

IN THE  
**United States Court of Appeals**

FOR THE ELEVENTH CIRCUIT

---

JANE DOE NO. 1 AND JANE DOE NO. 2,

*Plaintiffs-Appellees*

■

UNITED STATES OF AMERICA,

*Defendant-Appellee*

ROY BLACK ET AL.,

*Intervenors-Appellants*

---

**MOTION FOR EXPEDITED RULING ON PENDING MOTION TO  
DISMISS FOR LACK OF JURISDICTION**

---

Bradley J. Edwards  
FARMER, JAFFEE, WEISSING  
EDWARDS, FISTOS & LEHRMAN, P.L.  
425 North Andrews Ave., Suite 2  
Fort Lauderdale, FL 33301  
(954) 524-2820  
[brad@pathtojustice.com](mailto:brad@pathtojustice.com)

Paul G. Cassell  
S. J. Quinney College of Law at  
the University of Utah  
332 S. 1400 E., Room 101  
Salt Lake City, UT 84112  
(801) 585-5202  
[cassellp@law.utah.edu](mailto:cassellp@law.utah.edu)

*Attorneys for Plaintiffs-Appellees Jane Doe No.1 and Jane Doe No. 2*

---

**MOTION FOR EXPEDITED RULING ON PENDING MOTION TO  
DISMISS FOR LACK OF JURISDICTION**

---

**INTRODUCTION**

This case involves a discovery order concerning certain correspondence that the district court has ordered the Government to produce to two crime victims, appellees Jane Doe No. 1 and Jane Doe No. 2 (hereinafter “the victims”). On July 2, 2013, the appeal of intervenors-appellants’ Roy Black, Jeffrey Epstein and Martin Weinberg (collectively referred to as “Epstein”) challenging that discovery order was docketed. On July 2, 2013, the victims filed a motion to dismiss for lack of jurisdiction, explaining that this Court did not have jurisdiction to review the discovery order under *Mohawk Industries v. Carpenter*, 558 U.S. 100 (2009). On July 12, 2013, Epstein responded in opposition to the motion to dismiss, and on July 16, 2013, the victim’s replied in support of the motion to dismiss.

On August 5, 2013, even though no briefing schedule had been established, Epstein filed his opening brief on the merits. The Clerk’s Office has advised the victims that their brief in the merits is now due in thirty days, i.e., on September 5, 2013.

The victims accordingly move this Court for an expedited ruling on their pending motion to dismiss before they must begin preparing their responsive brief.

Of course, if the Court were to grant their motion to dismiss, that would obviate the need for counsel for the victims to spend time and resources preparing a responsive brief. Even if the Court were to deny the motion to dismiss, that would potentially narrow the issues that would need to be briefed on the merits. In either event, an expedited ruling would be useful.

Because the victims brief is due on September 5, 2013, the victims respectfully request a ruling one week earlier, by August 29, 2013, so they can know whether to begin drafting a responsive brief.

### **CONCLUSION**

For all the foregoing reasons, the Court should expedite a decision on the pending motion to dismiss this appeal and rule on or before August 29, 2013.

DATED: August 6, 2013

Respectfully Submitted,



---

Paul G. Cassell  
S.J. Quinney College of Law at the  
University of Utah  
332 S. 1400 E.  
Salt Lake City, UT 84112  
Telephone: 801-585-5202  
Facsimile: 801-585-6833  
E-Mail: [cassellp@law.utah.edu](mailto:cassellp@law.utah.edu)

*and*

Bradley J. Edwards  
FARMER, JAFFE, WEISSING,  
EDWARDS, FISTOS & LEHRMAN,  
P.L.

425 North Andrews Avenue, Suite 2  
Fort Lauderdale, Florida 33301

Telephone (954) 524-2820

Facsimile (954) 524-2822

Florida Bar No.: 542075

E-mail: [brad@pathtojustice.com](mailto:brad@pathtojustice.com)

*Attorneys for Jane Doe No. 1 and Jane Doe No. 2*

## CERTIFICATE OF SERVICE

The foregoing document was served on August 6, 2013, on the following  
using the Court's CM/ECF system:



Roy Black, Esq.  
Jackie Perczek, Esq.  
Black, Srebnick, Kornspan & Stumpf, P.A.  
201 South Biscayne Boulevard  
Suite 1300  
Miami, FL 33131  
(305) 37106421  
(305) 358-2006

Martin G. Weinberg  
Martin G. Weinberg, PC  
20 PARK PLZ STE 1000  
Boston, MA 02116-4301  
(617) 227-3700

  
\_\_\_\_\_  
Paul G. Cassell