

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-80811-CIV-ZLOCH/SNOW

C.M.A.,

Plaintiff,

vs.

JEFFREY EPSTEIN and  
[REDACTED]

Defendants.

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**JOINT DISCOVERY PLAN/SCHEDULING REPORT**

Pursuant to the Court's Order of Instructions (DE 2), Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, and Local Rule 16.1(B) of the Local Rules for the United States District Court for the Southern District of Florida, the parties submit the following Joint Discovery Plan and Scheduling Report.

**A. The Parties Have Conferred.**

On August 11, 2008, counsel for the plaintiff, C.M.A., and for defendants Jeffrey Epstein and [REDACTED] conferred by telephone for the purposes prescribed by Rule 26(f) of the Federal Rules of Civil Procedure. Although defendant [REDACTED] has not been served, her counsel participated in this conference as directed in the Court's Order of Instructions. The plaintiff agrees that [REDACTED] participation in this conference does not waive any objections to service or jurisdiction.

**B. Statement of Claim**

**1. The Plaintiff's Claims**

The plaintiff alleges that she was assaulted by defendant Epstein while she was a minor. Plaintiff further alleges that defendant [REDACTED] abetted Epstein's acts of assault. The plaintiff alleges that the defendants' conduct caused her to suffer mental anguish, mental pain and suffering, psychic trauma and a loss of the capacity for the enjoyment of life. The plaintiff is seeking to recover damages in excess of \$15,000, plus costs.

**2. Defendants' Defenses**

As of the date of this Joint Scheduling Report, the defendants have not filed an answer or asserted defenses. Defendant [REDACTED] has not yet been served with process.

**C. Summary of Uncontested Facts**

None.

**D. Discovery**

The parties anticipate that discovery will include written discovery requests, third-party subpoenas, and depositions of individuals and government officials.

**E. Proposed Dates and Deadlines**

The parties agree that this case is appropriate for the standard track, pursuant to Local Rule 16.1(A)(2)(b), with trial estimated at 10 days and 269 days to complete discovery. The parties note that these dates may need to be adjusted depending on the resolution of issues involving service of process on defendant [REDACTED]

<b>Event</b>	<b>Date</b>
Join other parties	December 1, 2008
Amend pleadings in accordance with the Federal Rules	December 1, 2008
Complete mediation	June 30, 2009
Exchange Rule 26(a)(3) disclosures	October 1, 2008
Exchange of Expert Reports	February 27, 2009
Exchange of Trial Witness List	April 30, 2009
Completion of all discovery	May 28, 2009 (269 days from 9/1/08)
Deadline for filing dispositive motions.	July 30, 2009
File joint pretrial stipulation (including proposed jury instructions and joint summary of motions <i>in limine</i> )	August 31, 2009
Pretrial conference	September 15, 2009
Trial	October 1, 2009

**F. Estimated Length of Trial; Jury or Non-Jury**

The parties estimate that the trial will take approximately 10 trial days. Plaintiff has demanded a jury trial.

**G. Anticipated Motions**

The plaintiff anticipates that she will be filing a motion to add a claim for punitive damages, as soon as the pending motions (*see* Para. H, *infra.*) are resolved.

**H. Pending Motions**

On July 25, 2008, the defendants filed a sealed Motion to Stay this action during the pendency of a parallel federal criminal action involving the same subject matter and same

parties. It is anticipated that the motion will be fully briefed and ripe for review by August 18, 2008.

**I. Legal or Factual Aspects Requiring Court's Special Consideration**

1. Defendants' motion to stay pending conclusion of parallel federal criminal action.
2. Defendants' constitutional privileges arising from a pending criminal action.

**J. Statement of Need or Agreement to Refer Matters to Magistrate Judge**

The parties consent to the referral of all discovery issues to the Magistrate Judge.

**K. Status and Likelihood of Settlement**

The parties have briefly discussed the possibility of settlement and will continue to explore the possibility of settlement as the case proceeds.

**L. Other Matters Required by Local Rule 16.1B**

**1. The likelihood of appearance in the action of additional parties.**

At this time, the parties do not anticipate the joinder of additional parties. However, counsel for the plaintiff wishes to reserve the right to join any additional defendants identified in discovery and has asked to have until December 1, 2008 to do so.

**2. Proposed Limits on the Time to File and Hear Dispositive Motions.**

The parties agree that pretrial motions should be filed no later than July 30, 2009 and request that they be heard and decided by the Pre-Trial Conference.

**3. Proposals for the formulation and simplification of issues, including the elimination of frivolous claims or defenses.**

The parties agree to work together to formulate and simplify the issues in this case.

- 4. The possibility of obtaining admissions of fact and of documents, electronically stored information, or things which will avoid unnecessary proof, stipulations regarding authenticity of documents, electronically stored information or things, and the need for advance rulings from the Court on admissibility of evidence.**

The parties agree to work together to stipulate to the authenticity of documents produced and obtained during discovery.

- 5. Suggestions for the avoidance of unnecessary proof and of cumulative evidence.**

The parties agree to work together to enter into stipulations to avoid unnecessary proof and cumulative evidence.

- 6. Any other information that might be helpful to the Court in setting the case for status or pretrial conference.**

At this time, the parties are unaware of any other information that might be helpful to the Court.

- M. Certification Regarding Disclosures Required by Fed. R. Civ. P. 26(a)(1) and (2)**

The parties certify that disclosures pursuant to Fed. R. Civ. P. 26(a)(1)-(2) will be served by October 1, 2008. In the event that the motion for stay remains pending at that time, the defendants may seek to extend this date. The Parties agree to supplement their disclosures as necessary.

- N. Names, Addresses, and Phone Numbers of Counsel**

- a. Plaintiff**

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**B. Defendants**

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Respectfully submitted,

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[Redacted]

*Attorneys for Defendant Jeffrey  
Epstein*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 18, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified above via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Michael R. Tein  
Michael R. Tein