

IN THE COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO. 502008CA028058XXXXMB AD

[REDACTED]

Plaintiff,

v.

JEFFREY EPSTEIN

Defendant.

_____ /

ORDER ON MOTION TO REASSIGN AND/OR TRANSFER

THIS CAUSE came before the Court on Motion to Reassign and/or Transfer, and the Court having heard argument of counsel and being fully advised in these premises, it is hereby

ORDERED and ADJUDGED that Defendant's Motion is hereby ~~granted~~ denied

DONE AND ORDERED at Palm Beach County Courthouse, West Palm Beach, Florida, this ____ day of _____, 2009.

SIGNED & DATED
APR 07 2009
DAVID E. FRENCH
CIRCUIT JUDGE

David French
Circuit Judge

Copies furnished:

ROBERT D. CRITTON, JR., ESQ., and MICHAEL J. PIKE, ESQ., [REDACTED]
[REDACTED] and BRAD EDWARDS, ESQ., Brad Edwards and Associates, LLC, [REDACTED]
[REDACTED] JAY HOWELL, ESQ., Jay Howell & Associates, P.A., [REDACTED]
[REDACTED] and JACK A. GOLDBERGER, ESQ., Atterbury Goldberger & Weiss, P.A., [REDACTED]
[REDACTED]

IN THE COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO. 502008CA028051XXXXMB AD

█.,

Plaintiff,

v.

JEFFREY EPSTEIN

Defendant.

ORDER ON MOTION TO REASSIGN AND/OR TRANSFER

THIS CAUSE came before the Court on Motion to Reassign and/or Transfer, and the Court having heard argument of counsel and being fully advised in these premises, it is hereby

ORDERED and ADJUDGED that Defendant's Motion is hereby ~~granted~~/ denied

DONE AND ORDERED at Palm Beach County Courthouse, West Palm Beach, Florida, this ____ day of _____, 2009

SIGNED & DATED
APR 07 2009
DAVID E. FRENCH
CIRCUIT JUDGE

David French
Circuit Judge

Copies furnished:
ROBERT D. CRITTON, JR., ESQ., and MICHAEL J. PIKE, ESQ., _____
_____ and BRAD EDWARDS, ESQ., Brad Edwards and Associates, LLC. _____
_____ JAY HOWELL, ESQ., Jay Howell & Associates, P.A., _____
_____ and JACK A. GOLDBERGER, ESQ., Atterbury Goldberger & Weiss, P.A. _____



LEOPOLD-KUVINTM
CONSUMER JUSTICE ATTORNEYS

April 10, 2009

Fax and Mail

Robert Critton, Esq.
Michael Pike, Esq.
Burman Critton, et. al.

[REDACTED]

Re: [REDACTED] v. JEFFREY EPSTEIN
OUR FILE NO.: 080303

Dear Mike and Bob:

I recently received your Motion to Compel directed to Plaintiff's responses to Request to Produce. With respect to request #2, I'm not sure what you'd like my client to do, but she does not have any additional bills to produce to you at this time. She is only required to produce what she has, and she has done that. Additionally, you have already served subpoenas for these records, so I'm not sure why you'd waste time on this part of your motion.

As for request #7, I will be happy to supplement this request by attempting to obtain any copies of insurance cards that she may have for her health insurance. I will also make sure that my [REDACTED] Plaintiff provides copies of any "union employment identification cards."

With respect to request #17 and #18, much like the Interrogatory you asked in this regard, it is objectionable and I will see you at hearing. Furthermore, if the request did not already state so, the response even absent these objections is none.

With respect to request #22, this is incredibly overbroad and invasive. Having said that, if you are willing to allow me to inspect every and all computers utilized by Jeffrey Epstein at the same time that you inspect my client's computer, I may be able to come to some agreement. I don't expect you'll allow this. I find it extremely hard to understand how you're going to be able to argue to the Court that my client's entire computer should be subjected to your inspection while you are unwilling to do the same. Furthermore, the computers in my client's home are used, and have been used, by numerous individuals, including but not limited to family members, business associates and friends. Obviously, each of these individuals and corporations have independent rights to privacy which cannot be infringed.

April 10, 2009
Page 2 of 2

Finally, your completely irrelevant comments from public websites of random individuals, including postings of other girls which may have been molested by your client, are completely irrelevant. While we are commenting on websites, my client happened to notice on your firm's website that you have resolved sexual harassment cases for \$1.5 million. If you would like to use websites as a guide, maybe we can discuss resolving this case without the need for these discovery disputes.

