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FEDERAL BUREAU OF INVESTIGATION
FACSIMILE COVER SHEET

PRECEDENCE

Immediate Priority Routine

CLASSIFICATION

Top Secret Secret Confidential Sensitive Unclassified

TO

Name of Office: U.S. Attorney's Office - Miami		Facsimile Number: [REDACTED]	Date: 03/17/2010
Attn: AUSA [REDACTED]		Room:	Telephone Number: [REDACTED]

FROM

Name of Office: FBI Miami, Chief Division Counsel		Number of Pages: (Including cover) 10	
Originator's Name: PLS Deyanira Aponte	Originator's Telephone Number: [REDACTED]	Originator's Facsimile Number: [REDACTED]	
Approved: FN			

DETAILS

Subject:
Jane Doe 2-7 v. Jeffrey Epstein

Special Handling Instructions:

Brief Description of Communication Faxed:

Attached is the most recent correspondence that we received today from Mermelstein & Horowitz.

WARNING

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FAX TRANSMITTAL

FROM	DATE	NO. OF PAGES
Lisa Rivera, legal assistant to Adam D. Horowitz, Esq.	February 17, 2010	10

TO	COMPANY	FAX NUMBER
Frank Navas, Esq.	Federal Bureau of Investigations	305-787-6124

MESSAGE**RE: *Jane Doe 2-7 v. Jeffrey Epstein***

Please see attached Motion to Compel Production of Jane Does Nos. 2-7's Sworn Statements to FBI Investigators and Incorporated Memorandum of Law.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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,

**PLAINTIFF JANE DOE NOS. 2-7'S MOTION
TO COMPEL PRODUCTION OF JANE DOE NOS. 2-7'S
SWORN STATEMENTS TO FBI INVESTIGATORS
AND INCORPORATED MEMORANDUM OF LAW**

Plaintiffs, Jane Does Nos. 2-7, by and through undersigned counsel, hereby file this Motion to Compel Production of Jane Doe Nos. 2-7's Sworn Statements to FBI Investigators and Incorporated Memorandum of Law, and state as follows:

1. These lawsuits arise from the alleged childhood sexual battery of Jane Doe Nos. 2-7 by Jeffrey Epstein ("Epstein").
2. Prior to the filing of the Plaintiffs' lawsuits, Epstein was investigated by the Federal Bureau of Investigation (FBI). During the course of the FBI's investigation, some or all of Jane Doe Nos. 2-7 were interviewed by FBI agents and asked to provide sworn statements about their sexual abuse by Jeffrey Epstein, the same abuse underlying

the factual allegations in the lawsuits now in front of this Court.

3. Pursuant to FBI protocol and the Federal Privacy Act, 5 U.S.C. § 552a(b), Plaintiff's undersigned counsel has served a subpoena on the Records Custodian of the FBI's Miami office requesting the sworn statements of Jane Doe Nos. 2-7 given to FBI agents during their criminal investigation of Jeffrey Epstein. See Exhibit "A."

4. The FBI informed Plaintiffs' counsel that it requires further authorization in order to release the Plaintiffs' own sworn statements pursuant to the Federal Privacy Act. Counsel for the FBI has advised that an Order from this Court authorizing the FBI to release the requested statements would be sufficient. See 5 U.S.C. § 552a (b)(11). A proposed Order authorizing the FBI to release the subpoenaed statements is attached as Exhibit "B."

5. The requested statements are directly relevant and germane to the factual allegations underlying the Plaintiffs' lawsuits and seemingly cannot be obtained by the Plaintiffs in any other way. Upon information and belief, the Defendant is already in possession of these documents.

6. Plaintiffs' counsel has conferred with counsel for the Defendant who advised that Defendant opposes the relief requested.

WHEREFORE, Plaintiffs, Jane Does Nos. 2-7, respectfully request an Order directing the Federal Bureau of Investigation to release any sworn statements of Jane Doe Nos. 2-7 given to the FBI during the criminal investigation of Jeffrey Epstein and any materials responsive to the subpoena served upon the FBI.

Certificate Pursuant to S.D.Fla.L.R. 7.1(A)(3)

Undersigned counsel has conferred with Defendant's counsel in a good faith effort to resolve the issues raised in this Motion, and has been unable to do so.

Dated: March 17, 2010

Respectfully submitted,

By: s/ Adam D. Horowitz
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CERTIFICATE OF SERVICE

I hereby certify that on March 17, 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/ Adam D. Horowitz

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

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AO 82B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

)	
<i>Plaintiff</i>)	
█)	Civil Action No. 08-CV-80119- Marra
)	
<i>Defendant</i>)	(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Records Custodian, Federal Bureau of Investigation, 18320 Northwest Second Avenue, North Miami Beach, Florida, 33169

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Schedule A as attached.

Place: Mermelstein & Horowitz, P.A. 18205 Biscayne Blvd., Suite 2218 Miami, FL 33160	Date and Time: 04/02/2010 10:00 am
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Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 4/2/10

CLERK OF COURT

OR

<hr style="border: 0; border-top: 1px solid black;"/> Signature of Clerk or Deputy Clerk		<hr style="border: 0; border-top: 1px solid black;"/> Attorney's signature
--	--	--

The name, address, e-mail, and telephone number of the attorney representing (name of party) PLAINTIFF, who issues or requests this subpoena, are:

Stuart Mermelstein, Adam Horowitz, Jessica Arbour, Mermelstein & Horowitz, P.A., 18205 Biscayne Blvd., Suite 2218, Miami, FL 33160, (305) 931-2200, jarbour@sexabuseattorney.com.

EXHIBIT

A

AO 818 (Rev. 06/08) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 08-CV-80119- Marra

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Schedule A

Sworn statements taken during the investigation of Jeffrey Edward Epstein (358 El Brillo Way, Palm Beach, FL, DOB: 01/20/1953) from the following:

- ██████████ (DOB: ██████████)
- ██████████ (DOB: ██████████)