

891 F.2d at 886.

Finally, Plaintiff has pled that Defendant EPSTEIN has made an agreement with the United States Attorney's Office to not contest the jurisdiction of this Court in exchange for a avoiding prosecution under federal law for solicitation of minors for prostitution. Complaint, ¶15. Defendant EPSTEIN appears to be violating the agreement in contesting the jurisdiction of this Court; at a minimum, at this stage of the pleadings he should be estopped from contesting jurisdiction, since the allegations of ¶15 must be accepted as true.⁶

Point 2. The retroactivity of the amendments to §2255 is not appropriately addressed in a motion to dismiss; but if the Court is so inclined to consider it, there are insufficient facts pled in the Complaint to render the 2006 amendments inapplicable to the case at bar.

⁶Plaintiff acknowledges that Defendant EPSTEIN's agreement is between the United States and he; however, the Plaintiff and the other victims of his sexual predation may be considered third party beneficiaries to the agreement.

issue would be better addressed on a summary judgment motion, and again, has nothing to do with whether Plaintiff has pled a cause of action pursuant to Rule 12(b)(6), Fed. R. Civ. P.

Plaintiff agrees with the general proposition that a new law that creates new substantive rights, absent Congressional direction to the contrary, does not have retroactive effect, but this is not a new law. §2255 was amended in 2006, to, *inter alia*, provide an enhanced minimum recovery for damages caused by sexual predators such as Defendant EPSTEIN. However, the change in the civil remedies available of a statute is a procedural, not a substantive change in the law, and procedural changes to a statute are routinely applied retroactively.⁸ Where substantive changes in a law are made by Congress, a slim majority of the Supreme Court has declined retroactive application, even where the law was ostensibly enacted to overrule a Court precedent that had itself, in the view of Congress, overruled earlier Court precedents. Rivers v. Roadway Express, 511 U.S. 298, 308 (1994).⁹

⁸Defendant EPSTEIN also cites to United States v. Siegel, 153 F.3d 1256 (11th Cir. 1998), wherein, based on a defendant's inability to pay restitution mandated by a penal statute, the Court reversed a restitution order. An amendment to the statute removed from consideration the defendant's ability to pay restitution; the Court said such an amendment could not be applied retroactively because the provision amounted to a punishment under a penal statute, and would violate the ex post facto provision in the U. S. Constitution. This case is clearly distinguished our case: the statute here is a civil, not a penal remedy; the amendment to the statute modifies the minimal exposure of the Defendant, but does not, as in the Siegel case, dispense with a substantive defense to a restitution claim. United States v. Whiting, 165 F.3d 631 (8th Cir. 1999), where a conviction for possession of child pornography was upheld, despite the fact that the conduct of the defendant was arguably not specifically proscribed by statute at the time the images were possessed; the Court held the legislative amendment was a mere clarification of the prior legislation and not an ex post facto law.

⁹ Justice Scalia cited the statement of purpose of the Civil Rights Act of 1991, to hold that, for example, the amendments specifically designed to overrule Patterson v. McLean Credit Union, 491 U.S. 164, 105 L. Ed. 2d 132, 109 S. Ct. 2363, should be

that the compensatory damages provisions smack of a "retributive" or other suspect legislative purpose. Section 102 reflects Congress' desire to afford victims of discrimination more complete redress for violations of rules established more than a generation ago in the Civil Rights Act of 1964. At least with respect to its compensatory damages provisions, then, § 102 is not in a category in which objections to retroactive application on grounds of fairness have their greatest force.

Nonetheless, the new compensatory damages provision would operate "retrospectively" if it were applied to conduct occurring before November 21, 1991. Unlike certain other forms of relief, compensatory damages are quintessentially backward looking. Compensatory damages may be intended less to sanction wrongdoers than to make victims whole, but they do so by a mechanism that affects the liabilities of defendants. They do not "compensate" by distributing funds from the public coffers, but by requiring particular employers to pay for harms they caused. The introduction of a right to compensatory damages is also the type of legal change that would have an impact on private parties' planning. In this case, the event to which the new damages provision relates is the discriminatory conduct of respondents' agent John Williams; if applied here, that provision would attach an important new legal burden to that conduct. The new damages remedy in § 102, we conclude, is the kind of provision that does not apply to events antedating its enactment in the absence of clear congressional intent.

In cases like this one, in which prior law afforded no relief, § 102 can be seen as creating a new cause of action, and its impact on parties' rights is especially pronounced. Section 102 confers a new right to monetary relief on persons like petitioner who were victims of a hostile work environment but were not constructively discharged, and the novel prospect of damages liability for their employers. Because Title VII previously authorized recovery of backpay in some cases, and because compensatory damages under § 102(a) are in addition to any backpay recoverable, the new provision also resembles a statute increasing the amount of damages available under a preestablished cause of action. Even under that view, however, the provision would, if applied in cases arising before the Act's effective date, undoubtedly impose on employers found liable a "new disability" in respect to past events. See Society for Propagation of the Gospel, 22 F. Cas. at 767. The extent of a party's liability, in the civil context as well as the criminal, is an important legal consequence that cannot be ignored. Neither in Bradley itself, nor in any case before or since in which Congress had not clearly spoken, have we read a statute substantially increasing the monetary liability of a private party to apply to conduct occurring before the statute's enactment. See Winfree v. Northern Pacific R. Co., 227 U.S. 296, 301, 57 L. Ed. 518, 33 S. Ct. 273 (1913) (statute creating new federal cause of action for wrongful death

statutory enactments is simply not present here, and the record is devoid of any factual material that would support such a conclusion.¹⁰ As Justice Blackmun said in dissent in Landsgraf, there is no vested right to break the law.¹¹

Bottom line is, a motion to dismiss a claim is not the correct procedural mechanism to determine the retroactivity of a statute. Landsgraf was decided after a trial on the merits of the claim, wherein the trial court determined that although the sexual harassment was serious, the employer, upon learning of it, had taken prompt remedial measures to correct it, and the plaintiff did not have sufficient cause to warrant quitting her job. Id. at 247-48. Rivers v. Roadway Express, 511 U.S. 298 (1994) was decided after a trial on the merits as well, wherein the Court dismissed the 1981 claims based on the holding in Patterson, supra, and exonerated the Defendant on the Title VII claims in a bench trial. On appeal, the plaintiff sought relief under the 1991 Civil Rights Act amendments, which overruled Patterson. These

¹⁰ Although outside the pleadings and not appropriate for consideration on a Motion to Dismiss, Defendant EPSTEIN has refused to answer any substantive questions in the only two (2) depositions he has given in all these cases, including in the State court case involving this Plaintiff. Accordingly, Plaintiff has not been able to ascertain whether Defendant EPSTEIN had settled expectations about the limits of his civil liability under §2255.

¹¹"At no time within the last generation has an employer had a vested right to engage in or to permit sexual harassment; 'there is no such thing as a vested right to do wrong.' Freeborn v. Smith, 69 U.S. 160, 2 Wall. 160, 175, 17 L. Ed. 922 (1865). See also 2 N. Singer, Sutherland on Statutory Construction § 41.04, p. 349 (4th rev. ed. 1986) (procedural and remedial statutes that do not take away vested rights are presumed to apply to pending actions). Section 102 of the Act expands the remedies available for acts of intentional discrimination, but does not alter the scope of the employee's basic right to be free from discrimination or the employer's corresponding legal duty. There is nothing unjust about holding an employer responsible for injuries caused by conduct that has been illegal for almost 30 years." Id. at 297. Similarly in this case, soliciting minors for acts of prostitution, has been unlawful and the civil remedy associated therewith has long preceded the acts in question.

minimum 'actual damages'", *Id.* at 1379, but there is no suggestion in this Opinion that the Plaintiff was so limited, no reference to whether Plaintiff sought the relief being sought here or that the events she complained of occurred on multiple occasions. In fact, it appears clear from the Opinion that the pro se Defendant that Plaintiff prevailed against by default was sued for a singular violation of recording the Plaintiff's sexually oriented performance at a Spring Break gathering. There is no indication that the conduct that was recorded by the defaulted Defendant occurred on multiple occasions, as here.

Point 4. The Eleventh Circuit has foreclosed Defendant EPSTEIN's argument that for a violation of 18 U.S.C. 2422(b) to occur, he must travel in interstate commerce; moreover, he has waived his right to contest the jurisdiction of the Court according to the allegations of the Complaint.

In United States v. Yost, 479 F.3d 815 (11th Cir. 2007), a defendant was convicted of two counts of attempting to induce persons he believed were minors (they were government agents posing as minors) to commit acts of prostitution under 18 U.S.C. §2422(b); he sought to void his convictions on appeal because he didn't get to the meeting place. The Court rejected the argument, holding:

We are not convinced by Yost's argument that his failure to arrive at the meeting place precludes a finding of a substantial step. Although this is the first time we have been confronted with an attempt conviction under 18 U.S.C. § 2422(b) where travel is not involved, two other circuits have examined the issue and determined travel is not necessary to sustain such a conviction. In United States v. Bailey, 228 F.3d 637, 639-40 (6th Cir. 2000), the Sixth Circuit affirmed a conviction under Section 2422(b) where the defendant sent e-mails proposing oral sex and attempted to set up meetings with minor females, albeit unsuccessfully. Similarly, in United States v. Thomas, 410 F.3d 1235, 1246 (10th Cir. 2005), the Tenth Circuit affirmed a Section 2422(b) attempt conviction, despite a lack of evidence of travel. The Tenth Circuit stated: "Thomas crossed the line from 'harmless banter' to inducement the moment he began making arrangements to meet [the minor], notwithstanding the lack of evidence that he traveled to the supposed meeting place." *Id.* Viewing the

sexual services he paid the Plaintiff for. Defendant ██████ resides and is believed to have resided in New York at all times relevant to this suit, although she was present at Defendant EPSTEIN's home on some of the occasions when the Plaintiff appeared after being summoned there. However, since she used a cellular phone, that is clearly a facility of interstate commerce as contemplated by 18 U.S.C. 2422(b), which encompasses conduct where "any facility or means of interstate commerce" is used.¹³ The Eleventh Circuit has recognized that "[t]he telephone system is clearly a 'facility of interstate . . . commerce.'" United States v. Covington, 2009 U.S. App. LEXIS 8263 (11th Cir. April 22, 2009).

Defendant EPSTEIN is alleged in the Complaint to have waived the right to contest the jurisdiction of this Court for claims under §2255, he should therefore be estopped from asserting the failure to allege predicate acts, particularly when he has refused to answer any questions based on his claimed right against self incrimination. However, if the Court is of the view that these predicate facts must be alleged despite the agreement, then Plaintiff requests leave to do so.

Point 5. Plaintiff has pled sufficient facts to establish a conspiracy to violate §2255.

_____A civil conspiracy is an agreement by two or more persons, to do an unlawful act or a lawful act by unlawful means, the doing of an overt act in furtherance of the

¹³ "(b) Whoever, using the mail *or any facility or means of interstate or foreign commerce*, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life." (Emphasis added).

inappropriate for the Defendant to seek to limit his minimum statutory exposure on a Motion to Dismiss, where there is no factual record or legislative history to determine the retroactivity of an enhanced damages provision to a cause of action that existed at the time of the wrongful acts. §2255 claims permit a Plaintiff to assert multiple claims for multiple violations that occur in temporally distinct time frames, no differently than any claim, whether based on tort or statutory law, that encompasses multiple events that occur at different times. Defendant EPSTEIN has waived the right to contest the issue of whether his conduct impacted interstate commerce; but Plaintiff is prepared to allege, if the Court deems it necessary, how his employee and co-conspirator, Defendant [REDACTED], used an instrumentality of interstate commerce, her cell phone, to solicit the Plaintiff, then a minor, on behalf of Defendant EPSTEIN who solicited her sexual services for money. Finally, Plaintiff has pled all necessary elements to establish a civil conspiracy to violate §2255. For these reasons, Defendant EPSTEIN's Motion to Dismiss must be denied; however, if the Court determines otherwise, Plaintiff respectfully requests leave to amend.

Respectfully submitted,

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 09-CIV- 80469 – MARRA/JOHNSON

JANE DOE II,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant.

**DEFENDANT EPSTEIN'S MOTION TO DISMISS PLAINTIFF'S
COMPLAINT, AND SUPPORTING MEMORANDUM OF LAW**

Defendant, Jeffrey Epstein, (hereinafter "Epstein"), by and through his undersigned attorneys, moves to dismiss Plaintiff's Complaint for failure to state a cause of action, and for more definite statement. Rule 12(b)(6), (e), Fed.R.Civ.P. (2008); Local Gen. Rule 7.1 (S.D. Fla. 2008). In support of dismissal, Defendant states:

At the outset, Defendant gives notice to the Court that issues pertaining to 18 U.S.C. §2255 in this motion to dismiss are also raised in the case of ██████ v. Jeffrey Epstein, Case No. 08-CV-80811-MARRA/JOHNSON, in Defendant's Motion to Dismiss directed to Plaintiff ██████'s Amended Complaint, Plaintiff ██████'s Response, and Defendant's reply to ██████'s response (which has yet to be filed).

In this action, Plaintiff's Complaint attempts to allege a cause of action pursuant to 18 U.S.C. §2255 – *Civil Remedies for Personal Injuries*. Significantly, Plaintiff previously a filed lawsuit on July 10, 2008, based on the same facts as alleged herein in the Fifteenth Judicial Circuit In and For Palm Beach County, State of Florida, Case No.

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federal actions reveals that they are almost identical. Based on the same allegations, in the state action, Plaintiff attempts to assert claims based on state law for Sexual Battery (Count I) and Civil Conspiracy (Count II); in this action, Plaintiff is attempting to assert a cause of action pursuant to 18 U.S.C. §2255, which applicable version provides --

PART I--CRIMES
CHAPTER 110--SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN
§ 2255. Civil remedy for personal injuries

(a) Any minor who is a victim of a violation of section 2241(), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation may sue in any appropriate United States District Court and shall recover the actual damages such minor sustains and the cost of the suit, including a reasonable attorney's fee. Any minor as described in the preceding sentence shall be deemed to have sustained damages of no less than \$50,000 in value.

(b) Any action commenced under this section shall be barred unless the complaint is filed within six years after the right of action first accrues or in the case of a person under a legal disability, not later than three years after the disability.

CREDIT(S)
(Added Pub.L. 99-500, Title I, § 101(b) [Title VII, § 703(a)], Oct. 18, 1986, 100 Stat. 1783-75, and amended Pub.L. 99-591, Title I, § 101(b) [Title VII, § 703(a)], Oct. 30, 1986, 100 Stat. 3341-75; Pub.L. 105-314, Title VI, § 605, Oct. 30, 1998, 112 Stat. 2984.)

(Emphasis added).

Plaintiff is likely to argue that the jurisdiction of the federal court over §2255 claims is exclusive. However, unlike other Congressional enactments, there is no language in the statute which expressly states that jurisdiction of such cause of action lies exclusively with the federal courts. Furthermore, there is a presumption of concurrent jurisdiction of state courts. See generally, Yellow Freight System, Inc. v. Donnelly, 494 U.S. 820, 823, 110 S.Ct. 1566, 1568-69 (1990). "Under our 'system of dual sovereignty, we have consistently held that state courts have inherent authority, and are thus

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the principles articulated in Colorado River Water Conserv. Dist. v. United States, 424 U.S. 800, 96 S.Ct. 1236, 47 L.Ed.2d 483 (1976) and Moses H. Cone Memorial Hosp. v. Mercury Constr., 460 U.S. 1, 103 S.Ct. 927, 74 L.Ed.2d 765 (1983)."

The six factors considered are (1) whether one of the courts has assumed jurisdiction over property; (2) the inconvenience of the federal forum; (3) the potential for piecemeal litigation; (4) the order in which the forums obtained jurisdiction; (5) whether state or federal law will be applied; and (6) the adequacy of the state court to protect the parties' rights. "The test for determining when exceptional circumstances exist, therefore, involves the careful balancing of six factors. The weight to be given any one factor may vary greatly depending on the case; however, the balance is "heavily weighted" in favor of the federal court exercising jurisdiction. *Id.* at 16, 103 S.Ct. at 937." American Bankers Ins. Co. of Florida v. First State Ins. Co., 891 F.2d 882, 884 (11th Cir. 1990). The list of factors is neither exhaustive, nor is it a mechanical checklist. See AM.JUR. FED. COURTS, § 1114.

In the instant case, the third, fourth, fifth, and sixth factors are implicated. Clearly, more than a "potential" for piecemeal litigation exists if Plaintiff were allowed to proceed in two separate forums alleging the identical facts against the identical parties. Discovery and rulings thereon would involve the same set of facts, yet could result in inconsistent and varying rulings thereon. Should the cases proceed separately to trial, factual findings and judgments rendered in one could be inconsistent with the other. Appeals would proceed separately and in a piecemeal fashion. The piecemeal effect would be both excessive and deleterious if these cases were to proceed in parallel

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(quoted above). See endnote 1 hereto, Complaint ¶¶11, 13.¹ It is an axiom of law that "retroactivity is not favored in the law." Bowen, 488 U.S., at 208, 109 S.Ct., at 471 (1988). As eloquently stated in Landgraf v. USI Film Products, 114 S.Ct. 1483, 1497, 511 U.S. 244, 265-66 (1994):

... the presumption against retroactive legislation is deeply rooted in our jurisprudence, and embodies a legal doctrine centuries older than our Republic. Elementary considerations of fairness dictate that individuals should have an opportunity to know what the law is and to conform their conduct accordingly; settled expectations should not be lightly disrupted.^{FN18} For that reason, the "principle that the legal effect of conduct should ordinarily be assessed under the law that existed when the conduct took place has timeless and universal appeal." Kaiser, 494 U.S., at 855, 110 S.Ct., at 1586 (SCALIA, J., concurring). In a free, dynamic society, creativity in both commercial and artistic endeavors is fostered by a rule of law that gives people confidence about the legal consequences of their actions.

FN18. See General Motors Corp. v. Romein, 503 U.S. 181, 191, 112 S.Ct. 1105, 1112, 117 L.Ed.2d 328 (1992) ("Retroactive legislation presents problems of unfairness that are more serious than those posed by prospective legislation, because it can deprive citizens of legitimate expectations and upset settled transactions"); [Further citations omitted].

It is therefore not surprising that the antiretroactivity principle finds expression in several provisions of our Constitution. The *Ex Post Facto* Clause flatly prohibits retroactive application of penal legislation.^{FN19} Article I, § 10, cl. 1, prohibits States from passing another type of retroactive legislation, laws "impairing the Obligation of Contracts." The Fifth Amendment's Takings Clause prevents the Legislature (and other government actors) from depriving private persons of vested property rights except for a "public use" and upon payment of "just compensation." The prohibitions on "Bills of Attainder" in Art. I, §§ 9-10, prohibit legislatures from singling out disfavored persons and meting out summary punishment for past conduct. See, e.g., United States v. Brown, 381 U.S. 437, 456-462, 85 S.Ct. 1707, 1719-1722, 14 L.Ed.2d 484 (1965). The Due Process Clause also protects the interests in fair notice and repose that may be compromised by retroactive legislation; a justification sufficient to validate a statute's prospective application under the Clause "may not suffice" to warrant its retroactive application. Usery v. Turner Elkhorn Mining Co., 428 U.S. 1, 17, 96 S.Ct. 2882, 2893, 49 L.Ed.2d 752 (1976).

FN19. Article I contains two *Ex Post Facto* Clauses, one directed to Congress (§ 9, cl. 3), the other to the States (§ 10, cl. 1). We have construed the Clauses as applicable only to penal legislation. See Calder v. Bull, 3 Dall. 386, 390-391, 1 L.Ed. 648 (1798) (opinion of Chase, J.).

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1998); and generally, Calder v. Bull, 3 U.S. 386, 390, 1 L.Ed. 648, 1798 WL 587 (*Calder*) (1798).

The United States Constitution provides that "[n]o Bill of Attainder or ex post facto Law shall be passed" by Congress. U.S. Const. art. I, § 9, cl. 3. A law violates the Ex Post Facto Clause if it " 'appli[es] to events occurring before its enactment ... [and] disadvantage[s] the offender affected by it' by altering the definition of criminal conduct or increasing the punishment for the crime." Lynce v. Mathis, 519 U.S. 433, 117 S.Ct. 891, 137 L.Ed.2d 63 (1997) (quoting Weaver v. Graham, 450 U.S. 24, 29, 101 S.Ct. 960, 67 L.Ed.2d 17 (1981)).

U.S. v. Siegel, 153 F.3d 1256, 1259 (11th Cir. 1998).

In improperly attempting to multiply the presumptive minimum actual damages amount, Plaintiff's Complaint alleges a time period "from about June, 2003 until on or about February, 2005." See endnote 1. In paragraph 14 of her Complaint, Plaintiff references the 2006 amended version of §2255 which raised the presumptive actual damages amount from \$50,000 to \$150,000; Plaintiff also improperly claims that she is entitled to "\$150,000 for each violation, for a total range of damages between \$1.5 million dollars to \$4.5 million dollars, jointly and severally," ¶14.

§2255 is contained in Title 18 of the United States Codes - "Crimes and Criminal Procedure, Part I. Crimes, Chap. 110. Sexual Exploitation and Other Abuse of Children." 18 U.S.C. §2255 (2005), is entitled *Civil remedy for personal injuries*, and imposes a presumptive minimum of damages in the amount of \$50,000, should Plaintiff prove any violation of the specified criminal statutes and that she suffered personal injury with actual damages sustained. Thus, the effect of the 2006 amendments, effective July 27, 2006, would be to triple the amount of the statutory minimum previously in effect during the time of the alleged acts. If one were to take Plaintiff's

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penalty or punishment, "Title II – Punishing Sexual Predators," Sec. 206, from House Report No. 105-557, 5-6, specifically includes reference to the remedy created under §2255 as an additional means of punishing sexual predators, along with other penalties and punishments. Senatorial Comments in amending §2255 in 2006 confirm that the creation of the presumptive minimum damage amount is meant as an additional penalty against those who sexually exploit or abuse children. 2006 WL 2034118, 152 Cong. Rec. S8012-02. Senator Kerry refers to the statutorily imposed damage amount as "penalties." *Id.*

The cases of U.S. v. Siegel, *supra* (11th Cir. 1998), and U.S. v. Edwards, *supra* (3d Cir. 1998), also support Defendant's position that application of the current version of 18 U.S.C. §2255 would be in clear violation of the Ex Post Facto Clause. In Siegel, the Eleventh Circuit found that the Ex Post Facto Clause barred application of the Mandatory Victim Restitution Act of 1996 (MVRA) to the defendant whose criminal conduct occurred before the effective date of the statute, 18 U.S.C. §3664(f)(1)(A), even though the guilty plea and sentencing proceeding occurred after the effective date of the statute. On July 19, 1996, the defendant Siegel pleaded guilty to various charges under 18 U.S.C. §371 and §1956(a)(1)(A), (conspiracy to commit mail and wire fraud, bank fraud, and laundering of money instruments; and money laundering). He was sentenced on March 7, 1997. As part of his sentence, Siegel was ordered to pay \$1,207,000.00 in restitution under the MVRA which became effective on April 24, 1996. Pub.L. No. 104-132, 110 Stat. 1214, 1229-1236. The 1996 amendments to MVRA required that the district court must order restitution in the full amount of the victim's loss

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Clause." Id., at 1259. In determining that the application of the 1996 MVRA would indeed run afoul of the Constitution's Ex Post Facto Clause, the Court agreed with the majority of the Circuits that restitution under the 1996 MVRA was an increased penalty.² "The effect of the MVRA can be detrimental to a defendant. Previously, after considering the defendant's financial condition, the court had the discretion to order restitution in an amount less than the loss sustained by the victim. Under the MVRA, however, the court must order restitution to each victim in the full amount." Id., at 1260. See also U.S. v. Edwards, 162 F.2d 87 (3rd Circuit 1998).

In the instant case, in answering the first question, it is clear that that imposition of a minimum amount of damages, regardless of the amount of actual damages suffered by a minor victim, is meant to be a penalty or punishment. See statutory text and House Bill Reports, cited above herein, consistently referring to the presumptive minimum damages amount under §2255 as "punishment" or "penalties." According to the Ex Post Facto doctrine, although §2255 is labeled a "civil remedy," such label is not dispositive; "if the effect of the statute is to impose punishment that is criminal in nature, the ex post facto clause is implicated." See generally, Roman Catholic Bishop of Oakland v. Superior Court, 28 Cal.Rptr.3d 355, at 360, citing Kansas v. Hendricks, 521 U.S. 346, 360-61 (1997). The effect of applying the 2006 version of §2255 would be to triple the amount of the presumptive minimum damages to a minor who proves the

² The Eleventh Circuit, in holding that "the MVRA cannot be applied to a person whose criminal conduct occurred prior to April 24, 1996," was "persuaded by the majority of districts on this issue." "Restitution is a criminal penalty carrying with it characteristics of criminal punishment." Siegel, supra at 1260. The Eleventh Circuit is in agreement with the Second, Third, Eighth, Ninth, and [REDACTED] Circuits. See U.S. v. Futrell, 209 F.3d 1286, 1289-90 (11th Cir. 2000).

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application. As noted, 18 U.S.C. §2255 is entitled "*Civil remedy for personal injuries.*" Notwithstanding this label, the statute was enacted as part of the criminal statutory scheme to punish those who sexually exploit and abuse minors. Regardless of the actual damages suffered or proven by a minor, as long as a minor proves violation of a specified statutory criminal act under §2255 and personal injury, the defendant is held liable for the statutory imposed minimum.

As explained by the Landgraf court, supra at 280, and at 1505,³

When a case implicates a federal statute enacted after the events in suit, the court's first task is to determine whether Congress has expressly prescribed the statute's proper reach. If Congress has done so, of course, there is no need to resort to judicial default rules. When, however, the statute contains no such express command, the court must determine whether the new statute would have retroactive effect, *i.e.*, whether it would impair rights a party possessed when he acted, increase a party's liability for past conduct, or impose new duties with respect to transactions already completed. If the statute would operate retroactively, our traditional presumption teaches that it does not govern absent clear congressional intent favoring such a result.

Here, there is no clear expression of intent regarding the 2006 Act's application to conduct occurring well before its enactment. Clearly, however, as discussed in part B herein, the presumptive minimum amount of damages of \$150,000 was enacted as an punishment or penalty upon those who sexually exploit and abuse minors. See discussion of House Bill Reports and Congressional background above herein. The amount triples the previous amount for which a defendant might be found liable, regardless of the amount of actual damages a plaintiff has suffered and proven. The new

³ In Landgraf, the United States Supreme Court affirmed the judgment of the Court of Appeals and refused to apply new provisions of the Civil Rights Act of 1991 to conduct occurring before the effective date of the Act. The Court determined that statutory text in question, §102, was subject to the presumption against statutory retroactivity.

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allegations must be enough to raise a right to relief above the speculative level ... on the assumption that all the allegations in the complaint are true (even if doubtful in fact)." *Id.* On a motion to dismiss, the well pleaded allegations of plaintiff's complaint are taken as true and construed in the light most favorable to the plaintiff. M.T.V. v. DeKalb County Sch. Dist., 446 F.3d 1153, 1156 (11th Cir.2006).

In discussing Twombly, the Eleventh Circuit in Watts v. Fla. International Univ., 495 F.3d 1289, 1295 (11th Cir. 2007), noted - "The Supreme Court's most recent formulation of the pleading specificity standard is that 'stating such a claim requires a complaint with enough factual matter (taken as true) to suggest' the required element." In order to sufficiently allege the claim, the complaint is required to identify "facts that are suggestive enough to render [the element] plausible." Watts, 495 F.3d at 1296 (quoting Twombly, 127 S.Ct. at 1965).

Pursuant to Rule 12(e), a party may move for more definite statement of a pleading to which a responsive pleading is allowed where the pleading "is so vague or ambiguous that the party cannot reasonably frame a response." The motion is required to point out the defects and the desired details. *Id.* As to the general rules and form of pleading, Rules 8 and 10, a claim for relief must contain "a short plain statement of the claim showing that the pleader is entitled to relief;" Rule 8(a)(3); and may contain alternative claims within a count or as many separate claims. Rule 10(d)(2) and (3).

A. 18 U.S.C. §2255(a) does not allow the Plaintiff to multiple the presumptive minimum damages amount on a per incident or per violation basis.

In attempting to allege a §2255 claim, Plaintiff alleges that she is entitled to a multiplication of the presumptive minimum damages amount based on the number of

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Martinez v. White, 492 F.Supp.2d 1186, 1188 (N.D. Cal. 2007), (emphasis added). 18 U.S.C.A. §2255 "merely provides a cause of action for damages in 'any appropriate United States District Court.'" Id., at 1189. In Tilton v. Playboy Entertainment Group, Inc., 554 F.3d 1371 (11th Cir. Jan. 15, 2009), the District Court granted plaintiff "the minimum 'actual damages' prescribed by §2255(a)," wherein plaintiff alleged that defendants had violated three of the statutory predicate acts; there was no multiplying of the award.

It is well settled that in interpreting a statute, the court's inquiry begins with the plain and unambiguous language of the statutory text. CBS, Inc. v. Prime Time 24 Venture, 245 F.3d 1217 (11th Cir. 2001); U.S. v. Castroneves, 2009 WL 528251, *3 (S.D. Fla. 2009), citing Reeves v. Astrue, 526 F.3d 732, 734 (11th Cir. 2008); and Smith v. Husband, 376 F.Supp.2d at 610 ("When interpreting a statute, [a court's] inquiry begins with the text."). "The Court must first look to the plain meaning of the words, and scrutinize the statute's 'language, structure, and purpose.'" Id. In addition, in construing a statute, a court is to presume that the legislature said what it means and means what it said, and not add language or give some absurd or strained interpretation. As stated in CBS, Inc., supra at 1228 – "Those who ask courts to give effect to perceived legislative intent by interpreting statutory language contrary to its plain and unambiguous meaning are in effect asking courts to alter that language, and '[c]ourts have no authority to alter statutory language.... We cannot add to the terms of [the] provision what Congress left out.' Merritt, 120 F.3d at 1187." See also Dodd v. U.S., 125 S.Ct. 2478 (2005); 73 Am.Jur.2d *Statutes* §124.

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had intended to abrogate the forum non conveniens doctrine in a §2255 action; the District Court noted that the statute does not contain a mandatory venue provision. Had Congress wanted to get rid of the forum non-conveniens doctrine, it would have said so in the statute. Also, in Smith v. Husband, 428 F.Supp. 432; and 376 F.Supp.2d 603, the plaintiff invoked "the accompanying civil remedy for these criminal violations, stating that she has sustained and continues to sustain physical and mental damages, humiliation, and embarrassment as a result of Defendant's criminal acts." In other words, she brought a single cause of action, based on allegations of multiple violations of the §2255 predicate acts. Furthermore, the court refused to add a venue interpretation that simply was not written into the statutory text. See other §2255 cases cited herein.

For an example of a statute wherein the legislature included the language "for each violation" in assessing a "civil penalty," see 18 U.S.C. §216, entitled "*Penalties and Injunctions*," of Chapter 11 – "Bribery, Graft, and Conflict of Interests," also contained in Title 18 – "Crimes and Criminal Procedure." Subsection (b) of §216 gives the United States Attorney General the power to bring a "civil action ... against any person who engages in conduct constituting an offense under" specified sections of the bribery, graft, and conflicts of interest statutes. The statute further provides in relevant part that "upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than \$50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater." As noted, 18 U.S.C. §2255 does not include such language.

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commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so,"

Plaintiff appears to be relying solely on an "agreement with the United States Attorney's Office to not contest liability for claims brought exclusively pursuant to 18 U.S.C. §2255, in exchange for avoiding federal prosecution under 18 U.S.C. §2422(b)." Complaint, ¶15. As noted above herein, Plaintiff already has additional claims against EPSTEIN pending in state court. See Exhibit A hereto. Even taking Plaintiff's allegation in paragraph 15 as true, Plaintiff is not proceeding exclusively under §2255. Accordingly, under the standard of pleading as established in Twombly, supra, Plaintiff has failed to sufficiently allege the requisite elements of a §2255 claim, thus requiring dismissal for failure to state a cause of action.

C. In the alternative, pursuant to constitutional law principles of statutory interpretation, 18 U.S.C. §2255 is required to be interpreted as creating a single "civil remedy" or cause of action on behalf of a minor plaintiff against a defendant. The "civil remedy" afforded is not on a "per violation" or "per incident" basis.

As set forth above, it is Defendant's position that the text of 18 U.S.C. §2255 does not allow a Plaintiff to pursue the damages afforded under the statute on a "per violation" or "per incident" basis. In the alternative, if one were to assume that the language of §2255 were vague or ambiguous, under the constitutional based protections of due process, judicial restraint, and the rule of lenity applied in construing a statute, Defendant's position as to the meaning of the statute would prevail over

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Plaintiff's position would subject Defendant EPSTEIN to a punishment that is not clearly prescribed – an unwritten multiplier of the "actual damages" or the presumptive minimum damages. The rule of lenity requires that Defendant's interpretation of the remedy afforded under §2255 be adopted. As noted above, Plaintiff's interpretation would allow Plaintiff to multiply her recovery without any regard to what the actual damages are.