I agree with your statement contained within the motion that states that "Plaintiff's communications and interactions with others is discoverable and admissible." However, the proper  to go about this is by taking depositions, not by digging through her personal computer.

If you would like to amicably resolve this matter absent a hearing, please do not hesitate to contact me at your convenience.

Sincerely,


SPENCER T. KUVIN

STK:mlb



LEOPOLD & KUVIN
CONSUMER JUSTICE ATTORNEYS

April 10, 2009

Fax and Mail

Robert Critton, Esq.
Michael Pike, Esq.
Burman Critton, et. al.

Re: [REDACTED] v. JEFFREY EPSTEIN
OUR FILE NO.: 080303

Dear Mike and Bob:

I recently received a copy of your Motion to Compel dated April 8, 2009. Please be advised that we turn our fax machine off promptly at 5:15 p.m. every evening. As for the content of the motion, I will agree to consult with my client to determine whether or not she can provide anymore information with response to Interrogatory #2. With respect to Interrogatories #15 and #16, I am not sure what additional information you require. My client has clearly advised, both in her responses, and in reference to the Complaint, that she was only over at the house on one occasion, and she does not remember the exact date. While a Complaint is not a sworn response, by referring to the Complaint in answer to Interrogatories, my client has hereby confirmed and verified, as well as sworn to, the relevant allegations as referenced in the Complaint by signing off on her answers to Interrogatories.

Finally, with respect to Interrogatory #19, your Interrogatory is not only objectionable but disgusting and beneath all human decency. I will see you in Court on this one.

Should you have any additional questions or concerns, please do not hesitate to give me a call at your convenience.

Sincerely,

[REDACTED]
SPENCER T. KUVIN
STK:mlb



**BURMAN, CRITTON, LUTTIER
& COLEMAN LLP**

A LIMITED LIABILITY PARTNERSHIP

J. MICHAEL BURMAN, P.A.¹
GREGORY W. COLEMAN, P.A.
ROBERT D. CRITTON, JR., P.A.¹
BERNARD LEBEDEKER
MARK T. LUTTIER, P.A.
JEFFREY C. PEPIN
MICHAEL J. PIKE
HEATHER McNAMARA RUDA

¹ FLORIDA BOARD CERTIFIED
CIVIL TRIAL LAWYER

ADELQUI J. BENAVENTE
PARALEGAL / INVESTIGATOR

BARBARA M. McKENNA
ASHLIE STOKEN-BARING
BETTY STOKES
PARALEGALS

RIITA H. BUDNYK
OF COUNSEL

April 13, 2009

Sent by Fax and U.S. Mail

Isidro M. Garcia, Esq.
Garcia Law firm, P.A.

[REDACTED]

Re: **Doe II v. Epstein, et al.**
Case No. 09-80469-Civ-MARRA/JOHNSON

Dear Sid:

Please be informed that [REDACTED] subpoenaed deposition in the [REDACTED] v. Epstein case on April 16th, 2009 is hereby cancelled.

Cardially yours,

[REDACTED]
Robert D. Critton, Jr.

RDC/clz

cc: Jack A. Goldberger, Esq.

[REDACTED] • A • W • Y • E • R • S

[REDACTED]



**BURMAN, CRITTON, LUTTIER
& COLEMAN LLP**

A LIMITED LIABILITY PARTNERSHIP

J. MICHAEL BURMAN, P.A.¹
GREGORY W. COLEMAN, P.A.
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PARALEGAL / INVESTIGATOR

BARBARA M. McKENNA
ASHLIE STOKEN-BARING
BETTY STOKES
PARALEGALS

RITA H. BUDNYK
OF COUNSEL

April 13, 2009

BY HAND DELIVERY

Judge Donald Hafele
Fifteenth Judicial Circuit
Palm Beach County Courthouse



Re: [REDACTED] v. Jeffrey Epstein, et al.
Case No. 502008CA037319XXXX MBAB
4/17/09, 11:30 a.m. – special set for 30 minutes Hearing on Defendant
Epstein's Motion to Dismiss, for More Definite Statement, and to Strike
Directed to Plaintiff's Complaint

Dear Judge Hafele:

Enclosed please find a copy of the case law and Florida Statutes cited in
Defendant Epstein's Motion to Dismiss, For More Definite Statement, and to Strike
Directed to Plaintiff [REDACTED]'s Complaint relating to the above-captioned hearing. We have
previously sent you Defendant's Motion and Plaintiff's complaint.

Also enclosed is Notice of Additional Supplemental Authority in Support of the
above-mentioned Defendant, Epstein's Motion to Dismiss.

Respectfully yours,



Robert D. Critton, Jr., Esq.

