

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE NO. 2,

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

Plaintiff

vs.

JEFFREY EPSTEIN,

Defendant

JANE DOE NO. 3,

CASE NO: 08-CV-80232-MARRA/JOHNSON

Plaintiff

vs.

JEFFREY EPSTEIN,

Defendant

JANE DOE NO. 4,

CASE NO: 08-CV-80380-MARRA/JOHNSON

Plaintiff

vs.

JEFFREY EPSTEIN,

Defendant

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

JANE DOE NO. 5,

CASE NO: 08-CV-80381-MARRA/JOHNSON

Plaintiff

vs.

JEFFREY EPSTEIN,

Defendant

_____ /

JANE DOE NO. 6.

CASE NO: 08-CV-80994-MARRA/JOHNSON

Plaintiff

vs.

JEFFREY EPSTEIN,

Defendant

_____ /

JANE DOE NO. 7,

CASE NO: 08-CV-80993-MARRA/JOHNSON

Plaintiff

vs.

JEFFREY EPSTEIN,

Defendant

_____ /

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

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

C.M.A.,

Plaintiff

vs.

JEFFREY EPSTEIN,

Defendant

JANE DOE,

CASE NO. 08-CV-80893-CIV-MARRA/JOHNSON

Plaintiff,

Vs.

JEFFREY EPSTEIN, et al.

Defendant.

DOE II,

CASE NO: 09-CV-80469-MARRA/JOHNSON

Plaintiff

vs.

JEFFREY EPSTEIN, et al.

Defendants.

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

JANE DOE NO. 101,

CASE NO: 09-CV-80591-MARRA/JOHNSON

Plaintiff

vs.

JEFFREY EPSTEIN,

Defendant

JANE DOE NO. 102,

CASE NO: 09-CV-80656-MARRA/JOHNSON

Plaintiff

vs.

JEFFREY EPSTEIN,

Defendant

**RESPONSE IN OPPOSITION TO EPSTEIN'S MOTION TO STRIKE CASE
FROM CURRENT TRIAL DOCKET**

COMES NOW plaintiff Jane Doe, by and through her undersigned counsel, to file this response in opposition to defendant Jeffrey Epstein's motion to strike her trial date from the current trial docket. Epstein argues that a few discovery disputes require striking the trial date. But these disputes can be resolved before the discovery deadline expires – particularly given that there are nearly four months remaining until the discovery cutoff. Moreover, Jane Doe will be gravely harmed by any delay in this matter because it will give Epstein the opportunity to finish hiding his assets.

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Background

Defendant Epstein has filed a boilerplate motion to strike Jane Doe's trial date – and numerous other consolidated cases involving similar allegations of his sexual abuse of minors – for an unspecified period of time, delaying what is currently set as a February 22, 2010, trial date until some later and unspecified date. On May 28, 2009, the court granted the motion to strike the trial date as to plaintiffs Jane Does 2-7 – who had agreed to the delay for their own reasons. The court set a new trial date of June 1, 2010, for these cases. The court, however, reserved ruling on the motion to continue Jane Doe's case (and one other plaintiff, C.M.A.).

In recounting the procedural history of this case, Epstein does not disclose that in *this particular case, he* has been the one responsible for numerous delays. Indeed, a quick review of the docket sheet shows the following requests for extensions by defendant Epstein:

DE 10 (defendant's motion for extension of time to respond to complaint) (10/1/08)

DE21 (defendant's motion for extension of time to file motions to compel) (3/4/09)

DE39 (defendant's motion extension of time to file reply as to response to opposition to motion to stay) (4/22/09)

DE41 (defendant's motion for extension of time to file reply as to response in opposition to motion to compel tax records) (4/27/09)

DE42 (defendant's motion for extension of time to file reply as to response in opposition to motion to compel on first interrogatories) (4/27/09)

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DE44 (defendant's motion for extension of time to file response as to motion to strike reference to non-prosecution agreement) (4/29/09)

DE52 (defendant's motion for extension to time to file response as to amended complaint) (5/05/09)

DE60 (motion for extension of time to file response to plaintiff's first amended complaint) (5/18/09)

It should be noted that Jane Doe, as a matter of civility, has not objected to a single one of these requests for an extension from defendant Epstein. In none of these conferences regarding these requests for extension did defense counsel indicate that he was concerned that the trial date might need to be continued because of any delay in this case.