In addition, under the Due Process Clause's basic principle of fair warning -

... a criminal statute must give fair warning of the conduct that it makes a crime As was said in United States v. Harriss, 347 U.S. 612, 617, 74 S.Ct. 808, 812, 98 L.Ed. 989,

'The constitutional requirement of definiteness is violated by a criminal statute that fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute. The underlying principle is that no man shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed.'

Thus we have struck down a [state] criminal statute under the Due Process Clause where it was not 'sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties.' Connally v. General Const. Co., 269 U.S. 385, 391, 46 S.Ct. 126, 127, 70 L.Ed. 322. We have recognized in such cases that 'a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law,' *ibid.*, and that 'No one may be required at peril of life, liberty or property to speculate as to what the State commands or forbids.' Lanzetta v. New Jersey, 306 U.S. 451, 453, 59 S.Ct. 618, 619, 83 L.Ed. 888.

Thus, applying these well-entrenched constitutional principles of statutory interpretation and application, Plaintiff's cause of action attempting to multiply the presumptive amount of damages is required to be dismissed for failure to state a cause of action.

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Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following service list in the manner specified via transmission of Notices of Electronic Filing generated by CM/ECF on this 6th day of May, 2009:

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ENDNOTES:

¹ In paragraph 11 of her Complaint, Jane Doe II alleges that – "From about June, 2003 until about February, 2005, Defendants, EPSTEIN and [REDACTED] persuaded, induced, or

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102, 112 Stat. 2975; Apr. 30, 2003, Pub.L. 108-21, Title I, § 103(a)(2)(A), (B), (b)(2)(A),
117 Stat. 652, 653.)

Amendments

2006 Amendments. Subsec. (b). Pub.L. 109-248, § 203, struck out "not less than 5
years and not more than 30 years" and inserted "not less than 10 years or for life".

AEV

**U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:09-cv-80469-KAM**

Doe II v. Epstein et al
Assigned to: Judge Kenneth A. Marra
Lead case: [9:08-cv-80119-KAM](#)
Member case: ([View Member Case](#))
Cause: 28:1331 Federal Question

Date Filed: 03/24/2009
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Federal Question

Plaintiff**Jane Doe II**

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Date Filed	#	clear	Docket Text
03/24/2009	<u>1</u>	<input type="checkbox"/>	COMPLAINT against Jeffrey Epstein, [REDACTED] [REDACTED] Filing fee \$ 350.00. Receipt#: 725609, filed by Jane Doe II.(dj) (Entered: 03/25/2009)
03/24/2009	<u>2</u>	<input type="checkbox"/>	Summons Issued as to Jeffrey Epstein, [REDACTED] [REDACTED]. (dj) (Entered: 03/25/2009)
03/25/2009	<u>3</u>	<input type="checkbox"/>	ORDER OF PRETRIAL PROCEDURES. Signed by Senior Judge Kenneth L. Ryskamp on 3/25/2009. (sh) (Entered: 03/25/2009)
03/26/2009	<u>4</u>	<input type="checkbox"/>	ORDER REASSIGNING CASE. Case reassigned to Judge Kenneth A. Marra for all further proceedings. Senior Judge Kenneth L. Ryskamp no longer assigned to case. Signed by Senior Judge Kenneth L. Ryskamp on 3/24/2009. (cqs) (Entered: 03/26/2009)
03/30/2009	<u>5</u>	<input type="checkbox"/>	Order Requiring Counsel to Confer and File Joint Scheduling Report. Signed by Judge Kenneth A. Marra on 3/30/2009. (ir) (Entered: 03/30/2009)
04/28/2009	<u>6</u>	<input type="checkbox"/>	ORDER TO SHOW CAUSE why cases should not be consolidated for discovery purposes Show Cause Response due by 5/5/2009.. Signed by Judge Kenneth A. Marra on 4/28/2009. (cqs) (Entered: 04/29/2009)

05/01/2009	<u>7</u>	<input type="checkbox"/>	Defendant's MOTION for Extension of Time to File Response as to <u>1</u> Complaint by Jeffrey Epstein. (Pike, Michael) (Entered: 05/01/2009)
05/04/2009	8		ENDORSED ORDER granting <u>7</u> Motion for Extension of Time to Answer Complaint. Jeffrey Epstein response due 5/6/2009. Signed by Judge Kenneth A. Marra on 5/4/2009. (ir) (Entered: 05/04/2009)
05/04/2009	<u>9</u>	<input type="checkbox"/>	MEMORANDUM in Opposition re <u>6</u> Order to Show Cause by Jeffrey Epstein. (Pike, Michael) (Entered: 05/04/2009)
05/05/2009	10		Clerks Notice of Docket Correction and Instruction to Filer re <u>9</u> Memorandum in Opposition filed by Jeffrey Epstein. Error - Wrong Event Selected ; Correct event "Response to ORder to Show Cause" In the future Please select the proper event. It is not necessary to refile this document. (tp) (Entered: 05/05/2009)
05/05/2009	<u>11</u>	<input type="checkbox"/>	MOTION for Leave to File Excess Pages by Jeffrey Epstein. (Critton, Robert) (Entered: 05/05/2009)
05/06/2009	12		ENDORSED ORDER granting <u>11</u> Motion for Leave to File Excess Pages. Signed by Judge Kenneth A. Marra on 5/5/2009. (ir) (Entered: 05/06/2009)
05/06/2009	<u>13</u>	<input type="checkbox"/>	Defendant's MOTION to Dismiss <u>1</u> Complaint by Jeffrey Epstein. Responses due by 5/26/2009 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Pike, Michael) Modified on 5/7/2009 (ls). [Modified description of Attachment(s) from Motions to Dismiss to Exhibit A and Exhibit B] (Entered: 05/06/2009)
05/14/2009			Cases associated. (dg) (Entered: 05/14/2009)
05/14/2009	<u>14</u>	<input type="checkbox"/>	ORDER CONSOLIDATING CASES. Hereinafter all motions and other court filings that relate to discovery and all procedural motions that relate to multiple cases shall be styled with all of the case names and numbers and shall be filed in Case No. 08-80119-CIV-MARRA. Signed by Judge Kenneth A. Marra on 5/14/2009. Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/14/2009	<u>15</u>	<input type="checkbox"/>	ORDER REQUESTING UNITED STATES PROVIDE POSITION TO MOTION TO STAY. Signed by Judge Kenneth A. Marra on 5/14/2009. (Attachments: # <u>1</u> Appendix Motion to Stay DE 51) Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/15/2009	<u>16</u>	<input type="checkbox"/>	First MOTION for Extension of Time to File Response as to <u>13</u> Defendant's MOTION to Dismiss <u>1</u> Complaint Defendant's MOTION to Dismiss <u>1</u> Complaint by Jane Doe II. (Garcia, Isidro) (Entered: 05/15/2009)
05/19/2009	17		ENDORSED ORDER denying as moot <u>16</u> Motion for Extension of Time to Respond to Motion to Dismiss. Plaintiff's response is due 5/26/09. Signed by Judge Kenneth A. Marra on 5/18/2009. (ir) (Entered: 05/19/2009)

05/20/2009	<u>18</u>	<input type="checkbox"/>	NOTICE by [REDACTED]. of Filing Withdrawal of Previously Raised Objections to Defendant, Jeffrey Epstein's Motion to Compel And/Or Identify [REDACTED]. in the Style of This Case and Motion to Identify [REDACTED]. in Third-Party Subpoenas for Purposes of Discovery, Or, Alternatively, Motion to Dismiss Sua Sponte, With Incorporated Memorandum of Law Associated Cases: 9:08-cv-80119-KAM et al.(Hill, Jack) (Entered: 05/20/2009)
05/20/2009	19		ORDER STRIKING in all Epstein cases EXCEPT case no. 08-80119: Notice by [REDACTED]. of Filing Withdrawal of Previously Raised Objections to Epstein's Motion to Compel and/or Identify. This Notice should only be filed in 08-80119, not in all of the Epstein cases.. Signed by Judge Kenneth A. Marra on 5/20/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/20/2009)
05/22/2009	<u>20</u>	<input type="checkbox"/>	RESPONSE in Opposition re <u>13</u> Defendant's MOTION to Dismiss <u>1</u> ComplaintDefendant's MOTION to Dismiss <u>1</u> Complaint filed by Jane Doe II. (Garcia, Isidro) (Entered: 05/22/2009)
05/27/2009	<u>21</u>	<input type="checkbox"/>	NOTICE by Jane Doe re (111 in 9:08-cv-80119-KAM) Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90) (Attachments: # <u>1</u> Text of Proposed Order)Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 05/27/2009)
05/28/2009	22		ORDER STRIKING Notice by Jane Doe in all Epstein cases EXCEPT in case 08-80119. This Notice should only be filed in 08-80119, not in all of the Epstein cases... Signed by Judge Kenneth A. Marra on 5/28/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/28/2009)
05/29/2009	<u>23</u>	<input type="checkbox"/>	NOTICE of Attorney Appearance by [REDACTED], [REDACTED], [REDACTED] on behalf of United States of America Associated Cases: 9:08-cv-80119-KAM et al. ([REDACTED], [REDACTED], [REDACTED]) (Entered: 05/29/2009)
05/29/2009	<u>24</u>	<input type="checkbox"/>	RESPONSE to Motion re (72 in 9:08-cv-80380-KAM) Defendant's MOTION to Stay re (62) Amended Complaint, (57 in 9:08-cv-80232-KAM) Defendant's MOTION to Stay re (50) Amended Complaint, (24 in 9:08-cv-80893-KAM) Defendant's MOTION to Stay re (1) Complaint, (23 in 9:08-cv-80994-KAM) Defendant's MOTION to Stay re (18) Amended Complaint, (22 in 9:08-cv-80993-KAM) Defendant's MOTION to Stay re (19) Amended Complaint, (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint, (68 in 9:08-cv-80381-KAM) Defendant's MOTION to Stay re (60) Amended Complaint, (51 in 9:08-cv-80811-KAM) Defendant's MOTION to Stay re (40) Amended Complaint and or Continue Action Filed Pursuant to Court's Order

			Requesting Government's Position filed by United States of America. Replies due by 6/8/2009. Associated Cases: 9:08-cv-80119-KAM et al. (██████, ██████, ██████) (Entered: 05/29/2009)
05/29/2009	<u>25</u>	<input type="checkbox"/>	RESPONSE in Opposition re (90 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identify Doe in Style of Case and in Third-Party Subpoenas</i> , (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> filed by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)
05/29/2009	26		ORDER STRIKING (124 in 9:08-cv-80119-KAM, 105 in 9:08-cv-80811-KAM, 74 in 9:08-cv-80993-KAM, 72 in 9:08-cv-80893-KAM, 106 in 9:08-cv-80232-KAM, 123 in 9:08-cv-80380-KAM, 35 in 9:09-cv-80591-KAM, 25 in 9:09-cv-80469-KAM, 60 in 9:08-cv-80994-KAM, 22 in 9:09-cv-80656-KAM, 107 in 9:08-cv-80381-KAM) Response in Opposition to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 DO NOT FILE IN EVERY EPSTEIN CASE. SEE ORDER CONSOLIDATING CASES.. Signed by Judge Kenneth A. Marra on 5/29/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/29/2009)
05/29/2009	<u>27</u>	<input type="checkbox"/>	MOTION for Leave to File <i>UNDER SEAL RESPONSE IN OPPOSITION TO DEFENDANTS MOTION TO STAY OR, IN THE ALTERNATIVE, TO UNSEAL THE NONPROSECUTION AGREEMENT</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)
05/29/2009	<u>28</u>	<input type="checkbox"/>	MOTION TO RESCHEDULE HEARING <i>Rescheduling Hearing or Appear By Telephone</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Josefsberg, Robert) Modified on 6/1/2009 (tp). (Entered: 05/29/2009)
06/01/2009	29		Clerks Notice of Docket Correction and Instruction to Filer re <u>28</u> Motion to Continue Hearing filed by Jane Doe No. 102, Jane Doe No. 101. The Filer selected the wrong motion relief(s) when docketing the Motion. The correction was made by the Clerk. It is not necessary to refile this document but future motions filed must include all applicable relief events. (tp) (Entered: 06/01/2009)
06/01/2009	30		ORDER STRIKING (28 in 9:09-cv-80469-KAM, 126 in 9:08-cv-80380-KAM, 109 in 9:08-cv-80232-KAM, 25 in 9:09-cv-80656-KAM, 77 in 9:08-cv-80993-KAM, 38 in 9:09-cv-80591-KAM, 110 in 9:08-cv-80381-KAM, 63 in 9:08-cv-80994-KAM, 75 in 9:08-cv-80893-KAM, 108 in 9:08-cv-80811-KAM) Motion to Continue Hearing filed by Jane Doe No. 102, Jane Doe No. 101, (76 in 9:08-cv-80993-KAM, 109 in 9:08-cv-80381-KAM, 108 in 9:08-cv-80232-KAM, 62 in 9:08-cv-80994-KAM, 125 in 9:08-cv-80380-KAM, 74 in 9:08-cv-80893-KAM, 24 in 9:09-cv-80656-KAM, 37 in 9:09-cv-80591-KAM, 107 in 9:08-cv-80811-KAM, 27 in 9:09-cv-80469-

			KAM) Motion for Leave to File, filed by Jane Doe No. 102, Jane Doe No. 101. THESE DOCUMENTS SHOULD BE FILED ONLY IN 08-80119. SEE CASE MANAGEMENT ORDER.. Signed by Judge Kenneth A. Marra on 6/1/2009. (lc3) (Entered: 06/01/2009)
06/01/2009	<u>31</u>	<input type="checkbox"/>	REPLY to Response to Motion re <u>13</u> Defendant's MOTION to Dismiss <u>1</u> Complaint Defendant's MOTION to Dismiss <u>1</u> Complaint filed by Jeffrey Epstein. (Pike, Michael) (Entered: 06/01/2009)
06/04/2009	<u>32</u>	<input type="checkbox"/>	REPLY to Response to Motion re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION <i>Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Reply to Defendant Jeffrey Epstein's Response to Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Motion for a No-Contact Order</i> filed by Jane Doe No. 101, Jane Doe No. 102. Associated Cases: 9:08-cv-80119-KAM et al. (Ezell, Katherine) (Entered: 06/04/2009)
06/04/2009	<u>33</u>		ORDER STRIKING (112 in 9:08-cv-80381-KAM, 111 in 9:08-cv-80232-KAM, 136 in 9:08-cv-80119-KAM, 111 in 9:08-cv-80811-KAM, 128 in 9:08-cv-80380-KAM, 65 in 9:08-cv-80994-KAM, 79 in 9:08-cv-80893-KAM, 42 in 9:09-cv-80591-KAM, 27 in 9:09-cv-80656-KAM, 32 in 9:09-cv-80469-KAM, 79 in 9:08-cv-80993-KAM) Reply to Response to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 Document stricken for failure to follow Court's orders. DO NOT FILE A DOCUMENT IN EVERY EPSTEIN CASE if it is to be filed only in 08-80119. See Case Management Order and contact CM/ECF Support for assistance in proper filing.. Signed by Judge Kenneth A. Marra on 6/4/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 06/04/2009)
06/08/2009	<u>34</u>	<input type="checkbox"/>	RESPONSE to Motion re (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> filed by Jane Doe. Replies due by 6/18/2009. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)
06/08/2009	<u>35</u>	<input type="checkbox"/>	NOTICE by Jane Doe re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION <i>Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order -Plaintiffs Jane Does 2-7 Notice of Joinder</i> Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)

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OR

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06/10/2009 14:29:53			
PACER Login:	du4480	Client Code:	
Description:	Docket Report	Search Criteria:	9:09-cv-80469-KAM
Billable Pages:	4	Cost:	0.32

LRJ

**U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:09-cv-80591-KAM**

Doe No. 101 v. Epstein
Assigned to: Judge Kenneth A. Marra
Lead case: [9:08-cv-80119-KAM](#)
Member case: ([View Member Case](#))
Cause: 28:1331 Fed. Question: Personal Injury

Date Filed: 04/17/2009
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Federal Question

Plaintiff

Jane Doe No. 101

represented by **Katherine Warthen Ezell**
Podhurst Orseck Josefsberg et al
City National Bank Building
25 W Flagler Street
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Miami , FL 33130-1780
[REDACTED]
Fax: [REDACTED]
Email: KEzell@podhurst.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert [REDACTED] Josefsberg
Podhurst Orseck Josefsberg et al
City National Bank Building
25 W Flagler Street
Suite 800
Miami , FL 33130-1780
[REDACTED]
Fax: [REDACTED]
Email: [REDACTED]
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Jeffrey Epstein

represented by **Michael James Pike**
Burman Critton Luttier & Coleman

515 N Flagler Drive
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West Palm Beach , FL 33401-2918

[REDACTED]
Fax: 515-3148

Email: [REDACTED]

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Amicus

United States of America

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 [REDACTED], ext. 3546
 Fax: 356-7336
 Email:

[REDACTED]
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	clear	Docket Text
04/17/2009	<u>1</u>	<input type="checkbox"/> 1.0 MB	COMPLAINT and Demand for Jury Trial against Jeffrey Epstein. Filing fee \$ 350.00. Receipt#: 999318, filed by Jane Doe No. 101.(asl) (Entered: 04/20/2009)
04/17/2009	<u>2</u>	<input type="checkbox"/> 38.5 KB	Summons Issued as to Jeffrey Epstein. (asl) (Entered: 04/20/2009)
04/17/2009	<u>3</u>		Sealed Document. (igo) (Entered: 04/20/2009)
04/17/2009	<u>4</u>		Sealed Document. (igo) (Entered: 04/20/2009)
04/21/2009	<u>5</u>	<input type="checkbox"/> 63.6 KB	Order Requiring Counsel to Confer and File Joint Scheduling Report. Signed by Judge Kenneth A. Marra on 4/21/2009. (ir) (Entered: 04/21/2009)
04/28/2009	<u>6</u>	<input type="checkbox"/> 60.2 KB	ORDER TO SHOW CAUSE why cases should not be consolidated for discovery purposes Show Cause Response due by 5/5/2009.. Signed by Judge Kenneth A. Marra on 4/28/2009. (cqs) (Entered: 04/29/2009)
05/01/2009	<u>7</u>	<input type="checkbox"/> 77.3 KB	First AMENDED COMPLAINT <i>and Demand for Jury Trial</i> , filed by Jane Doe No. 101.(Ezell, Katherine) (Entered: 05/01/2009)
05/01/2009	<u>8</u>	<input type="checkbox"/> 17.7 KB	RESPONSE TO ORDER TO SHOW CAUSE by Jane Doe No. 101. (Ezell, Katherine) (Entered: 05/01/2009)
05/01/2009	<u>9</u>	<input type="checkbox"/> 61.2 KB	First AMENDED COMPLAINT <i>and Demand For Jury Trial</i> , filed by Jane Doe No. 101.(Ezell, Katherine) (Entered: 05/01/2009)
05/04/2009	<u>10</u>	<input type="checkbox"/> 147.2 KB	NOTICE of Striking <u>7</u> Amended Complaint filed by Jane Doe No. 101 by Jane Doe No. 101 (Ezell, Katherine) Modified on 5/6/2009 (ls). (Entered: 05/04/2009)
05/04/2009	<u>11</u>	<input type="checkbox"/> 126.7 KB	Defendant's MOTION for Extension of Time to File Response as to <u>9</u> Amended Complaint by Jeffrey Epstein. (Pike, Michael) (Entered: 05/04/2009)

05/04/2009	<u>12</u>	<input type="checkbox"/> 268.7 KB	MEMORANDUM in Opposition re <u>6</u> Order to Show Cause by Jeffrey Epstein. (Pike, Michael) (Entered: 05/04/2009)
05/05/2009	<u>13</u>		ENDORSED ORDER granting <u>11</u> Motion for Extension of Time to Answer Complaint. Jeffrey Epstein response due 5/26/2009. Signed by Judge Kenneth A. Marra on 5/5/2009. (ir) (Entered: 05/05/2009)
05/06/2009	<u>14</u>	<input type="checkbox"/> 342.6 KB	NOTICE by Jane Doe No. 101 <i>Notice of Filing</i> (Attachments: # <u>1</u> Motion to Proceed Anonymously and Incorporated Memorandum of Law)(Ezell, Katherine) (Entered: 05/06/2009)
05/07/2009	<u>15</u>	<input type="checkbox"/> 70.4 KB	NOTICE of Attorney Appearance by Robert Deweese Critton, Jr on behalf of Jeffrey Epstein (Critton, Robert) (Entered: 05/07/2009)
05/11/2009	<u>16</u>	<input type="checkbox"/> 0.6 MB	RESPONSE/REPLY to <u>14</u> Notice (Other) <i>Opposition to Motion to Proceed Anonymously</i> by Jeffrey Epstein. (Critton, Robert) (Entered: 05/11/2009)
05/11/2009	<u>17</u>		MOTION to Compel <i>and/or identify jane doe #101 in the style of this case and motion to identify jane doe #101 in the third party subpoenas for purposes of discovery with incorporated memorandum of law</i> by Jeffrey Epstein. Responses due by 5/29/2009 (see docket entry <u>16</u> for image)(tas) (Entered: 05/12/2009)
05/14/2009			Cases associated. (dg) (Entered: 05/14/2009)
05/14/2009	<u>18</u>	<input type="checkbox"/> 106.5 KB	ORDER CONSOLIDATING CASES. Hereinafter all motions and other court filings that relate to discovery and all procedural motions that relate to multiple cases shall be styled with all of the case names and numbers and shall be filed in Case No. 08-80119-CIV-MARRA. Signed by Judge Kenneth A. Marra on 5/14/2009. Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/14/2009	<u>19</u>	<input type="checkbox"/> 1.3 MB	ORDER REQUESTING UNITED STATES PROVIDE POSITION TO MOTION TO STAY. Signed by Judge Kenneth A. Marra on 5/14/2009. (Attachments: # <u>1</u> Appendix Motion to Stay DE 51) Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/14/2009	<u>20</u>		ORDER terminating <u>17</u> Motion to Compel. See Order consolidating cases. See procedural motions pending: DE 91 in 08-80119.. Signed by Judge Kenneth A. Marra on 5/14/2009. (lc3) (Entered: 05/14/2009)
05/18/2009	<u>21</u>	<input type="checkbox"/> 148.9 KB	Defendant's MOTION for Leave to File Excess Pages <i>on Defendant's Motion to Dismiss First Amended Complaint</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 05/18/2009)
05/19/2009	<u>22</u>		ENDORSED ORDER granting <u>21</u> Motion for Leave to File Excess Pages. Signed by Judge Kenneth A. Marra on 5/19/2009. (ir) (Entered: 05/19/2009)

05/20/2009	<u>23</u>	<input type="checkbox"/> 363.1 KB	NOTICE by [REDACTED], of Filing Withdrawal of Previously Raised Objections to Defendant, Jeffrey Epstein's Motion to Compel And/Or Identify [REDACTED], in the Style of This Case and Motion to Identify [REDACTED], in Third-Party Subpoenas for Purposes of Discovery, Or, Alternatively, Motion to Dismiss Sua Sponte, With Incorporated Memorandum of Law Associated Cases: 9:08-cv-80119-KAM et al.(Hill, Jack) (Entered: 05/20/2009)
05/20/2009	<u>24</u>		ORDER STRIKING in all Epstein cases EXCEPT case no. 08-80119: Notice by [REDACTED], of Filing Withdrawal of Previously Raised Objections to Epstein's Motion to Compel and/or Identify. This Notice should only be filed in 08-80119, not in all of the Epstein cases.. Signed by Judge Kenneth A. Marra on 5/20/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/20/2009)
05/21/2009	<u>25</u>	<input type="checkbox"/> 273.7 KB	MOTION for Leave to Appear <i>Limited Appearance Pro Hac Vice</i> by Jeffrey Epstein. Responses due by 6/8/2009 (Attachments: # <u>1</u> Certification of Jay P. Lefkowitz, # <u>2</u> Text of Proposed Order Proposed Order Granting Motion for Limited Appearance of Jay P. Lefkowitz) (Critton, Robert) (Entered: 05/21/2009)
05/21/2009	<u>26</u>	<input type="checkbox"/> 267.2 KB	MOTION for Leave to Appear <i>Limited Appearance Pro Hac Vice</i> by Jeffrey Epstein. Responses due by 6/8/2009 (Attachments: # <u>1</u> Certification of Shumsky, # <u>2</u> Text of Proposed Order Granting Motion for Limited Appearance of Michael D. Shumsky)(Critton, Robert) (Entered: 05/21/2009)
05/26/2009	<u>27</u>		Clerks Notice of Instruction to Filer Regarding Pro Hac Vice Motion. Pursuant to 2B in the Administrative Procedures, a motion to make a limited appearance must be filed in the conventional manner along with the applicable filing fee. LOCAL COUNSEL IS INSTRUCTED TO 1. FILE A NOTICE TO STRIKE DE# <u>26</u> MOTION for Leave to Appear <i>Limited Appearance Pro Hac Vice</i> filed by Jeffrey Epstein, <u>25</u> MOTION for Leave to Appear <i>Limited Appearance Pro Hac Vice</i> filed by Jeffrey Epstein AND 2. CONVENTIONALLY FILE AN ORIGINAL MOTION TO MAKE A LIMITED APPEARANCE ALONG WITH THE APPLICABLE FILING FEE. (ls) (Entered: 05/26/2009)
05/26/2009	<u>28</u>	<input type="checkbox"/> 1.7 MB	Plaintiff's MOTION to Preserve Evidence <i>Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Motion for an Order for the Preservation of Evidence and Incorporated Memorandum of Law</i> by Jane Doe No. 101, Jane Doe No. 102. (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B", # <u>3</u> Text of Proposed Order)Associated Cases: 9:08-cv-80119-KAM, 9:09-cv-80591-KAM, 9:09-cv-80656-KAM(Ezell, Katherine) (Entered: 05/26/2009)
05/26/2009	<u>29</u>	<input type="checkbox"/> 5.3 MB	Defendant's MOTION to Dismiss <u>7</u> Amended Complaint <i>or in the Alternative, for a More Definate Statement</i> by Jeffrey Epstein. Responses due by 6/12/2009 (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B")(Critton, Robert) (Entered: 05/26/2009)

05/27/2009	30		ORDER terminating(28) Motion to Preserve Evidence in case 9:09-cv-80591-KAM; terminating(16) Motion to Preserve Evidence in case 9:09-cv-80656-KAM This motion is pending ONLY in case no. 08-80119.. Signed by Judge Kenneth A. Marra on 5/27/2009. (lc3) (Entered: 05/27/2009)
05/27/2009	31	<input type="checkbox"/> 52.0 KB	NOTICE by Jane Doe re (111 in 9:08-cv-80119-KAM) Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> (Attachments: # 1 Text of Proposed Order) Associated Cases: 9:08-cv-80119-KAM et al. (Horowitz, Adam) (Entered: 05/27/2009)
05/28/2009	32		ORDER STRIKING Notice by Jane Doe in all Epstein cases EXCEPT in case 08-80119. This Notice should only be filed in 08-80119, not in all of the Epstein cases... Signed by Judge Kenneth A. Marra on 5/28/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/28/2009)
05/29/2009	33	<input type="checkbox"/> 11.6 KB	NOTICE of Attorney Appearance by [REDACTED], [REDACTED] on behalf of United States of America Associated Cases: 9:08-cv-80119-KAM et al. ([REDACTED], [REDACTED]) (Entered: 05/29/2009)
05/29/2009	34	<input type="checkbox"/> 37.7 KB	RESPONSE to Motion re (72 in 9:08-cv-80380-KAM) Defendant's MOTION to Stay re (62) Amended Complaint, (57 in 9:08-cv-80232-KAM) Defendant's MOTION to Stay re (50) Amended Complaint, (24 in 9:08-cv-80893-KAM) Defendant's MOTION to Stay re (1) Complaint, (23 in 9:08-cv-80994-KAM) Defendant's MOTION to Stay re (18) Amended Complaint, (22 in 9:08-cv-80993-KAM) Defendant's MOTION to Stay re (19) Amended Complaint, (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint, (68 in 9:08-cv-80381-KAM) Defendant's MOTION to Stay re (60) Amended Complaint, (51 in 9:08-cv-80811-KAM) Defendant's MOTION to Stay re (40) Amended Complaint <i>and or Continue Action Filed Pursuant to Court's Order Requesting Government's Position</i> filed by United States of America. Replies due by 6/8/2009. Associated Cases: 9:08-cv-80119-KAM et al. ([REDACTED], [REDACTED]) (Entered: 05/29/2009)
05/29/2009	35	<input type="checkbox"/> 43.3 KB	RESPONSE in Opposition re (90 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identify Doe in Style of Case and in Third-Party Subpoenas</i> , (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> filed by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)
05/29/2009	36		ORDER STRIKING (124 in 9:08-cv-80119-KAM, 105 in 9:08-cv-80811-

			KAM, 74 in 9:08-cv-80993-KAM, 72 in 9:08-cv-80893-KAM, 106 in 9:08-cv-80232-KAM, 123 in 9:08-cv-80380-KAM, 35 in 9:09-cv-80591-KAM, 25 in 9:09-cv-80469-KAM, 60 in 9:08-cv-80994-KAM, 22 in 9:09-cv-80656-KAM, 107 in 9:08-cv-80381-KAM) Response in Opposition to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 DO NOT FILE IN EVERY EPSTEIN CASE. SEE ORDER CONSOLIDATING CASES.. Signed by Judge Kenneth A. Marra on 5/29/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/29/2009)
05/29/2009	<u>37</u>	<input type="checkbox"/> 24.5 KB	MOTION for Leave to File <i>UNDER SEAL RESPONSE IN OPPOSITION TO DEFENDANTS MOTION TO STAY OR, IN THE ALTERNATIVE, TO UNSEAL THE NONPROSECUTION AGREEMENT</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)
05/29/2009	<u>38</u>	<input type="checkbox"/> 19.5 KB	MOTION for Hearing <i>MOTION TO RESCHEDULE HEARING</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Josefsberg, Robert) (Entered: 05/29/2009)
06/01/2009	<u>39</u>		ORDER STRIKING (28 in 9:09-cv-80469-KAM, 126 in 9:08-cv-80380-KAM, 109 in 9:08-cv-80232-KAM, 25 in 9:09-cv-80656-KAM, 77 in 9:08-cv-80993-KAM, 38 in 9:09-cv-80591-KAM, 110 in 9:08-cv-80381-KAM, 63 in 9:08-cv-80994-KAM, 75 in 9:08-cv-80893-KAM, 108 in 9:08-cv-80811-KAM) Motion to Continue Hearing filed by Jane Doe No. 102, Jane Doe No. 101, (76 in 9:08-cv-80993-KAM, 109 in 9:08-cv-80381-KAM, 108 in 9:08-cv-80232-KAM, 62 in 9:08-cv-80994-KAM, 125 in 9:08-cv-80380-KAM, 74 in 9:08-cv-80893-KAM, 24 in 9:09-cv-80656-KAM, 37 in 9:09-cv-80591-KAM, 107 in 9:08-cv-80811-KAM, 27 in 9:09-cv-80469-KAM) Motion for Leave to File, filed by Jane Doe No. 102, Jane Doe No. 101. THESE DOCUMENTS SHOULD BE FILED ONLY IN 08-80119. SEE CASE MANAGEMENT ORDER.. Signed by Judge Kenneth A. Marra on 6/1/2009. (lc3) (Entered: 06/01/2009)
06/04/2009	<u>40</u>	<input type="checkbox"/> 281.7 KB	MOTION for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings for Michael D. Shumsky, Filing Fee \$75.00, Receipt #725905. (cw) (Entered: 06/04/2009)
06/04/2009	<u>41</u>	<input type="checkbox"/> 272.3 KB	MOTION for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings for Jay P. Lefkowitz, Filing Fee \$75.00, Receipt #725904. (cw) (Entered: 06/04/2009)
06/04/2009	<u>42</u>	<input type="checkbox"/> 349.0 KB	REPLY to Response to Motion re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION <i>Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Reply to Defendant Jeffrey Epstein's Response to Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Motion for a No-Contact Order</i> filed by Jane Doe No. 101, Jane Doe No. 102. Associated Cases: 9:08-cv-80119-KAM et al. (Ezell, Katherine) (Entered: 06/04/2009)

06/04/2009	43		ORDER STRIKING (112 in 9:08-cv-80381-KAM, 111 in 9:08-cv-80232-KAM, 136 in 9:08-cv-80119-KAM, 111 in 9:08-cv-80811-KAM, 128 in 9:08-cv-80380-KAM, 65 in 9:08-cv-80994-KAM, 79 in 9:08-cv-80893-KAM, 42 in 9:09-cv-80591-KAM, 27 in 9:09-cv-80656-KAM, 32 in 9:09-cv-80469-KAM, 79 in 9:08-cv-80993-KAM) Reply to Response to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 Document stricken for failure to follow Court's orders. DO NOT FILE A DOCUMENT IN EVERY EPSTEIN CASE if it is to be filed only in 08-80119. See Case Management Order and contact CM/ECF Support for assistance in proper filing.. Signed by Judge Kenneth A. Marra on 6/4/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 06/04/2009)
06/07/2009	47	<input type="checkbox"/> 54.4 KB	ORDER granting 40 Motion for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings. Signed by Judge Kenneth A. Marra on 6/7/2009. (ail) (Entered: 06/09/2009)
06/08/2009	44	<input type="checkbox"/> 3.8 MB	RESPONSE to Motion re (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> filed by Jane Doe. Replies due by 6/18/2009. (Attachments: # 1 Exhibit A, # 2 Exhibit B)Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)
06/08/2009	45	<input type="checkbox"/> 106.1 KB	NOTICE by Jane Doe re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION <i>Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order -Plaintiffs Jane Does 2-7 Notice of Joinder</i> Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)
06/08/2009	46	<input type="checkbox"/> 53.4 KB	ORDER granting 41 Motion for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings. Signed by Judge Kenneth A. Marra on 6/8/2009. (ail) (Entered: 06/09/2009)
06/09/2009	48	<input type="checkbox"/> 220.1 KB	Plaintiff's MOTION for Extension of Time to File Response as to 29 Defendant's MOTION to Dismiss 7 Amended Complaint <i>or in the Alternative, for a More Definate Statement</i> Defendant's MOTION to Dismiss 7 Amended Complaint <i>or in the Alternative, for a More Definate Statement</i> Plaintiff Jane Doe No. 101's Motion for Enlargement of Time and Page Limits for Response to Defendant's Motion to Dismiss the First Amended Complaint <i>or, in the Alternative, for a More Definite Statement</i> by Jane Doe No. 101. (Attachments: # 1 Text of Proposed Order)(Ezell, Katherine) (Entered: 06/09/2009)
06/09/2009	51		MOTION for Leave to File Excess Pages by Jane Doe No. 101. SEE IMAGE 48 (ail) (Entered: 06/10/2009)
06/10/2009	49		ENDORSED ORDER granting 48 Motion for Extension of Time to Respond re 29 Defendant's MOTION to Dismiss 7 Amended Complaint <i>or</i>

		<i>in the Alternative, for a More Definate Statement.</i> Responses due by 6/26/2009. Page limit is set at 36 pages. Signed by Judge Kenneth A. Marra on 6/9/2009. (ir) (Entered: 06/10/2009)
06/10/2009	50	Clerks Notice of Docket Correction and Instruction to Filer re <u>45</u> Notice (Other), Notice (Other) filed by Jane Doe. Error - Wrong Event Selected ;. Instruction to Filer - In the future, please select the proper event, i.e. Notice of Adoption. It is not necessary to refile this document. (ls) (Entered: 06/10/2009)

Total filesize of selected documents (MB):

or

Maximum filesize allowed (MB): 10

PACER Service Center			
Transaction Receipt			
06/10/2009 14:44:15			
PACER Login:	du4480	Client Code:	
Description:	Docket Report	Search Criteria:	9:09-cv-80591-KAM
Billable Pages:	5	Cost:	0.40

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CV-80811-CIV-MARRA/JOHNSON

██████████,

Plaintiff,

vs.