RDC/clz
Enclosures

cc: Theodore J. Leopold, Esq. and Spencer T. Kuvin, Esq.
Jack Goldberger, Esq.

■ · A · W · Y · E · R · S



IN THE COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO. 502008CA037319XXXMB AB

[REDACTED]
Plaintiff,

v.

JEFFREY EPSTEIN
[REDACTED]

Defendants.
_____ /

CITED CASES AND FLA. STAT.

IN SUPPORT OF

**DEFENDANT EPSTEIN'S MOTION TO DISMISS, FOR MORE DEFINITE
STATEMENT, AND TO STRIKE DIRECTED
TO PLAINTIFF'S COMPLAINT**

1. Am. Home Assurance Co. v. Plaza Materials Corp., 908 So.2d 360, 374 (Fla. 2005)
2. Miami Herald Pub. Co. v. Ferre, 636 F.Supp. 970 (S.D. Fla. 1985)
3. Mantooth v. Richards, 557 So.2d 646 (Fla. 4th DCA 1990)
4. Lay v. Kremer, 411 So.2d 1347 (Fla. 1st DCA 1982)
5. Wright v. Yurko, 446 So.2d 1162, 1165 (Fla. 5th DCA 1984).;
6. American Diversified Ins. Svcs., Inc. v. Union Fidelity Life Ins., 439 So.2d 904 (Fla. 3d DCA 1988)
7. Bond v. Koscot Interplanetary, Inc., 246 So.2d 631 (Fla. 4th DCA 1971)
8. Churruca v. Miami Jai-Alai, Inc., 353 So.2d 547 (Fla. 1977).
9. Snipes v. West Flagler Kennel Club, 105 So.2d 164 (Fla. 1958)

10. Buchanan v. Miami Herald Publishing Co., 230 So.2d 9, 12 (Fla. 1969)
11. Baisch v. Gallina, 346 F.3d 366, 373 (2nd Cir. 2003)
12. Fla. Stat. §772.101, et seq., commonly referred to as Florida "RICO."

IN THE COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO. 502008CA037319XXXMB AB



Plaintiff,

v.

JEFFREY EPSTEIN,

and 

Defendants.

**NOTICE OF ADDITIONAL SUPPLEMENTAL AUTHORITY IN SUPPORT OF
DEFENDANT, EPSTEIN'S MOTION TO DISMISS, MORE DEFINITE
STATEMENT, AND TO STRIKE DIRECTED TO PLAINTIFF'S COMPLAINT**

PERSONAL INJURY DAMAGES NOT RECOVERABLE UNDER RICO

1. Jackson v. Bellsouth Communications, 372 F.3d 1250 (11th Cir. 2004), cited in Fla. Stat. 772.102, annotated, (analysis applied to claims under the Federal Rico Act is equally applicable to claims under the Florida Rico statute).
2. Moore v. Potter, 142 Fed. Appx. WL 1600194 (11TH Cir. 2005).
3. Pilkington v. United Airlines, 112 F.3d 1532, 1536 (11th Cir,1997)
4. Stansfield v. Starkey, 269 Cal.Rptr., 337, 348 (Cal. App.3d, 1990)
5. Zimmerman v. HBO Affiliate Group, 834 F.2d 1163, 1169 (3d Cir. 1987).
6. Connor v. Halifax Hospital Medical Center, 135 F. Supp.2d 1198, 1219 (M.D. Fla. 2001).

7. Magnum v. Archdiocese of Philadelphia, 253 Fed. Appx. 224 (3d Cir. 2007).

8. Petrol LTD v. Radulovic, 764 So.2d 878 (Fla. 4th DCA 2000).

DIRECT INJURIES MUST BE SUSTAINED TO PROPERLY ALLEGE RICO

1. O'Malley v. St. Thomas Univ., Inc., 599 So.2d 999, 1000 (Fla. 3d DCA 1992).

2. Palmus Y Bambu, S.A. v. E.I. Dupont De Nemours & Company, 881 So.2d 565 (Fla. 3rd DCA 2004).

3. Bivens Gardens Office Bldg., Inc. v. Barnett Banks of Fla., Inc., 140 F.3d 898, 906, 908 (11th Cir. 1998).

4. Baisch v. Gallina, 346 F.3d 366, 373 (2d Cir. 2003).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent by fax and U.S. Mail to the Theodore J. Leopold, Esq. Spencer T. Kuvin, Esq., Leopold-Kuvin, P.A., █, Counsel for Plaintiff; Jack Alan Goldberger, Esq., Atterbury Goldberger & Weiss, P.A., █, 200 Australian Avenue South, Suite 100, Miami Beach, Florida, FL 33104, █, Co-Counsel for Defendant Jeffrey Epstein, on this 13th of April, 2009

BURMAN, CRITTON, LUTTIER & COLEMAN, LLP

█
█

By: _____
Robert D. Critton
Florida Bar #274102
Michael J. Pike
Florida Bar #617296
(Counsel for Defendant Jeffrey Epstein)

IN THE COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO. 502008CA037319XXXMB AB

██████████
Plaintiff,

v.

