

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

Related cases:

08-80232, 08-08380, 08-80381, 08-80994,
08-80993, 08-80811, 08-80893, 09-80469,
09-80591, 09-80656, 09-80802, 09-81092

**Defendant's Motion To Strike Declarations Attached And Cited In Plaintiffs'
Reply In Support Of Their Motion For Protective Order (DE 266), And
Incorporated Memorandum Of Law**

Defendant, Jeffrey Epstein (hereinafter "Epstein" or Defendant), by and through his undersigned attorneys, respectfully moves this Court for an order Striking The Declarations attached to and cited in Plaintiffs' Reply in Support of their Motion for Protective Order (DE 266). Local Rule 12 allows for this court to strike same. As good cause in support of granting the motion, Defendant states:

1. On July 29, 2009, Plaintiffs filed their Motion for Protective Order seeking to prevent any investigation of the Plaintiffs and/or the claims they assert against Jeffrey Epstein in their respective Complaints.(DE 226) Plaintiff's Motion for Protective Order attached the Affidavits of Dr. Kliman - Ex. "A," the Declaration of Jane Doe 4 – Ex. "B," and the Declaration of Jane Doe 6 – Ex. "C".

2. On August 11, 2009, Defendant filed his Response In Opposition to the above Motion for Protective Order. (DE 262)

3. On August 14, 2009, Plaintiffs filed their Reply Memorandum in Support of Motion for Protective Order (DE 266), and attached and cited newly filed declarations for which Defendant does not have an opportunity to respond to under the rules. Therefore, the declarations delineated below are outside the scope of Plaintiffs' initial Motion for Protective Order and the Defendants' Response in Opposition. Moreover, the declarations are untimely.

4. In particular, Plaintiffs attach to or cite in their Reply the declaration of Jane Doe 4 (dated August 14, 2009 – a newly filed declaration - DE 267-2), the declaration of Jane Doe 6 (a declaration not attached to the Reply or linked to any other motion by docket entry citation), the declaration of Jane Doe 7 (a declaration not attached to the Reply and referenced as a new August 14, 2009 declaration) and the declaration of Jane Doe 4's sister (Y.B.'s newly filed declaration dated August 18, 2009 – DE 267-3).

5. Based upon the foregoing, the Defendant does not have an opportunity to respond to the newly filed declarations or those declarations cited in the Reply but not attached or linked to any other motion. To the extent Plaintiffs' intention was to link the missing declarations to another motion, response or reply previously filed by Plaintiffs, same has not been specified in their Reply.

6. Note, Defendant is not moving to strike the declaration of Jane Doe 4 dated July 17, 2009 because that declaration is attached to Plaintiffs' initial motion.

Memorandum of Law

7. Ivory v. Holme, 2009 WL 513720 (M.D. Fla. 2009)(striking affidavits as untimely).

Wherefore, Defendant respectfully requests that this court enter an order:

- a. striking the declaration of Jane Doe 4 (dated August 14, 2009 – a newly filed declaration - DE 267-2);
- b. striking the declaration of Jane Doe 6 (a declaration not attached to the Reply or linked to any other motion by docket entry citation);
- c. striking the declaration of Jane Doe 7 (a declaration not attached to the Reply and referenced as a new August 14, 2009 declaration);
- d. the declaration of Jane Doe 4's sister (Y.B.'s newly filed declaration dated August 18, 2009 – DE 267-3); or, alternatively;
- e. require Plaintiffs to file the missing declarations and allow Defendant 10 days within which to file a Supplemental Brief addressing same; and
- f. for such other and further relief as this court deems just and proper.

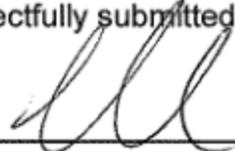
By: 
MICHAEL J. PIKE, ESQ.
Florida Bar #617296

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 20 day of

August, 2009

Respectfully submitted,

By: 

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Certificate of Service
Jane Doe No. 2 v. Jeffrey Epstein
Case No. 08-CV-80119-MARRA/JOHNSON

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