JEFFREY EPSTEIN and ██████████
██████████,

Defendants.

**PLAINTIFF, ██████████'S, CONDITIONAL NOTICE OF INTENT TO EXCLUSIVELY RELY
ON STATUTORY DAMAGES PROVIDED BY 18 U.S.C. §2255**

Plaintiff, ██████████, by and through her undersigned counsel, hereby files her Conditional Notice of Intent to Exclusively Rely on Statutory Damages Provided by 18 U.S.C. §2255, and in support thereof states as follows:

1. This is an action to recover money damages against Defendant, JEFFREY EPSTEIN, for acts of sexual abuse and prostitution committed upon the then-minor, ██████████.

2. Plaintiff has plead thirty separate counts against EPSTEIN for separate incidences of abuse committed by EPSTEIN against Plaintiff pursuant to 18 U.S.C. §2255. 18 U.S.C. §2255, entitled "Civil remedy for personal injuries", creates a private right of action for minor children who were the victim of certain enumerated sex offenses. 18 U.S.C. §2255 also creates a statutory floor for the amount of damages a

victim can recover for a violation of same. Plaintiff has also alleged a single count of Sexual Battery against EPSTEIN as well.

3. There presently exists between the Plaintiff and EPSTEIN a disagreement as to whether the statutory damage floor established in 18 U.S.C. §2255 is recoverable for each commission of an enumerated sex offense listed in 18 U.S.C. §2255, or whether the statutory damage floor can only be enforced once, regardless of how many times a defendant perpetrates an enumerated sex offense against a minor victim.

4. This disagreement between the parties is properly the subject of Defendant's *Motion to Dismiss First Amended Complaint For Failure to State a Cause of Action, and Motion For More Definite Statement; Motion to Strike, and Supporting Memorandum of Law* (D.E. 47) which is currently pending before this Court.

5. In the event that the Court rules that the Plaintiff is entitled to recover the statutory damages created by 18 U.S.C. §2255 for each violation¹, Plaintiff will be pursuing only those statutory damages, and will not pursue damages available at common law.

6. Should the Court rule however, that the statutory damage floor can only be applied once, Plaintiff will be pursuing any and all damages available to her, whether they be pursuant to statute or by common law.

¹ The parties also disagree about the amount the statutory damage floor should be for this case. 18 U.S.C. §2255 was amended in 2006 to increase the floor from \$50,000 to \$150,000. The parties essentially disagree about which version of 18 U.S.C. §2255 should apply in this case.

Respectfully submitted,

/s/Jack P. Hill

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Attorneys for Plaintiff, [REDACTED].

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 5th, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached counsel list via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/Jack P. Hill

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CV-80811-MARRA/JOHNSON

■■■■

Plaintiff,

v.

JEFFREY EPSTEIN and ■■■■

■■■■,

Defendants,

_____ /

**DEFENDANT JEFFREY EPSTEIN'S MOTION TO DISMISS
COMPLAINT FOR FAILURE TO STATE A CAUSE OF ACTION**

Defendant, JEFFREY EPSTEIN, ("EPSTEIN"), by and through his undersigned counsel, moves to dismiss Count I of Plaintiff's Complaint for failure to state a cause of action. Rule 12(b)(6), Fed.R.Civ.P. (2008). Count II is directed only to Defendant ■■■■, who has not yet been served. In support of dismissal, Defendant states:

Plaintiff, ■■■■, attempts to assert a cause of action against EPSTEIN in Count I of her Complaint. A review of the inadequate Complaint allegations establishes that Plaintiff has failed to state a cause of action under either common or statutory law, and thus, Count I against EPSTEIN is required to be dismissed. Rule 12(b)(6), Fla.R.Civ.P. Count I alleges in part that while Plaintiff was a minor, beginning when she was 14 –

6. On numerous occasions ..., JEFFREY EPSTEIN intentionally induced and/or seduced the Plaintiff into performing various acts of lewd and lascivious conduct and/or sexual performances in his presence. ...

7. On numerous occasions ..., JEFFREY EPSTEIN performed various acts of lewd and lascivious conduct in the presence of the Plaintiff. ...

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8. On numerous occasions ..., JEFFREY EPSTEIN touched the Plaintiff's breasts and genitalia. ...

9. As a result, the Plaintiff suffered mental anguish, mental pain and suffering, psychic trauma, and a loss of the capacity for the enjoyment of life.

(Plaintiff alleges in her Complaint, ¶12, that she is presently 21 years old. The suit was originally filed in Florida state court, Palm Beach County Circuit Court, on February 21, 2008.)

Count I is lacking in sufficient factual allegations to allege the necessary elements to state a cause of action either under common or statutory law. In fact, Count I fails to allege any recognizable elements. There is absolutely no reference in Count I as to whether Plaintiff is attempting to assert some type of common law cause of action or as to whether she is relying on some type of Federal or State of Florida statute that might give rise to a civil cause of action. In addition, the Complaint generally alleges that "on numerous occasions," as opposed to alleging specific dates and times. Finally, the Complaint very generally references "lewd and lascivious conduct and/or sexual performances" without any underlying factual allegations. Accordingly, Count I is subject to dismissal for failure to state a cause of action.

Supporting Memorandum of Law
Rule 12(b)(6) Motion To Dismiss

As established by the Supreme Court in Bell Atlantic Corp. V. Twombly, 127 S.Ct. 1955 (2007), a motion to dismiss should be granted if the plaintiff does not plead "enough facts to state a claim to relief that is plausible on its face." *Id.*, at 1974. Although the complaint need not provide detailed factual allegations, the basis for relief in the complaint must state "more than labels and conclusions, and a formulaic

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recitation of the elements of a cause of action will not do." Id., at 1965. Further, "[f]actual allegations must be enough to raise a right to relief above the speculative level ... on the assumption that all the allegations in the complaint are true (even if doubtful in fact)." Id. On a motion to dismiss, the well pleaded allegations of plaintiff's complaint are taken as true and construed in the light most favorable to the plaintiff. M.T.V. v. DeKalb County Sch. Dist., 446 F.3d 1153, 1156 (11th Cir.2006).

Significantly, the Supreme Court in Bell Atlantic Corp. V. Twombly abrogated the often cited observation that "a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to relief." Id., (abrogating and quoting Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 102, 2 L.Ed.2d 80 (1957)). The Supreme Court rejected the notion that "a wholly conclusory statement of claim [can] survive a motion to dismiss whenever the pleadings le[ave] open the possibility that a plaintiff might later establish some 'set of [undisclosed] facts' to support recovery." Id. As explained by the Supreme Court in Bell Atlantic Corp., supra at 1664-65:

While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, ibid.; Sanjuan v. American Bd. of Psychiatry and Neurology, Inc., 40 F.3d 247, 251 (█.7 1994), a plaintiff's obligation to provide the "grounds" of his "entitle[ment] to relief" requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do, see Papasan v. Allain, 478 U.S. 265, 286, 106 S.Ct. 2932, 92 L.Ed.2d 209 (1986) (on a motion to dismiss, courts "are not bound to accept as true a legal conclusion couched as a factual allegation"). Factual allegations must be enough to raise a right to relief above the speculative level, see 5 █. Wright & A. Miller, Federal Practice and Procedure § 1216, pp. 235-236 (3d ed.2004) (hereinafter Wright & Miller) ("[T]he pleading must contain something more ... than ... a statement of facts that merely creates a suspicion [of] a legally cognizable right of action"), on the assumption that all the allegations in the complaint are true (even if

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doubtful in fact), see, e.g., Swierkiewicz v. Sorema N. A., 534 U.S. 506, 508, n. 1, 122 S.Ct. 992, 152 L.Ed.2d 1 (2002); Neitzke v. Williams, 490 U.S. 319, 327, 109 S.Ct. 1827, 104 L.Ed.2d 338 (1989) (" Rule 12(b)(6) does not countenance ... dismissals based on a judge's disbelief of a complaint's factual allegations"); Scheuer v. Rhodes, 416 U.S. 232, 236, 94 S.Ct. 1683, 40 L.Ed.2d 90 (1974) (a well-pleaded complaint may proceed even if it appears "that a recovery is very remote and unlikely").

In discussing Twombly, the Eleventh Circuit in Watts v. Fla. International Univ., 495 F.3d 1289, 1295 (11th Cir. 2007), noted - "The Supreme Court's most recent formulation of the pleading specificity standard is that 'stating such a claim requires a complaint with enough factual matter (taken as true) to suggest' the required element." In order to sufficiently allege the claim, the complaint is required to identify "facts that are suggestive enough to render [the element] plausible." Watts, 495 F.3d at 1296 (quoting Twombly, 127 S.Ct. at 1965).

As jurisdiction is based on diversity, it is well settled that this Court is to apply Florida substantive law in this action. Erie R.Co. v. Tompkins, 58 S.Ct. 817 (1938).

On its face, Count I completely fails to allege either the necessary elements of any cause of action or the necessary underlying factual allegations. As quoted above, Count I makes general references to "lewd and lascivious conduct and/or sexual performances" without any specific statutory or common law reference.

Florida Statutes, Chapter 800, Title XLVI – CRIMES, entitled "Lewdness, Indecent Exposure," are criminal statutes¹. Assuming for the sake of argument that Plaintiff means to rely on these statutes, none of the statutes contained in Chapter 800 create a private right of action. See §§800.02, 800.03, 800.04, Fla. Stat. Rather, the

¹ This action began in Florida state court, Palm Beach County 15th Judicial Circuit Court, and was removed to Federal Court pursuant to a Notice of Removal filed by Defendants.

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statutes set forth acts subject to criminal prosecution and the criminal penalties therefor, if proven. See generally, Am. Home Assurance Co. v. Plaza Materials Corp., 908 So.2d 360, 374 (Fla. 2005)("not every statutory violation carries a civil remedy"); and Miami Herald Pub. Co. v. Ferre, 636 F.Supp. 970 (S.D. Fla. 1985)(violation of Florida's criminal extortion statute does not give rise to civil cause of action for damages). According, Count I is required to be dismissed as Chapter 800, which references lewd conduct, does not create a private right of action. Mantooth v. Richards, 557 So.2d 646 (Fla. 4th DCA 1990), *per curiam*, (Dismissal of plaintiff's civil complaint affirmed where parental kidnapping statutes concerned only criminal violations and did not create a civil remedy).

As well, the Count I allegations make absolutely no reference to any viable common law cause of action; Defendant should not be required to guess or speculate as to the nature of Plaintiff's cause of action. Even if Defendant were to speculate as to the supposed cause of action, these causes of action (common law or otherwise) have not been sufficiently alleged. On its face, Count I is completely lacking as to any common law elements or the underlying factual allegations to support each element, and thus, Count I is required to be dismissed.

Finally, as noted, there are no allegations as to time regarding the alleged "numerous occasions." Pursuant to Rule 9(f), Fed.R.Civ.P., "pleadings of time or place is material when testing the sufficiency of a pleading."

Conclusion

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Pursuant to applicable law, Count I of Plaintiff's Complaint is required to be dismissed for failure to state a cause of action. On its face, Count I fails to allege a cause of action either under statutory or common law against Defendant EPSTEIN. Count I fails to plead any requisite elements or the necessary underlying facts.

WHEREFORE, Defendant requests that Count I of Plaintiff's Complaint be dismissed for failure to state a cause of action.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following Service List in the manner specified by CM/ECF on this 7th day of January, 2009:

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Respectfully submitted,

█ v. Epstein, et al.
Page 7



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LSS, MEDIATION, REF_DISCOV

**U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:08-cv-80811-KAM**

██████████ v. Epstein et al
Assigned to: Judge Kenneth A. Marra
Referred to: Magistrate Judge Linnea R. Johnson
Lead case: 9:08-cv-80119-KAM
Member case: (View Member Case)
Case: 9:09-cv-80802-KAM
Cause: 28:1332 Diversity

Date Filed: 07/21/2008
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff

██████████

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Date Filed	#	clear	Docket Text
07/21/2008	<u>1</u>	<input type="checkbox"/> 1.4 MB	NOTICE OF REMOVAL Filing fee \$350 Receipt#: 724505, filed by Jeffrey Epstein, [REDACTED] (rb) (Entered: 07/21/2008)
07/22/2008	<u>2</u>	<input type="checkbox"/> 97.2 KB	ORDER of Instructions. Signed by Judge William J. Zloch on 7/22/2008. (bc) (Entered: 07/22/2008)
07/25/2008	<u>3</u>	<input type="checkbox"/> 18.3 KB	MOTION for Hearing <i>Defendants' Request for Oral Argument</i> by Jeffrey Epstein, [REDACTED] (Tein, Michael) (Entered: 07/25/2008)
07/25/2008	<u>4</u>	<input type="checkbox"/> 57.9 KB	MOTION for Extension of Time to File Answer <i>Defendants Motion for Enlargement of Time to Answer or Otherwise Respond to Complaint</i> by Jeffrey Epstein, [REDACTED] (Tein, Michael) (Entered: 07/25/2008)
07/25/2008	<u>5</u>	<input type="checkbox"/> 52.1 KB	NOTICE by Jeffrey Epstein, [REDACTED] <i>Notice of Related Actions</i> (Tein, Michael) (Entered: 07/25/2008)
07/25/2008	6		Sealed Document. (igo) UNSEALED see DE <u>32</u> Modified on 1/7/2009 (ra1). (Entered: 07/25/2008)
07/25/2008	7		Sealed Document. (igo) UNSEALED see DE <u>33</u> Modified on 1/7/2009 (ra1). (Entered: 07/25/2008)
07/25/2008	<u>32</u>	<input type="checkbox"/> 93.1 KB	UNSEALED MOTION to File Under Seal by Jeffrey Epstein, [REDACTED] [REDACTED]. (previously filed as 6 sealed document) (ra1) (Entered: 01/07/2009)
07/25/2008	<u>33</u>	<input type="checkbox"/> 1.6 MB	UNSEALED MOTION to Stay by Jeffrey Epstein, [REDACTED] [REDACTED]. (previously filed as 7 sealed document)(ra1) (Entered: 01/07/2009)
07/29/2008	<u>8</u>	<input type="checkbox"/> 92.1 KB	ORDER denying without prejudice <u>4</u> Motion for Extension of Time to Respond to Complaint. Signed by Judge William J. Zloch on 7/28/2008. (bc) (Entered: 07/29/2008)
07/30/2008	<u>9</u>	<input type="checkbox"/> 94.6 KB	MOTION for Extension of Time to File Answer <i>Defendants' Renewed Motion for Enlargement of Time to Answer or Otherwise Respond to Complaint</i> by Jeffrey Epstein, [REDACTED] [REDACTED]. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Tein, Michael) (Entered: 07/30/2008)
07/30/2008	10		PAPERLESS ORDER denying <u>3</u> Motion for Hearing. Signed by Judge

			William J. Zloch on 7/30/2008. (bc) (Entered: 07/30/2008)
08/06/2008	<u>11</u>		PAPERLESS ORDER granting <u>9</u> Motion for Extension of Time to Respond to Complaint. Signed by Judge William J. Zloch on 8/6/2008. (bc) (Entered: 08/06/2008)
08/07/2008	<u>12</u>	<input type="checkbox"/> 17.7 KB	MOTION to Reassign Case <i>TO JUDGE KENNETH MARRA</i> by [REDACTED]. (Willits, Richard) (Entered: 08/07/2008)
08/07/2008	<u>13</u>	<input type="checkbox"/> 34.1 KB	MEMORANDUM in Opposition re 6 Sealed Document, 7 Sealed Document <i>TO MOTION TO STAY</i> filed by [REDACTED]. (Willits, Richard) (Entered: 08/07/2008)
08/14/2008	<u>14</u>		PAPERLESS ORDER denying <u>12</u> Motion to Reassign Case. Signed by Judge William J. Zloch on 8/14/2008. (bc) (Entered: 08/14/2008)
08/18/2008	<u>15</u>	<input type="checkbox"/> 92.0 KB	MOTION for Extension of Time to File Reply <i>Defendants' Motion for An Enlargement of Time to File Reply Under Seal Because of Tropical Storm Fay</i> by Jeffrey Epstein, [REDACTED] [REDACTED]. (Attachments: # <u>1</u> Text of Proposed Order)(Tein, Michael) (Entered: 08/18/2008)
08/18/2008	<u>16</u>	<input type="checkbox"/> 40.2 KB	SCHEDULING REPORT- Rule 26(f). (Tein, Michael) (Entered: 08/18/2008)
08/20/2008	<u>17</u>		Sealed Document. (rb) UNSEALED see DE <u>34</u> Modified on 1/7/2009 (ra1). (Entered: 08/20/2008)
08/20/2008	<u>34</u>	<input type="checkbox"/> 0.5 MB	UNSEALED REPLY in Support of <u>33</u> MOTION to Stay filed by Jeffrey Epstein, [REDACTED] [REDACTED]. (previously filed as 17 sealed document) (ra1) (Entered: 01/07/2009)
08/25/2008	<u>18</u>		PAPERLESS ORDER granting <u>15</u> Motion for Extension of Time to Respond. Signed by Judge William J. Zloch on 8/25/2008. (bc) (Entered: 08/25/2008)
08/27/2008	<u>19</u>	<input type="checkbox"/> 143.3 KB	NOTICE by Jeffrey Epstein <i>Notice of Appearance</i> (Pike, Michael) (Entered: 08/27/2008)
08/28/2008			Clerks Notice of Docket Correction and Instruction to Filer re <u>19</u> Notice (Other) filed by Jeffrey Epstein. Error - Wrong Event Selected ; Correction - Redocketed by Clerk as NOTICE of Attorney Appearance. Instruction to Filer - In the future, please select the proper event. It is not necessary to refile this document. (ail) (Entered: 08/28/2008)
08/28/2008	<u>20</u>		NOTICE of Attorney Appearance by Michael James Pike, Robert Dewese Critton, Jr on behalf of Jeffrey Epstein. Redocketed SEE Image <u>19</u> (ail) (Entered: 08/28/2008)
09/03/2008	<u>21</u>	<input type="checkbox"/>	ORDER REASSIGNING CASE. Case reassigned to Judge Kenneth A. Marra for all further proceedings. Judge William J. Zloch no longer

		50.8 KB	assigned to case. Signed by Judge William J. Zloch on 8/29/2008. (tb) (Entered: 09/03/2008)
09/06/2008	<u>22</u>	<input type="checkbox"/> 16.5 KB	MOTION to Preserve Evidence by [REDACTED]. (Willits, Richard) (Entered: 09/06/2008)
09/06/2008	<u>23</u>		MOTION to Expedite certain discovery by [REDACTED]. (see image <u>22</u>) (tb) (Entered: 09/09/2008)
09/09/2008			Clerks Notice of Docket Correction and Instruction to Filer re <u>22</u> MOTION to Preserve Evidence filed by [REDACTED]. Error - Motion with Multiple Reliefs Filed as One Relief ; Correction - Additional relief(s) <u>23</u> docketed by Clerk. Instructions to filer - In the future, please select all applicable reliefs. It is not necessary to refile this document. (tb) (Entered: 09/09/2008)
09/15/2008	<u>24</u>	<input type="checkbox"/> 60.4 KB	ORDER denying in part <u>22</u> Motion to Preserve Evidence; granting in part <u>23</u> Motion to Expedite. Signed by Judge Kenneth A. Marra on 9/14/08. (ir) (Entered: 09/15/2008)
12/01/2008	<u>25</u>	<input type="checkbox"/> 32.4 KB	NOTICE of Attorney Appearance by Jack Patrick Hill on behalf of [REDACTED]. (Hill, Jack) (Entered: 12/01/2008)
12/10/2008	<u>26</u>	<input type="checkbox"/> 82.5 KB	ORDER SETTING TRIAL DATE & Discovery Deadlines; ORDER REFERRING CASE to Mediation, ORDER REFERRING CASE to Magistrate Judge Linnea R. Johnson for Discovery Proceedings: (Jury Trial set for 12/14/2009 in West Palm Beach Division before Judge Kenneth A. Marra., Calendar Call set for 12/11/2009 10:00 AM in West Palm Beach Division before Judge Kenneth A. Marra., Amended Pleadings/Add Parties due by 12/1/2008., Discovery due by 5/28/2009., Substantive Pretrial Motions due by 7/30/2009.),. **Please see Order for further details** Signed by Judge Kenneth A. Marra on 12/10/2008. (gp) (Entered: 12/11/2008)
12/17/2008	<u>27</u>	<input type="checkbox"/> 67.9 KB	ORDER DENYING MOTION TO SEAL re 6 Sealed Document, 17 Sealed Document, 7 Sealed Document. The clerk shall unseal docket entries 6, 7 and 17 and make them available for public inspection through CM/ECF at the earliest possible time. Signed by Judge Kenneth A. Marra on 12/16/2008. (ir) (Entered: 12/17/2008)
12/17/2008	<u>28</u>	<input type="checkbox"/> 77.0 KB	ORDER DENYING MOTION TO STAY 6 Sealed Document, 7 Sealed Document. Per this Court's Order DE <u>27</u> the Clerk shall unseal and terminate these pending documents. Signed by Judge Kenneth A. Marra on 12/16/2008. (ir) (Entered: 12/17/2008)
12/19/2008	<u>29</u>	<input type="checkbox"/> 360.1 KB	Defendant's MOTION for Extension of Time to File Response to <i>Complaint</i> by Jeffrey Epstein. (Critton, Robert) (Entered: 12/19/2008)

12/19/2008	30		ENDORSED ORDER granting <u>29</u> Motion for Extension of Time to Answer Complaint. Jeffrey Epstein response due 1/7/2009. Signed by Judge Kenneth A. Marra on 12/19/2008. (ir) (Entered: 12/19/2008)
12/30/2008	<u>31</u>	<input type="checkbox"/> 70.7 KB	NOTICE by Jeffrey Epstein of <i>Withdrawal as Co-Counsel</i> (Tein, Michael) (Entered: 12/30/2008)
01/07/2009	<u>35</u>	<input type="checkbox"/> 0.8 MB	Defendant's MOTION to Dismiss <u>1</u> Notice of Removal <i>Complaint for Failure to State a Cause of Action</i> by Jeffrey Epstein. Responses due by 1/26/2009 (Critton, Robert) (Entered: 01/07/2009)
01/22/2009	<u>36</u>	<input type="checkbox"/> 19.0 KB	MOTION for Extension of Time to File Response as to <u>35</u> Defendant's MOTION to Dismiss <u>1</u> Notice of Removal <i>Complaint for Failure to State a Cause of Action</i> by [REDACTED].. (Hill, Jack) (Entered: 01/22/2009)
01/23/2009	37		ENDORSED ORDER granting <u>36</u> Motion for Extension of Time to Respond re <u>35</u> Defendant's MOTION to Dismiss <u>1</u> Notice of Removal <i>Complaint for Failure to State a Cause of Action</i> . Amended Complaint due by 2/9/2009. Signed by Judge Kenneth A. Marra on 1/22/2009. (ir) (Entered: 01/23/2009)
02/05/2009	<u>38</u>	<input type="checkbox"/> 324.0 KB	MOTION for Entry of an Amended Scheduling Order re <u>26</u> Scheduling Order,,, Order Referring Case to Mediation,,, Order Referring Case to Magistrate Judge,, by [REDACTED].. (Attachments: # <u>1</u> Exhibit Proposed Amended Order Setting Trial Date)(Hill, Jack) (Entered: 02/05/2009)
02/09/2009	<u>39</u>	<input type="checkbox"/> 4.0 MB	AMENDED COMPLAINT, filed by [REDACTED]..(Hill, Jack) (Entered: 02/09/2009)
02/09/2009	<u>40</u>	<input type="checkbox"/> 4.0 MB	AMENDED COMPLAINT, filed by [REDACTED]..(Hill, Jack) (Entered: 02/09/2009)
02/10/2009	<u>41</u>	<input type="checkbox"/> 55.6 KB	ORDER denying as moot <u>35</u> Motion to Dismiss Complaint. Signed by Judge Kenneth A. Marra on 2/10/2009. (ir) (Entered: 02/10/2009)
02/10/2009	<u>42</u>	<input type="checkbox"/> 150.6 KB	Plaintiff's MOTION for Extension of Time to File <i>Selection of Mediator</i> by [REDACTED].. (Hill, Jack) (Entered: 02/10/2009)
02/10/2009	<u>43</u>	<input type="checkbox"/> 182.4 KB	ORDER granting <u>38</u> Motion for entry of an Amended Scheduling Order. Signed by Judge Kenneth A. Marra on 2/10/2009. (ir) (Entered: 02/10/2009)
02/10/2009			Reset Scheduling Order Deadlines: Calendar Call set for 2/19/2010 10:00 AM in West Palm Beach Division before Judge Kenneth A. Marra. Jury Trial set for 2/22/2010 09:00 AM in West Palm Beach Division before Judge Kenneth A. Marra. Amended Pleadings due by 3/16/2009. Discovery due by 8/28/2009. Expert Discovery due by 6/29/2009. Joinder of Parties due by 3/16/2009. Dispositive Motions due by 10/15/2009. (ir)

			(Entered: 02/10/2009)
02/11/2009	44		ENDORSED ORDER denying as moot <u>42</u> Motion for Extension of Deadline for parties to select mediator. Amended scheduling order entered on 2/10/09. Signed by Judge Kenneth A. Marra on 2/11/2009. (ir) (Entered: 02/11/2009)
02/17/2009	<u>45</u>	<input type="checkbox"/> 420.3 KB	Defendant's MOTION for Extension of Time to File Response as to <u>40</u> Amended Complaint <i>with proposed Agred Order</i> by Jeffrey Epstein. (Critton, Robert) (Entered: 02/17/2009)
02/17/2009	<u>46</u>	<input type="checkbox"/> 31.4 KB	ORDER granting <u>45</u> Motion for Extension of Time to Answer First Amended Complaint. Jeffrey Epstein response due 3/12/2009. Signed by Judge Kenneth A. Marra on 2/17/2009. (ir) (Entered: 02/17/2009)
03/12/2009	<u>47</u>	<input type="checkbox"/> 2.8 MB	Defendant's MOTION to Dismiss <u>40</u> Amended Complaint (<i>First</i>) by Jeffrey Epstein. Responses due by 3/30/2009 (Pike, Michael) (Entered: 03/12/2009)
03/12/2009	<u>48</u>	<input type="checkbox"/> 53.9 KB	NOTICE of Cancelling Deposition (ail) (Entered: 03/13/2009)
03/16/2009	<u>49</u>	<input type="checkbox"/> 483.1 KB	Defendant's MOTION for Extension of Time to File <i>Motion to Compel Answers to Interrogs and Production of Documents w/ Proposed Order</i> by Jeffrey Epstein. (Critton, Robert) (Entered: 03/16/2009)
03/19/2009	<u>50</u>	<input type="checkbox"/> 40.1 KB	ORDER Granting <u>49</u> Motion for Extension of Time to File Motions to Compel Answers to Interrogatories and Production of Documents directed to Plaintiff. Defendant shall file Motions on or before 4/6/09. Signed by Magistrate Judge Linnea R. Johnson on 3/19/2009. (sa) (Entered: 03/19/2009)
03/24/2009	<u>51</u>	<input type="checkbox"/> 2.9 MB	Defendant's MOTION to Stay re <u>40</u> Amended Complaint <i>and or Continue Action</i> by Jeffrey Epstein. Responses due by 4/10/2009 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Pike, Michael) (Entered: 03/24/2009)
03/25/2009	<u>52</u>	<input type="checkbox"/> 0.9 MB	Plaintiff's MOTION for Extension of Time to File Response as to <u>47</u> Defendant's MOTION to Dismiss <u>40</u> Amended Complaint (<i>First</i>) by [REDACTED]. (Hill, Jack) (Entered: 03/25/2009)
03/26/2009	53		ENDORSED ORDER granting <u>52</u> Motion for Extension of Time to Respond re <u>47</u> Defendant's MOTION to Dismiss <u>40</u> Amended Complaint (<i>First</i>). Responses due by 4/13/2009. Signed by Judge Kenneth A. Marra on 3/26/2009. (ir) (Entered: 03/26/2009)
04/02/2009	<u>54</u>	<input type="checkbox"/> 2.6 MB	Defendant's MOTION to Compel <i>Response to 1st RTP and 1st Interrogs</i> by Jeffrey Epstein. Responses due by 4/20/2009 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Critton, Robert) (Entered: 04/02/2009)

			04/02/2009)
04/09/2009	<u>55</u>	<input type="checkbox"/> 471.6 KB	Plaintiff's MOTION for Extension of Time to File Response as to <u>51</u> Defendant's MOTION to Stay re <u>40</u> Amended Complaint <i>and or Continue Action</i> by [REDACTED]. (Hill, Jack) (Entered: 04/09/2009)
04/10/2009	<u>56</u>		ENDORSED ORDER granting <u>55</u> Motion for Extension of Time to Respond re <u>51</u> Defendant's MOTION to Stay re <u>40</u> Amended Complaint <i>and or Continue Action</i> . Responses due by 4/24/2009. Signed by Judge Kenneth A. Marra on 4/10/2009. (ir) (Entered: 04/10/2009)
04/13/2009	<u>57</u>	<input type="checkbox"/> 168.2 KB	NOTICE of Mediator Selection: Mark Buckstein selected.(Hill, Jack) (Entered: 04/13/2009)
04/13/2009	<u>58</u>	<input type="checkbox"/> 1.8 MB	RESPONSE to Motion re <u>47</u> Defendant's MOTION to Dismiss <u>40</u> Amended Complaint (<i>First</i>) filed by [REDACTED]. Replies due by 4/23/2009. (Hill, Jack) (Entered: 04/13/2009)
04/14/2009	<u>59</u>	<input type="checkbox"/> 206.8 KB	NOTICE by [REDACTED] of Filing Correction to Page Four of Plaintiff's Memorandum of Law in Response to Defendant, Jeffrey Epstein's Motion to Dismiss First Amended Complaint for Failure to State a Cause of Action, and Motion for More Definite Statement; Motion to Strike, and Supporting Memorandum of Law filed on April 13, 2009 (Hill, Jack) (Entered: 04/14/2009)
04/17/2009	<u>60</u>	<input type="checkbox"/> 158.6 KB	Defendant's MOTION for Extension of Time to File Reply as to <u>58</u> Response to Motion by Jeffrey Epstein. (Pike, Michael) (Entered: 04/17/2009)
04/20/2009	<u>61</u>		ENDORSED ORDER granting <u>60</u> Motion for Extension of Time to Reply re <u>47</u> Defendant's MOTION to Dismiss <u>40</u> Amended Complaint (<i>First</i>). Replies due by 5/8/2009. Signed by Judge Kenneth A. Marra on 4/20/2009. (ir) (Entered: 04/20/2009)
04/20/2009	<u>62</u>	<input type="checkbox"/> 1.2 MB	RESPONSE in Opposition re <u>54</u> Defendant's MOTION to Compel Response to 1st RTP and 1st Interrogs filed by [REDACTED]. (Hill, Jack) (Entered: 04/20/2009)
04/22/2009	<u>63</u>	<input type="checkbox"/> 337.0 KB	MOTION for Leave to File Jane Doe's No. 101's Motion For Leave to File Brief as Amicus Curiae in Support of Plaintiff's Response in Opposition to Defendant Jeffrey Epstein's Motion to Dismiss and Certification of Having Conferred Pursuant to S.D.Fla.L.R. 7.1.A.3 by Jane Doe No. 101. (Attachments: # <u>1</u> Text of Proposed Order)(Josefsberg, Robert) (Entered: 04/22/2009)
04/24/2009	<u>64</u>	<input type="checkbox"/> 2.5 MB	RESPONSE in Opposition re <u>51</u> Defendant's MOTION to Stay re <u>40</u> Amended Complaint <i>and or Continue Action</i> filed by [REDACTED]. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Hill, Jack) (Entered: 04/24/2009)