JEFFREY EPSTEIN,
██████████

Defendants.

DEFENDANT'S, JEFFREY EPSTEIN, AMENDED OBJECTION TO PRODUCTION
FROM NON-PARTY, YELLOW CAB

Defendant, Jeffrey Epstein, (hereinafter "Mr. Epstein"), by and through his undersigned attorneys, pursuant to Rule 1.351, Fla. R. Civ. P., hereby objects to the Notice of Production from Non-Party directed to Yellow Cab and proposed subpoena, and amends the objection to the production from Non-Party, Yellow Cab (all attached as **Composite Exhibit "A"**) and as grounds set forth, would state:

1. Plaintiff, ██████████ in her answers to interrogatories alleges she was at the home of Mr. Epstein on one occasion. Answer No. 15 to interrogatories. Within interrogatory 15, she indicates that "the cab driver (identity unknown) drove ██████████ and her friend, ██████████ to the Defendant's home." In her complaint, she alleges that in 2005, she was at Mr. Epstein's home on this one occasion.

2. Therefore, if the purpose of the subpoena is to determine the exact date that ██████████ and ██████████ were at the home of Mr. Epstein on that one occasion, the subpoena should be so directed to Yellow Cab, i.e. during the year 2005, do you have

CC-JE-JG DT
blui

EFTA00614429

any evidence of having carried passengers, █ and █ to the home of Mr. Epstein?

3. Whereas the duces tecum states:

“You are required to produce a true and accurate copy of any and all documents of whatever kind and nature evidencing Yellow Caps (sic) dispatch form (sic) or to █ for the years 2001 to the present.”

How is it relevant or material or calculated to lead to the discovery of admissible evidence regarding Yellow Cabs that may have been dispatched to █ or at any time other than 2005 for one specific trip?

4. Additionally, who may have traveled to or from Mr. Epstein’s home during a specific period of time, other than the Plaintiff and █ is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence, and as personal information to third parties who have a right to privacy.

5. This is strictly a “fishing expedition” unrelated to any aspect of this case. A similar Request to Produce was served in the case █ v. Jeffrey E. Epstein and █ Case No. 502008CA025129XXXMB AI, in front of Judge Garrison. A copy of the objection to the Notice is attached as **Exhibit “B”** and Judge Garrison’s Order sustaining the objection is attached as **“Exhibit “C”**.

6. Discovery must be related to the subject matter of the pending case. State Farm v Parrish, 800 So. 2d 706 (5th DCA 2001). **Exhibit “D”**

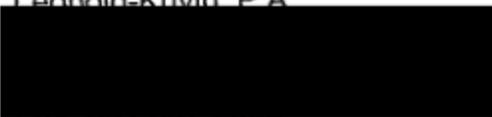
WHEREFORE, this Defendant moves this Court for an Order sustaining its objection and quashing the subpoena as written and requiring the Plaintiff, if appropriate, to serve a very specific subpoena.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was sent by fax and U.S.

Mail to the following addressees on this 13th day of April, 2009:

Theodore J. Leopold, Esq.
Spencer T. Kuvin, Esq.
Leopold-Kuvin, P.A.



Fax: 561-667-2500
Counsel for Plaintiff

Jack Alan Goldberger, Esq.
Atterbury Goldberger & Weiss, P.A.



Co-Counsel for Defendant Jeffrey Epstein

BURMAN, CRITTON, LITTIER & COLEMAN, LLP



Robert D. Critton, Jr.
Florida Bar #224162
Michael J. Pike
Florida Bar #617296

(Counsel for Defendant Jeffrey Epstein)

IN THE COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO. 502008CA037319XXXMB AB

[REDACTED]
Plaintiff,

v.

JEFFREY EPSTEIN

and [REDACTED]

Defendants.

DEFENDANT'S, JEFFREY EPSTEIN, OBJECTION TO PRODUCTION
FROM NON-PARTY, YELLOW CAB

Defendant, Jeffrey Epstein, (hereinafter "Mr. Epstein"), by and through his undersigned attorney, pursuant to Rule 1.351, Fla. R. Civ. P., hereby objects to the Notice of Production from Non-Party directed to Yellow Cab, served March 24, 2009. Pursuant to the rule, a subpoena shall not be served on Yellow Cab under this rule, but relief may be obtained only through Rule 1.310, Fla. R. Civ. P.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was sent by fax and U.S.

