

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

██████████

Plaintiff,

vs.

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

Defendants.

_____/

**PLAINTIFF, ██████████, MOTION FOR PROTECTIVE ORDER REGARDING
RECORDS OF DOMINIQUE HYPPOLITE/SCHOOL DISTRICT OF PALM BEACH
COUNTY, GOOD SAMARITAN HOSPITAL, ST. MARY'S HOSPITAL, FLORIDA
ATLANTIC UNIVERSITY AND GLORIA C. HAKKARAINEN, M.D.**

Plaintiff, ██████████, by and through her undersigned attorneys, hereby files her Motion For Protective Order Regarding Records of Dominique Hyppolite/School District of Palm Beach County, Good Samaritan Hospital, St. Mary's Hospital, Florida Atlantic University and Gloria C. Hakkarainen, M.D., and in support there of 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. On June 1, 2009, Defendant, Jeffrey Epstein served to all counsel a Notice of Taking Deposition of the following records custodians (Attached hereto as Exhibit "A"):

- A. Dominique Hyppolite, School District of Palm Beach County;
- B. Dr. Serge Thys;

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- C. █ Parent/Child Center;
- D. Good Samaritan Hospital;
- E. Gloria C. Hakkarainen, M.D.; and
- F. Florida Atlantic University.

3. Plaintiff previously filed a Motion For Protective Order Regarding Treatment Records From Parent-Child Center, Inc. and Dr. Serge Thys and Incorporated Memorandum of Law (D.E. 114), which is currently pending before this Court. (Attached hereto as Exhibit "B"). Plaintiff hereby adopts the same arguments raised in D.E. 114 in support of this Motion for Protective Order, as the issues are identical.

4. Accordingly, Plaintiff respectfully moves for the entry of a protective order pursuant to Fed. R. Civ. Pro. 26(c) regarding Plaintiff's records from Dominique Hyppolite/School District of Palm Beach County, Good Samaritan Hospital, St. Mary's Hospital, Florida Atlantic University and Gloria C. Hakkarainen, M.D. More particularly, Plaintiff requests the entry of an order precluding the discovery of those records until such time as the Court rules on the issue regarding whether the statutory damage floor as contained in 18 U.S.C. §2255 applies to each proven commission of an enumerated sexual offense by EPSTEIN against █. Should the Court rule that 18 U.S.C. §2255 provides a per incident damage floor, the records would have absolutely no relevance whatsoever. In the event that the Court rules that the damage floor applies only once, the parties can then further brief the Court as to whether C.M.A has placed her mental

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condition "in controversy" such that it operates as a waiver of the psychotherapist-patient privilege.

WHEREFORE, Plaintiff, ██████████ respectfully requests that this Court enter a protective order preventing the discovery of Plaintiff's records from Dominique Hyppolite/School District of Palm Beach County, Good Samaritan Hospital, St. Mary's Hospital, Florida Atlantic University and Gloria C. Hakkarainen, M.D., until such time as the Court decides whether the statutory damages pursuant to 18 U.S.C. §2255 are available to a victim of an enumerated sexual offense on a per incident basis.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

Counsel for the movant conferred via telephone with counsel for the Defendant and counsel for the Defendant is not in agreement with Plaintiff's Motion For Protective Order Regarding Records of Dominique Hyppolite/School District of Palm Beach County, Good Samaritan Hospital, St. Mary's Hospital, Florida Atlantic University and Gloria C. Hakkarainen, M.D.

s/ Jack P. Hill

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of June, 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.

/s/Jack P. Hill _____
Jack Scarola
Florida Bar No.: ██████████
Jack P. Hill
Florida Bar No.: ██████████
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Plaintiff,

vs.

JEFFREY EPSTEIN and SARAH
KELLEN,

Defendants.

ORDER ON PLAINTIFF, [REDACTED] MOTION FOR PROTECTIVE ORDER
REGARDING RECORDS OF DOMINIQUE HYPOLITE/SCHOOL DISTRICT OF
PALM BEACH COUNTY, GOOD SAMARITAN HOSPITAL, ST. MARY'S HOSPITAL,
FLORIDA ATLANTIC UNIVERSITY AND GLORIA C. HAKKARAINEN, M.D.

This matter came before the Court upon the Plaintiff, [REDACTED] Motion For Protective Order Regarding Records of Dominique Hyppolite/School District of Palm Beach County, Good Samaritan Hospital, St. Mary's Hospital, Florida Atlantic University and Gloria C. Hakkarainen, M.D. Having considered the motion, it is hereby ORDERED and ADJUDGED that:

Plaintiff's Motion for Protective Order is hereby GRANTED.

DONE AND ORDERED this _____ day of June, 2009.

KENNETH A. MARRA
United States District Judge

Copies to all Counsel of Record