04/27/2009	<u>65</u>	<input type="checkbox"/> 189.2 KB	Defendant's MOTION for Leave to File Excess Pages <i>in his Reply to Plaintiff's Memo in Response to Motion to Dismiss</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 04/27/2009)
04/27/2009	<u>66</u>		ENDORSED ORDER granting <u>65</u> Motion for Leave to File Excess Pages. Reply may exceed 10 pages. Signed by Judge Kenneth A. Marra on 4/27/2009. (ir) (Entered: 04/27/2009)
04/28/2009	<u>68</u>	<input type="checkbox"/> 60.2 KB	ORDER TO SHOW CAUSE why cases should not be consolidated for discovery purposes Show Cause Response due by 5/5/2009.. Signed by Judge Kenneth A. Marra on 4/28/2009. (cqs) (Entered: 04/29/2009)
04/29/2009	<u>67</u>	<input type="checkbox"/> 1.2 MB	Defendant's MOTION to Compel <i>and/or Identify</i> ██████ <i>in the Style of This Case and Motion to Identify</i> ██████ <i>in Third Party Subpoenas for Purposes of Discovery, or Alternatively, Motion to Dismiss Sua Sponte, with Incorporated Memorandum of Law</i> by Jeffrey Epstein. Responses due by 5/18/2009 (Attachments: # <u>1</u> Motion to Compel and or Identify, # <u>2</u> Motion to Compel and or Identify)(Pike, Michael) (Entered: 04/29/2009)
04/29/2009	<u>69</u>	<input type="checkbox"/> 150.3 KB	Defendant's MOTION for Extension of Time to File Reply to Plaintiff's Memorandum in Opposition to Defendant, Jeffrey Epstein's Motion to Stay and or Continue Action for Time Certain Based on Parallel Civil and Criminal Proceedings by Jeffrey Epstein. (Pike, Michael) (Entered: 04/29/2009)
04/30/2009	<u>70</u>	<input type="checkbox"/> 1.3 MB	REPLY to Response to Motion re <u>54</u> Defendant's MOTION to Compel <i>Response to 1st RTP and 1st Interrogs, and to Overrule Objections, and for an Award of Defendant's Reasonable Expenses</i> filed by Jeffrey Epstein. (Attachments: # <u>1</u> Exhibit A to Defendant Epstein's Reply to Response in Opposition to Motion to Compel, # <u>2</u> Exhibit A-1 to Def. Epstein's Reply)(Pike, Michael) (Entered: 04/30/2009)
05/04/2009	<u>71</u>		ENDORSED ORDER granting <u>69</u> Motion for Extension of Time to Reply re <u>51</u> Defendant's MOTION to Stay re <u>40</u> Amended Complaint <i>and or Continue Action</i> . Replies due by 5/11/2009. Signed by Judge Kenneth A. Marra on 5/4/2009. (ir) (Entered: 05/04/2009)
05/04/2009	<u>72</u>	<input type="checkbox"/> 265.1 KB	RESPONSE TO ORDER TO SHOW CAUSE by ██████. (Hill, Jack) (Entered: 05/04/2009)
05/04/2009	<u>73</u>	<input type="checkbox"/> 278.6 KB	MEMORANDUM in Opposition re <u>68</u> Order to Show Cause by Jeffrey Epstein. (Pike, Michael) (Entered: 05/04/2009)
05/04/2009	<u>74</u>		MOTION for clarification <u>68</u> Order to Show Cause by Jeffrey Epstein. Responses due by 5/21/2009. See image DE <u>73</u> (lk) Modified link on 5/5/2009 (lk). (Entered: 05/05/2009)
05/05/2009	<u>75</u>		Clerks Notice of Docket Correction and Instruction to Filer re <u>73</u>

			Memorandum in Opposition filed by Jeffrey Epstein. Error - Two or More Document Events Filed as One ; Correction - Additional event(s) 74 MOTION FOR CLARIFICATION docketed by Clerk. Instruction to Filer - In the future, please select all applicable events, UNDER MOTIONS. It is not necessary to refile this document. (lk) (Entered: 05/05/2009)
05/05/2009	<u>76</u>	<input type="checkbox"/> 145.3 KB	Defendant's MOTION for Extension of Time to File Reply as to <u>64</u> Response in Opposition to Motion by Jeffrey Epstein. (Critton, Robert) (Entered: 05/05/2009)
05/06/2009	<u>77</u>		ENDORSED ORDER granting <u>76</u> Motion for Extension of Time to Reply re <u>51</u> Defendant's MOTION to Stay re <u>40</u> Amended Complaint <i>and or Continue Action</i> . Replies due by 5/15/2009. Signed by Judge Kenneth A. Marra on 5/5/2009. (ir) (Entered: 05/06/2009)
05/08/2009	<u>78</u>	<input type="checkbox"/> 1.5 MB	REPLY to Response to Motion re <u>47</u> Defendant's MOTION to Dismiss <u>40</u> Amended Complaint (<i>First</i>) filed by Jeffrey Epstein. (Critton, Robert) (Entered: 05/08/2009)
05/08/2009	<u>79</u>	<input type="checkbox"/> 180.4 KB	Defendant's MOTION for Extension of Time to File Response as to <u>63</u> MOTION for Leave to File <i>Jane Doe's No. 101's Motion For Leave to File Brief as Amicus Curiae in Support of Plaintiff's Response in Opposition to Defendant Jeffrey Epstein's Motion to Dismiss and Certification of Having Conferre by Jeffrey Epstein.</i> (Pike, Michael) (Entered: 05/08/2009)
05/11/2009	<u>80</u>		ENDORSED ORDER granting <u>79</u> Motion for Extension of Time to Respond re <u>63</u> MOTION for Leave to File <i>Jane Doe's No. 101's Motion For Leave to File Brief as Amicus Curiae in Support of Plaintiff's Response in Opposition to Defendant Jeffrey Epstein's Motion to Dismiss and Certification of Having Conferre.</i> Responses due by 5/15/2009. Signed by Judge Kenneth A. Marra on 5/11/2009. (ir) (Entered: 05/11/2009)
05/13/2009	<u>81</u>	<input type="checkbox"/> 383.3 KB	RESPONSE/REPLY to <u>64</u> Response in Opposition to Motion <i>to Stay and/or Continue Action</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 05/13/2009)
05/14/2009			Cases associated. (dg) (Entered: 05/14/2009)
05/14/2009	<u>82</u>	<input type="checkbox"/> 106.5 KB	ORDER CONSOLIDATING CASES. Hereinafter all motions and other court filings that relate to discovery and all procedural motions that relate to multiple cases shall be styled with all of the case names and numbers and shall be filed in Case No. 08-80119-CIV-MARRA. Signed by Judge Kenneth A. Marra on 5/14/2009. Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/14/2009	<u>83</u>		ORDER REQUESTING UNITED STATES PROVIDE POSITION TO

		<input type="checkbox"/> 1.3 MB	MOTION TO STAY. Signed by Judge Kenneth A. Marra on 5/14/2009. (Attachments: # <u>1</u> Appendix Motion to Stay DE 51) Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/14/2009	<u>84</u>		ORDER denying as moot 74 Motion for Clarification. See Order consolidating cases.. Signed by Judge Kenneth A. Marra on 5/14/2009. (lc3) (Entered: 05/14/2009)
05/14/2009	<u>85</u>		ORDER terminating <u>51</u> Motion to Stay; terminating <u>67</u> Motion to Compel. See Order consolidating cases. See procedural motions pending: DE 65 and DE 91 in 08-80119.. Signed by Judge Kenneth A. Marra on 5/14/2009. (lc3) (Entered: 05/14/2009)
05/15/2009	<u>86</u>	<input type="checkbox"/> 0.6 MB	Plaintiff's MOTION for Extension of Time to File Response to Defendant's Motion to Identify ██████, in Third-Party Subpoenas for Purposes of Discovery, or Alternatively, Motion to Dismiss Sua Sponte, With Incorporated Memorandum of Law by ██████. Associated Cases: 9:08-cv-80119-KAM, 9:08-cv-80811-KAM(Hill, Jack) (Entered: 05/15/2009)
05/15/2009	<u>87</u>	<input type="checkbox"/> 357.7 KB	RESPONSE in Opposition re <u>63</u> MOTION for Leave to File <i>Jane Doe's No. 101's Motion For Leave to File Brief as Amicus Curiae in Support of Plaintiff's Response in Opposition to Defendant Jeffrey Epstein's Motion to Dismiss and Certification of Having Conferre filed by Jeffrey Epstein. (Pike, Michael)</i> (Entered: 05/15/2009)
05/18/2009	<u>88</u>		ORDER terminating <u>86</u> Motion for Extension of Time to Respond. Filing motion in 08-80119 is sufficient, as the underlying motion to compel identity is pending in 08-80119 for all the cases.. Signed by Judge Kenneth A. Marra on 5/18/2009. (lc3) (Entered: 05/18/2009)
05/18/2009	<u>89</u>	<input type="checkbox"/> 0.6 MB	Plaintiff's MOTION to Strike <u>78</u> Reply to Response to Motion to Dismiss First Amended Complaint by ██████. Responses due by 6/5/2009 (Hill, Jack) (Entered: 05/18/2009)
05/19/2009	<u>90</u>	<input type="checkbox"/> 0.8 MB	Defendant's MOTION to Strike Cases from Current Trial Docket by Jeffrey Epstein. Responses due by 6/8/2009 (Attachments: # <u>1</u> Exhibit A) Associated Cases: 9:08-cv-80119-KAM et al.(Pike, Michael) (Entered: 05/19/2009)
05/19/2009	<u>91</u>	<input type="checkbox"/> 56.7 KB	MOTION for Leave to Withdraw as Co-Counsel by Jeffrey Epstein. (Attachments: # <u>1</u> Text of Proposed Order)(Tein, Michael) Event Modified on 5/20/2009 (ail). (Entered: 05/19/2009)
05/20/2009	<u>92</u>		ORDER terminating (93) Motion to Strike ; terminating (94) Motion in case 9:08-cv-80232-KAM; terminating (110) Motion to Strike ; terminating (111) Motion in case 9:08-cv-80380-KAM; terminating (95) Motion to Strike ; terminating (96) Motion in case 9:08-cv-80381-KAM; terminating (90) Motion to Strike ; terminating (91) Motion in case 9:08-

			cv-80811-KAM; terminating (62) Motion to Strike in case 9:08-cv-80893-KAM; terminating (62) Motion to Strike in case 9:08-cv-80993-KAM; terminating (50) Motion to Strike in case 9:08-cv-80994-KAM. Signed by Judge Kenneth A. Marra on 5/20/2009. (lc3) (Entered: 05/20/2009)
05/20/2009	<u>93</u>	<input type="checkbox"/> 363.1 KB	NOTICE by ██████ of <i>Filing Withdrawal of Previously Raised Objections to Defendant, Jeffrey Epstein's Motion to Compel And/Or Identify ██████ in the Style of This Case and Motion to Identify ██████ in Third-Party Subpoenas for Purposes of Discovery, Or, Alternatively, Motion to Dismiss Sua Sponte, With Incorporated Memorandum of Law</i> Associated Cases: 9:08-cv-80119-KAM et al.(Hill, Jack) (Entered: 05/20/2009)
05/20/2009	<u>94</u>	<input type="checkbox"/> 191.3 KB	RESPONSE in Opposition re <u>89</u> Plaintiff's MOTION to Strike <u>78</u> Reply to Response to Motion to Dismiss First Amended Complaint for Failure to State a Cause of Action filed by Jeffrey Epstein. (Critton, Robert) (Entered: 05/20/2009)
05/20/2009	<u>95</u>		Clerks Notice of Docket Correction and Instruction to Filer re <u>91</u> MOTION <i>Motion for Leave to Withdraw as Co-Counsel</i> filed by Jeffrey Epstein. The Filer selected the wrong motion relief when docketing the Motion. The correction was made by the Clerk. It is not necessary to refile this document but future motions filed must include all applicable relief events. (ail) (Entered: 05/20/2009)
05/20/2009	<u>96</u>		ORDER STRIKING in all Epstein cases EXCEPT case no. 08-80119: Notice by ██████ of Filing Withdrawal of Previously Raised Objections to Epstein's Motion to Compel and/or Identify. This Notice should only be filed in 08-80119, not in all of the Epstein cases.. Signed by Judge Kenneth A. Marra on 5/20/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/20/2009)
05/21/2009	<u>97</u>	<input type="checkbox"/> 361.9 KB	RESPONSE/REPLY <i>Jane Doe No. 101's Reply to Defendant's Response in Opposition to Jane Doe No. 101's Motion for Leave to File Brief as Amicus Curiae in Support of Plaintiff's Reponse In Opposition to Defendant Jeffrey Epstein's Motion to Dismiss</i> by Jane Doe No. 101. (Ezell, Katherine) (Entered: 05/21/2009)
05/21/2009	<u>98</u>	<input type="checkbox"/> 269.2 KB	RESPONSE/REPLY to <u>89</u> Plaintiff's MOTION to Strike <u>78</u> Reply to Response to Motion to Dismiss First Amended Complaint Plaintiffs <i>Jane Doe No. 101 and Jane Doe No. 102's Response in Support of Plaintiff ██████'s Motion to File Surreply to Defendant's Reply to Plaintiff's Memorandum in Response to Defendant's Motion to Dismiss First Amended Complaint For Failure to State a Cause of Action and Motion for More Definite Statement</i> by Jane Doe No. 101. (Ezell, Katherine) (Entered: 05/21/2009)
05/27/2009	<u>99</u>		NOTICE by Jane Doe re (111 in 9:08-cv-80119-KAM) Plaintiff's

		<input type="checkbox"/>	MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> (Attachments: # <u>1</u> Text of Proposed Order) Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 05/27/2009)
05/28/2009	100	<input type="checkbox"/>	ORDER STRIKING Notice by Jane Doe in all Epstein cases EXCEPT in case 08-80119. This Notice should only be filed in 08-80119, not in all of the Epstein cases... Signed by Judge Kenneth A. Marra on 5/28/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/28/2009)
05/28/2009	101	<input type="checkbox"/>	ORDER denying <u>63</u> Motion for Leave to File Brief; denying <u>89</u> Motion to Strike. Signed by Judge Kenneth A. Marra on 5/28/2009. (ir) (Entered: 05/28/2009)
05/29/2009	102	<input type="checkbox"/>	NOTICE of Attorney Appearance by [REDACTED] on behalf of United States of America Associated Cases: 9:08-cv-80119-KAM et al. ([REDACTED], [REDACTED]) (Entered: 05/29/2009)
05/29/2009	103	<input type="checkbox"/>	RESPONSE to Motion re (72 in 9:08-cv-80380-KAM) Defendant's MOTION to Stay re (62) Amended Complaint, (57 in 9:08-cv-80232-KAM) Defendant's MOTION to Stay re (50) Amended Complaint, (24 in 9:08-cv-80893-KAM) Defendant's MOTION to Stay re (1) Complaint, (23 in 9:08-cv-80994-KAM) Defendant's MOTION to Stay re (18) Amended Complaint, (22 in 9:08-cv-80993-KAM) Defendant's MOTION to Stay re (19) Amended Complaint, (65 in 9:08-cv-80119-KAM) Defendant's MOTION to Stay re (56) Amended Complaint, (68 in 9:08-cv-80381-KAM) Defendant's MOTION to Stay re (60) Amended Complaint, (51 in 9:08-cv-80811-KAM) Defendant's MOTION to Stay re (40) Amended Complaint <i>and or Continue Action Filed Pursuant to Court's Order Requesting Government's Position</i> filed by United States of America. Replies due by 6/8/2009. Associated Cases: 9:08-cv-80119-KAM et al. ([REDACTED], [REDACTED]) (Entered: 05/29/2009)
05/29/2009	104	<input type="checkbox"/>	Defendant's MOTION to Strike <u>98</u> Response/Reply (Other), Response/Reply (Other), Response/Reply (Other) by Jeffrey Epstein. Responses due by 6/15/2009 (Pike, Michael) (Entered: 05/29/2009)
05/29/2009	105	<input type="checkbox"/>	RESPONSE in Opposition re (90 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identify Doe in Style of Case and in Third-Party Subpoenas</i> , (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> filed by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)

05/29/2009	106		ORDER STRIKING (124 in 9:08-cv-80119-KAM, 105 in 9:08-cv-80811-KAM, 74 in 9:08-cv-80993-KAM, 72 in 9:08-cv-80893-KAM, 106 in 9:08-cv-80232-KAM, 123 in 9:08-cv-80380-KAM, 35 in 9:09-cv-80591-KAM, 25 in 9:09-cv-80469-KAM, 60 in 9:08-cv-80994-KAM, 22 in 9:09-cv-80656-KAM, 107 in 9:08-cv-80381-KAM) Response in Opposition to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 DO NOT FILE IN EVERY EPSTEIN CASE. SEE ORDER CONSOLIDATING CASES.. Signed by Judge Kenneth A. Marra on 5/29/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/29/2009)
05/29/2009	107	<input type="checkbox"/> 24.5 KB	MOTION for Leave to File <i>UNDER SEAL RESPONSE IN OPPOSITION TO DEFENDANTS MOTION TO STAY OR, IN THE ALTERNATIVE, TO UNSEAL THE NONPROSECUTION AGREEMENT</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)
05/29/2009	108	<input type="checkbox"/> 19.5 KB	MOTION for Hearing <i>MOTION TO RESCHEDULE HEARING</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Josefsberg, Robert) (Entered: 05/29/2009)
06/01/2009	109		ORDER STRIKING (28 in 9:09-cv-80469-KAM, 126 in 9:08-cv-80380-KAM, 109 in 9:08-cv-80232-KAM, 25 in 9:09-cv-80656-KAM, 77 in 9:08-cv-80993-KAM, 38 in 9:09-cv-80591-KAM, 110 in 9:08-cv-80381-KAM, 63 in 9:08-cv-80994-KAM, 75 in 9:08-cv-80893-KAM, 108 in 9:08-cv-80811-KAM) Motion to Continue Hearing filed by Jane Doe No. 102, Jane Doe No. 101, (76 in 9:08-cv-80993-KAM, 109 in 9:08-cv-80381-KAM, 108 in 9:08-cv-80232-KAM, 62 in 9:08-cv-80994-KAM, 125 in 9:08-cv-80380-KAM, 74 in 9:08-cv-80893-KAM, 24 in 9:09-cv-80656-KAM, 37 in 9:09-cv-80591-KAM, 107 in 9:08-cv-80811-KAM, 27 in 9:09-cv-80469-KAM) Motion for Leave to File, filed by Jane Doe No. 102, Jane Doe No. 101. THESE DOCUMENTS SHOULD BE FILED ONLY IN 08-80119. SEE CASE MANAGEMENT ORDER.. Signed by Judge Kenneth A. Marra on 6/1/2009. (lc3) (Entered: 06/01/2009)
06/01/2009	110		ENDORSED ORDER denying as moot <u>104</u> Motion to Strike. See DE <u>101</u> denying motion to strike or to file sur-reply. Signed by Judge Kenneth A. Marra on 5/29/2009. (ir) (Entered: 06/01/2009)
06/04/2009	111	<input type="checkbox"/> 349.0 KB	REPLY to Response to Motion re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION <i>Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Reply to Defendant Jeffrey Epstein's Response to Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Motion for a No-Contact Order</i> filed by Jane Doe No. 101, Jane Doe No. 102. Associated Cases: 9:08-cv-80119-KAM et al. (Ezell, Katherine) (Entered: 06/04/2009)
06/04/2009	112		ORDER STRIKING (112 in 9:08-cv-80381-KAM, 111 in 9:08-cv-80232-KAM, 136 in 9:08-cv-80119-KAM, 111 in 9:08-cv-80811-KAM, 128 in

			9:08-cv-80380-KAM, 65 in 9:08-cv-80994-KAM, 79 in 9:08-cv-80893-KAM, 42 in 9:09-cv-80591-KAM, 27 in 9:09-cv-80656-KAM, 32 in 9:09-cv-80469-KAM, 79 in 9:08-cv-80993-KAM) Reply to Response to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 Document stricken for failure to follow Court's orders. DO NOT FILE A DOCUMENT IN EVERY EPSTEIN CASE if it is to be filed only in 08-80119. See Case Management Order and contact CM/ECF Support for assistance in proper filing.. Signed by Judge Kenneth A. Marra on 6/4/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 06/04/2009)
06/05/2009	<u>113</u>	<input type="checkbox"/> 295.8 KB	NOTICE by [REDACTED] of Filing Conditional Notice of Intent to Exclusively Rely on Statutory Damages Provided by 18 U.S.C. 2255 (Hill, Jack) (Entered: 06/05/2009)
06/05/2009	<u>114</u>	<input type="checkbox"/> 0.6 MB	Plaintiff's MOTION for Protective Order Regarding Treatment Records From Parent-Child Center, Inc. and Dr. Serge Thys and Incorporated Memorandum of Law by [REDACTED].. (Hill, Jack) (Entered: 06/05/2009)
06/08/2009	<u>115</u>	<input type="checkbox"/> 3.8 MB	RESPONSE to Motion re (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90) filed by Jane Doe. Replies due by 6/18/2009. (Attachments: # 1 Exhibit A, # 2 Exhibit B)Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)
06/08/2009	<u>116</u>	<input type="checkbox"/> 106.1 KB	NOTICE by Jane Doe re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order -Plaintiffs Jane Does 2-7 Notice of Joinder Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CV-80811-MARRA/JOHNSON

█ A.,

Plaintiff,

v.

JEFFREY EPSTEIN and █
█

Defendants,

**DEFENDANT JEFFREY EPSTEIN'S MOTION TO DISMISS FIRST
AMENDED COMPLAINT FOR FAILURE TO STATE A CAUSE OF ACTION,
AND MOTION FOR MORE DEFINITE STATEMENT; MOTION TO STRIKE,
AND SUPPORTING MEMORANDUM OF LAW**

Defendant, JEFFREY EPSTEIN, ("EPSTEIN"), by and through his undersigned counsel, moves to dismiss Count I through XXXI of Plaintiff's First Amended Complaint for failure to state a cause of action, and for more definite statement, or to strike, as specified herein. Rule 12(b)(6), (e) and (f), Fed.R.Civ.P. (2008); Local Gen. Rule 7.1 (S.D. Fla. 2008). In support of dismissal, Defendant states:

The First Amended Complaint attempts to allege 32 counts. Counts I through XXX are purportedly brought pursuant to 18 U.S.C. §2255 – *Civil Remedies for Personal Injuries*; Count XXXI is entitled "Sexual Battery," and Count XXXII is entitled "Conspiracy to Commit Tortious Assault only against Defendant, █ █." Under the heading "Factual Allegations" of the First Amended Complaint, Plaintiff also references numerous federal and state criminal statutes, but fails to allege whether or not she is attempting to assert claims based on these statutes. (¶15, 1st Am. Comp.).

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assumption that all the allegations in the complaint are true (even if doubtful in fact)." *Id.* On a motion to dismiss, the well pleaded allegations of plaintiff's complaint are taken as true and construed in the light most favorable to the plaintiff. M.T.V. v. DeKalb County Sch. Dist., 446 F.3d 1153, 1156 (11th Cir.2006).

Significantly, the Supreme Court in Bell Atlantic Corp. V. Twombly abrogated the often cited observation that "a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to relief." *Id.* (abrogating and quoting Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 102, 2 L.Ed.2d 80 (1957)). The Supreme Court rejected the notion that "a wholly conclusory statement of claim [can] survive a motion to dismiss whenever the pleadings le[ave] open the possibility that a plaintiff might later establish some 'set of [undisclosed] facts' to support recovery." *Id.* As explained by the Supreme Court in Bell Atlantic Corp., *supra* at 1664-65:

While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, *ibid.*; Sanjuan v. American Bd. of Psychiatry and Neurology, Inc., 40 F.3d 247, 251 (C.A.7 1994), a plaintiff's obligation to provide the "grounds" of his "entitle[ment] to relief" requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do, see Papasan v. Allain, 478 U.S. 265, 286, 106 S.Ct. 2932, 92 L.Ed.2d 209 (1986) (on a motion to dismiss, courts "are not bound to accept as true a legal conclusion couched as a factual allegation"). Factual allegations must be enough to raise a right to relief above the speculative level, see 5 C. Wright & A. Miller, Federal Practice and Procedure § 1216, pp. 235-236 (3d ed.2004) (hereinafter Wright & Miller) ("[T]he pleading must contain something more ... than ... a statement of facts that merely creates a suspicion [of] a legally cognizable right of action"), on the assumption that all the allegations in the complaint are true (even if doubtful in fact), see, e.g., Swierkiewicz v. Sorema N. A., 534 U.S. 506, 508, n. 1, 122 S.Ct. 992, 152 L.Ed.2d 1 (2002); Neitzke v. Williams, 490 U.S. 319, 327, 109 S.Ct. 1827, 104 L.Ed.2d 338 (1989) (" Rule 12(b)(6) does not countenance ... dismissals based on a judge's disbelief of a complaint's

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Contrary to Plaintiff's attempted assertion of 30 separate counts pursuant to 18 U.S.C.A. §2255 - *Civil Remedy for Personal Injuries*, this statute creates a single federal cause of action or "civil remedy" for a minor victim of sexual, abuse, molestation and exploitation. Under the plain meaning of the statutory text, §2255 does not create separate causes of action on behalf of a minor against a defendant on a "per violation" basis. No where in the statutory text is there any reference to the civil remedy afforded by this statute as being on a "per violation" basis. 18 U.S.C. 2255(a) creates a civil remedy for "a minor who is a victim of a violation of section 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation" See Smith v. Husband, 428 F.Supp.2d 432 (E.D. Va. 2006); Smith v. Husband, 376 F.Supp.2d 603 (E.D. Va. 2006); Doe v. Liberatore, 478 F.Supp.2d 742, 754 (M.D. Pa. 2007); and the recent cases in front of this court on Defendant's Motions to Dismiss and For More Definite Statement – Doe No. 2 v. Epstein, 2009 WL 383332 (S.D. Fla. Feb. 12, 2009); Doe No. 3 v. Epstein, 2009 WL 383330 (S.D. Fla. Feb. 12, 2009); Doe No. 4 v. Epstein, 2009 WL 383286 (S.D. Fla. Feb. 12, 2009); and Doe No. 5 v. Epstein, 2009 WL 383383 (S.D. Fla. Feb. 12, 2009).

There is no reported case supporting Plaintiff's tortured and nonsensical interpretation of §2255. In all of these cases (cited above), each of the Plaintiffs brought a single count or cause of action attempting to allege numerous violations of the "predicate acts" specifically identified in §2255. "18 U.S.C. §2255 gives victims of sexual conduct who are minors a private right of action." Martinez v. White, 492

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v. Husband, 376 F.Supp.2d at 610 ("When interpreting a statute, [a court's] inquiry begins with the text."). "The Court must first look to the plain meaning of the words, and scrutinize the statute's 'language, structure, and purpose.'" Id. In addition, in construing a statute, a court is to presume that the legislature said what it means and means what it said, and not add language or give some absurd or strained interpretation. As stated in CBS, Inc., supra at 1228 – "Those who ask courts to give effect to perceived legislative intent by interpreting statutory language contrary to its plain and unambiguous meaning are in effect asking courts to alter that language, and '[c]ourts have no authority to alter statutory language.... We cannot add to the terms of [the] provision what Congress left out.' Merritt, 120 F.3d at 1187." See also Dodd v. U.S., 125 S.Ct. 2478 (2005); 73 Am.Jur.2d *Statutes* §124.

Title 18 of the U.S.C. is entitled "Crimes and Criminal Procedure." §2255 is contained in "Part I. Crimes, Chap. 110. Sexual Exploitation and Other Abuse of Children." 18 U.S.C. §2255 (2003), is entitled ***Civil remedy for personal injuries***, and provides:

- (a) Any minor who is a victim of a violation of section 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation may sue in any appropriate United States District Court and shall recover the actual damages such minor sustains and the cost of the suit, including a reasonable attorney's fee. Any minor as described in the preceding sentence shall be deemed to have sustained damages of no less than \$50,000 in value.
- (b) Any action commenced under this section shall be barred unless the complaint is filed within six years after the right of action first accrues or in the case of a person under a legal disability, not later than three years after the disability.

Reading the entire statute in context, no where is there any language indicating that a minor plaintiff has a private right of action against a defendant "per violation."

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brought a single cause of action, based on allegations of multiple violations of the §2255 predicate acts. Furthermore, the court refused to add a venue interpretation that simply was not written into the statutory text. See other §2255 cases cited herein.

For an example of a statute wherein the legislature included the language "for each violation" in assessing a "civil penalty," see 18 U.S.C. §216, entitled "*Penalties and injunctions*," of Chapter 11 – "Bribery, Graft, and Conflict of Interests," also contained in Title 18 – "Crimes and Criminal Procedure." Subsection (b) of §216 gives the United States Attorney General the power to bring a "civil action ... against any person who engages in conduct constituting an offense under" specified sections of the bribery, graft, and conflicts of interest statutes. The statute further provides in relevant part that "upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than \$50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, which ever amount is greater." As noted, 18 U.S.C. §2255 does not include such language.

Accordingly, Plaintiff's multiple counts brought pursuant to §2255 are required to be dismissed for failure to state multiple causes of action.

B. Also requiring dismissal Plaintiff has failed to sufficiently allege the requisite §2255 predicate acts.

Also requiring dismissal of Plaintiff's purported §2255 claim(s) is Plaintiff's failure to sufficiently allege any violation of a requisite predicate act as specifically identified in subsection (a) of the statute quoted above. Relevant to Plaintiff's complaint, 18 U.S.C. 2255(a) creates a civil remedy for "a minor who is a victim of a violation of section 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title

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the standard of pleading as established in Twombly, supra, Plaintiff has failed to sufficiently allege the requisite elements of a §2255 claim, thus requiring dismissal; for failure to state a cause of action.

C. 18 U.S.C. §2255 does not allow for the recovery of punitive damages. Thus, Plaintiff's request for punitive damages under §2255 is required to be dismissed or stricken.

In each of the improperly asserted Counts I through XXX, Plaintiff also seeks punitive damages. A plain reading of 18 U.S.C. §2255, quoted above herein, establishes that the statute does not allow for the recovery of punitive damages. Had Congress wanted to allow for such a recovery, it could have easily written such language into the damages provision of the statute. The legislative body chose not to write a punitive damages component into §2255 as it has done in other statutes affording civil remedies. In relevant part, §2255 reads - Any minor who is a victim of a violation of section ... of this title and who suffers personal injury as a result of such violation may sue in any appropriate United States District Court and **shall recover the actual damages such minor sustains and the cost of the suit, including a reasonable attorney's fee.** Any minor as described in the preceding sentence shall be deemed to have sustained damages of no less than \$50,000 in value." See discussion of rules of statutory construction in part III.A. herein. See subsection (f)(2) of 18 U.S.C. §2252A, entitled *Certain activities relating to material constituting or containing child pornography*, also contained in Chapter 110, Part I, Crimes, within which specific reference is made to "compensatory and punitive damages" in setting forth the relief which may be afforded to a plaintiff in bringing a civil action under §2252A(f).

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statute prohibits a number of activities involving criminal 'proceeds.'" Id., at 2023. Noting that the term "proceeds" was not defined in the statute, the Supreme Court stated the well settled principle that "when a term is undefined, we give it its ordinary meaning." Id., at 2024. Under the ordinary meaning principle, the government's position was that proceeds meant "receipts," while the defendant's position was that proceeds meant "profits." The Supreme Court recognized that under either of the proffered "ordinary meanings," the provisions of the federal money-laundering statute were still coherent, not redundant, and the statute was not rendered "utterly absurd." Under such a situation, citing to a long line of cases and the established rule of lenity, "the tie must go to the defendant." Id., at 2025. See portion of Court's opinion quoted above. "Because the 'profits' definition of 'proceeds' is always more defendant friendly than the 'receipts' definition, the rule of lenity dictates that it should be adopted." Id.

Plaintiff's position would subject Defendant EPSTEIN to a punishment that is not clearly prescribed – an unwritten multiplier of the "actual damages" or the presumptive damages. The rule of lenity requires that Defendant's interpretation of the remedy afforded under §2255 be adopted.

