

**IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT, IN AND
FOR DADE COUNTY, FLORIDA**

CASE NO. 14-21348-CA-01

JEAN-LUC BRUNEL, individually,
and MC2 MODEL & TALENT
MIAMI, LLC.

Plaintiffs,

vs.

JEFFREY EPSTEIN,
TYLER MCDONALD, TYLER
MCDONALD D/B/A/ YI.ORG
Defendants.

DEFENDANT JEFFREY EPSTEIN'S MOTION TO DISMISS

COMES NOW, the Defendant, Jeffrey Epstein, a resident of the United States Virgin Islands, by and through his undersigned counsel, and files this Motion to Dismiss, and as good grounds therefore states as follows:

1. On October 5, 2016, this Court ordered Plaintiffs to effect service on Mr. Epstein within 120 days of the date of that order (i.e., by no later than February 2, 2017) and ruled that if Plaintiffs did not effect service within that time period, this case would be dismissed with prejudice and **“no further order of this Court shall be necessary.”** As fully explained below, Defendant Jeffrey Epstein respectfully moves to dismiss all claims by Plaintiffs against him in this Action because, even after the undersigned counsel gave Plaintiffs timely and repeated notice of their improper and ineffective service attempt, Plaintiffs took no action to comply with the Court's service deadline.

2. In complete disregard for Florida's procedural rules and Florida Statutes Section 48.031(1)(a), on March 10, 2015, Plaintiffs improperly attempted to serve Defendant Jeffrey Epstein in New York by leaving process with a woman at a location that was not Mr. Epstein's

usual place of abode. Plaintiffs never even filed a Notice of Service of Process in connection with that failed attempt.

3. The undersigned counsel promptly filed a motion to quash on behalf of Mr. Epstein in April 2015, which motion included Mr. Epstein's affidavit confirming the location of his residence and usual place of abode in the United States Virgin Islands.

4. Plaintiffs waited a full year to respond to that motion to quash and in their response, perhaps conceding that the attempted service was improper, asked this Court to disregard the procedural rules and order that Plaintiffs be permitted to serve Mr. Epstein through legal counsel (not the undersigned) not even of record in this case.

5. After Plaintiffs failed to appear at the hearing that Plaintiffs themselves scheduled on Mr. Epstein's motion to quash, on July 27, 2016, this Court granted Mr. Epstein's motion to quash.

6. Thereafter, Plaintiffs sought a rehearing, claiming that they did not realize that the hearing they themselves scheduled was proceeding, and on October 5, 2015, this court kindly granted Plaintiffs a full 120 additional days within which to properly serve Mr. Epstein. The Court further ruled that if service is not effected within that time, this matter would be dismissed without prejudice and that "*no further Order of this Court shall be necessary.*"

7. Plaintiffs made no attempt to comply with the procedural requirements of Florida Statutes Section 48.031(1)(a) and refused to even attempt service on Mr. Epstein at his U.S. Virgin Islands residence and usual place of abode. Instead, on November 17, 2016, Plaintiffs chose to make only their second service attempt in the 647 days since the original summons was issued for Mr. Epstein in this case (which was Plaintiffs' one and only service attempt during the period of extension granted by this Court) by leaving the summons and amended complaint with a non-party at an office address, which was clearly not Mr. Epstein's personal residence.

8. For the numerous reasons cited in Mr. Epstein's Opposition to Motion for Ruling on Service of Process, Plaintiffs' November 17, 2016 service attempt was improper and ineffective.

9. On December 7, 2016, the undersigned attorney informed the attorney for the Plaintiffs that the November 17, 2016 service attempt was improper and ineffective in that it did not comply with the statutory prerequisites of Florida Statutes Section 48.031. Copy of December 7, 2016 letter attached hereto as Exhibit A.

