

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

[REDACTED]

Plaintiff,

vs.

JEFFREY EPSTEIN and [REDACTED]
[REDACTED]

Defendants.

_____ /

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

Plaintiff, [REDACTED], 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, [REDACTED]

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

JACK SCAROLA

Florida Bar No. [REDACTED]

JACK P. HILL

Florida Bar No.: [REDACTED]

Searcy Denney Scarola Barnhart & Shipley, P.A.

[REDACTED]
[REDACTED]
[REDACTED]
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

JACK SCAROLA

Florida Bar No. [REDACTED]

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