In addition, under the Due Process Clause's basic principle of fair warning -

... a criminal statute must give fair warning of the conduct that it makes a crime As was said in United States v. Harriss, 347 U.S. 612, 617, 74 S.Ct. 808, 812, 98 L.Ed. 989,

'The constitutional requirement of definiteness is violated by a criminal statute that fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute. The underlying principle is that no man shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed.'

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offenses outlined in Chapter 800 of the Federal Codes, as well as those designated in Florida Statutes §796.03, §796.07, §796.045, §796.04, §39.01; and §827.04." In ¶203 Plaintiff also alleges that Defendant's "tortious commission of sexual battery upon ██████. were (sic) done willfully and maliciously."

Supporting Defendant's position that Plaintiff has failed to state a cause of action in Count XXXI, 18 U.S.C. §§2241(c), not §2241 in its entirety, as discussed above, is one of the predicate acts, along with 2242, 2243, 2421, and 2423, designated in the federal civil remedy statute – 18 U.S.C. §2255. Plaintiff attempted and failed to allege such a claim in the previous counts. Defendant can find no criminal offenses in any "Chapter 800 of the Federal Codes" which give rise to a civil cause of action.

The same is true for Plaintiff's reference to the Florida Statutes. Not one of the statutes referenced creates a private cause of action or affords a civil remedy on behalf of the alleged victim of the criminal offense.¹ (Except for Florida Statute §39.01, all of the statutes referenced by Plaintiff are contained Title XLVI. *Crimes* of the Florida Statutes). The referenced criminal statutes set forth acts subject to criminal prosecution and the criminal penalties therefor, if proven. See generally, Am. Home Assurance Co. v. Plaza Materials Corp., 908 So.2d 360, 374 (Fla. 2005)("not every statutory violation carries a civil remedy"); Miami Herald Pub. Co. v. Ferre, 636 F.Supp. 970 (S.D. Fla. 1985)(violation of Florida's criminal extortion statute does not give rise to civil cause of

¹ Florida Statutes §§796.03 – *Procuring person under age 18 for prostitution*; 796.04 – *Forcing, compelling, or coercing another to become a prostitute*; 796.045 (which did not become effective until Oct. 1, 2004) – *Sex trafficking; penalties*; 796.07 – *Prohibiting prostitution, etc.; evidence; penalties; definitions*; and §39.01, entitled "Definitions," is contained in Title V – Judicial Branch, Chapter 39 - "Proceedings relating to Children."

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Defendant EPSTEIN, but rather allows Plaintiff to attempt to assert a single civil remedy if she can prove a violation of any of the statutory enumerated predicate acts. Further, Plaintiff has failed to sufficiently allege a requisite predicate act under §2255. In addition, §2255 does not allow for recovery of punitive damages. Count XXXI is also subject to dismissal with prejudice for failure to state a cause of action, as Plaintiff has failed to allege a legally viable or recognizable cause of action.

WHEREFORE, Defendant requests that this Court grant his motion to dismiss Counts I through XXXI, or alternative motion for more definite statement, and motion to strike.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following Service List in the manner specified by CM/ECF on this 12th day of March, 2009:

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attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title and imprisoned for not less than 30 years or for life. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

§ 2242. Sexual abuse

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly--

- (1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or
- (2) engages in a sexual act with another person if that other person is--
 - (A) incapable of appraising the nature of the conduct; or
 - (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;

or attempts to do so, shall be fined under this title and imprisoned for any term of years or for life.

§ 2243. Sexual abuse of a minor or ward

(a) Of a minor.--Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who--

- (1) has attained the age of 12 years but has not attained the age of 16 years; and
- (2) is at least four years younger than the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) Of a ward.--Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who is--

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(c) Engaging in illicit sexual conduct in foreign places.--Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(d) Ancillary offenses.--Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

(e) Attempt and conspiracy.--Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

(f) Definition.--As used in this section, the term "illicit sexual conduct" means (1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

(g) Defense.--In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CIV-80811-MARRA/JOHNSON

[REDACTED]

Plaintiff,

v.

JEFFREY EPSTEIN and [REDACTED]
[REDACTED]

Defendants,

Defendant, Jeffrey Epstein's Reply to Plaintiff's Response In Opposition To Defendant's Motion To Stay And/Or Continue Action For Time Certain With Incorporated Memorandum Of Law

Defendant, JEFFREY EPSTEIN, (hereinafter "EPSTEIN") by and through his undersigned attorneys, hereby files his Reply to Plaintiff's Response In Opposition to Defendant's Motion to Stay and/or Continue Action (DE 64), and states:

I. Introduction and Argument

Plaintiff, in the instant matter, did not draft her own Response to the Motion to Stay. Instead, Plaintiff incorporated Plaintiffs' responses to the motion to stay in certain related matters (DE 64), and adopted those arguments as her own.¹

Plaintiff's Response in Opposition challenging the stay should not prevail when 5th Amendment principles are at issue and when there exists a real, substantial and not remote possibility that Epstein may face criminal prosecution by the United States Attorneys' Office ("USAO") if the USAO unilaterally determines that Epstein somehow violated that certain Non-Prosecution Agreement dated June 30, 2008 ("NPA") and/or if Epstein is forced to waive those 5th Amendment rights and participate in civil discovery in order to defend this civil action.

¹ Accordingly, Epstein adopts his arguments set forth in the Reply to Jane Doe's Response In Opposition filed in 08-CIV-80893 (DE 54) and incorporates same herein by reference.

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significant fact that a stay may be issued in light of an ongoing investigation. It is clear from the NPA and Jack Goldberger's Affidavit (attached to the Motion to Stay) ". . .that the criminal matters against Epstein remain ongoing until the NPA expires by its terms in late 2010. . ., and the threat of criminal prosecution against Epstein by the USAO continues presently and through late 2010." See Jack Goldberger's Affidavit, ¶5 (attached to the Motion to Stay)(DE 51). In fact, the FBI refused to provide information regarding this case and other related cases filed against Epstein ". . .stating the materials are at this time exempt from disclosure because they are in an investigative file, i.e., the matter is still an ongoing criminal investigation." See Jack Goldberger's Affidavit, ¶7 (attached to the Motion to Stay)(DE 51).

Additionally, Plaintiff's response downplays the fact that civil discovery may result in the USAO claiming a breach of the NPA. Epstein wishes to vigorously defend this case and others filed against him; however, he does not wish to risk waiver of his 5th Amendment privileges, at least before the NPA expires or any investigation is closed.

Further, Plaintiff adopts the arguments set forth in Jane Doe's Response to the Motion to Stay filed in 08-CIV-80893, which asserts that the NPA is not attached to Epstein's Motion to Stay. The Court has a copy of the NPA. While it may be sealed, this Court may review same, in camera. As such, Plaintiff's Best Evidence argument (as adopted) is entirely misplaced and should be disregarded.

a. Justice Requires The Entry of A Stay

As set out in the Motion to Stay, once the NPA expires, EPSTEIN intends to testify to all relevant and non-objectionable inquiries made to him in discovery be it a deposition, in interrogatories or in production requests. However, the current circumstances are such that by

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for a stay of the civil case until the criminal aspects/investigation of Defendant's companion case are closed).

Here, Epstein is not required to "contemplate an in *haec verba* iron-clad comparison of separate issues by direct proof." St. Paul Fire and Marine Insurance Company v. U.S., 24 Cl.Ct at 516. Instead, a reading of the complaint, the NPA (in camera), the pleadings in support of and against Epstein's Motion to Stay along with other pleadings in the clerk's file, makes it clear that the facts in the instant matter and those in the ongoing investigation are "related" and/or "substantially similar." Id. As such, permitting this civil action to go forward would create a hardship on Epstein in that he will be forced to invoke his 5th Amendment Privilege and risk losing this case by virtue of not being able to present evidence, or waive that right and risk a potential criminal prosecution. Eastwood v. U.S., 2008 WL 5412857, *1 (E.D. Tenn.))("When a party to a civil action is subject to criminal proceedings and/or investigations that relate to such civil action, courts will often stay the civil proceeding so as to prevent the use of civil discovery and evidentiary procedures to obtain evidence for use in the criminal matter). Id. Courts will also stay a civil case to preserve 5th Amendment rights. Id. Further, a comparison of Fed.R.Civ. Pro. 26 may expand the rights of criminal discovery beyond the limits of Fed.R.Crim.Pro. 16(b). Epstein satisfies the requirements to stay this action as set forth in St. Paul Fire and in Eastwood, including the similarity of issues underlying the civil litigation and ongoing criminal investigation. As such, a stay should be entered in the instant matter. See also U.S. v. \$75,020.00 In United States Funds, et al., 2009 WL 1010359 (M.D. G.a. 2009).

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served this day on all counsel of record identified on the following Service List in the manner specified by CM/ECF on this 13 day of May, 2009

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CV-80811-MARRA/JOHNSON

██████████,

Plaintiff,

v.

JEFFREY EPSTEIN and ██████████
██████████,

Defendants,

DEFENDANT EPSTEIN'S REPLY TO PLAINTIFF'S MEMORANDUM IN RESPONSE TO DEFENDANT, JEFFREY EPSTEIN'S, MOTION TO DISMISS FIRST AMENDED COMPLAINT FOR FAILURE TO STATE A CAUSE OF ACTION, AND MOTION FOR MORE DEFINITE STATEMENT; MOTION TO STRIKE, AND SUPPORTING MEMORANDUM OF LAW, (dated April 13, 2009)

Defendant, JEFFREY EPSTEIN, ("EPSTEIN"), by and through his undersigned counsel, files his reply to *Plaintiff's Memorandum in Response to Defendant, JEFFREY EPSTEIN's, Motion to Dismiss First Amended Complaint For Failure to State A Cause of Action; And Motion for More Definite Statement; Motion to Strike, And Supporting Memorandum of Law, dated April 13, 2009, (hereinafter "Plaintiff's response")*. In reply to Plaintiff's response and further supporting Defendant's motion to dismiss Count I through XXXI of Plaintiff's First Amended Complaint for failure to state a cause of action, and for more definite statement, or to strike, [DE 47], dated April 12, 2009, (hereinafter "Defendant's motion"), Defendant states:

I. The 2003 version of 18 U.S.C. §2255 applies to this action.

A.

The statute in affect during the time the alleged acts occurred is the applicable version of 18 U.S.C. §2255; in this action – the 2003 version (quoted at p. 7,

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These provisions demonstrate that retroactive statutes raise particular concerns. The Legislature's unmatched powers allow it to sweep away settled expectations suddenly and without individualized consideration. Its responsiveness to political pressures poses a risk that it may be tempted to use retroactive legislation as a means of retribution against unpopular groups or individuals. As Justice Marshall observed in his opinion for **1498 the Court in *Weaver v. Graham*, 450 U.S. 24, 101 S.Ct. 960, 67 L.Ed.2d 17 (1981), the *Ex Post Facto* Clause not only ensures that individuals have "fair warning" about the effect of criminal statutes, but also "restricts governmental power by restraining arbitrary and potentially vindictive legislation." *Id.*, at 28-29, 101 S.Ct., at 963-964 (citations omitted).^{FN20}

FN20. See *Richmond v. J. A. Croson Co.*, 488 U.S. 469, 513-514, 109 S.Ct. 706, 732, 102 L.Ed.2d 854 (1989) ("Legislatures are primarily policymaking bodies that promulgate rules to govern future conduct. The constitutional prohibitions against the enactment of *ex post facto* laws and bills of attainder reflect a valid concern about the use of the political process to punish or characterize past conduct of private citizens. It is the judicial system, rather than the legislative process, that is best equipped to identify past wrongdoers and to fashion remedies that will create the conditions that presumably would have existed had no wrong been committed") (STEVENSON, J., concurring in part and concurring in judgment); *James v. United States*, 366 U.S. 213, 247, n. 3, 81 S.Ct. 1052, 1052, n. 3, 6 L.Ed.2d 246 (1961) (retroactive punitive measures may reflect "a purpose not to prevent dangerous conduct generally but to impose by legislation a penalty against specific persons or classes of persons").

As discussed more fully below herein, these well entrenched constitutional protections and presumptions against retroactive application of legislation establish that the version of 18 U.S.C. §2255 (2003) in effect at the time of the alleged conduct applies to the instant action, and not the amended version as claimed by Plaintiff.

B.

Not only is there no clear express intent stating that the statute is to apply retroactively, but applying the current version of the statute, as amended in 2006, would be in clear violation of the *Ex Post Facto* Clause of the United States Constitution as it would be applied to events occurring before its enactment and would increase the

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2006 amended version of §2255 without any legal discussion supporting a retroactive application. (See p. 3 of Plaintiff's response).

§2255 is contained in Title 18 of the United States Codes - "Crimes and Criminal Procedure, Part I. Crimes, Chap. 110. Sexual Exploitation and Other Abuse of Children." 18 U.S.C. §2255 (2003), is entitled *Civil remedy for personal injuries*, and imposes a presumptive minimum of damages in the amount of \$50,000.00, should Plaintiff prove a violation of the specified criminal statutes, and suffer personal injury with actual damages. Thus, the effect of the 2006 amendments, effective July 27, 2006, would be to triple the amount of the statutory minimum previously in effect during the time of the alleged acts. (Taking Plaintiff's position that the presumptive minimum is meant to be multiplied per violation – the damages would be 4.5 million. The express language of the statute has no multiplier.)

No case has yet decided the specific issue before this Court – whether application of the 2006 version of §2255, which increased the statutorily presumed minimum damages from \$50,000 to \$150,000, regardless of the actual amount of damages suffered and proven, is prohibited from application under the Ex Post Fact Clause to the specified criminal acts occurring prior to the statutes effective date of July 27, 2006. The statute, as amended in 2006, contains no language stating that the application is to be retroactive. Thus, there is no manifest intent that the statute is to apply retroactively, and, accordingly, the statute in effect during the time of the alleged conduct is to apply. Landgraf v. USI Film Products, supra, at 1493, ("A statement that a statute will become

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Mandatory Victim Restitution Act of 1996 (MVRA) to the defendant whose criminal conduct occurred before the effective date of the statute, 18 U.S.C. §3664(f)(1)(A), even though the guilty plea and sentencing proceeding occurred after the effective date of the statute. On July 19, 1996, the defendant Siegel pleaded guilty to various charges under 18 U.S.C. §371 and §1956(a)(1)(A), (conspiracy to commit mail and wire fraud, bank fraud, and laundering of money instruments; and money laundering). He was sentenced on March 7, 1997. As part of his sentence, Siegel was ordered to pay \$1,207,000.00 in restitution under the MVRA which became effective on April 24, 1996. Pub.L. No. 104-132, 110 Stat. 1214, 1229-1236. The 1996 amendments to MVRA required that the district court must order restitution in the full amount of the victim's loss without consideration of the defendant's ability to pay. Prior to the enactment of the MVRA and under the former 18 U.S.C. §3664(a) of the Victim and Witness Protection Act of 1982 (VWPA), Pub.L. No. 97-291, 96 Stat. 1248, the court was required to consider, among other factors, the defendant's ability to pay in determining the amount of restitution.

When the MVRA was enacted in 1996, Congress stated that the amendments to the VWPA "shall, to the extent constitutionally permissible, be effective for sentencing proceedings in cases in which the defendant is convicted on or after the date of enactment of this Act [Apr. 24, 1996]." Siegel, supra at 1258. The alleged crimes occurred between February, 1988 to May, 1990. The Court agreed with the defendant's position that 1996 MVRA "should not be applied in reviewing the validity of the court's

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In the instant case, in answering the first question, it is clear that that imposition of a minimum amount of damages, regardless of the amount of actual damages suffered and proven by a minor victim, is meant to be a penalty or punishment. See statutory text and House Bill Reports, cited above herein, consistently referring to the presumptive minimum damages amount under §2255 as "punishment" or "penalties." According to the Ex Post Facto doctrine, although §2255 is labeled a "civil remedy," such label is not dispositive; "if the effect of the statute is to impose punishment that is criminal in nature, the ex post facto clause is implicated." See generally, Roman Catholic Bishop of Oakland v. Superior Court, 28 Cal.Rptr.3d 355, at 360, citing Kansas v. Hendricks, 521 U.S. 346, 360-61 (1997). The effect of applying the 2006 version of §2255 would be to triple the amount of the presumptive minimum damages to a minor who proves the elements of her §2255 claim. (Under Plaintiff's attempted approach – the presumptive minimum would potentially increase from 1.5 million to 4.5 million (\$50,000 X 30; \$150,000 X 30). The fact that a plaintiff proceeding under §2255 has to prove a violation of a criminal statute to recover damages thereunder, further supports that the imposition of a minimum amount, regardless of the amount of a victim's actual damages sustained, is meant and was enacted as additional punishment or penalty for violation of criminal sexual exploitation and abuse of minors.

Accordingly, this Court is required to apply the statute in effect at the time of the alleged criminal acts. Not only is there no language in the 2006 statute stating that it is to apply retroactively, but further, such application of the 2006 version of 18 U.S.C. §2255 to acts that occurred prior to its effective date would have a detrimental and

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When a case implicates a federal statute enacted after the events in suit, the court's first task is to determine whether Congress has expressly prescribed the statute's proper reach. If Congress has done so, of course, there is no need to resort to judicial default rules. When, however, the statute contains no such express command, the court must determine whether the new statute would have retroactive effect, *i.e.*, whether it would impair rights a party possessed when he acted, increase a party's liability for past conduct, or impose new duties with respect to transactions already completed. If the statute would operate retroactively, our traditional presumption teaches that it does not govern absent clear congressional intent favoring such a result.

Here, there is no clear expression of intent regarding the 2006 Act's application to conduct occurring well before its enactment. Clearly, however, as discussed in part B herein, the presumptive minimum amount of damages of \$150,000 was enacted as a punishment or penalty upon those who sexually exploit and abuse minors. See discussion of House Bill Reports and Congressional background above herein. The amount triples the previous amount for which a defendant might be found liable, regardless of the amount of actual damages sustained and proven. The new statute imposes a substantial increase in the monetary liability for past conduct. (As discussed below, Plaintiff also proposes that the minimum damage amount is to apply on a per violation basis; the absurdity of such position is further magnified when one considers that the presumptive damages amount was tripled to \$150,000).

As stated in Landgraf, "the extent of a party's liability, in the civil context as well as the criminal, is an important legal consequence that cannot be ignored." Courts have consistently refused to apply a statute which substantially increases a party's liability to conduct occurring before the statute's enactment. Landgraf, *supra* at 284-85. Even if

the effective date of the Act. The Court determined that statutory text in question, §102, was subject to the presumption against statutory retroactivity.

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count complaint, including a single cause of action pursuant to 18 U.S.C. §2255 (Count I), along with 11 other counts based on state law ranging from negligence to intentional and negligent infliction of emotional distress. The defendants moved to dismiss Count I because "plaintiffs have not pled sufficient facts to satisfy one of the predicate felonies mentioned in the statute."

In describing the remedy created under 18 U.S.C. §2255(a), the Eastern District of Pennsylvania stated that the statute "authorizes a civil remedy for personal injuries suffered by a minor victim of certain federal felonies," *Id.*, at 4. In other words, a minor, who is a victim of any of the specified predicate criminal acts, may bring a §2255 claim "to recover the actual damages such minor sustains," regardless if a plaintiff proves one or multiple violations. As long as a plaintiff proves any violation of a specified criminal act and that he or she suffered personal injury, he or she is entitled to the presumptive minimum of damages imposed by the applicable statute - \$50,000 in the instant case, even if the amount of actual damages proven is less. Again, the statute says nothing about the presumptive damages amount being for each violation or incident alleged.

In her response, (pp. 3-9), Plaintiff at one point states that the express language allows for "a separate cause of action for each separate incident," but then goes on to rely on statutory interpretation principles applied when the language is vague or ambiguous. See p. 4 of response where Plaintiff states – "A review of the wording of 18 U.S.C. §2255 demonstrates no ambiguity." Plaintiff then references a portion of the legislative history and background on "Masha's Law." Plaintiff can cite to no case law

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Plaintiff's reliance on In re Hawaiian Airlines, Inc. (Konop v. Hawaii Airlines, Inc.), 355 B.R. 225 (D. Hi. 2006), is misplaced. Unlike the Stored Communications Act, 18 U.S.C. §2707(c), endnote¹, at issue in the Hawaiian Airlines case, the presumptive minimum is tied to the minor or person proving that she or he has suffered personal injury, along with actual damages sustained, as a result of any violation. To even bring a cause of action under §2255, a "minor/person" must prove a violation of enumerated criminal statute and "suffer personal injury as a result of such violation." Only then "shall" such minor "recover the actual damages such minor sustains Any minor/person as described in the preceding sentence shall be deemed to have sustained damages of no less than \$50,000/\$150,000 in value." The statute at issue in Hawaiian Airlines does not address personal injury type damages. Significantly, the court found that the Stored Communications Act does not even require that the plaintiff prove actual damages or profits made by the violator to recover the statutory cap. Recovery under §2255, unlike the Stored Communications Act, is limited to a minor/person "who suffers personal injury" and mandates a recover of "actual damages," no matter how little is actually proven, of the statutory minimum.

Hawaiian Airlines actually supports Defendant's position. The Court discussed and distinguished the Privacy Act, relying on Doe v. Chao, 540 U.S. 614, 124 S.Ct. 1204 (2004), which contained similar language to the Stored Communications Act, but concluded that \$1,000 minimum damage award under the Privacy Act was not subject to multiplication on a per violation basis because it was limited to a plaintiff who proves actual damages. See endnote 2 for relevant text of Privacy Act.² In Doe v. Chao, the

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applying the rule of lenity, the Court sided with the Defendants' interpretation of the Lacey Act which makes illegal the possession of snook caught in specified jurisdictions. The snook had been caught in Nicaraguan waters. The defendants filed a motion to dismiss asserting the statute did not encompass snook caught in foreign waters. The United States disagreed. Both sides presented reasonable interpretations regarding the reach of the statute. In dismissing the indictment, the Court determined that the rule of lenity required it to accept defendants' interpretation.

III. Also requiring dismissal Plaintiff has failed to sufficiently allege the requisite §2255 predicate acts. (Plaintiff's Response, p. 10)

Also requiring dismissal of Plaintiff's purported §2255 claim(s) is Plaintiff's failure to sufficiently allege any violation of a requisite predicate act as specifically identified in subsection (a) of the statute. Plaintiff in her response, p. 10, agrees that she has failed to sufficiently allege the predicate act(s) required by §2255. Defendant has no objection to Plaintiff attempting to amend, but Plaintiff should be required to plead a single cause of action under §2255 (2003), without seeking to multiply the presumptive minimum damages.

IV. 18 U.S.C. §2255 does not allow for the recovery of punitive damages. Thus, Plaintiff's request for punitive damages under §2255 is required to be dismissed or stricken. (Plaintiff's Response, Part III, p. 11-18).

Plaintiff's reliance on Tachiona v. Mugabe, 216 F.Supp.2d 262 (S.D.N.Y. 2002), is misplaced as the federal statute at issue, the Torture Victim Protection Act (TVPA), is clearly distinguishable. (Plaintiff's response, p. 11). See endnote 3 for relevant text.³ Unlike §2255 which expressly provides that a successful plaintiff "shall recover the actual damages such minor/person sustains," the TVPA simply states that an individual

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sustained" and imposes a minimum damages amount should plaintiff prove the elements of her claim.

Plaintiff's reference, at p. 13 of her response, to the fact that the legislature eliminated a proposed three-fold damages provision in favor of the "actual damages" language also supports Defendant's position. Remember, this statute was enacted as part of the criminal statutory scheme to punish those who sexually abuse and exploit children. In addition to facing the payment of "actual damages" to a minor/person who suffered personal injury as a result of predicate act violation, such an individual also faces criminal prosecution and the additional accompanying penalties of spending many years in jail. Despite Plaintiff's attempted reliance on the legislative discussions and history prior to the passage of §2255, the ultimate decision is reflected in the language of the statute itself which allows for the recovery of "actual damages," and does not include punitive damages. Accordingly, Plaintiff's claim for punitive damages under 18 U.S.C. §2255 is required to be dismissed/stricken.

VI. Count XXXI – "Sexual Battery" is required to be dismissed for failure to state a cause of action. In the alternative, Plaintiff should be required to more definitely state whether she is attempting to allege a claim under Florida common or statutory law, or some federal law, and further allege the required elements and factual allegations. (Response, Part IV, pp. 15-16)

In her response, at p. 16, Plaintiff claims that "Count XXXI – Sexual Battery" is brought pursuant to Florida common law. Defendant stands on his original motion. If Plaintiff is proceeding under Florida common law, then she should more definitely state such cause of action pleading the requisite elements of a common law sexual battery

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¹ See 18 U.S.C. §2707(█), of the Stored Communications Act for provision at issue.

Title 18. Crimes and Criminal Procedure

Part I. Crimes

Chapter 121. Stored Wire and Electronic Communications and Transactional Records Access

§ 2707. Civil action

(a) **Cause of action.**--Except as provided in section 2703(e), any provider of electronic communication service, subscriber, or other person aggrieved by any violation of this chapter in which the conduct constituting the violation is engaged in with a knowing or intentional state of mind may, in a civil action, recover from the person or entity, other than the United States, which engaged in that violation such relief as may be appropriate.

(b) **Relief.**--In a civil action under this section, appropriate relief includes--

- (1) such preliminary and other equitable or declaratory relief as may be appropriate;
- (2) damages under subsection (c); and
- (3) a reasonable attorney's fee and other litigation costs reasonably incurred.

(c) **Damages.**--The court may assess as damages in a civil action under this

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functions of the officer or governmental entity making the disclosure, is a violation of this chapter. This provision shall not apply to information previously lawfully disclosed (prior to the commencement of any civil or administrative proceeding under this chapter) to the public by a Federal, State, or local governmental entity or by the plaintiff in a civil action under this chapter.

² See §552a(g)(4), in bold, for relevant section of statute.

Title 5. Government Organization and Employees
Part I. The Agencies Generally
Chapter 5. Administrative Procedure
Subchapter II. Administrative Procedure

⇒§ 552a. Records maintained on individuals

.....

(g)(1) Civil remedies.--Whenever any agency

(A) makes a determination under subsection (d)(3) of this section not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;

(B) refuses to comply with an individual request under subsection (d)(1) of this section;

(C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(D) fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual,

the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

(2)(A) In any suit brought under the provisions of subsection (g)(1)(A) of this section, the court may order the agency to amend the individual's record in accordance with his request or in such other way as the court may direct. In such a case the court shall determine the matter de novo.

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(Emphasis addied).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CV-80811-CIV-MARRA/JOHNSON

██████████,

Plaintiff(s),

vs.

JEFFREY EPSTEIN and ██████████

██████████

Defendant(s).

_____ /

FIRST AMENDED COMPLAINT

Parties, Jurisdiction and Venue

COMES NOW the Plaintiff, ██████████, and brings this First Amended Complaint against the Defendants, JEFFREY EPSTEIN and ██████████ ██████████ and states as follows:

1. This is an action for damages in excess of \$75,000.00, exclusive of interest and costs.
2. This Complaint is brought under a fictitious name in order to protect the identity of the Plaintiff, ██████████, because this Complaint makes allegation of sexual assault and child abuse of a then minor.
3. At all times material to this cause of action, the Plaintiff, ██████████, was a resident of Palm Beach County, Florida.

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First Amended Complaint

Defendant, JEFFREY EPSTEIN'S, residence by the Defendant's employees and assistants. When the employees and assistants left the then minor Plaintiff and other minor girls alone in a room at the Defendant's mansion, the Defendant, JEFFREY EPSTEIN, himself would appear, remove his clothing, and direct the then minor Plaintiff to remove her clothing. He would then perform one or more lewd, lascivious, and sexual acts, including, but not limited to, masturbation, touching of the then minor Plaintiff's breasts and buttock, and solicitation and enticement of the then minor Plaintiff to engage in sexual acts with another female in JEFFREY EPSTEIN'S presence.

11. The Plaintiff, ██████, was the first brought to the Defendant, JEFFREY EPSTEIN'S, mansion in late May or early June of 2002, when she was fifteen-years old and in middle school.

12. The Defendant, JEFFREY EPSTEIN, a wealthy financier with a lavish home, significant wealth, a network of assistants and employees, used his resources and his influence over a vulnerable minor child to engage in a systematic pattern of sexually exploitive behavior.

13. Beginning in approximately late May or early June of 2002, and continuing until approximately August of 2003, the Defendant coerced and enticed the impressionable, vulnerable, and economically deprived then minor Plaintiff to commit various acts of sexual misconduct. These acts occurred, on average, one to three times per week from late May or early June of 2002 until August of 2003. At a bare minimum,

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exploitation of minor children, prostitution, sexual performance by a child, lewd and lascivious assaults, sexual battery, contributing the delinquency of a minor and other crimes, specifically including, but not limited to, those crimes designated in 18 USC §2241, §2242, §2243, §2421, and §2423, criminal offenses outlined in Chapter 800 of the Federal Codes, as well as those designated in Florida Statutes §796.03, §796.07, §796.045, §796.04, §39.01; and §827.04.

16. The above-described acts took place in Palm Beach County, Florida, at the residence of the Defendant, JEFFREY EPSTEIN. Any assertions by the Defendant, JEFFREY EPSTEIN, that he was unaware of the age of the then minor Plaintiff are belied by his actions and rendered irrelevant by the provisions of applicable Florida Statutes concerning the sexual exploitation and abuse of a minor child. The Defendant, JEFFREY EPSTEIN, at all times material to this cause of action, knew and should have known of the Plaintiff, ██████████'s minority.

17. In June 2008, in the Fifteenth Judicial Circuit in Palm Beach County, Florida, the Defendant, JEFFREY EPSTEIN, entered pleas of "guilty" to various Florida state crimes involving the solicitation of minors for prostitution and the procurement of minors for the purpose of prostitution.

18. As a condition of that plea, and in exchange for the Federal Government not prosecuting the Defendant, JEFFREY EPSTEIN, for numerous federal offenses, Defendant, JEFFREY EPSTEIN, additionally entered into an agreement with the

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21. In late May or early June of 2002, █████ was first introduced to Defendant, JEFFREY EPSTEIN. █████ was brought to JEFFREY EPSTEIN'S residence by a female friend of hers. █████ sat on the couch while the female friend took off her own clothes, mounted JEFFREY EPSTEIN who was wearing only a towel and lying on a table, and performed a sexual act upon JEFFREY EPSTEIN in the presence of █████. In exchange for her participation as an observer of JEFFREY EPSTEIN'S lewd and lascivious conduct, █████ was paid \$300 by JEFFREY EPSTEIN.

22. As a condition of the Defendant, JEFFREY EPSTEIN'S criminal plea, and in exchange for the Federal Government not prosecuting the Defendant for numerous federal offenses, the Defendant, JEFFREY EPSTEIN, additionally entered into an agreement with the Federal Government to the following: "Any person, who while a minor, was a victim of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in

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has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff ██████████ will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, ██████████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT II

Cause of Action Pursuant to 18 USC §2255

June 2002- Incident 2

26. The Plaintiff, ██████████, adopts and realleges paragraphs 1 through 19 above.

27. Approximately one week after the first incident, ██████████, received a telephone call from JEFFREY EPSTEIN requesting that she return to his residence. On this occasion, JEFFREY EPSTEIN directed ██████████ to undress to her brassiere and underwear and to provide him with a massage. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in ██████████'s presence. JEFFREY EPSTEIN paid ██████████ \$300 for this encounter.

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30. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, █████., and as such he must effectively admit liability unto the Plaintiff, █████.

31. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, █████., has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of her privacy and other damages associated with Defendant, JEFFREY EPSTEIN, controlling, manipulating and coercing her into a perverse and unconventional way of life for a minor. The then minor Plaintiff incurred medical and psychological expenses and the Plaintiff, █████., will in the future suffer additional medical and psychological expenses. The Plaintiff, █████., has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, █████., will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, █████., demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further

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purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

35. The Plaintiff, █████, was a victim of one or more offenses enumerated in Title 18, United States Code, Section 2255, and as such asserts a cause of action against the Defendant, JEFFREY EPSTEIN, pursuant to this Section of the United States Code and the agreement between the Defendant, JEFFREY EPSTEIN, and the United States Government.

36. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, █████, and as such he must effectively admit liability unto the Plaintiff, C.M.A.

37. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, █████, has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological trauma, mental anguish, humiliation,

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38. The Plaintiff, █████., adopts and realleges paragraphs 1 through 19 above.

39. For the second time in July of 2002, █████. again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed █████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor █████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in █████.'s presence. JEFFREY EPSTEIN paid █████. in excess of \$200 for this encounter.

40. As a condition of the Defendant, JEFFREY EPSTEIN's criminal plea, and in exchange for the Federal Government not prosecuting the Defendant for numerous federal offenses, the Defendant, JEFFREY EPSTEIN, additionally entered into an agreement with the Federal Government to the following: "Any person, who while a minor, was a victim of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in

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has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, [REDACTED], will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, [REDACTED], demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT V

Cause of Action Pursuant to 18 USC §2255

August of 2002 – Incident 1

44. The Plaintiff, [REDACTED], adopts and realleges paragraphs 1 through 19 above.

45. In August of 2002, [REDACTED] again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed [REDACTED] to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor [REDACTED]. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in [REDACTED]'s presence. JEFFREY EPSTEIN paid [REDACTED] in excess of \$200 for this encounter.

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48. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, █████, and as such he must effectively admit liability unto the Plaintiff, █████.

49. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, █████, has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of her privacy and other damages associated with Defendant, JEFFREY EPSTEIN, controlling, manipulating and coercing her into a perverse and unconventional way of life for a minor. The then minor Plaintiff incurred medical and psychological expenses and the Plaintiff, █████, will in the future suffer additional medical and psychological expenses. The Plaintiff, █████, has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, █████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, █████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further

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if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

53. The Plaintiff, ██████████, was a victim of one or more offenses enumerated in Title 18, United States Code, Section 2255, and as such asserts a cause of action against the Defendant, JEFFREY EPSTEIN, pursuant to this Section of the United States Code and the agreement between the Defendant, JEFFREY EPSTEIN, and the United States Government.

54. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████████, and as such he must effectively admit liability unto the Plaintiff, ██████████.

55. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, ██████████, has in the past suffered, and will in the future suffer, physical injury, pain and

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57. In September of 2002, ██████ again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed ██████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor ██████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in ██████'s presence. JEFFREY EPSTEIN paid ██████ in excess of \$200 for this encounter.

58. As a condition of the Defendant, JEFFREY EPSTEIN's criminal plea, and in exchange for the Federal Government not prosecuting the Defendant for numerous federal offenses, the Defendant, JEFFREY EPSTEIN, additionally entered into an agreement with the Federal Government to the following: "Any person, who while a minor, was a victim of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

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loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, █, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, █, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT VIII

Cause of Action Pursuant to 18 USC §2255

September of 2002 – Incident 2

62. The Plaintiff, █, adopts and realleges paragraphs 1 through 19 above.

63. For the second time in September of 2002, █ again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed █ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor █. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in █'s presence. JEFFREY EPSTEIN paid █ in excess of \$200 for this encounter.

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66. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████, and as such he must effectively admit liability unto the Plaintiff, ██████.

67. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, ██████, has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of her privacy and other damages associated with Defendant, JEFFREY EPSTEIN, controlling, manipulating and coercing her into a perverse and unconventional way of life for a minor. The then minor Plaintiff incurred medical and psychological expenses and the Plaintiff, ██████, will in the future suffer additional medical and psychological expenses. The Plaintiff, ██████, has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, ██████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, ██████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further

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if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

71. The Plaintiff, ██████████, was a victim of one or more offenses enumerated in Title 18, United States Code, Section 2255, and as such asserts a cause of action against the Defendant, JEFFREY EPSTEIN, pursuant to this Section of the United States Code and the agreement between the Defendant, JEFFREY EPSTEIN, and the United States Government.

72. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████████, and as such he must effectively admit liability unto the Plaintiff, ██████████.

73. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, ██████████, has in the past suffered, and will in the future suffer, physical injury, pain and

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74. The Plaintiff, ██████, adopts and realleges paragraphs 1 through 19 above.

75. For the second time in October of 2002, ██████ again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed ██████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor ██████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in ██████'s presence. JEFFREY EPSTEIN paid ██████ in excess of \$200 for this encounter.

76. As a condition of the Defendant, JEFFREY EPSTEIN's criminal plea, and in exchange for the Federal Government not prosecuting the Defendant for numerous federal offenses, the Defendant, JEFFREY EPSTEIN, additionally entered into an agreement with the Federal Government to the following: "Any person, who while a minor, was a victim of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in

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has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, █████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, █████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT XI

Cause of Action Pursuant to 18 USC §2255

November of 2002 – Incident 1

80. The Plaintiff, █████, adopts and realleges paragraphs 1 through 19 above.

81. In November of 2002, █████, again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed █████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor █████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in █████'s presence. JEFFREY EPSTEIN paid █████ in excess of \$200 for this encounter.

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84. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████, and as such he must effectively admit liability unto the Plaintiff, ██████.

85. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, C.M.A., has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of her privacy and other damages associated with Defendant, JEFFREY EPSTEIN, controlling, manipulating and coercing her into a perverse and unconventional way of life for a minor. The then minor Plaintiff incurred medical and psychological expenses and the Plaintiff, ██████, will in the future suffer additional medical and psychological expenses. The Plaintiff, ██████, has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, ██████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, ██████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further

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if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

89. The Plaintiff, ██████████, was a victim of one or more offenses enumerated in Title 18, United States Code, Section 2255, and as such asserts a cause of action against the Defendant, JEFFREY EPSTEIN, pursuant to this Section of the United States Code and the agreement between the Defendant, JEFFREY EPSTEIN, and the United States Government.

90. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████████, and as such he must effectively admit liability unto the Plaintiff, ██████████.

91. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, C.M.A., has in the past suffered, and will in the future suffer, physical injury, pain and

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93. In December of 2002, ██████████ again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed ██████████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor ██████████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in ██████████'s presence. JEFFREY EPSTEIN paid C.M.A. in excess of \$200 for this encounter.

94. As a condition of the Defendant, JEFFREY EPSTEIN's criminal plea, and in exchange for the Federal Government not prosecuting the Defendant for numerous federal offenses, the Defendant, JEFFREY EPSTEIN, additionally entered into an agreement with the Federal Government to the following: "Any person, who while a minor, was a victim of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

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loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, █████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, █████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT XIV

Cause of Action Pursuant to 18 USC §2255

December of 2002 – Incident 2

98. The Plaintiff, █████, adopts and realleges paragraphs 1 through 19 above.

99. For the second time in December of 2002, █████ again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed █████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor █████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in █████.M.A.'s presence. JEFFREY EPSTEIN paid █████ in excess of \$200 for this encounter.

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102. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████, and as such he must effectively admit liability unto the Plaintiff, ██████

103. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, ██████, has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of her privacy and other damages associated with Defendant, JEFFREY EPSTEIN, controlling, manipulating and coercing her into a perverse and unconventional way of life for a minor. The then minor Plaintiff incurred medical and psychological expenses and the Plaintiff, ██████, will in the future suffer additional medical and psychological expenses. The Plaintiff, ██████, has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, ██████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, ██████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further

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if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

107. The Plaintiff, ██████████, was a victim of one or more offenses enumerated in Title 18, United States Code, Section 2255, and as such asserts a cause of action against the Defendant, JEFFREY EPSTEIN, pursuant to this Section of the United States Code and the agreement between the Defendant, JEFFREY EPSTEIN, and the United States Government.

108. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████████, and as such he must effectively admit liability unto the Plaintiff, ██████████.

109. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, ██████████, has in the past suffered, and will in the future suffer, physical injury, pain and

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111. For the second time in January of 2003, ██████████ again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed ██████████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor ██████████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in ██████████'s presence. JEFFREY EPSTEIN paid ██████████ in excess of \$200 for this encounter.

112. As a condition of the Defendant, JEFFREY EPSTEIN's criminal plea, and in exchange for the Federal Government not prosecuting the Defendant for numerous federal offenses, the Defendant, JEFFREY EPSTEIN, additionally entered into an agreement with the Federal Government to the following: "Any person, who while a minor, was a victim of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

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loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, █████., will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, █████., demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT XVII

Cause of Action Pursuant to 18 USC §2255

February of 2003 – Incident 1

116. The Plaintiff, █████., adopts and realleges paragraphs 1 through 19 above.

117. In February of 2003, █████. again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed █████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor █████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in █████'s presence. JEFFREY EPSTEIN paid █████. in excess of \$200 for this encounter.

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120. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, █████, and as such he must effectively admit liability unto the Plaintiff, █████.

121. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, █████, has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of her privacy and other damages associated with Defendant, JEFFREY EPSTEIN, controlling, manipulating and coercing her into a perverse and unconventional way of life for a minor. The then minor Plaintiff incurred medical and psychological expenses and the Plaintiff, █████, will in the future suffer additional medical and psychological expenses. The Plaintiff, █████, has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, █████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, █████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further

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if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

125. The Plaintiff, ██████████, was a victim of one or more offenses enumerated in Title 18, United States Code, Section 2255, and as such asserts a cause of action against the Defendant, JEFFREY EPSTEIN, pursuant to this Section of the United States Code and the agreement between the Defendant, JEFFREY EPSTEIN, and the United States Government.

126. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████████, and as such he must effectively admit liability unto the Plaintiff, ██████████.

127. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, C.M.A., has in the past suffered, and will in the future suffer, physical injury, pain and

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129. In March of 2003, ██████. again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed ██████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor ██████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in ██████'s presence. JEFFREY EPSTEIN paid ██████. in excess of \$200 for this encounter.

130. As a condition of the Defendant, JEFFREY EPSTEIN's criminal plea, and in exchange for the Federal Government not prosecuting the Defendant for numerous federal offenses, the Defendant, JEFFREY EPSTEIN, additionally entered into an agreement with the Federal Government to the following: "Any person, who while a minor, was a victim of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

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loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, █████., will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, █████., demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT XX

Cause of Action Pursuant to 18 USC §2255

March of 2003 – Incident 2

134. The Plaintiff, █████., adopts and realleges paragraphs 1 through 19 above.

135. For the second time in March of 2003, █████. again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed █████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor █████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in █████.'s presence. JEFFREY EPSTEIN paid █████. in excess of \$200 for this encounter.

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138. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, █, and as such he must effectively admit liability unto the Plaintiff, █.

139. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, █, has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of her privacy and other damages associated with Defendant, JEFFREY EPSTEIN, controlling, manipulating and coercing her into a perverse and unconventional way of life for a minor. The then minor Plaintiff incurred medical and psychological expenses and the Plaintiff, █, will in the future suffer additional medical and psychological expenses. The Plaintiff, █, has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, █, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, █, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further

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if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

143. The Plaintiff, ██████████, was a victim of one or more offenses enumerated in Title 18, United States Code, Section 2255, and as such asserts a cause of action against the Defendant, JEFFREY EPSTEIN, pursuant to this Section of the United States Code and the agreement between the Defendant, JEFFREY EPSTEIN, and the United States Government.

144. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████████, and as such he must effectively admit liability unto the Plaintiff, ██████████.

145. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, ██████████, has in the past suffered, and will in the future suffer, physical injury, pain and

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147. For the second time in April of 2003, ██████. again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed ██████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor ██████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in ██████'s presence. JEFFREY EPSTEIN paid ██████. in excess of \$200 for this encounter.

148. As a condition of the Defendant, JEFFREY EPSTEIN's criminal plea, and in exchange for the Federal Government not prosecuting the Defendant for numerous federal offenses, the Defendant, JEFFREY EPSTEIN, additionally entered into an agreement with the Federal Government to the following: "Any person, who while a minor, was a victim of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

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loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, ██████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, ██████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT XXIII

Cause of Action Pursuant to 18 USC §2255

May of 2003 – Incident 1

152. The Plaintiff, C.M.A., adopts and realleges paragraphs 1 through 19 above.

153. In May of 2003, ██████ again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed ██████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor ██████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in ██████'s presence. JEFFREY EPSTEIN paid ██████ in excess of \$200 for this encounter.

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156. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, █████, and as such he must effectively admit liability unto the Plaintiff, █████.

157. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, █████, has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of her privacy and other damages associated with Defendant, JEFFREY EPSTEIN, controlling, manipulating and coercing her into a perverse and unconventional way of life for a minor. The then minor Plaintiff incurred medical and psychological expenses and the Plaintiff, █████, will in the future suffer additional medical and psychological expenses. The Plaintiff, █████, has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, █████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, █████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further

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if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

161. The Plaintiff, C.M.A., was a victim of one or more offenses enumerated in Title 18, United States Code, Section 2255, and as such asserts a cause of action against the Defendant, JEFFREY EPSTEIN, pursuant to this Section of the United States Code and the agreement between the Defendant, JEFFREY EPSTEIN, and the United States Government.

162. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████████, and as such he must effectively admit liability unto the Plaintiff, ██████████.

163. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, ██████████, has in the past suffered, and will in the future suffer, physical injury, pain and

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165. In June of 2003, ██████ again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed ██████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor ██████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in ██████'s presence. JEFFREY EPSTEIN paid ██████ in excess of \$200 for this encounter.

166. As a condition of the Defendant, JEFFREY EPSTEIN's criminal plea, and in exchange for the Federal Government not prosecuting the Defendant for numerous federal offenses, the Defendant, JEFFREY EPSTEIN, additionally entered into an agreement with the Federal Government to the following: "Any person, who while a minor, was a victim of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

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loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, █████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, █████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT XXVI

Cause of Action Pursuant to 18 USC §2255

June of 2003 – Incident 2

170. The Plaintiff, █████, adopts and realleges paragraphs 1 through 19 above.

171. For the second time in June of 2003, █████, again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed █████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor █████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in █████'s presence. JEFFREY EPSTEIN paid C.M.A. in excess of \$200 for this encounter.

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174. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████, and as such he must effectively admit liability unto the Plaintiff, ██████.

175. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, ██████, has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of her privacy and other damages associated with Defendant, JEFFREY EPSTEIN, controlling, manipulating and coercing her into a perverse and unconventional way of life for a minor. The then minor Plaintiff incurred medical and psychological expenses and the Plaintiff, ██████, will in the future suffer additional medical and psychological expenses. The Plaintiff, ██████, has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, ██████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, ██████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further

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if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

179. The Plaintiff, ██████████, was a victim of one or more offenses enumerated in Title 18, United States Code, Section 2255, and as such asserts a cause of action against the Defendant, JEFFREY EPSTEIN, pursuant to this Section of the United States Code and the agreement between the Defendant, JEFFREY EPSTEIN, and the United States Government.

180. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████████, and as such he must effectively admit liability unto the Plaintiff, ██████████.

181. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, ██████████, has in the past suffered, and will in the future suffer, physical injury, pain and

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183. For the second time in July of 2003, ██████ again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed ██████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor ██████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in ██████'s presence. JEFFREY EPSTEIN paid ██████ in excess of \$200 for this encounter.

184. As a condition of the Defendant, JEFFREY EPSTEIN's criminal plea, and in exchange for the Federal Government not prosecuting the Defendant for numerous federal offenses, the Defendant, JEFFREY EPSTEIN, additionally entered into an agreement with the Federal Government to the following: "Any person, who while a minor, was a victim of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

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loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, ██████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, ██████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT XXIX

Cause of Action Pursuant to 18 USC §2255

August of 2003 – Incident 1

188. The Plaintiff, ██████, adopts and realleges paragraphs 1 through 19 above.

189. In August of 2003, ██████ again returned to JEFFREY EPSTEIN'S residence at his request. On this occasion, JEFFREY EPSTEIN directed ██████ to fully undress and to provide him with a massage. Defendant, JEFFREY EPSTEIN, fondled the breasts and buttocks of the then minor ██████. At the conclusion of the massage, JEFFREY EPSTEIN masturbated himself in ██████'s presence. JEFFREY EPSTEIN paid ██████ in excess of \$200 for this encounter.

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192. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████, and as such he must effectively admit liability unto the Plaintiff, ██████.

193. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, ██████, has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of her privacy and other damages associated with Defendant, JEFFREY EPSTEIN, controlling, manipulating and coercing her into a perverse and unconventional way of life for a minor. The then minor Plaintiff incurred medical and psychological expenses and the Plaintiff, ██████, will in the future suffer additional medical and psychological expenses. The Plaintiff, ██████, has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, ██████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, ██████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further

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if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining evidentiary burdens if any a Plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

197. The Plaintiff, ██████, was a victim of one or more offenses enumerated in Title 18, United States Code, Section 2255, and as such asserts a cause of action against the Defendant, JEFFREY EPSTEIN, pursuant to this Section of the United States Code and the agreement between the Defendant, JEFFREY EPSTEIN, and the United States Government.

198. Pursuant to the agreement, the Defendant, JEFFREY EPSTEIN, is in the same position as if he had been tried and convicted of the sexual offenses committed against the Plaintiff, ██████, and as such he must effectively admit liability unto the Plaintiff, C.M.A.

199. As a direct and proximate result of the offenses enumerated in Title 18, United States Code, Section 2255, being committed against the then minor Plaintiff, ██████, has in the past suffered, and will in the future suffer, physical injury, pain and

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201. Between late May or early June of 2002 and August of 2003, Defendant, JEFFERY EPSTEIN, engaged in dozens of illegal and depraved sexual acts against Plaintiff, ██████

202. As described more fully in the above paragraphs, Defendant, JEFFERY EPSTEIN, intentionally inflicted harmful and/or offensive sexual contact on the person of ██████

203. Defendant, JEFFREY EPSTEIN'S, tortuous commission of sexual battery upon ██████ were done willfully and maliciously.

204. As a direct and proximate result of JEFFREY EPSTEIN'S battery on ██████, she has suffered and will continue to suffer severe and permanent traumatic injuries, including mental, psychological and emotional damages.

WHEREFORE, the Plaintiff, ██████, demands judgment against the Defendant, JEFFREY EPSTEIN, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT XXXII

Conspiracy to Commit Tortious Assault Against Defendant, ██████ ██████

205. Plaintiff incorporates into this count the allegations of paragraphs 1 through 19.

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self-esteem, loss of dignity, invasion of personal privacy and other damages associated with JEFFREY EPSTEIN'S controlling, manipulating, and coercing ██████ into a perverse and unconventional way of life for a minor. The then minor Plaintiff incurred medical and psychological expenses and the Plaintiff, ██████, will in the future suffer additional medical and psychological expenses. The Plaintiff, ██████, has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature and the Plaintiff, ██████, will continue to suffer these losses in the future.

WHEREFORE, the Plaintiff, ██████, demands judgment against the Defendant, ██████ ██████, for compensatory damages of at least the minimum amount provided by law, punitive damages, attorney's fees, costs, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of February, 2009, I electronically filed the foregoing with the Clerk of the Court by using CM/ECF system, which will send a notice of electronic filing to all counsel of record on the attached service list.

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COUNSEL LIST

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LRJ, MEDREQ, REF_DISCOV

U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:08-cv-80893-KAM

Doe v. Epstein
Assigned to: Judge Kenneth A. Marra
Referred to: Magistrate Judge Linnea R. Johnson
Lead case: [9:08-cv-80119-KAM](#)
Member case: ([View Member Case](#))
Case: [9:09-cv-80802-KAM](#)
Cause: no cause specified

Date Filed: 08/13/2008
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Federal Question

Plaintiff**Jane Doe**

represented by **Bradley James Edwards**
Rothstein Rosenfeldt Adler
401 East Las Olas Blvd
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Fax: [REDACTED]
Email: [REDACTED]
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul G. Cassell
Email: [REDACTED]
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant**Jeffrey Epstein**

represented by **Jack Alan Goldberger**
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Date Filed	#	clear	Docket Text
08/13/2008	<u>1</u>	<input type="checkbox"/> 0.6 MB	COMPLAINT against Jeffrey Epstein Filing fee \$ 350. Receipt#: 724605, filed by Jane Doe.(rb) (Entered: 08/14/2008)
08/13/2008	<u>2</u>	<input type="checkbox"/> 236.0 KB	MOTION to Proceed Anonymously by Jane Doe. (rb) (Entered: 08/14/2008)

08/13/2008	<u>3</u>	<input type="checkbox"/> 119.3 KB	MOTION to keep True Name in Sealed Envelope by Jane Doe. (rb) (Entered: 08/14/2008)
08/13/2008	<u>4</u>	<input type="checkbox"/> 69.8 KB	Summons Issued as to Jeffrey Epstein. (rb) (Entered: 08/14/2008)
08/13/2008	<u>5</u>		Sealed Document. (rb) (Entered: 08/14/2008)
08/21/2008	<u>6</u>	<input type="checkbox"/> 96.6 KB	MOTION for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filing for Paul G. Cassell, Filing Fee \$75, Receipt #724636. (cw) (Entered: 08/25/2008)
08/25/2008	<u>7</u>		ENDORSED ORDER granting Paul G. Cassell <u>6</u> Motion for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings. Signed by Judge Kenneth A. Marra on 8/25/08. (ir) (Entered: 08/25/2008)
09/15/2008	<u>8</u>	<input type="checkbox"/> 129.4 KB	NOTICE of Attorney Appearance by Robert Dewese Critton, Jr on behalf of Jeffrey Epstein (Critton, Robert) (Entered: 09/15/2008)
09/30/2008	<u>9</u>	<input type="checkbox"/> 53.1 KB	ORDER TO RESPOND re <u>3</u> MOTION to keep True Name in Sealed Envelope filed by Jane Doe, <u>2</u> MOTION to Proceed Anonymously filed by Jane Doe. Responses due by 10/15/2008. Signed by Judge Kenneth A. Marra on 9/30/08. (ir) (Entered: 09/30/2008)
10/01/2008	<u>10</u>	<input type="checkbox"/> 459.6 KB	MOTION FOR EXTENSION OF TIME TO RESPOND to <u>1</u> Complaint <i>Extension to Respond to Complaint and Require Plaintiff to File Rico</i> filed by Jeffrey Epstein. (Attachments: # <u>1</u> Extension to Respond to Complaint and Require Plaintiff to File Rico)(Critton, Robert) Modified on 10/2/2008 (ir). (Entered: 10/01/2008)
10/02/2008			Clerks Notice of Docket Correction and Instruction to Filer re <u>10</u> RESPONSE/REPLY for Extension of Time filed by Jeffrey Epstein. Error - Wrong Event Selected ; Correction - Redocketed by Clerk as MOTION for Extension of Time to Answer. Instruction to Filer - In the future, please select the proper event. It is not necessary to refile this document. (ir) (Entered: 10/02/2008)
10/02/2008	<u>11</u>		ENDORSED ORDER granting <u>10</u> Motion for Extension of Time to Answer Complaint. Jeffrey Epstein response due 10/10/2008. Plaintiff must file the Rule 12.1 Civil RICO statement by 10/3/08. Signed by Judge Kenneth A. Marra on 10/2/08. (ir) (Entered: 10/02/2008)
10/02/2008	<u>12</u>	<input type="checkbox"/> 160.0 KB	RESPONSE to Motion re <u>2</u> MOTION to Proceed Anonymously filed by Jeffrey Epstein. Replies due by 10/14/2008. (Critton, Robert) (Entered: 10/02/2008)
10/03/2008	<u>13</u>	<input type="checkbox"/> 51.7	NOTICE of Attorney Appearance by Jack Alan Goldberger on behalf of Jeffrey Epstein (Goldberger, Jack) (Entered: 10/03/2008)

		KB	
10/03/2008	<u>14</u>	<input type="checkbox"/> 1.6 MB	NOTICE by Jane Doe of <i>Filing Civil RICO Case Statement Pursuant to Local Rule 12.1</i> (Attachments: # <u>1</u> Supplement Civil RICO Case Statement Pursuant to Local Rule 12.1)(Edwards, Bradley) (Entered: 10/03/2008)
10/06/2008	<u>15</u>	<input type="checkbox"/> 60.7 KB	ORDER granting <u>2</u> Motion to Proceed Anonymously ; granting <u>3</u> Motion to Keep True Name in Sealed Envelope. The Clerk shall SEAL the true name affidavit of the Plaintiff. Signed by Judge Kenneth A. Marra on 10/6/08. (ir) (Entered: 10/06/2008)
10/10/2008	<u>16</u>	<input type="checkbox"/> 1.7 MB	Defendant's MOTION to Dismiss <u>1</u> Complaint, MOTION for More Definite Statement, MOTION to Strike <u>1</u> Complaint by Jeffrey Epstein. Responses due by 10/30/2008 (Critton, Robert) (Entered: 10/10/2008)
10/16/2008	<u>17</u>	<input type="checkbox"/> 435.5 KB	RESPONSE to Motion re <u>16</u> Defendant's MOTION to Dismiss <u>1</u> Complaint MOTION for More Definite Statement MOTION to Strike <u>1</u> Complaint filed by Jane Doe. Replies due by 10/27/2008. (Edwards, Bradley) (Entered: 10/16/2008)
10/27/2008	<u>18</u>	<input type="checkbox"/> 0.7 MB	REPLY to Response to Motion re <u>16</u> Defendant's MOTION to Dismiss <u>1</u> Complaint MOTION for More Definite Statement MOTION to Strike <u>1</u> Complaint filed by Jeffrey Epstein. (Attachments: # <u>1</u> Order in Jane Does 1 and 2)(Critton, Robert) (Entered: 10/27/2008)
12/04/2008	<u>19</u>	<input type="checkbox"/> 482.7 KB	SCHEDULING REPORT - Rule 26(f) . (Critton, Robert) (Entered: 12/04/2008)
12/10/2008	<u>20</u>	<input type="checkbox"/> 82.5 KB	ORDER Setting Trial Date & Discovery Deadlines, Referring Case to mediation & Referring Discovery Motions to United States Magistrate Judge. SCHEDULING ORDER: (Jury Trial set for 2/22/2010 in West Palm Beach Division before Judge Kenneth A. Marra., Calendar Call set for 2/19/2010 10:00 AM in West Palm Beach Division before Judge Kenneth A. Marra., Amended Pleadings due by 2/2/2009., Discovery due by 10/1/2009., Pretrial Motions due by 10/20/2009.), ORDER REFERRING CASE to Mediation. 15 days to appoint mediator., ORDER REFERRING CASE to Magistrate Judge Linnea R. Johnson for Discovery Proceedings. Signed by Judge Kenneth A. Marra on 12/10/2008. (tas) (Entered: 12/11/2008)
03/04/2009	<u>21</u>	<input type="checkbox"/> 0.5 MB	Defendant's MOTION for Extension of Time to File <i>Motions to Compel Directed to Plaintiff's Answers and Responses to discovery</i> by Jeffrey Epstein. (Critton, Robert) (Entered: 03/04/2009)
03/12/2009	<u>22</u>	<input type="checkbox"/> 42.4 KB	ORDER granting <u>21</u> Motion for Extension of Time to File Motion to Compel Directed to Plaintiff's Answers to Defendant's First Set of Interrogatories and to Plaintiff's Response to Defendant's First Request for Production to on or before April 3, 2009. Signed by Magistrate Judge Linnea R. Johnson on 3/12/2009. (kza) (Entered: 03/12/2009)

03/19/2009	<u>23</u>	<input type="checkbox"/> 56.8 KB	ORDER Setting Hearing on Motion <u>16</u> Defendant's MOTION to Dismiss <u>1</u> Complaint MOTION for More Definite Statement MOTION to Strike <u>1</u> Complaint : Motion Hearing set for 4/1/2009 01:00 PM in West Palm Beach Division before Judge Kenneth A. Marra. Signed by Judge Kenneth A. Marra on 3/19/2009. (ir) (Entered: 03/19/2009)
03/26/2009	<u>24</u>	<input type="checkbox"/> 2.3 MB	Defendant's MOTION to Stay re <u>1</u> Complaint by Jeffrey Epstein. Responses due by 4/13/2009 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Pike, Michael) (Entered: 03/26/2009)
03/30/2009	<u>25</u>	<input type="checkbox"/> 161.4 KB	Notice of Supplemental Authority re <u>16</u> Defendant's MOTION to Dismiss <u>1</u> Complaint MOTION for More Definite Statement MOTION to Strike <u>1</u> Complaint by Jeffrey Epstein (Pike, Michael) (Entered: 03/30/2009)
04/01/2009	<u>29</u>		Minute Entry for proceedings held before Judge Kenneth A. Marra: Motion Hearing held on 4/1/2009 re <u>16</u> Defendant's MOTION to Dismiss <u>1</u> Complaint MOTION for More Definite Statement MOTION to Strike <u>1</u> Complaint filed by Jeffrey Epstein. Court Reporter: Stephen Franklin, Phone: [REDACTED] (ir) (Entered: 04/08/2009)
04/02/2009	<u>26</u>	<input type="checkbox"/> 56.2 KB	ORDER granting <u>16</u> Motion to Dismiss; granting <u>16</u> Motion for More Definite Statement; terminating <u>16</u> Motion to Strike. Signed by Judge Kenneth A. Marra on 4/2/2009. (ir) (Entered: 04/02/2009)
04/02/2009	<u>27</u>	<input type="checkbox"/> 440.3 KB	Defendant's MOTION to Compel <i>Response to 1st RTP</i> by Jeffrey Epstein. Responses due by 4/20/2009 (Attachments: # <u>1</u> Exhibit A)(Pike, Michael) (Entered: 04/02/2009)
04/02/2009	<u>28</u>	<input type="checkbox"/> 210.0 KB	Defendant's MOTION to Compel <i>Response to 1st Interrogs</i> by Jeffrey Epstein. Responses due by 4/20/2009 (Pike, Michael) (Entered: 04/02/2009)
04/09/2009	<u>30</u>	<input type="checkbox"/> 12.7 KB	"WRONG EVENT USED, RE-DOCKETED AS ENTRY 34 " NOTICE by Jane Doe of <i>Change of Firm Affiliation</i> (Edwards, Bradley) Modified on 4/13/2009 (ls). (Entered: 04/09/2009)
04/09/2009	<u>31</u>	<input type="checkbox"/> 39.6 KB	RESPONSE in Opposition re <u>24</u> Defendant's MOTION to Stay re <u>1</u> Complaint filed by Jane Doe. (Edwards, Bradley) (Entered: 04/09/2009)
04/09/2009	<u>32</u>	<input type="checkbox"/> 20.8 KB	MOTION to Strike <i>Reference to Non Prosecution Agreement</i> by Jane Doe. Responses due by 4/27/2009 (Edwards, Bradley) (Entered: 04/09/2009)
04/09/2009	<u>34</u>		NOTICE of Change of Address and Firm Affiliation by Bradley James Edwards [See Image at DE #30] (ls) (Entered: 04/13/2009)
04/13/2009	<u>33</u>		Clerks Notice of Docket Correction and Instruction to Filer re <u>30</u> Notice (Other) filed by Jane Doe. Error - Wrong Event Selected ; Correction - Redocketed by Clerk as Notice of Change of Address. Instruction to Filer - In the future, please select the proper event. It is not necessary to refile this

			document. (ls) (Entered: 04/13/2009)
04/15/2009	<u>35</u>	<input type="checkbox"/> 1.8 MB	Defendant's MOTION to Compel <i>Response to Defendant's First Set of Interrogatories</i> by Jeffrey Epstein. Responses due by 5/4/2009 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit [REDACTED])(Pike, Michael) (Entered: 04/15/2009)
04/15/2009	<u>36</u>	<input type="checkbox"/> 13.4 KB	RESPONSE in Opposition re <u>27</u> Defendant's MOTION to Compel <i>Response to 1st RTP</i> filed by Jane Doe. (Edwards, Bradley) (Entered: 04/15/2009)
04/15/2009	<u>37</u>	<input type="checkbox"/> 25.3 KB	RESPONSE in Opposition re <u>28</u> Defendant's MOTION to Compel <i>Response to 1st Interrogs</i> filed by Jane Doe. (Edwards, Bradley) (Entered: 04/15/2009)
04/17/2009	<u>38</u>	<input type="checkbox"/> 86.5 KB	First AMENDED COMPLAINT, filed by Jane Doe. (Attachments: # <u>1</u> Exhibit A)(Edwards, Bradley) (Entered: 04/17/2009)
04/22/2009	<u>39</u>	<input type="checkbox"/> 145.1 KB	Defendant's MOTION for Extension of Time to File Reply as to <u>31</u> Response in Opposition to Motion <i>to Defendant's Motion to Stay</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 04/22/2009)
04/23/2009	<u>40</u>		ENDORSED ORDER granting <u>39</u> Motion for Extension of Time to Reply re <u>24</u> Defendant's MOTION to Stay re <u>1</u> Complaint. Replies due by 5/12/2009. Signed by Judge Kenneth A. Marra on 4/23/2009. (ir) (Entered: 04/23/2009)
04/27/2009	<u>41</u>	<input type="checkbox"/> 150.6 KB	Defendant's MOTION for Extension of Time to File Reply as to <u>36</u> Response in Opposition to Motion <i>to Compel Production of Tax Returns</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 04/27/2009)
04/27/2009	<u>42</u>	<input type="checkbox"/> 153.4 KB	Defendant's MOTION for Extension of Time to File Reply as to <u>37</u> Response in Opposition to Motion <i>to Compel Plaintiff to Respond to First Set Interrogatories</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 04/27/2009)
04/28/2009	<u>43</u>	<input type="checkbox"/> 60.2 KB	ORDER TO SHOW CAUSE why cases should not be consolidated for discovery purposes Show Cause Response due by 5/5/2009.. Signed by Judge Kenneth A. Marra on 4/28/2009. (cqs) (Entered: 04/29/2009)
04/29/2009	<u>44</u>	<input type="checkbox"/> 141.6 KB	Defendant's MOTION for Extension of Time to File Response as to <u>32</u> MOTION to Strike <i>Reference to Non Prosecution Agreement or, in the alternative, to Lift Protective Order Barring Jane Doe's Attorney's from Revealing Provision in the Agreement</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 04/29/2009)
05/01/2009	<u>45</u>	<input type="checkbox"/>	ORDER Granting <u>41</u> Motion for Extension of Time in which to file reply in support of Motion to Compel Tax Records ; Granting <u>42</u> Motion for Extension of Time to file reply in support of Motion to Compel Response