Jane Doe has yet to request a single extension of time for any reason.

It may also be relevant to note that Epstein has "taken the Fifth" with regard to essentially all discovery that Jane Doe has propounded to him in this case.

**Epstein Has Failed to Provide any "Exceptional Circumstances"
to Continue the Trial Date**

This court, of course, has discretion to continue the trial date. The rules of this court, however, make clear that "[a] continue of any trial . . . will be granted only on *exceptional circumstances*." Local Rule 7.6 (emphasis added). All defendant Epstein has shown is a few, run of the mill, discovery disputes – that have arisen *months* in advance of the discovery deadline. (The deadline in this case is October 1, 2009 – roughly four months away.) At the very least, any motion to continue is premature.

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Defendant Epstein has failed to provide any good reason for delaying trial in Jane Doe's case. Most of his pleading focuses on discovery disputes that have arisen with regard to Jane Does 2-7 or C.M.A. These disputes have absolutely no bearing on whether *Jane Doe's* case can be ready for trial by February 22, 2010.

In an effort to provide some sort of "good cause" for rescheduling the trial date, Epstein's defense counsel has provided an affidavit asserting generally that it will not be possible to complete discovery in a timely fashion in this case. That same affidavit, however, acknowledges that some of the discovery disputes that have arisen in other cases have not arisen in this case. In particular, the affidavit spends a great deal of time explaining how an objection to disclosing the true names of the plaintiffs in other cases has (allegedly) made it impossible for Epstein to serve subpoenas and thus obtain meaningful discovery about other plaintiffs. See Affidavit of Michael J. Pike at 4-5, Exhibit 1 to Epstein's Motion to Strike Cases from Current Trial Docket. The affidavit concedes, however, that this objection does not apply to Jane Doe's case. See *id.* at 5 ("As stated in the motion to strike, Brad Edwards [counsel for Jane Doe] has agreed to such a procedure relative to third party subpoenas.").

In addition, Jane Doe will be gravely prejudiced if a delay of any sort is sanctioned in this case. As the court is well aware, this case involves serious allegations of sexual abuse of minor. Each passing day with the matter unresolved adds to the psychological stress that Jane Doe must bear. This is not the kind of case that where additional time should be allowed to pass. In general, "The compensation and remedy due a civil plaintiff should not be delayed." *Gordon v. FDIC*, 427 F.2d 578,

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580 (D.C. Cir. 1970). Given the sexual abuse allegations at stake here, that general admonition applies with even greater force.

Moreover, Jane Doe will be gravely prejudiced if Epstein is allowed to postpone trial in this matter. As explained at greater length in Jane Doe's soon to be filed Memorandum in Support of Motion for Injunction Restraining Fraudulent Transfer of Assets, good cause exists for believing defendant Epstein is currently moving his assets overseas in an attempt to defeat the satisfaction of any judgment that Jane Doe might obtain in this case. In addition, it is possible that by delaying the trial until June 2010, Epstein might be able to escape the supervision of the Florida courts entirely. Epstein is currently in jail and will serve a one-year term of community control (house arrest) following his release. Conveniently enough for Epstein, it appears that this term of community control will expire at around the time of his proposed new trial date.

For all these reasons, the Court should deny the motion to strike Jane Doe's currently-established trial date.

Dated: June 8, 2009.

Respectfully Submitted,

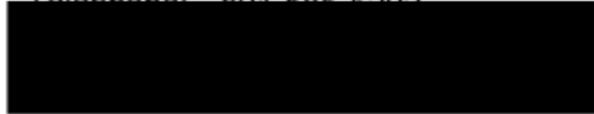
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 8, 2009, 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 on 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 filed Notices of Electronic Filing.

s/ Bradley J. Edwards
Bradley J. Edwards

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Jane Doe v. Jeffrey Epstein
United States District Court, Southern District of Florida

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