Mail to the following addressees on this 31st day of March, 2009:

Theodore J. Leopold, Esq.
Spencer T. Kuvin, Esq.
Leopold-Kuvin, P.A.

[REDACTED]

Counsel for Plaintiff

Jack Alan Goldberger, Esq.
Atterbury Goldberger & Weiss, P.A.

[REDACTED]

Co-Counsel for Defendant Jeffrey Epstein

Composite
EXHIBIT "A"

BURMAN, CRITTON, LUTTIER & COLEMAN, LLP



Robert D. Critton, Jr.

Florida Bar #224162

Michael J. Pike

Florida Bar #617296

(Counsel for Defendant Jeffrey Epstein)

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY,
FLORIDA

[REDACTED]

CASE NO:
502008CA037319XXXXMB AB

Plaintiff,

vs.

JEFFREY EPSTEIN and [REDACTED]

Defendant.

NOTICE OF PRODUCTION FROM NON PARTY

YOU ARE NOTIFIED that after 10 days from the date of service of this notice, if service is by delivery, or 15 days from the date of service, if service is by mail and if no objection is received from any party, the undersigned will issue or apply to the Clerk of the Court for issuance of the attached subpoena directed to Yellow Cab, who is not a party and whose principle address is [REDACTED] to produce the items listed at the time and place specified in the subpoena.

HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U. S. Mail, postage prepaid, this 24th day of March, 2009 to Jack A. Goldberger, Esq./Bruce E. Reinhart, Esq. [REDACTED] Douglas M. McIntosh, Esq., McIntosh, Sawran, Peltz & Cartaya, P.A., 1770 E. Sunrise Boulevard, [REDACTED]; Robert D. Critton, Jr., Michael J. Pike, [REDACTED]

LEOPOLD-KUVIN, P.A.

[REDACTED]
[REDACTED]
By: [REDACTED]

Florida Bar No.: 089737

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

Case No: 502008CA037319XXXXMB AB

Florida Bar No: 089737

[REDACTED]
Plaintiff,

vs.

JEFFREY EPSTEIN and [REDACTED]
[REDACTED]

Defendant.

**PLAINTIFF'S SUBPOENA DUCES TECUM WITHOUT DEPOSITION
RECORDS MAY BE MAILED**

THE STATE OF FLORIDA:

TO: Yellow Cab, [REDACTED]

YOU ARE COMMANDED to appear at Leopold-Kuvin, P.A., [REDACTED]

[REDACTED] the offices of undersigned counsel, on April 24,

2009, at 9:00 a.m., and to have with you at that time and place the following:

DUCES TECUM:

You are to produce a true and accurate copy of any and documents, of whatever kind and nature, evidencing Yellow Caps dispatched form or to [REDACTED] [REDACTED] [REDACTED] for the years 2001 through the present.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. **If the cost of production will exceed \$50.00,**

LEOPOLD-KUVIN, P.A.
2925 PGA Boulevard, Suite 200, Palm Beach Gardens, Florida 33410
(561) 515-1400; (561) 515-1401 (facsimile)

EFTA00614435

please contact our office for authorization to proceed with production. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified.

THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.

If you fail to:

- (1) Appear as specified; or
- (2) furnish the records instead of appearing as provided above; or
- (3) object to this subpoena,

you may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

Dated on _____, _____.

FOR THE COURT

E

SPENCER T. KUVIN, ESQ.

LEOPOLD KUVIN, P.A.

IN THE COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO. 502008CA025129XXXXMB AI

[REDACTED]

Plaintiff,

v.

JEFFREY E. EPSTEIN, and [REDACTED]
[REDACTED],

Defendants.

_____ /

**DEFENDANT'S, JEFFREY EPSTEIN, OBJECTION TO NOTICE AND AMENDED
NOTICE OF PRODUCTION AND SUBPOENA DUCES TECUM WITHOUT
DEPOSITION DIRECTED TO YELLOW CAB**

Defendant, JEFFREY E. EPSTEIN, (hereinafter "Mr. Epstein") by and through his attorneys, hereby files his objection to the Notice and Amended Notice of Production and Subpoena directed to Yellow Cab, attached as **Exhibit "A"** and **Exhibit "B"**, and as grounds therefore, would state:

1. The Plaintiff, [REDACTED] in her answers to interrogatories, alleges that she was at the Defendant's home on one occasion in September of 2005. In response to interrogatory #5, she stated under oath "I arrived at approximately 1:00 p.m. – 2:00 p.m. and left at 2:00 p.m. – 3:00 p.m.". The only other person who was in the home at the time were Mr. Epstein, [REDACTED], [REDACTED], [REDACTED] and a cook in Mr. Epstein's kitchen. She further stated that she was brought to the home by [REDACTED]

2. The complaint is a two-count complaint, Count I directed to Mr. Epstein which alleges sexual battery for having touched the Plaintiff, and Count II against Ms.