10. Rather than attempt proper service even a single time before the expiration of the extended service window granted by the Court, Plaintiffs chose to do nothing until well after that window closed. Having received the letter from Mr. Epstein's counsel on December 7, 2016, a full two months before the expiration of the extension period, Plaintiffs certainly could have filed their Motion For Ruling On Service Of Process on Defendant, Jeffrey Epstein, With Attached Order, before the expiration of the service window, so that if the Court found, as it should, that Plaintiffs' service is defective, Plaintiffs would have had sufficient time before the window closed to effectuate service properly. Instead, and as they have done for the past two years, Plaintiffs chose to nothing until well after the service deadline expired. Now they ask this Court to again indulge their flagrant disregard for procedural law and the orders of this Court and hold that proper service has been obtained, even though, to do so would fly in the face of Florida law.

11. Because Plaintiffs have failed to even attempt proper service on Mr. Epstein for well over two years following their January 2015 filing of the amended complaint first joining Mr. Epstein as a party in this action, the Court should enforce its October 5, 2016 order and dismiss this matter as against Mr. Epstein.

12. Moreover, because Plaintiffs actions demonstrate a flagrant disregard for the procedural requirements of Florida law and the express order of this Court and evince a marked

WHEREFORE, Defendant Jeffrey Epstein, respectfully requests that this Court dismiss the Amended Complaint as it pertains to Mr. Epstein, with prejudice and for such further relief as this Court find just and proper.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of the foregoing has been electronically furnished via email and/or E-file on the 30th day of March, 2017 to Joe Titone, joetitone708@comcast.net.

W. CHESTER BREWER, JR., P.A.

Counsel for Epstein
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West Palm Beach, FL 33401
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By: /s/ W. Chester Brewer, Jr.
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TELEPHONE (561) 655-4777
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December 2, 2016

Via Email: joetitone708@comcast.net

Joe Titone, Esq.
621 S.E. 5th St.
Pompano Beach, FL 33060

Re: Service of Process

Dear Joe,

December 7, 2016

Via Email: joetitone708@comcast.net

Joe Titone, Esq.
621 S.E. 5th Street
Pompano Beach, FL 33060

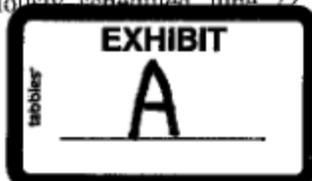
Re: Service of Process

Dear Joe:

I have had an opportunity to review the Notice Service of Process that you filed in the Jean Luc Brunel/Jeffrey Epstein case. From my review it is clear that once again the attempt to serve runs afoul of Florida Statutes 48.031, as well as the holding in the Third District in HAUSER VS. SCHIFF. I have attached a copy of that case for your ready reference.

It is now almost two years past the January 2015 filing date of your clients' amended complaint joining Mr. Epstein as a defendant to the original action filed in August 2014. I remind you that no attempt was made to even serve Mr. Epstein until March 10, 2015. The required Notice of Service was never filed with the Court in respect of that attempt, which you, yourself, conceded in your later filed Motion for Reconsideration was improper service. After rescheduling the hearing on Mr. Epstein's April 29, 2015 Motion to Quash four separate times, you failed to appear at the July 27, 2016 hearing on that Motion which was delayed for more than a year after its original filing date. The Court granted Mr. Epstein's motion in your absence.

At the subsequent October 5, 2016 hearing on your Motion for Reconsideration, you sought pardon from the Court for your failure to appear at the July 27, 2016 hearing on Mr. Epstein's Motion to Quash. You sought to excuse your absence, claiming that due to a brain issue you somehow misunderstood the date on which you were to appear even though it was you, yourself, who cancelled the previously scheduled June 22, 2016 hearing date and specifically scheduled the hearing to take place on July 27, 2016.



The Court's grant of an additional 120 days for service in deference to your medical issues did not confer on you a license to continue to disregard the jurisdictional prerequisites of proper service, with which you have failed to comply even after having had 681 days to do so. The failure to properly serve Mr. Epstein again is evident from the face of your Notice of Service of Process. No response to your clients' Amended Complaint is due or should be expected unless and until proper service is made. I remind you that the Judge required such service be made not later than 120 days following his October 5, 2016 order.

Please be guided accordingly.

Very truly yours,

/s/ W. Chester Brewer, Jr.

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