		82.2 KB	to First set of Interrogatories ; Granting <u>44</u> Motion for Extension of Time to Respond to Motion to Strike References to Non-Prosecution Agreement. Signed by Magistrate Judge Linnea R. Johnson on 5/1/2009. (sa) (Entered: 05/01/2009)
05/04/2009	<u>46</u>	<input type="checkbox"/> 381.1 KB	REPLY to Response to Motion re <u>27</u> Defendant's MOTION to Compel <i>Response to 1st RTP</i> , <u>41</u> Defendant's MOTION for Extension of Time to File Reply as to <u>36</u> Response in Opposition to Motion to <i>Compel Production of Tax Returns</i> filed by Jeffrey Epstein. (Attachments: # <u>1</u> Exhibit Exhibit A)(Pike, Michael) (Entered: 05/04/2009)
05/04/2009	<u>47</u>	<input type="checkbox"/> 219.6 KB	RESPONSE TO ORDER TO SHOW CAUSE by Jane Doe. (Edwards, Bradley) (Entered: 05/04/2009)
05/04/2009	<u>48</u>	<input type="checkbox"/> 0.5 MB	REPLY to Response to Motion <u>37</u> Response in Opposition to Motion to <i>Compel Plaintiff to Respond to First Set Interrogatories</i> , <u>35</u> Defendant's MOTION to Compel <i>Response to Defendant's First Set of Interrogatories</i> filed by Jeffrey Epstein. (Attachments: # <u>1</u> Exhibit Exhibit A)(Pike, Michael) Modified link on 5/5/2009 (lk). (Entered: 05/04/2009)
05/04/2009	<u>49</u>	<input type="checkbox"/> 273.3 KB	MEMORANDUM in Opposition re <u>43</u> Order to Show Cause by Jeffrey Epstein. (Pike, Michael) (Entered: 05/04/2009)
05/04/2009	<u>50</u>		RESPONSE TO ORDER TO SHOW CAUSE by Jeffrey Epstein. See image DE <u>49</u> (lk) (Entered: 05/05/2009)
05/05/2009	<u>51</u>		Clerks Notice of Docket Correction and Instruction to Filer re <u>49</u> Memorandum in Opposition filed by Jeffrey Epstein. ERROR - Wrong Event Selected ; Correction - Redocketed by Clerk as <u>50</u> RESPONSE TO ORDER TO SHOW CAUSE. Instruction to Filer - In the future, please select the proper event, UNDER OTHER ANSWERS/RESPONSES/REPLIES. It is not necessary to refile this document. (lk) (Entered: 05/05/2009)
05/05/2009	<u>52</u>	<input type="checkbox"/> 136.5 KB	Defendant's MOTION for Extension of Time to File Response as to <u>38</u> Amended Complaint by Jeffrey Epstein. (Critton, Robert) (Entered: 05/05/2009)
05/06/2009	<u>53</u>		ENDORSED ORDER granting <u>52</u> Motion for Extension of Time to Answer Amended Complaint. Jeffrey Epstein response due 5/18/2009. Signed by Judge Kenneth A. Marra on 5/5/2009. (ir) (Entered: 05/06/2009)
05/12/2009	<u>54</u>	<input type="checkbox"/> 344.8 KB	RESPONSE/REPLY to <u>31</u> Response in Opposition to Motion to <i>Stay and/or Continue Action for Time Certain</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 05/12/2009)
05/13/2009	<u>55</u>	<input type="checkbox"/> 80.8 KB	SUPPLEMENT to <u>54</u> Response/Reply (Other) to <i>Plaintiff's Response in Opposition to Defendant's Motion to Stay and/or Continue Action</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 05/13/2009)

05/14/2009			Cases associated. (dg) (Entered: 05/14/2009)
05/14/2009	<u>56</u>	<input type="checkbox"/> 106.5 KB	ORDER CONSOLIDATING CASES. Hereinafter all motions and other court filings that relate to discovery and all procedural motions that relate to multiple cases shall be styled with all of the case names and numbers and shall be filed in Case No. 08-80119-CIV-MARRA. Signed by Judge Kenneth A. Marra on 5/14/2009. Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/14/2009	<u>57</u>	<input type="checkbox"/> 1.3 MB	ORDER REQUESTING UNITED STATES PROVIDE POSITION TO MOTION TO STAY. Signed by Judge Kenneth A. Marra on 5/14/2009. (Attachments: # <u>1</u> Appendix Motion to Stay DE 51) Associated Cases: 9:08-cv-80119-KAM et al. (ir) (Entered: 05/14/2009)
05/14/2009	58		ORDER terminating <u>24</u> Motion to Stay. Signed by Judge Kenneth A. Marra on 5/14/2009. (lc3) (Entered: 05/14/2009)
05/14/2009	59		ORDER denying <u>32</u> Motion to Strike, without prejudice to re-file procedural motions relating to multiple cases in case no. 08-80119. See Order consolidating cases.. Signed by Judge Kenneth A. Marra on 5/14/2009. (lc3) (Entered: 05/14/2009)
05/18/2009	<u>60</u>	<input type="checkbox"/> 125.9 KB	MOTION for Extension of Time to File Response to <i>Plaintiff's First Amended Complaint</i> by Jeffrey Epstein. (Pike, Michael) (Entered: 05/18/2009)
05/19/2009	61		ENDORSED ORDER granting <u>60</u> Motion for Extension of Time to Answer Complaint. Jeffrey Epstein response due 6/4/2009. Signed by Judge Kenneth A. Marra on 5/19/2009. (ir) (Entered: 05/19/2009)
05/19/2009	<u>62</u>	<input type="checkbox"/> 0.8 MB	Defendant's MOTION to Strike <i>Cases from Current Trial Docket</i> by Jeffrey Epstein. Responses due by 6/8/2009 (Attachments: # <u>1</u> Exhibit A) Associated Cases: 9:08-cv-80119-KAM et al.(Pike, Michael) (Entered: 05/19/2009)
05/20/2009	63		ORDER terminating (93) Motion to Strike ; terminating (94) Motion in case 9:08-cv-80232-KAM; terminating (110) Motion to Strike ; terminating (111) Motion in case 9:08-cv-80380-KAM; terminating (95) Motion to Strike ; terminating (96) Motion in case 9:08-cv-80381-KAM; terminating (90) Motion to Strike ; terminating (91) Motion in case 9:08-cv-80811-KAM; terminating (62) Motion to Strike in case 9:08-cv-80893-KAM; terminating (62) Motion to Strike in case 9:08-cv-80993-KAM; terminating (50) Motion to Strike in case 9:08-cv-80994-KAM. Signed by Judge Kenneth A. Marra on 5/20/2009. (lc3) (Entered: 05/20/2009)
05/20/2009	64		Clerks Notice of Docket Correction and Instruction to Filer re <u>62</u> MOTION to Strike filed by Jeffrey Epstein. Error - Motion with Multiple Reliefs Filed as One Relief ;. Instruction to filer - In the future, please select all applicable reliefs. It is not necessary to refile this document. (ls) (Entered: 05/20/2009)

			05/20/2009)
05/20/2009	<u>65</u>	<input type="checkbox"/> 363.1 KB	NOTICE by ██████. of Filing Withdrawal of Previously Raised Objections to Defendant, Jeffrey Epstein's Motion to Compel And/Or Identify ██████ in the Style of This Case and Motion to Identify ██████ in Third-Party Subpoenas for Purposes of Discovery, Or, Alternatively, Motion to Dismiss Sua Sponte, With Incorporated Memorandum of Law Associated Cases: 9:08-cv-80119-KAM et al.(Hill, Jack) (Entered: 05/20/2009)
05/20/2009	66		ORDER STRIKING in all Epstein cases EXCEPT case no. 08-80119: Notice by ██████. of Filing Withdrawal of Previously Raised Objections to Epstein's Motion to Compel and/or Identify. This Notice should only be filed in 08-80119, not in all of the Epstein cases.. Signed by Judge Kenneth A. Marra on 5/20/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/20/2009)
05/22/2009	67		Clerks Notice of Docket Correction and Instruction to Filer re <u>65</u> Notice (Other), Notice (Other) filed by ██████.. Error - Incorrect Document Link/No Link ;. Instruction to filer - In the future, please link the document to the proper entry. It is not necessary to refile this document. (ls) (Entered: 05/22/2009)
05/27/2009	<u>68</u>	<input type="checkbox"/> 52.0 KB	NOTICE by Jane Doe re (111 in 9:08-cv-80119-KAM) Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)Plaintiff's MOTION for Extension of Time to File Response as to (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90) (Attachments: # <u>1</u> Text of Proposed Order)Associated Cases: 9:08-cv-80119-KAM et al. (Horowitz, Adam) (Entered: 05/27/2009)
05/28/2009	69		ORDER STRIKING Notice by Jane Doe in all Epstein cases EXCEPT in case 08-80119. This Notice should only be filed in 08-80119, not in all of the Epstein cases... Signed by Judge Kenneth A. Marra on 5/28/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/28/2009)
05/29/2009	<u>70</u>	<input type="checkbox"/> 11.6 KB	NOTICE of Attorney Appearance by ██████. ██████ on behalf of United States of America Associated Cases: 9:08-cv-80119-KAM et al. (█████, ██████) (Entered: 05/29/2009)
05/29/2009	<u>71</u>	<input type="checkbox"/> 37.7	RESPONSE to Motion re (72 in 9:08-cv-80380-KAM) Defendant's MOTION to Stay re (62) Amended Complaint, (57 in 9:08-cv-80232-KAM) Defendant's MOTION to Stay re (50) Amended Complaint, (24 in 9:08-cv-80893-KAM) Defendant's MOTION to Stay re (1) Complaint, (23 in 9:08-cv-80994-KAM) Defendant's MOTION to Stay re (18) Amended Complaint, (22 in 9:08-cv-80993-KAM) Defendant's MOTION to Stay re (19) Amended Complaint, (65 in 9:08-cv-80119-KAM) Defendant's

		KB	MOTION to Stay re (56) Amended Complaint, (68 in 9:08-cv-80381-KAM) Defendant's MOTION to Stay re (60) Amended Complaint, (51 in 9:08-cv-80811-KAM) Defendant's MOTION to Stay re (40) Amended Complaint <i>and or Continue Action Filed Pursuant to Court's Order Requesting Government's Position</i> filed by United States of America. Replies due by 6/8/2009. Associated Cases: 9:08-cv-80119-KAM et al. (██████, ██████) (Entered: 05/29/2009)
05/29/2009	<u>72</u>	<input type="checkbox"/> 43.3 KB	RESPONSE in Opposition re (90 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identify Doe in Style of Case and in Third-Party Subpoenas</i> , (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> filed by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)
05/29/2009	<u>73</u>		ORDER STRIKING (124 in 9:08-cv-80119-KAM, 105 in 9:08-cv-80811-KAM, 74 in 9:08-cv-80993-KAM, 72 in 9:08-cv-80893-KAM, 106 in 9:08-cv-80232-KAM, 123 in 9:08-cv-80380-KAM, 35 in 9:09-cv-80591-KAM, 25 in 9:09-cv-80469-KAM, 60 in 9:08-cv-80994-KAM, 22 in 9:09-cv-80656-KAM, 107 in 9:08-cv-80381-KAM) Response in Opposition to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 DO NOT FILE IN EVERY EPSTEIN CASE. SEE ORDER CONSOLIDATING CASES.. Signed by Judge Kenneth A. Marra on 5/29/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 05/29/2009)
05/29/2009	<u>74</u>	<input type="checkbox"/> 24.5 KB	MOTION for Leave to File <i>UNDER SEAL RESPONSE IN OPPOSITION TO DEFENDANTS MOTION TO STAY OR, IN THE ALTERNATIVE, TO UNSEAL THE NONPROSECUTION AGREEMENT</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Ezell, Katherine) (Entered: 05/29/2009)
05/29/2009	<u>75</u>	<input type="checkbox"/> 19.5 KB	MOTION for Hearing <i>MOTION TO RESCHEDULE HEARING</i> by Jane Doe No. 102, Jane Doe No. 101. Associated Cases: 9:08-cv-80119-KAM et al.(Josefsberg, Robert) (Entered: 05/29/2009)
06/01/2009	<u>76</u>		ORDER STRIKING (28 in 9:09-cv-80469-KAM, 126 in 9:08-cv-80380-KAM, 109 in 9:08-cv-80232-KAM, 25 in 9:09-cv-80656-KAM, 77 in 9:08-cv-80993-KAM, 38 in 9:09-cv-80591-KAM, 110 in 9:08-cv-80381-KAM, 63 in 9:08-cv-80994-KAM, 75 in 9:08-cv-80893-KAM, 108 in 9:08-cv-80811-KAM) Motion to Continue Hearing filed by Jane Doe No. 102, Jane Doe No. 101, (76 in 9:08-cv-80993-KAM, 109 in 9:08-cv-80381-KAM, 108 in 9:08-cv-80232-KAM, 62 in 9:08-cv-80994-KAM, 125 in 9:08-cv-80380-KAM, 74 in 9:08-cv-80893-KAM, 24 in 9:09-cv-80656-KAM, 37 in 9:09-cv-80591-KAM, 107 in 9:08-cv-80811-KAM, 27 in 9:09-cv-80469-KAM) Motion for Leave to File, filed by Jane Doe No. 102, Jane Doe No. 101. THESE DOCUMENTS SHOULD BE FILED ONLY IN 08-80119. SEE CASE MANAGEMENT ORDER.. Signed by Judge Kenneth A.

			Marra on 6/1/2009. (lc3) (Entered: 06/01/2009)
06/03/2009	<u>77</u>	<input type="checkbox"/> 160.9 KB	Defendant's MOTION for Extension of Time to File Response as to <u>38</u> Amended Complaint <i>Unopposed</i> by Jeffrey Epstein. (Attachments: # <u>1</u> Text of Proposed Order Order)(Pike, Michael) (Entered: 06/03/2009)
06/04/2009	<u>78</u>		ENDORSED ORDER granting <u>77</u> Motion for Extension of Time to Answer First Amended Complaint. Jeffrey Epstein response due 6/10/2009. Signed by Judge Kenneth A. Marra on 6/4/2009. (ir) (Entered: 06/04/2009)
06/04/2009	<u>79</u>	<input type="checkbox"/> 349.0 KB	REPLY to Response to Motion re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION <i>Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Reply to Defendant Jeffrey Epstein's Response to Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Motion for a No-Contact Order</i> filed by Jane Doe No. 101, Jane Doe No. 102. Associated Cases: 9:08-cv-80119-KAM et al. (Ezell, Katherine) (Entered: 06/04/2009)
06/04/2009	<u>80</u>		ORDER STRIKING (112 in 9:08-cv-80381-KAM, 111 in 9:08-cv-80232-KAM, 136 in 9:08-cv-80119-KAM, 111 in 9:08-cv-80811-KAM, 128 in 9:08-cv-80380-KAM, 65 in 9:08-cv-80994-KAM, 79 in 9:08-cv-80893-KAM, 42 in 9:09-cv-80591-KAM, 27 in 9:09-cv-80656-KAM, 32 in 9:09-cv-80469-KAM, 79 in 9:08-cv-80993-KAM) Reply to Response to Motion, filed by Jane Doe No. 102, Jane Doe No. 101 Document stricken for failure to follow Court's orders. DO NOT FILE A DOCUMENT IN EVERY EPSTEIN CASE if it is to be filed only in 08-80119. See Case Management Order and contact CM/ECF Support for assistance in proper filing.. Signed by Judge Kenneth A. Marra on 6/4/2009. Associated Cases: 9:08-cv-80119-KAM et al. (lc3) (Entered: 06/04/2009)
06/08/2009	<u>81</u>	<input type="checkbox"/> 161.3 KB	Defendant's MOTION for Extension of Time to File Response as to <u>38</u> Amended Complaint by Jeffrey Epstein. (Attachments: # <u>1</u> Text of Proposed Order)(Pike, Michael) (Entered: 06/08/2009)
06/08/2009	<u>82</u>	<input type="checkbox"/> 3.8 MB	RESPONSE to Motion re (91 in 9:08-cv-80119-KAM) Defendant's MOTION to Compel <i>Identity of Doe in Style of Case and Third-Party Subpoenas (replaces Docket entry 90)</i> filed by Jane Doe. Replies due by 6/18/2009. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)
06/08/2009	<u>83</u>	<input type="checkbox"/> 106.1 KB	NOTICE by Jane Doe re (113 in 9:08-cv-80119-KAM) Plaintiff's MOTION <i>Plaintiffs Jane Doe No. 101 and Jane Doe 102's Motion for No-Contact Order -Plaintiffs Jane Does 2-7 Notice of Joinder</i> Associated Cases: 9:08-cv-80119-KAM et al.(Horowitz, Adam) (Entered: 06/08/2009)
06/10/2009	<u>84</u>		ENDORSED ORDER granting <u>81</u> Motion for Extension of Time to Answer Amended Complaint. Jeffrey Epstein response due 6/12/2009. Signed by Judge Kenneth A. Marra on 6/9/2009. (ir) (Entered: 06/10/2009)

06/10/2009	85	Clerks Notice of Docket Correction and Instruction to Filer re <u>83</u> Notice (Other), Notice (Other) filed by Jane Doe. Error - Wrong Event Selected ;. Instruction to Filer - In the future, please select the proper event, i.e. Notice of Adoption. It is not necessary to refile this document. (ls) (Entered: 06/10/2009)
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1. Need a new Encase Image of File Folder
MIA-SI-2-2. E35 has missing/and/or
Corrupted Files.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

09-80591

JANE DOE No. 101,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

Civil Action No.

CIV-MARRA

MAGISTRATE JUDGE
JOHNSON

COMPLAINT AND
DEMAND FOR JURY TRIAL

FILED by <i>ADS</i> INTAKE
APR 17 2009
STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLA. MIAMI

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Jane Doe No. 101 ("Jane Doe"), brings this Complaint against Defendant, Jeffrey Epstein, and states as follows:

PARTIES, JURISDICTION, AND VENUE

- At all times material to this cause of action, Plaintiff, Jane Doe, was a resident of Palm Beach County, Florida.
- This Complaint is brought under a fictitious name to protect the identity of Plaintiff, Jane Doe, because this Complaint makes sensitive allegations of sexual assault and abuse of a then minor.
- At all times material to this cause of action, Defendant, Jeffrey Epstein, had a residence located at 358 El Brillo Way, West Palm Beach, Palm Beach County, Florida.
- Defendant, Jeffrey Epstein, is currently a citizen of the State of Florida, as he is currently incarcerated in the Palm Beach County Stockade.
- At all times material to this cause of action, Defendant, Jeffrey Epstein, was an adult male born in 1953.

6. This Court has jurisdiction of this action and the claims set forth herein pursuant to 18 U.S.C. § 2255.

7. This Court has venue of this action pursuant to 28 U.S.C. § 1391(a), as a substantial part of the events giving rise to the claim occurred in this District.

STATEMENT OF FACTS

8. At all relevant times, Defendant, Jeffrey Epstein, was an adult male, approximately 50 years old. Epstein is known as a billionaire financier and money manager with a secret clientele limited exclusively to billionaires. He is a man of tremendous wealth, power, and influence. He owns a fleet of aircraft that includes a Gulfstream IV, a helicopter, and a Boeing 727. Until his incarceration, he maintained his principal place of residence in the largest home in Manhattan, a 51,000-square-foot eight-story mansion on the Upper East Side. Upon information and belief, he also owns a \$6.8 million mansion in Palm Beach, Florida, a \$30 million 7,500-acre ranch in New Mexico he named "Zorro," and a 70-acre private island known as Little St. James in St. Thomas, U.S. Virgin Islands. The allegations herein concern Defendant's conduct while at his lavish estate in Palm Beach.

9. Upon information and belief, Defendant has a sexual preference for underage minor girls. He engaged in a plan, scheme, or enterprise in which he gained access in his home to countless relatively economically disadvantaged minor girls, sexually assaulted or molested these girls, and then gave them money.

10. Beginning in or around 2001 through in or around September 2007, Defendant used his resources and his influence over vulnerable minor children to engage in a systematic pattern of sexually exploitative behavior.

11. Defendant's plan and scheme reflected a particular pattern and method. Defendant coerced and enticed impressionable, vulnerable, and relatively economically less

fortunate minors to participate in various acts of sexual misconduct that he committed upon them. Defendant's scheme involved the use of underage girls as well as other individuals to recruit other underage girls. Upon information and belief, Defendant or an authorized agent would call and alert Defendant's assistants shortly before or after he arrived at his Palm Beach residence. His assistants would seek out economically disadvantaged and underage girls from West Palm Beach and surrounding areas who would be enticed by the money being offered—generally \$200 to \$300 per “massage” session—and who Defendant and/or his assistants perceived as less likely to complain to authorities or have credibility issues if allegations of improper conduct were made. The then minor Plaintiff and other minor girls, some as young as 14 years old, were transported to Defendant's Palm Beach county mansion by Defendant's employees, agents, and/or assistants in order to provide Defendant with “massages.”

12. Defendant would pay the procurer of each girl's “appointment” approximately \$200. Many of the instances of illegal sexual conduct committed by Defendant were perpetrated with the assistance, support, and facilitation of at least three assistants who helped him orchestrate this child exploitation enterprise. These assistants would often arrange times for underage girls to come to Defendant's residence, transport or cause the transportation of underage girls to Defendant's residence, escort the underage girls to the massage room where Defendant would be waiting or would enter shortly thereafter, urge the underage girls to remove their clothes, deliver cash from Defendant to the underage girls and/or their procurers at the conclusion of each “massage appointment,” and, upon information and belief, take nude photographs and/or videos of the underage girls' for Defendant without their knowledge.

13. Epstein designed the scheme to secure a private place in Defendant's mansion where only persons employed and invited by Epstein would be present, so as to reduce the chance of detection of Defendant's sexual abuse and prostitution as well as to make it more

difficult for the minor girls to flee the premises and/or to credibly report his actions to law enforcement or other authorities. The girls were usually transported by his employees, agents, and/or assistants or by a taxicab paid for by Defendant in order to make it difficult for the girls to flee his mansion.

14. Upon arrival at Defendant's mansion, each underage victim would generally be introduced to one of Defendant's assistants, who would gather the girl's personal contact information. The minor girl would then be led up a flight of stairs to a room that contained a massage table and a large shower. The staircase leading to the room was plastered with nude photographs of young girls, including some photographs depicting two or more young girls engaged in lewd acts. Upon information and belief, Defendant, Jeffrey Epstein, had such photographs in each of his four homes and on his computer.

15. At times, if it was the girl's first "massage" appointment, another female would be in the room to "lead the way" until Defendant would have her leave. Generally, Defendant would start his massage wearing only a small towel, which eventually would be removed. Defendant would direct the girl to massage him, giving her specific instructions as to where and how he wanted to be touched, and then direct her to remove her clothing. He would then perform one or more lewd, lascivious, and sexual acts, including masturbation, fondling the minor's breasts and/or sexual organs, touching the [REDACTED] with a [REDACTED] and/or [REDACTED] [REDACTED] [REDACTED] her [REDACTED] performing [REDACTED] and/or coercing or attempting to coerce the girl to engage in lewd acts and/or prostitution. The exact degree of molestation and frequency with which the sexual crimes took place varied and is not yet completely known; however, at least when Defendant was in Palm Beach, Florida, such acts occurred usually on a daily basis and, in most instances, several times a day.

16. As previously stated in paragraph 14, Defendant displayed nude photographs of underage girls throughout his homes in New York, Palm Beach, New Mexico, and the U.S. Virgin Islands. Upon information and belief, some of the photographs in the possession of Defendant were taken with hidden cameras set up throughout his home in Palm Beach. On the day of his arrest, police found two hidden cameras and photographs of underage girls on a computer in Defendant's home. Upon information and belief, Defendant, Jeffrey Epstein, may have taken lewd photographs of Plaintiff, Jane Doe, with his hidden cameras and may have transported lewd photographs of Plaintiff (among many other victims) to his other residences and elsewhere using a facility or means of interstate commerce.

17. Consistent with the foregoing plan and scheme, Defendant used his money, wealth, and power to unduly and improperly manipulate and influence the then minor Plaintiff. Plaintiff, Jane Doe, was recruited by one of Defendant's agents to give Defendant a massage for compensation. Plaintiff was apprehensive, but needed the money and finally agreed to go. Plaintiff was first brought to Defendant's mansion in or about the spring of 2003, when she was merely 17 years old and in high school. Epstein's procurer drove her to Jeffrey Epstein's mansion. Plaintiff was led up a flight of stairs by a blonde woman to a spa room with a shower and a massage table, where she was left alone. A woman with dark hair, an accent, and naked from the waist up entered and tried to coax Plaintiff to remove her shirt, but Plaintiff refused. After the woman showed Plaintiff how to use the lotions that were there, the woman left. Defendant walked in wearing only a small towel. He lay down on the massage table still wearing the small towel, and Plaintiff began to massage his shoulders and neck. Nervously, she asked him what he did for a living. Defendant responded that he was a scientist. Defendant asked Plaintiff what year she would graduate high school, to which Plaintiff honestly replied that she would graduate in 2004. Plaintiff massaged Defendant's lower back and calves. Defendant

told her to remove his towel. Defendant told her that he had just worked out and wanted his buttocks massaged. Although disgusted, she was afraid to refuse and did it. At some point, Defendant ordered Plaintiff to remove her clothes. In shock, fear, and trepidation, Plaintiff partly complied, removing only her shirt and bra. When Defendant turned over, Plaintiff was afraid and embarrassed and she wanted to leave. Defendant repeatedly told her to relax and complimented her, saying that she had a nice body. Defendant then pulled Plaintiff closer to him. He began masturbating and then began fondling her breasts. He asked her to do more and mentioned more money, which she adamantly declined. Defendant continued masturbating until he ejaculated. Plaintiff next recalls that she received \$200 and was transported by the procurer, whom she later learned received \$200 for having brought her to Epstein's mansion.

18. Defendant thereafter lured the then minor Plaintiff to the Epstein mansion on at least one and perhaps two other occasions in the spring and/or summer of 2003. The procurer made another appointment for her to return, but Plaintiff didn't want to see Defendant. By having his assistants continue to contact Plaintiff and attempt to lure her to the mansion for other sexual acts, Defendant engaged in a continuous course of conduct that injured Plaintiff upon each instance of contact and/or abuse.

19. In addition to the direct sexual abuse and molestation of the then minor Plaintiff, Defendant used his money, wealth, and power to unduly and improperly manipulate and influence the then minor Plaintiff to bring him another minor girl in a promised exchange for money. Rather than go herself, Plaintiff and the procurer took another girl there one time.

20. As a result of these encounters with Defendant, Plaintiff, Jane Doe, has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, and

other damages associated with Defendant's controlling and manipulating her into a perverse and unhealthy way of life.

21. Any assertions by Defendant that he was unaware of the age of the then minor Plaintiff are belied by her telling him her high school graduation year, as well as his own actions, and are rendered irrelevant by the provision of applicable federal statutes concerning the sexual exploitation and abuse of a minor child. Defendant, Jeffrey Epstein, at all times material to this cause of action, knew and should have known of Plaintiff's age of minority. In fact, his preference for underage girls was well-known to those who regularly procured them for him.

22. Defendant, Jeffrey Epstein, committed the above-referenced acts upon the then minor Plaintiff in violation of federal statutes condemning the coercion and enticement of a minor to engage in prostitution or sexual activity, travel with intent to engage in illicit sexual conduct, sex trafficking of children, sexual exploitation of minor children, transport of visual depictions of a minor engaging in sexually explicit conduct, transport of child pornography, child exploitation enterprises, and other crimes, specifically including, but not limited to, those crimes designated in 18 U.S.C. § 2422(b), § 2423(b), § 2423(e), § 2251, § 2252, § 2252A(a)(1), § 2252A(g)(1), and § 1591.

23. After investigations by the Palm Beach Police Department, the Palm Beach State Attorney's Office, the Federal Bureau of Investigation, and the United States Attorney's Office for the Southern District of Florida, Defendant, Jeffrey Epstein, entered pleas of "guilty" to various Florida state crimes involving the solicitation of minors for prostitution and the procurement of minors for the purposes of prostitution in June 2008 in the Fifteenth Judicial Circuit in Palm Beach County, Florida. Defendant, Jeffrey Epstein, is in the same position as if he had been tried and convicted of the sexual offenses committed against Plaintiff and, as such,

must admit liability unto Plaintiff, Jane Doe. Plaintiff hereby exclusively seeks civil remedies pursuant to 18 U.S.C. § 2255.

COUNT ONE

(Cause of Action for Coercion and Enticement of Minor to Engage in Prostitution or Sexual Activity pursuant to 18 U.S.C. § 2255 in Violation of 18 U.S.C. § 2422(b))

24. Plaintiff, Jane Doe, hereby adopts, repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 23 above.

25. Defendant, Jeffrey Epstein, used a facility or means of interstate commerce to knowingly persuade, induce, or entice Jane Doe, when she was under the age of 18 years, to engage in prostitution and/or sexual activity for which any person can be charged with a criminal offense pursuant to 18 U.S.C. § 2255 in violation of 18 U.S.C. § 2422(b).

26. Plaintiff, Jane Doe, was a victim of one or more offenses enumerated in 18 U.S.C. § 2255, and, as such, asserts a cause of action against Defendant, Jeffrey Epstein, pursuant to this Section of the United States Code.

27. As a direct and proximate result of the offenses enumerated in 18 U.S.C. § 2255 being committed against the then minor Plaintiff by Defendant, Plaintiff has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, and other damages associated with Defendant's manipulating and leading her into a perverse and unhealthy way of life. The then minor Plaintiff incurred medical and psychological expenses, and Plaintiff will in the future suffer additional medical and psychological expenses. Plaintiff has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature, and Plaintiff will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, Jane Doe, demands judgment against Defendant, Jeffrey Epstein, for all damages available under 18 U.S.C. § 2255, including, without limitation, actual and compensatory damages, attorney's fees, costs of suit, and such other further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT TWO

(Cause of Action for Travel with Intent to Engage in Illicit Sexual Conduct pursuant to 18 U.S.C. § 2255 in Violation of 18 U.S.C. § 2423(b))

28. Plaintiff, Jane Doe, hereby adopts, repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 23 above.

29. Upon information and belief, Defendant, Jeffrey Epstein, traveled in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of 18 U.S.C. § 2423(b).

30. Plaintiff, Jane Doe, was a victim of one or more offenses enumerated in 18 U.S.C. § 2255, and, as such, asserts a cause of action against Defendant, Jeffrey Epstein, pursuant to this Section of the United States Code.

31. As a direct and proximate result of the offenses enumerated in 18 U.S.C. § 2255 being committed against the then minor Plaintiff by Defendant, Plaintiff has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, and other damages associated with Defendant's manipulating and leading her into a perverse and unhealthy way of life. The then minor Plaintiff incurred medical and psychological expenses, and Plaintiff will in the future suffer additional medical and psychological expenses. Plaintiff has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the

capacity to enjoy life. These injuries are permanent in nature, and Plaintiff will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, Jane Doe, demands judgment against Defendant, Jeffrey Epstein, for all damages available under 18 U.S.C. § 2255, including, without limitation, actual and compensatory damages, attorney's fees, costs of suit, and such other further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT THREE

(Cause of Action for Sex Trafficking of Children pursuant to 18 U.S.C. § 2255 in Violation of 18 U.S.C. § 1591(a))

32. Plaintiff, Jane Doe, hereby adopts, repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 23 above.

33. Defendant, Jeffrey Epstein, knowingly, in or affecting interstate or foreign commerce, recruited, enticed, and obtained Plaintiff, Jane Doe, knowing that she had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1), in violation of 18 U.S.C. § 1591(a)(1).

34. Plaintiff, Jane Doe, was a victim of one or more offenses enumerated in 18 U.S.C. § 2255, and, as such, asserts a cause of action against Defendant, Jeffrey Epstein, pursuant to this Section of the United States Code.

35. As a direct and proximate result of the offenses enumerated in 18 U.S.C. § 2255 being committed against the then minor Plaintiff by Defendant, Plaintiff has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, and other damages associated with Defendant's manipulating and leading her into a perverse and

unhealthy way of life. The then minor Plaintiff incurred medical and psychological expenses, and Plaintiff will in the future suffer additional medical and psychological expenses. Plaintiff has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature, and Plaintiff will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, Jane Doe, demands judgment against Defendant, Jeffrey Epstein, for all damages available under 18 U.S.C. § 2255, including, without limitation, actual and compensatory damages, attorney's fees, costs of suit, and such other further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT FOUR
(Cause of Action for Sexual Exploitation of Children pursuant to 18 U.S.C. § 2255 in Violation of 18 U.S.C. § 2251)

36. Plaintiff, Jane Doe, hereby adopts, repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 23 above.

37. Defendant, Jeffrey Epstein, knowingly induced, enticed, or coerced then minor Plaintiff Jane Doe to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct in violation of 18 U.S.C. § 2251. As previously stated in paragraphs 14 and 16, Defendant displayed a myriad of photographs of underage girls throughout his homes in New York, Palm Beach, New Mexico, and the U.S. Virgin Islands. Upon information and belief, many of the photographs in the possession of Defendant were taken with hidden cameras set up throughout his home in Palm Beach. On the day of his arrest, police found two hidden cameras and photographs of underage girls on a computer in Defendant's home. Upon information and belief, Defendant, Jeffrey Epstein, may have taken lewd photographs of Plaintiff, Jane Doe, with his hidden cameras and may have transported lewd photographs of

Plaintiff (among many other victims) to his other residences and elsewhere using a facility or means of interstate commerce.

38. Plaintiff, Jane Doe, was a victim of one or more offenses enumerated in 18 U.S.C. § 2255, and, as such, asserts a cause of action against Defendant, Jeffrey Epstein, pursuant to this Section of the United States Code.

