

**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.
_____ /

JANE DOE NO. 5,

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

Plaintiff,

JEFFREY EPSTEIN,

Defendant.
_____ /

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CASE NO.: 08-80994-CIV-MARRA/JOHNSON

JANE DOE NO. 6,

Plaintiff,

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-80993-CIV-MARRA/JOHNSON

JANE DOE NO. 7,

Plaintiff,

JEFFREY EPSTEIN

Defendant.

CASE NO.: 08-80811-CIV-MARRA/JOHNSON

 Plaintiff,

JEFFREY EPSTEIN

Defendant.

JANE DOE,

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

Plaintiff,

JEFFREY EPSTEIN et al,

Defendants.

DOE II,

CASE NO.: 09-80469-CIV-MARRA-JOHNSON

Plaintiff,

JEFFREY EPSTEIN et al,

Defendants.

JANE DOE NO. 101,

CASE NO.: 09-80591-CIV-MARRA-JOHNSON

Plaintiff,

JEFFREY EPSTEIN

Defendant.

JANE DOE NO. 102,

CASE NO.: 09-80656-CIV-MARRA/JOHNSON

Plaintiff,

JEFFREY EPSTEIN,

Defendant.

**EPSTEIN'S RESPONSE TO JANE DOE'S MOTION TO PROVIDE
RECENTLY-OBTAINED AFFIDAVIT OF JEFFREY E. EPSTEIN IN
SUPPORT OF MATERIAL FACTS SUPPORTING MOTION FOR
APPOINTMENT OF A RECEIVER TO TAKE CHARGE OF PROPERTY OF EPSTEIN**

Defendant, JEFFREY E. EPSTEIN ("Epstein"), submits this response to Plaintiff's, Jane Doe ("Jane Doe"), Motion to Provide Recently-Obtained Affidavit of Jeffrey E. Epstein in

Support of Material Facts Supporting Motion for Appointment of a receiver to Take Charge of Property of Epstein ("Motion"), and states:

1. Jane Doe seeks to supplement her Motion for Injunction Restraining Fraudulent Transfer of Assets (DE #165) ("Injunction Motion") with a "recently-obtained" affidavit of Epstein. The instant Motion was filed *after* Epstein served his Memorandum of Law in Opposition to the Injunction Motion (DE #198). Thus, if the Court were to consider this late-filed affidavit, Epstein would have no opportunity to respond to the affidavit or any arguments based thereon. Accordingly, the Court should deny Jane Doe's Motion and disregard the affidavit.

2. Rule 6(c), Federal Rules of Civil Procedure, requires "[a]ny affidavit supporting a motion *must be served* with the motion." (Emphasis added). Moreover, Local Rule 7.1C.3, U.S. District Court, Southern District Local Rules, provides "[t]o the extent a party wants the Court to consider affidavits, declarations, or other materials in support of or in opposition to the motion, then (a) the movant *must serve with the motion* all such materials. (Emphasis added).

3. Despite Jane Doe's assertion that she did not *receive* the affidavit until July 13, 2009, there is no question Epstein's affidavit was available at the time Jane Doe served her Injunction Motion as the affidavit is almost *seven years old* (dated October 2002).

4. While Jane Doe calls it a "newly-obtained affidavit," it is not newly-obtained in the sense that it could not have been discovered at the time she served her Injunction Motion.

5. Simply put, the affidavit is untimely and the Court should therefore disregard it in determining Jane Doe's Injunction Motion.

6. Moreover, consideration of the affidavit would severely prejudice Epstein because cannot respond to Jane Doe's arguments, assertions and implications regarding the affidavit since he already filed his Memorandum of Law in Opposition to the Injunction Motion (DE #198).

7. This point is illustrated by Jane Doe's Reply to her Injunction Motion (DE #217), in which she attaches as Exhibit A Epstein's 2002 affidavit (before the Court ruled on the instant Motion) and uses it to make ridiculous and untenable conclusions about fraudulent asset transfers. For example, Jane Doe cites the portion of Epstein's affidavit in which he states he provides financial advice from the U.S. Virgin Islands in securities and other matters to his clients and that he is viewed as one of Citibank's most important individual clients. See DE #217 at 12. In the very next sentence, Jane Doe asserts "[g]iven the fact that asset transfers can take place to such countries as Israel, Switzerland, and the Cayman Islands, placing the burden on Jane Doe to document fraudulent asset transfers to such destinations effectively give a green light to massive fraud – a fraud that could ultimately total in the neighborhood of one billion dollars (\$1,000,000,000.00)."

8. Jane Doe somehow takes Epstein's assertion that he provides financial advice from the Virgin Islands and is an important Citibank client to essentially suggest he is involved in a billion-dollar international fraudulent transfer scheme. Such a conclusion is absurd and is pure fiction.

9. Epstein will obviously be unfairly prejudiced by his inability to respond to these ludicrous theories.

10. Accordingly, the Court should disregard the affidavit in consideration of the Injunction Motion and strike the affidavit from Jane Doe's Reply Brief (Exhibit A to DE #217).

WHEREFORE, Defendant, JEFFREY E. EPSTEIN, respectfully requests the Court deny Jane Doe's Motion, strike the affidavit from Jane Doe's Reply Brief (Exhibit A to DE #217) and grant any additional relief the Court deems just and proper.

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Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following Service List in the manner specified by CM/ECF on this 5th day of August 2009

Respectfully submitted,

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Certificate of Service

Jane Doe No. 2 v. Jeffrey Epstein

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*In related Cases Nos. 08-80069, 08-80119,
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