[REDACTED]

EXHIBIT "B"

3. There was no suggestion whatsoever in the answers to interrogatories nor in the complaint that "Yellow Cab" has some involvement in this case.

4. On the other hand, the attorneys for █ also have another case styled C.M.A. v. Jeffrey Epstein and █, █, Case No.: 08-CV-80811-Marra/Johnson. It appears that the Plaintiff, █ or her attorneys are attempting to do discovery in C.M.A through the █ state court case.

5. Whatever trip receipts, logs, information data and/or records involving pick ups and deliveries to and from Mr. Epstein's home in Palm Beach from 2001 through 2006, when the Plaintiff's one time incident occurred in September of 2005 when she was taken to the home by █ is overly broad, not relevant, nor material nor calculated to lead to the discovery of admissible evidence.

6. Additionally, who may have traveled to and from Mr. Epstein's home during that time frame is personal information to third parties who have a right to privacy.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was sent by fax and U.S.

Mail to the following addressees on this 11th day of February, 2009:

Jack Scarola, Esq.
Jack P. Hill, Esq.
Searcy Denney Scarola Barnhart &
ShIPLEY P.A.



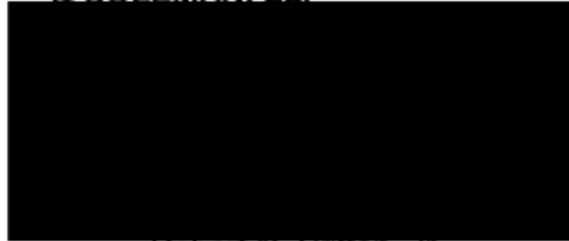
361-383-9424 Fax
Counsel for Plaintiff

Jack Alan Goldberger
Atterbury Goldberger & Weiss, P.A.



Co-Counsel for Defendant Jeffrey Epstein

**BURMAN, CRITTON, LUTTIER
& COLEMAN, LLP**



Robert D. Critton, Jr.
Florida Bar #224162
Michael J. Pike
Florida Bar #617296

(Counsel for Defendant Jeffrey E. Epstein)

7

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN AND
FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50 2008CA025129XXXXMB
AI



Plaintiff(s),

vs.

JEFFREY E. EPSTEIN and 


Defendant(s).

_____ /

NOTICE OF PRODUCTION FROM NON-PARTY

TO: ALL COUNSEL ON THE ATTACHED SERVICE LIST

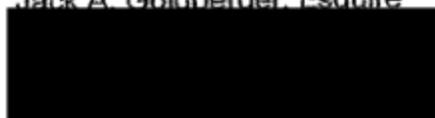
YOU ARE NOTIFIED that after ten (10) days from the date of service of this Notice, if service is by delivery, or fifteen (15) days from the date of service, if service is by mail, and if no objection is received from any party, the undersigned will issue or apply to the Clerk of this Court for issuance of the attached Subpoena directed to the following individual(s) to produce the items listed at the time and place specified in the Subpoena.

1. Yellow Cab


EXHIBIT "A"

COUNSEL LIST

Jack A. Goldberger, Esquire



Attorneys for Jeffrey Epstein

Robert Critton, Esquire
Burman Critton Luttier & Coleman LLP



Attorneys for Jeffrey Epstein

appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. **THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.**

If you fail to:

- 1) Appear as specified; or
- 2) Furnish the records instead of appearing as provided above; or
- 3) Object to this subpoena,

You may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED this _____ day of _____, 20____.

Jack Scarola
Florida Bar No.: 169440
Jack P. Hill
Florida Bar No.: 0547808
Searcy Denney Scarola Barnhart & Shipley, P.A.

█
Attorneys for Plaintiff(s)

**CERTIFICATION OF RESPONSE TO
SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

STATE OF FLORIDA
COUNTY OF _____

The undersigned, as custodian of records for _____, certifies that the attached documents consisting of _____ pages represents a true copy of all items within my possession, custody or control which are described in the Subpoena Duces Tecum Without Deposition served on me in the above styled action and each page is numbered by me for identification. Production is complete and has been numbered by the custodian of records.