39. As a direct and proximate result of the offenses enumerated in 18 U.S.C. § 2255 being committed against the then minor Plaintiff by Defendant, Plaintiff has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, and other damages associated with Defendant's manipulating and leading her into a perverse and unhealthy way of life. The then minor Plaintiff incurred medical and psychological expenses, and Plaintiff will in the future suffer additional medical and psychological expenses. Plaintiff has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature, and Plaintiff will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, Jane Doe, demands judgment against Defendant, Jeffrey Epstein, for all damages available under 18 U.S.C. § 2255, including, without limitation, actual and compensatory damages, attorney's fees, costs of suit, and such other further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT FIVE

(Cause of Action for Transport of Visual Depiction of Minor Engaging in Sexually Explicit Conduct pursuant to 18 U.S.C. § 2255 in Violation of 18 U.S.C. § 2252(a)(1))

40. Plaintiff, Jane Doe, hereby adopts, repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 23 above.

41. Defendant, Jeffrey Epstein, knowingly mailed, transported, or shipped in interstate or foreign commerce child pornography in violation of 18 U.S.C. § 2252(1). As previously stated in paragraphs 14, 16, and 37, upon information and belief, Defendant displayed a myriad of photographs of underage girls throughout his homes in New York, Palm Beach, New Mexico, and the U.S. Virgin Islands. Upon information and belief, many of the photographs in the possession of Defendant were taken with hidden cameras set up throughout his home in Palm Beach. On the day of his arrest, police found two hidden cameras and photographs of underage girls on a computer in Defendant's home. Upon information and belief, Defendant, Jeffrey Epstein, may have taken lewd photographs of Plaintiff, Jane Doe, with his hidden cameras and may have transported lewd photographs of Plaintiff (among many other victims) to his other residences and elsewhere using a facility or means of interstate commerce.

42. As previously stated in paragraph 21, any assertions by Defendant that he was unaware of the age of the then minor Plaintiff are belied by his actions and rendered irrelevant by the provision of applicable federal and state statutes concerning the sexual exploitation and abuse of a minor child. Defendant, Jeffrey Epstein, at all times material to this cause of action, knew and should have known of Plaintiff's age of minority. In fact, his preference for underage girls was well-known to those who regularly procured them for him.

43. Plaintiff, Jane Doe, was a victim of one or more offenses enumerated in 18 U.S.C. § 2255, and, as such, asserts a cause of action against Defendant, Jeffrey Epstein, pursuant to this Section of the United States Code.

44. As a direct and proximate result of the offenses enumerated in 18 U.S.C. § 2255 being committed against the then minor Plaintiff by Defendant, Plaintiff has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, and other damages associated with Defendant's manipulating and leading her into a perverse and unhealthy way of life. The then minor Plaintiff incurred medical and psychological expenses, and Plaintiff will in the future suffer additional medical and psychological expenses. Plaintiff has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature, and Plaintiff will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, Jane Doe, demands judgment against Defendant, Jeffrey Epstein, for all damages available under 18 U.S.C. § 2255, including, without limitation, actual and compensatory damages, attorney's fees, costs of suit, and such other further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT SIX

(Cause of Action for Transport of Child Pornography pursuant to 18 U.S.C. § 2255 in Violation of 18 U.S.C. § 2252A(a)(1))

45. Plaintiff, Jane Doe, hereby adopts, repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 23 above.

46. Defendant, Jeffrey Epstein, knowingly mailed, transported, or shipped in interstate or foreign commerce child pornography in violation of 18 U.S.C. § 2252A(a)(1).

47. Plaintiff, Jane Doe, was a victim of one or more offenses enumerated in 18 U.S.C. § 2255, and, as such asserts a cause of action against Defendant, Jeffrey Epstein, pursuant to this Section of the United States Code.

48. Defendant, Jeffrey Epstein, is in the same position as if he had been tried and convicted of the sexual offenses committed against Plaintiff and, as such, must admit liability unto Plaintiff, Jane Doe.

49. As a direct and proximate result of the offenses enumerated in 18 U.S.C. § 2255 being committed against the then minor Plaintiff by Defendant, Plaintiff has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, and other damages associated with Defendant's manipulating and leading her into a perverse and unhealthy way of life. The then minor Plaintiff incurred medical and psychological expenses, and Plaintiff will in the future suffer additional medical and psychological expenses. Plaintiff has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature, and Plaintiff will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, Jane Doe, demands judgment against Defendant, Jeffrey Epstein, for all damages available under 18 U.S.C. § 2255, including, without limitation, actual and compensatory damages, attorney's fees, costs of suit, and such other further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT SEVEN

(Cause of Action for Engaging in a Child Exploitation Enterprise pursuant to 18 U.S.C. § 2255 in Violation of 18 U.S.C. § 2252A(g))

50. Plaintiff, Jane Doe, hereby adopts, repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 23 above.

51. Defendant, Jeffrey Epstein, knowingly engaged in a child exploitation enterprise, as defined in 18 U.S.C. § 2252A(g)(2), in violation of 18 USC § 2252A(g)(1). As more fully set forth above in paragraphs 9 through 19, Defendant's actions involved countless victims and countless incidents of abuse, and he committed those offenses against minors in concert with at least three other persons.

52. Plaintiff, Jane Doe, was a victim of one or more offenses enumerated in 18 U.S.C. § 2255, and, as such, asserts a cause of action against Defendant, Jeffrey Epstein, pursuant to this Section of the United States Code.

53. As a direct and proximate result of the offenses enumerated in 18 U.S.C. § 2255 being committed against the then minor Plaintiff by Defendant, Plaintiff has in the past suffered, and will in the future suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, and other damages associated with Defendant's manipulating and leading her into a perverse and unhealthy way of life. The then minor Plaintiff incurred medical and psychological expenses, and Plaintiff will in the future suffer additional medical and psychological expenses. Plaintiff has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature, and Plaintiff will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, Jane Doe, demands judgment against Defendant, Jeffrey Epstein, for all damages available under 18 U.S.C. § 2255, including, without limitation, actual and compensatory damages, attorney's fees, costs of suit, and such other further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

Date: April 17, 2009

[Redacted]

Robert C. Josefsberg, Bar No. 040856
Katherine W. Ezell, Bar No. 114771
Podhurst Orseck, P.A.
25 West Flagler Street, Suite 800
Miami, Florida 33130

[Redacted]

(fax)

[Redacted]

Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff demands to have her case tried before a jury.

[Redacted]

Robert C. Josefsberg, Bar No. 040856
Katherine W. Ezell, Bar No. 114771
Podhurst Orseck, P.A.
25 West Flagler Street, Suite 800
Miami, Florida 33130

[Redacted]

(fax)

rjosefsberg@podhurst.com

kezell@podhurst.com

Attorneys for Plaintiff

JS 44 (Rev. 11/05)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

<p>I. (a) PLAINTIFFS Jane Doe No. 101</p> <p>(b) County of Residence of First Listed Plaintiff <u>West Palm Beach</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Robert C. Josefsberg, Esq./Katherine W. Ezell, Esq. Podhurst Orseck, P.A. 25 W. Flagler St., Suite 800 Miami FL 33130 <u>09-cv-80591 - Marra/Johnson</u></p>	<p>DEFENDANTS Jeffrey Epstein</p> <p>County of Residence of First Listed Defendant <u>West Palm Beach</u> (IN U.S. PLAINTIFF CASES)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.</p> <p>Attorneys (If Known) Jack A. Goldberger, Esq., Atterbury Goldberger Australian Ave., #1400, West Palm Beach, FL 33411 STEVEN M. LARIMORE CLERK U.S. DISTRICT COURT S.D. OF FLA. MIAMI</p>
<p>(d) Check County Where Action Arose: <input type="checkbox"/> MIAMI-DADE <input type="checkbox"/> MONROE <input type="checkbox"/> BROWARD <input checked="" type="checkbox"/> PALM BEACH <input type="checkbox"/> MARTIN <input type="checkbox"/> ST. LUCIE <input type="checkbox"/> INDIAN RIVER <input type="checkbox"/> OKEECHOBEE HIGHLANDS</p>	

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%; text-align: center;">PTF</td> <td style="width:33%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> </tr> </table> <p>Incorporated or Principal Place of Business In This State <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 4</p> <p>Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5</p> <p>Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6</p>		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3
	PTF	DEF											
Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1											
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2											
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3											

IV. NATURE OF SUIT (Place an "X" in One Box Only)			
<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input checked="" type="checkbox"/> 360 Other Personal Injury</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs.</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395f)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Re-filed- (see VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgement

VI. RELATED/RE-FILED CASE(S). (See instructions second page):

a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE Kenneth A. Marra DOCKET NUMBER See Attached

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

18 U.S.C. 2255 (Predicate Statutes 18 U.S.C. 2422(b), 2423(b), 2423(e), 2251, 2252, 2252A(a)(1), 2252A(g)(1) and 1591)

LENGTH OF TRIAL via 4 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER 23 DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE SIGNATURE OF ATTORNEY OF RECORD DATE

Katherine W. Ezell 4/16/09

FOR OFFICE USE ONLY

AMOUNT \$350.00 RECEIPT # 999318 OFF

04/17/09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

ATTACHMENT TO CIVIL COVER SHEET
FOR: Jane Doe No. 101 v. Jeffrey Epstein

VI. RELATED/RE-FILED CASE(S):

08-80069
08-80119
08-80232
08-80380
08-80381
08-08804
08-80811
08-80893
08-80993
08-80994
08-80469

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

JANE DOE No. 101,

Civil Action No. 9:09-cv-80591-KAM

Plaintiff,

vs.

JEFFREY EPSTEIN,

**FIRST AMENDED COMPLAINT AND
DEMAND FOR JURY TRIAL**

Defendant.

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Jane Doe No. 101, brings this Complaint against Defendant, Jeffrey Epstein, and states as follows:

PARTIES, JURISDICTION, AND VENUE

1. At all times material to this cause of action, Plaintiff, Jane Doe No. 101, was a resident of Palm Beach County, Florida.
2. This Complaint is brought under a fictitious name to protect the identity of Plaintiff, Jane Doe No. 101, because this Complaint makes sensitive allegations of sexual assault and abuse of a then minor.
3. At all times material to this cause of action, Defendant, Jeffrey Epstein, had a residence located at 358 El Brillo Way, Palm Beach, Palm Beach County, Florida.
4. Defendant, Jeffrey Epstein, is currently a citizen of the State of Florida, as he is currently incarcerated in the Palm Beach County Stockade.
5. At all times material to this cause of action, Defendant, Jeffrey Epstein, was an adult male born in 1953.

11. Defendant's plan and scheme reflected a particular pattern and method. Defendant coerced and enticed impressionable, vulnerable, and relatively economically less fortunate minors to participate in various acts of sexual misconduct that he committed upon them. Defendant's scheme involved the use of underage girls as well as other individuals to recruit other underage girls. Upon information and belief, Defendant or an authorized agent would call and alert Defendant's assistants shortly before or after he arrived at his Palm Beach residence. His assistants would seek out economically disadvantaged and underage girls from West Palm Beach and surrounding areas who would be enticed by the money being offered—generally \$200 to \$300 per “massage” session—and who Defendant and/or his assistants perceived as less likely to complain to authorities or have credibility issues if allegations of improper conduct were made. The then minor Plaintiff and other minor girls, some as young as 14 years old, were transported to Defendant's Palm Beach county mansion by Defendant's employees, agents, and/or assistants in order to provide Defendant with “massages.”

12. Many of the instances of illegal sexual conduct committed by Defendant were perpetrated with the assistance, support, and facilitation of at least three assistants who helped him orchestrate this child exploitation enterprise. These assistants would often arrange times for underage girls to come to Defendant's residence, transport or cause the transportation of underage girls to Defendant's residence, escort the underage girls to the massage room where Defendant would be waiting or would enter shortly thereafter, urge the underage girls to remove their clothes, deliver cash from Defendant to the underage girls and/or their procurers at the conclusion of each “massage appointment,” and, upon information and belief, take sexually explicit photographs and/or videos of the underage girls' for Defendant without their knowledge. Defendant would pay the procurer of each girl's “appointment” hundreds of dollars.

enticing the then minor girl to engage in sexual acts with another female in Defendant's presence. The exact degree of molestation and frequency with which the sexual crimes took place varied and is not yet completely known; however, at least when Defendant was in Palm Beach, Florida, such acts occurred usually on a daily basis and, in most instances, several times a day. In order to facilitate the daily exchanges of money for sexual assault and abuse, Defendant kept U.S. currency readily available.

16. As previously stated in paragraph 14, Defendant displayed photographs of nude underage girls throughout his homes in New York City, Palm Beach, Santa Fe, and the U.S. Virgin Islands. Upon information and belief, some of the photographs Defendant's possession of Defendant were taken with hidden cameras set up in his home in Palm Beach. On the day of his arrest, police found two hidden cameras and photographs of underage girls on a computer in Defendant's home. Upon information and belief, Defendant, Jeffrey Epstein, may have taken lewd photographs of Plaintiff, Jane Doe No. 101, with his hidden cameras and may have transported lewd photographs of Plaintiff (among many other victims) to his other residences and elsewhere using a facility or means of interstate and/or foreign commerce. Upon information and belief, one or more nude photographs of Plaintiff that were taken when she was a minor were confiscated by the Palm Beach Police Department during its execution of a search warrant of Defendant's Palm Beach mansion on October 20, 2005. Upon information and belief, those photographs are still in the custody of law enforcement.

17. Defendant, Epstein, traveled to his mansion in Palm Beach for the purpose of luring minor girls to his mansion to sexually abuse and/or batter them. He used the telephone to contact these minor girls for the purpose of coercing them into acts of prostitution and to enable himself to commit sexual battery against them and/or acts of lewdness in their presence, and he conspired with others, including assistants and/or his driver(s) and/or pilot(s), and his socialite

complimented her, saying that she had a nice body. Defendant then pulled Plaintiff closer to him. He began masturbating and then began fondling her breasts. He asked her to do more and mentioned more money, which she adamantly declined. Defendant continued masturbating until he ejaculated. Plaintiff next recalls that she received \$200 and was transported by the procurer, whom she later learned received \$200 for having brought her to Epstein's mansion.

19. Defendant thereafter lured the then minor Plaintiff to the Epstein mansion on at least one and perhaps two other occasions in the spring and/or summer of 2003. The procurer made another appointment for her to return, but Plaintiff didn't want to see Defendant. By having his assistants continue to contact Plaintiff and attempt to lure her to the mansion for other sexual acts, Defendant engaged in a continuous course of conduct that injured Plaintiff upon each instance of contact and/or abuse.

20. In addition to the direct sexual abuse and molestation of the then minor Plaintiff, Defendant used his money, wealth, and power to unduly and improperly manipulate and influence the then minor Plaintiff to bring him another minor girl in a promised exchange for money. Rather than go herself, Plaintiff and the procurer took another girl there one time.

21. As a result of these encounters with Defendant, Plaintiff, Jane Doe No. 101, has in the past suffered, and will in the future continue to suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, and other damages associated with Defendant's controlling and manipulating her into a perverse and unhealthy way of life.

22. Any assertions by Defendant that he was unaware of the age of the then minor Plaintiff are belied by her telling him her high school graduation year, as well as his own actions, and are rendered irrelevant by the provision of applicable federal statutes concerning the sexual

26. Defendant, Jeffrey Epstein, used a facility or means of interstate and/or foreign commerce to knowingly persuade, induce, entice, or coerce Jane Doe No. 101, when she was under the age of 18 years, to engage in prostitution and/or sexual activity for which any person can be charged with a criminal offense, or attempted to do so, pursuant to 18 U.S.C. § 2255 in violation of 18 U.S.C. § 2422(b).

27. Plaintiff, Jane Doe No. 101, was a victim of one or more offenses enumerated in 18 U.S.C. § 2255, and, as such, asserts a cause of action against Defendant, Jeffrey Epstein, pursuant to this Section of the United States Code.

28. As a direct and proximate result of the offenses enumerated in 18 U.S.C. § 2255 being committed against the then minor Plaintiff by Defendant, Plaintiff has in the past suffered, and will in the future continue to suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, and other damages associated with Defendant's manipulating and leading her into a perverse and unhealthy way of life. The then minor Plaintiff incurred medical and psychological expenses, and Plaintiff will in the future suffer additional medical and psychological expenses. Plaintiff has suffered a loss of income, a loss of the capacity to earn income in the future, and a loss of the capacity to enjoy life. These injuries are permanent in nature, and Plaintiff will continue to suffer these losses in the future.

WHEREFORE, Plaintiff, Jane Doe No. 101, demands judgment against Defendant, Jeffrey Epstein, for all damages available under 18 U.S.C. § 2255, including, without limitation, actual and compensatory damages, attorney's fees, costs of suit, and such other further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

actual and compensatory damages, attorney's fees, costs of suit, and such other further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

COUNT THREE
(Cause of Action for Sexual Exploitation of Children pursuant to 18 U.S.C. § 2255 in
Violation of 18 U.S.C. § 2251)

33. Plaintiff, Jane Doe No. 101, hereby adopts, repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 24 above.

34. Defendant, Jeffrey Epstein, knowingly persuaded, induced, enticed, or coerced the then minor Plaintiff, Jane Doe No. 101, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct in violation of 18 U.S.C. § 2251. As previously stated in paragraphs 14 and 16, Defendant displayed a myriad of photographs of underage girls throughout his homes in New York City, Palm Beach, Santa Fe, and the U.S. Virgin Islands. Upon information and belief, many of the photographs in the possession of Defendant were taken with hidden cameras set up in his home in Palm Beach. On the day of his arrest, police found two hidden cameras and photographs of underage girls on a computer in Defendant's home. Upon information and belief, Defendant, Jeffrey Epstein, may have taken lewd photographs of Plaintiff, Jane Doe No. 101, with his hidden cameras and may have transported lewd photographs of Plaintiff (among many other victims) to his other residences and elsewhere using a facility or means of interstate and/or foreign commerce. Upon information and belief, one or more sexually explicit photographs of Plaintiff that were taken when she was a minor were confiscated by the Palm Beach Police Department during its execution of a search warrant of Defendant's Palm Beach mansion on October 20, 2005. Upon information and belief, those photographs are still in the custody of law enforcement.

COUNT FOUR

(Cause of Action for Transport of Visual Depiction of Minor Engaging in Sexually Explicit Conduct pursuant to 18 U.S.C. § 2255 in Violation of 18 U.S.C. § 2252(a)(1))

37. Plaintiff, Jane Doe No. 101, hereby adopts, repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 24 above.

38. Defendant, Jeffrey Epstein, upon information and belief, knowingly mailed, transported, shipped, or sent via computer and/or facsimile in or affecting interstate or foreign commerce at least one visual depiction of the minor Plaintiff engaging in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(1). As previously stated in paragraphs 14, 16, and 34, upon information and belief, Defendant displayed a myriad of nude photographs of underage girls throughout his homes in New York City, Palm Beach, Santa Fe, and the U.S. Virgin Islands. Upon information and belief, many of the photographs in the possession of Defendant were taken with hidden cameras set up throughout his home in Palm Beach. On the day of his arrest, police found two hidden cameras and photographs of underage girls on a computer in Defendant's home. Upon information and belief, Defendant, Jeffrey Epstein, may have taken lewd photographs of Plaintiff, Jane Doe No. 101, with his hidden cameras and may have transported lewd photographs of Plaintiff (among many other victims) to his other residences and elsewhere using a facility or means of interstate and/or foreign commerce. Upon information and belief, one or more sexually explicit photographs of Plaintiff that were taken when she was a minor were confiscated by the Palm Beach Police Department during its execution of a search warrant of Defendant's Palm Beach mansion on October 20, 2005. Upon information and belief, those photographs are still in the custody of law enforcement.

39. As previously stated in paragraph 22, any assertions by Defendant that he was unaware of the age of the then minor Plaintiff are belied by his actions and rendered irrelevant by the provision of applicable federal and state statutes concerning the sexual exploitation and abuse

COUNT FIVE
(Cause of Action for Transport of Child Pornography pursuant to 18 U.S.C. § 2255 in
Violation of 18 U.S.C. § 2252A(a)(1))

42. Plaintiff, Jane Doe No. 101, hereby adopts, repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 24 above.

43. Defendant, Jeffrey Epstein, knowingly mailed, transported, shipped, or sent via computer or facsimile in or affecting interstate and/or foreign commerce child pornography in violation of 18 U.S.C. § 2252A(a)(1). As previously stated in paragraph 16, Defendant displayed a myriad of nude photographs of underage girls throughout his homes, including his homes in New York City, Palm Beach, Santa Fe, and the U.S. Virgin Islands. Upon information and belief, many of the photographs in the possession of Defendant were taken with hidden cameras set up throughout his home in Palm Beach. On the day of his arrest, police found two hidden cameras and nude photographs of underage girls on a computer in Defendant's home. Upon information and belief, Defendant, Jeffrey Epstein, may have taken lewd photographs of Plaintiff, Jane Doe No. 101, with his hidden cameras and may have transported lewd photographs of Plaintiff (among many other victims) to his other residences and elsewhere using a facility or means of interstate and/or foreign commerce. Upon information and belief, one or more nude photographs of Plaintiff that were taken when she was a minor were confiscated by the Palm Beach Police Department during its execution of a search warrant of Defendant's Palm Beach mansion on October 20, 2005. Upon information and belief, those photographs are still in the custody of law enforcement.

44. As previously stated in paragraph 22, any assertions by Defendant that he was unaware of the age of the then minor Plaintiff are belied by his actions and rendered irrelevant by the provision of applicable federal and state statutes concerning the sexual exploitation and abuse of a minor child. Defendant, Jeffrey Epstein, at all times material to this cause of action, knew

COUNT SIX

(Cause of Action for Engaging in a Child Exploitation Enterprise pursuant to 18 U.S.C. § 2255 in Violation of 18 U.S.C. § 2252A(g))

47. Plaintiff, Jane Doe No. 101, hereby adopts, repeats, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 24 above and Counts One through Five.

48. Defendant, Jeffrey Epstein, knowingly engaged in a child exploitation enterprise, as defined in 18 U.S.C. § 2252A(g)(2), in violation of 18 USC § 2252A(g)(1). As more fully above, Defendant engaged in actions that constitute countless violations of 18 U.S.C. § 1591 (sex trafficking of children), Chapter 110 (sexual exploitation of children in violation of 18 U.S.C. §§ 2251, 2252(a)(1), and 2252(A)(a)(1)), and Chapter 117 (transportation for illegal sexual activity in violation of 18 U.S.C. §§ 2422, and 2423). As more fully set forth above in paragraphs 9 through 19, Defendant's actions involved countless victims and countless separate incidents of abuse, and he committed those offenses against minors in concert with at least three other persons.

49. Plaintiff, Jane Doe No. 101, was a victim of one or more offenses enumerated in 18 U.S.C. § 2255, and, as such, asserts a cause of action against Defendant, Jeffrey Epstein, pursuant to this Section of the United States Code.

50. As a direct and proximate result of the offenses enumerated in 18 U.S.C. § 2255 being committed against the then minor Plaintiff by Defendant, Plaintiff has in the past suffered, and will in the future continue to suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, invasion of her privacy, and other damages associated with Defendant's manipulating and leading her into a perverse and unhealthy way of life. The then minor Plaintiff incurred medical and psychological expenses,

DEMAND FOR JURY TRIAL

Plaintiff demands to have her case tried before a jury.

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SERVICE LIST

JANE DOE NO. 101 v. JEFFREY EPSTEIN
Case No. 08-CV-80591-MARRA/JOHNSON
United States District Court, Southern District of Florida

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN

Defendant.

CASE NO.: 08-CV-80119-MARRA/JOHNSON

JANE DOE NO. 3,

Plaintiff,

vs.

JEFFREY EPSTEIN

Defendant.

CASE NO.: 08-CV-80232-MARRA/JOHNSON

JANE DOE NO. 4,

Plaintiff,

vs.

JEFFREY EPSTEIN

Defendant.

CASE NO.: 08-CV-80380-MARRA/JOHNSON

JANE DOE NO. 5,

Plaintiff,

Vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-CV-80381-MARRA/JOHNSON

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CASE NO.: 08-80994-CIV-MARRA/JOHNSON

JANE DOE NO. 6,

Plaintiff,

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-80993-CIV-MARRA/JOHNSON

JANE DOE NO. 7,

Plaintiff,

JEFFREY EPSTEIN

Defendant.

CASE NO.: 08-80811-CIV-MARRA/JOHNSON

██████.,
Plaintiff,

JEFFREY EPSTEIN

Defendant.

CASE NO.: 08-80893-CIV-MARRA/JOHNSON

JANE DOE,

Plaintiff,

JEFFREY EPSTEIN et al,

Defendants.

CASE NO.: 09-80469-CIV-MARRA-JOHNSON

DOE II,

Plaintiff,

JEFFREY EPSTEIN et al,

Defendants.

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minors for the purposes of prostitution" mischaracterizes the specific counts to which EPSTEIN pled guilty.

2. As to Plaintiffs' allegations in ¶¶ 2 and 3, many of the Plaintiffs' allegations are without any factual basis and know such assertions to be false and untrue.

3. Defendant agrees with Plaintiff's assertion that the Palm Beach Police Department (PBPd) executed a search warrant at EPSTEIN's Palm Beach mansion on October 25, 2005. See ¶4 Plaintiffs' motion.

4. Defendant's attorneys have no objection to an order to preserve evidence similar to the one entered in the case of Doe v. Epstein, et al, Case No. 08-80804-CIV-MARRA/JOHNSON, [DE 20], and attached hereto as **Exhibit A**. EPSTEIN's attorneys are unaware of any items referenced in Plaintiffs' motion, ¶5-6, having been returned to EPSTEIN or his attorneys, but will agree to a preservation of such items to the extent such items exist.

5. As to ¶7 of Plaintiffs' motion, EPSTEIN and his attorneys have no objection to the referenced authorities, (PBPd, FBI, USAO, and PBSAO), preserving items to the extent such items even exist, in a manner that said authorities deem appropriate.

6. As to ¶¶8, 9, and 10 of Plaintiffs' motion re: documents, Defendant has asserted in other matters and asserts here, specific legal objections as well as his U.S. constitutional privileges, as follows: My attorneys have counseled me that at the present time I cannot select, authenticate, and produce documents relevant to this lawsuit and I must accept this advice or risk losing my Sixth Amendment right to effective representation. Accordingly, I assert my federal constitutional rights under the Fifth, Sixth, and Fourteenth Amendments as guaranteed by the United States Constitution. Drawing an adverse inference under these circumstances would

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unconstitutionally burden my exercise of my constitutional rights, would be unreasonable, and would therefore violate the Constitution. In addition to and without waiving his constitutional privileges, the information sought is privileged and confidential, and inadmissible pursuant to the terms of the deferred prosecution agreement, Fed. Rule of Evidence 410 and 408, and §90.410, Fla. Stat. Further Defendants objects as the request to preserve evidence is overly broad and includes information that is neither relevant to the subject matter of the pending action nor does it appear to be reasonably calculated to lead to the discovery of admissible evidence.

7. Responding to the grossly overly broad list and categories of documents and items alleged in Plaintiff's motion (¶¶8-10) involves a testimonial component. The Fifth Amendment Privilege extends to the act of production where, as here, it involves a self-incriminating testimonial communication or "a compelled testimonial aspect." United States v. Hubbell, 530 U.S. 27, 120 S.Ct. 2037 (2000); Fisher v. United States, 425 U.S. 391 (1976); McCormick on Evidence, Title 6, Chap. 13. *The Privilege Against Self-Incrimination*, §138 (6th Ed.). See also Malloy v. Hogan, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment's Self-Incrimination Clause applies to the states through the Due Process Clause of the Fourteenth Amendment - "[i]t would be incongruous to have different standards determine the validity of a claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in state or federal court."); Hoffman v. U.S., 71 S.Ct. 814, 818 (1951), and progeny).

The Fifth Amendment Privilege may be invoked in a civil action where a litigant or witness is being asked to provide information or respond to a question that may incriminate him in a crime. See generally, DeLisi v. Bankers Ins. Company, 436 So.2d 1099 (Fla. 4th DCA 1983). The privilege against self-incrimination may be asserted during discovery when a litigant

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has "reasonable grounds to believe that the response would furnish a link in the chain of evidence needed to prove a crime against a litigant." A witness, including a civil defendant, is entitled to invoke the Fifth Amendment privilege whenever there is a realistic possibility that the answer to a question could be used in anyway to convict the witness of a crime or could aid in the development of other incriminating evidence that can be used at trial. Id; Pillsbury Company v. Conboy, 495 U.S. 248, 103 S.Ct. 608 (1983).

The United States Supreme Court has made clear that the scope of the Fifth Amendment Privilege includes the circumstances as here "the act of producing documents in response to a subpoena (or production request) has a compelled testimonial aspect." United States v. Hubbell, 530 U.S. 27, 36, 120 S.Ct. 2037, 2043 (2000). In explaining the application of the privilege, the Supreme Court stated:

We have held that "the act of production" itself may implicitly communicate "statements of fact." By "producing documents in compliance with a subpoena, the witness would admit that the papers existed, were in his possession or control, and were authentic."^{FN19} Moreover, as was true in this case, when the custodian of documents responds to a subpoena, he may be compelled to take the witness stand and answer questions designed to determine whether he has produced everything demanded by the subpoena.^{FN20} The answers to those questions, as well as the act of production itself, may certainly communicate information about the existence, custody, and authenticity of the documents. Whether the constitutional privilege protects the answers to such questions, or protects the act of production itself, is a question that is distinct from the question whether the unprotected contents of the documents themselves are incriminating.

^{FN19}. "The issue presented in those cases was whether the act of producing subpoenaed documents, not itself the making of a statement, might nonetheless have some protected testimonial aspects. The Court concluded that the act of production could constitute protected testimonial communication because it might entail implicit statements of fact: by producing documents in compliance with a subpoena, the witness would admit that the papers existed, were in his possession or control, and were authentic. United States v. Doe, 465 U.S., at 613, and n. 11, 104 S.Ct. 1237; Fisher, 425 U.S., at 409-410, 96 S.Ct. 1569; id., at 428, 432, 96 S.Ct. 1569 (concurring opinions). See Braswell v. United States, [487 U.S.] at

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104, 108 S.Ct. 2284; [*id.*,] at 122, 108 S.Ct. 2284 (dissenting opinion). Thus, the Court made clear that the Fifth Amendment privilege against self-incrimination applies to acts that imply assertions of fact. "... An examination of the Court's application of these principles in other cases indicates the Court's recognition that, in order to be testimonial, an accused's communication must itself, explicitly or implicitly, relate a factual assertion or disclose information. Only then is a person compelled to be a 'witness' against himself." *Doe v. United States*, 487 U.S., at 209-210, 108 S.Ct. 2341 (footnote omitted).

FN20. See App. 62-70. Thus, for example, after respondent had been duly sworn by the grand jury foreman, the prosecutor called his attention to paragraph A of the Subpoena Rider (reproduced in the Appendix, *infra*, at 2048-2049) and asked whether he had produced "all those documents." App. 65.

Finally, the phrase "in any criminal case" in the text of the Fifth Amendment might have been read to limit its coverage to compelled testimony that is used against the defendant in the trial itself. It has, however, long been settled that its protection encompasses compelled statements that lead to the discovery of incriminating evidence even though the statements themselves are not incriminating and are not introduced into evidence. Thus, a half century ago we held that a trial judge had erroneously rejected a defendant's claim of privilege on the ground that his answer to the pending question would not itself constitute evidence of the charged offense. As we explained:

"The privilege afforded not only extends to answers that would in themselves support a conviction under a federal criminal statute but likewise embraces those which would furnish a link in the chain of evidence needed to prosecute the claimant for a federal crime." *Hoffman v. United States*, 341 U.S. 479, 486, 71 S.Ct. 814, 95 L.Ed. 1118 (1951).

Compelled testimony that communicates information that may "lead to incriminating evidence" is privileged even if the information itself is not inculpatory. *Doe v. United States*, 487 U.S. 201, 208, n. 6, 108 S.Ct. 2341, 101 L.Ed.2d 184 (1988). It's the Fifth Amendment's protection against the prosecutor's use of incriminating information derived directly or indirectly from the compelled testimony of the respondent that is of primary relevance in this case.

In summarizing its holding regarding the application of the Fifth Amendment Privilege to a production request, the Hubbell Court left "no doubt that the constitutional privilege against self incrimination protects" not only "the target of a grand jury investigation from being compelled to answer questions designed to elicit information about the existence of sources of

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potentially incriminating evidence,” but the privilege also “has the same application to the testimonial aspect of a response to a subpoena seeking discovery of those sources.” At 43, and 2047. Here, Plaintiffs’ motion to preserve evidence by listing a large inventory of items is in reality no different than propounding a discovery request upon Defendant, and thus, Defendant is afforded the protection of the Constitutional privileges asserted herein.

8. As stated above, Defendant and Defendant’s attorneys have no objection to the entry of an order similar to **Exhibit A** hereto.

WHEREFORE, Defendant requests that the Court enter an order similar to that as entered in Exhibit A hereto.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following Service List in the manner specified by CM/ECF on this 10th day of June, 2009

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Respectfully


By: _____
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Certificate of Service
Jane Doe No. 2 v. Jeffrey Epstein
Case No. 08-CV-80119-MARRA/JOHNSON

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