

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____/

Related Cases:

08-80232, 08-80380, 08-80381, 08-80994,
08-80993, 08-80811, 08-80893, 09-80469,
09-80591, 09-80656, 09-80802, 09-81092,

_____/

**PLAINTIFFS JANE DOE NOS. 2-7'S REPLY IN SUPPORT OF
PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF
PLAINTIFFS' SWORN STATEMENTS TO FBI INVESTIGATORS**

Plaintiffs, Jane Does Nos. 2-7, by and through undersigned counsel, hereby file this Reply in Support of Plaintiffs' Motion to Compel Production of Plaintiffs' Sworn Statements to FBI Investigators (DE 489), and state as follows:

1. Plaintiffs seek an Order from this Court compelling the FBI to comply with a subpoena duces tecum for their sworn statements given to FBI investigators during the FBI's investigation of Defendant Epstein. The FBI, which has received notice of this Motion, filed no opposition, but instead instructed Plaintiffs' undersigned counsel that such an Order is necessary to comply with the Privacy Act (5 U.S.C. § 552a). Nevertheless, Defendant Epstein objects on the basis that the subpoena does not comply with internal operating procedures of the FBI and Department of Justice set forth in federal regulations.

2. Initially, Defendant Epstein has no standing to raise objections to a subpoena directed to nonparty FBI. “A party has standing to object to a subpoena directed at a nonparty *when the party claims a ‘personal right or privilege’ regarding the documents sought.*” Chaikin v. Fidelity and Guaranty Life Ins. Co., 2003 WL 22715826 (N.D. Ill. 2003) (emphasis supplied). Defendant Epstein does not claim any personal right or privilege regarding the documents sought, nor could he.

3. In any event, on March 12, 2010, Plaintiff’s undersigned counsel conferred with an FBI representative who instructed her as to the proper procedure for obtaining the Plaintiffs’ statements. See Affidavit of Jessica Arbour, Esq., attached as Exhibit “1.” In accordance with those instructions, Plaintiffs’ counsel served a subpoena on the Records Custodian of the FBI that same day.

4. Plaintiff’s counsel received a letter from the General Counsel of the FBI confirming receipt of the subpoena and that the FBI would produce the requested information when either a signed authorization from each Plaintiff was received or an Order of this Court was received. That letter is attached as Exhibit “2.”

5. In accordance with the FBI’s verbal and written instructions, Plaintiffs moved this Court for an Order to comply with the Privacy Act on March 17, 2010.

6. Plaintiffs have a right to the sworn statements they gave to the FBI investigators, and Defendant Epstein only seeks to delay them from receiving the statements, all of which are relevant and material to these cases.

WHEREFORE, Plaintiffs Jane Doe Nos. 2-7 respectfully request that this Court grant Plaintiffs’ Motion to Compel Production of Jane Doe Nos. 2-7’s Sworn Statements to FBI Investigators (DE 489).

Respectfully submitted,

By: /s/ Jessica D. Arbour
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CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day to all parties 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 parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Jessica D. Arbour

SERVICE LIST
DOE vs. JEFFREY EPSTEIN
United States District Court, Southern District of Florida

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