It is further certified that originals of the items produced are maintained under the direction, custody and control of the undersigned.

The foregoing Certification was acknowledged before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, this _____ day of _____, 20____, who:

- is personally known to me; or
- has produced _____ as identification; and who:
- did or
- did not, take an oath,

and who executed the foregoing certification, and who acknowledged the foregoing certification to be freely and voluntarily executed for the purposes therein recited.

Notary Public, State of Florida at Large.

My Commission Expires: _____

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to all Counsel on the attached list, this 10 day of February, 2009.



Jack Scarola
Florida Bar No.: 169440
Jack P. Hill
Florida Bar No.: 0547808
Searcy Denney Scarola Barnhart & Shipley, P.A.

█
Attorneys for Plaintiff

COUNSEL LIST

Jack A. Goldberger, Esquire



Attorneys for Jeffrey Epstein

Robert Critton, Esquire

Burman Critton Luttier & Coleman LLP



Attorneys for Jeffrey Epstein

payment in advance of the reasonable cost of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. **THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.**

If you fail to:

- 1) Appear as specified; or
- 2) Furnish the records instead of appearing as provided above; or
- 3) Object to this subpoena,

You may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED this _____ day of _____, 20__.

Jack Scarola
Florida Bar No.: 169440
Jack P. Hill
Florida Bar No.: 0547808
Searcy Denney Scarola Barnhart & Shipley, P.A.

█
Attorneys for Plaintiff(s)

**CERTIFICATION OF RESPONSE TO
SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

STATE OF FLORIDA
COUNTY OF _____

The undersigned, as custodian of records for _____, certifies that the attached documents consisting of _____ pages represents a true copy of all items within my possession, custody or control which are described in the Subpoena Duces Tecum Without Deposition served on me in the above styled action and each page is numbered by me for identification. Production is complete and has been numbered by the custodian of records.

It is further certified that originals of the items produced are maintained under the direction, custody and control of the undersigned.

The foregoing Certification was acknowledged before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, this _____ day of _____, 20____, who:

- is personally known to me; or
- has produced _____ as identification; and who:
- did or
- did not, take an oath,

and who executed the foregoing certification, and who acknowledged the foregoing certification to be freely and voluntarily executed for the purposes therein recited.

Notary Public, State of Florida at Large

My Commission Expires:

IN THE COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO. 502008CA025129XXXMB AI



Plaintiff,

v.

JEFFREY E. EPSTEIN, and



Defendants.

ORDER ON DEFENDANT'S, JEFFREY EPSTEIN, OBJECTION TO NOTICE
AND AMENDED NOTICE OF PRODUCTION AND SUBPOENA DUCES
TECUM WITHOUT DEPOSITION DIRECTED TO YELLOW CAB

THIS CAUSE came before the Court on Defendant's, Jeffrey Epstein,
Objection To Notice And Amended Notice Of Production And Subpoena Duces
Tecum Without Deposition Directed To Yellow Cab, and the Court having heard
argument of counsel and being fully advised in these premises, it is hereby

ORDERED and ADJUDGED that ~~Defendant's Motion is hereby granted/~~

denied OBJECTION SUSTAINED

DONE AND ORDERED at Palm Beach County Courthouse, West Palm
Beach, Florida, this ____ day of _____, 2009.

SIGNED AND DATED

MAR 03 2009

Edward A. Garrison JUDGE EDWARD A. GARRISON
Circuit Court Judge

Copies furnished:

ROBERT D. CRITTON, JR., ESQ., and MICHAEL J. PIKE, ESQ.,
 Jack Scarola, Esq., and Jack P. Hill, Esq., Searcy Denney Scarola Barnhart & Shipley,
P.A., , and JACK A. GOLDBERGER,
ESQ., Atterbury Goldberger & Weiss, P.A., One Cleanlake Centre, Suite 1400,



EXHIBIT "C"

Westlaw.

800 So.2d 706
 800 So.2d 706, 26 Fla. Weekly D2831
 (Cite as: 800 So.2d 706)

Page 1

H

District Court of Appeal of Florida,
 Fifth District.
 STATE FARM MUTUAL AUTOMOBILE IN-
 SURANCE CO., Petitioner,
 v.
 Gary PARRISH, etc. et al, Respondents.
 No. 5D01-2292.

Nov. 30, 2001.

In action for uninsured motorist (UM) benefits, insured requested production of materials concerning policy coverage. The Circuit Court, Brevard County, Vincent G. Torpy, J., ordered production. Insurer petitioned for certiorari review. The District Court of Appeal, Harris, J., held that certiorari was available to quash order permitting discovery that trial court acknowledged was irrelevant.

Certiorari granted.

West Headnotes

[1] Pretrial Procedure 307A ⚡31

307A Pretrial Procedure

307AII Depositions and Discovery

307AII(A) Discovery in General

307Ak31 k. Relevancy and Materiality.

Most Cited Cases

Discovery must be relevant to subject matter of the pending case. West's F.S.A. RCP Rule 1.280(b)(1).

[2] Certiorari 73 ⚡17

73 Certiorari

73I Nature and Grounds

73k11 Decisions and Proceedings of Courts, Judges, and Judicial Officers

73k17 k. Particular Proceedings in Civil Actions. Most Cited Cases

Certiorari was available to quash order permitting discovery that trial court acknowledged was irrelevant.

ant to any pleadings before the court; judge expanded parameters of permitted discovery to a fishing expedition which "might give rise to a potential cause of action." West's F.S.A. RCP Rule 1.280(b)(1).

*706 Sharon Lee Stedman, of Sharon Lee Stedman, P.A., Orlando, and Jack E. Carstensen of Rigdon, Alexander & Rigdon, Cocoa, for Petitioner.

*707 Julie H. Littky-Rubin, of Lytal, Reiter, Clark, Fountain & Williams, West Palm Beach, and Robert M. Moletteire, of Graham, Moletteire, Tuttle & Torpy, P.A., Melbourne, for Respondents.

HARRIS, J.

Gary and Joellen Parrish ("Parrish") sued State Farm as their uninsured motorist carrier. Since there were two policies involved, Parrish claimed that the policy coverage for each policy should be stacked. State Farm defended on the basis that Parrish had specifically selected and paid for nonstacking coverage. That was the state of the pleadings when Parrish requested the production of voluminous material seeking information relative to how the selection process concerning the stacking coverage option was handled by State Farm, apparently to see if there was any basis to avoid the consequence of Parrish's previous selection. When the trial court ordered the production, State Farm filed its certiorari petition urging that the discovery request was not only unduly burdensome and overbroad, but also constituted a fishing expedition unrelated to the issues raised by the pleadings.

In *Allstate Insurance Co. v. Langston*, 655 So.2d 91, 95 (Fla.1995), the supreme court held that certiorari was available and should be used to quash an order "to the extent that it permitt[ed] discovery even when it has been affirmatively established that such discovery is neither relevant nor will lead to discovery of relevant information." *Id.* at 95. In *Allstate Insurance Co. v. Boecher*, 733 So.2d 993

EXHIBIT ¹D

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800 So.2d 706
800 So.2d 706, 26 Fla. █. Weekly D2831
(Cite as: 800 So.2d 706)

Page 2

(Fla.1999), the supreme court again discussed *Langston* and, without expressly overruling it, stated that the principle announced in *Martin-Johnson, Inc. v. Savage*, 509 So.2d 1097 (Fla.1987) (irreparable injury), remains the appropriate standard in considering the grant of certiorari relief in pretrial discovery.

800 So.2d 706, 26 Fla. █. Weekly D2831

END OF DOCUMENT

In this case, when the trial court granted the production, it acknowledged that the requested discovery was irrelevant to any pleadings before the court. Thus the *Langston* criteria, to the extent it remains applicable, was met. But the judge went further: "I think that a prudent lawyer, you know, has to-is entitled to do a little fishing around the number of the complaint on related issues that might give rise to a cause of action, if there is a potential cause of action out there. So, you know, I believe that if you want to call it fishing, I think a little fishing is appropriate and even prudent and warranted."

[1][2] Thus, the error for which certiorari is here requested does **not** involve a mere alleged judicial error concerning the relevancy of the requested material to the issues before the court; it is an error of law by which the judge himself has expanded the parameters of rule 1.280(b)(1), Florida Rules of Civil Procedure, from permitting **discovery** of matters "relevant to the subject matter of the pending action" to authorizing a **fishing expedition** which "might give rise to a potential cause of action." We believe that having to defend against a potential, unstated cause of action while at the same time having to defend against the action properly before the court is sufficiently prejudicial to warrant certiorari. Further, effective review is necessary to assure compliance with the discovery rule as written.

CERTIORARI is granted and the order to produce documents unrelated to the present controversy but which might possibly lead to evidence supporting some subsequent cause of action is quashed.

COBB and PETERSON, JJ., concur.
Fla.App. 5 Dist.,2001.
State Farm Mut. Auto. Ins. Co. v. Parrish

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