

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 HEARING

TO: SPENCER T. KUVIN, ESQ., Leopold-Kuvin, P.A., █
and JACK A. GOLDBERGER, ESQ., Atterbury Goldberger &
Weiss, P.A., █

YOU ARE HEREBY NOTIFIED that the undersigned has called up for a hearing the following:

DATE: January 20, 2009
TIME: 8:45 a. m.
JUDGE: The Honorable Donald Hafele
PLACE: Palm Beach County Courthouse, Room 11B

SPECIFIC MATTERS TO BE HEARD:

Defendant Epstein's Amended Motion for Protective Order regarding his January 29, 2010 Deposition

I HEREBY CERTIFY that, pursuant to Local Rule No. 4, a good faith attempt to resolve the matters set for hearing has been attempted but an agreement has not been reached between parties as of the date of this notice.

I **HEREBY CERTIFY** that a true copy of the foregoing has been furnished by facsimile and U.S. Mail to the above addressees, this 8th day of January, 2010.

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



By: _____

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

Courtesy copy: Judge Donald Hafele (with Defendant's Motion)

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.

_____ /

**DEFENDANT EPSTEIN'S AMENDED MOTION FOR PROTECTIVE
ORDER REGARDING HIS JANUARY 29, 2010 DEPOSITION**

Defendant, JEFFREY EPSTEIN ("Mr. Epstein"), by and through his undersigned attorneys and pursuant to Rule 1.280(c), Florida Rules of Civil Procedure, moves for a protective order prohibiting a second deposition set for January 29, 2010, and states:

1. For harassment purposes only, Mr. Kuvin noticed Mr. Epstein's deposition for a third time on January 29, 2009. Most importantly, Mr. Kuvin has already completed the deposition of Mr. Epstein.

2. Initially, Mr. Epstein's deposition was set for September 2, 2009, and Mr. Epstein was in attendance for said deposition. Directly after asking Mr. Epstein his name, Mr. Kuvin then asked Mr. Epstein inappropriate and harassing questions resulting in the undersigned counsel (not Mr. Epstein) terminating said deposition. Thereafter, Mr. Kuvin provided a copy of the video deposition to the media, which

created a storm of newspaper articles and website publications of that video deposition.

3. On October 8, 2009, Mr. Epstein's deposition took place and lasted from approximately 10:07 a.m. to 3:48 p.m., resulting in a 254 page transcript consisting of two (2) volumes. The deposition was completed. Plaintiff has raised no issues with this court from the October 8th deposition.

4. There is no good cause, for Mr. Epstein's deposition to occur on a third occasion.

5. Fla.R.Civ.Pro. 1.280(c) provides that, for good cause shown, a protective order may be issued to protect any party from annoyance, embarrassment, oppression, or undue burden or expense as justice requires. Here, Epstein has already been deposed, and he asserted his constitutional rights under the 5th, 6th and 14th Amendments to a majority of the questions asked by Mr. Kuvin. This is not a matter where circumstances have changed such that Mr. Epstein will not assert those constitutional rights – quite the contrary. As such, Mr. Epstein should not have to incur the legal fees and costs, nor his time, for an additional deposition that is being set purely for intimidation and harassment. Accordingly, good cause has been shown herein to cancel Mr. Epstein's deposition.

6. Will defense counsel be allowed to depose █ on numerous occasions?

7. Trial Courts have broad discretion to enter orders prohibiting discovery. Rasmussen v. South Florida Blood Service, Inc., 500 So.2d 533, 535 (Fla. 1987) and SCI Funeral Services of Florida, Inc. v. Light, 811 So.2d 796, 798 (Fla. 4th DCA

2002). Judge Marra in the attached Order, recognized that parties/witnesses should be deposed once, and issued a subsequent order in his cases that allowed Mr. Epstein to be deposed once. That same standard should be applied by this court as it relates to Epstein. See **Exhibit "A"**. Moreover, the Judge in the Federal Court ordered that Defendant, Epstein, may only be deposed once. See paragraph "6" of **Exhibit "B"** attached hereto, which is the Order entered by Judge Marra.

WHEREFORE, Defendant, JEFFREY EPSTEIN, respectfully requests the Court enter a protective order cancelling his deposition set for January 29, 2010, and grant any additional relief the Court deems just and proper.

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 8th day of January, 2010:

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

█
Fax: █
Counsel for Plaintiff █.

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

█
Fax: █
Co-counsel for Defendant Jeffrey Epstein

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

█

By: 
Robert D. Critton, Jr.
Florida Bar #224162

█. v. Epstein

Case No. 2008CA037319XXXXMBAB

Epstein's Motion for Protective Order Regarding His 1/29/2010 Deposition

Page 4 of 4

Michael J. Pike
Florida Bar #617296
(Counsel for Defendant Jeffrey Epstein)

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,

vs.

JEFFREY EPSTEIN,



Defendant.

_____ /

JANE DOE NO. 6,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

JANE DOE NO. 7,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

C.M.A.,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

JANE DOE,

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

Plaintiff,

vs.

JEFFREY EPSTEIN et al,

Defendants.
_____ /

DOE II,

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

Plaintiff,

vs.

JEFFREY EPSTEIN et al,

Defendants.
_____ /

JANE DOE NO. 101,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.
_____ /

ORDER

THIS CAUSE is before the Court on Plaintiffs' Motion for Protective Order Against Piecemeal Depositions of Jane Doe No.'s 2, 3, 4, and 7 and Motion to Consolidate Cases for Purposes of Discovery (DE 66 in 08-80119; DE 58 in 08-80232; DE 73 in 08-80380; DE 23 in 08-80993). The Court has reviewed the motions, responses, replies, and is otherwise fully advised in the premissis. It is hereby

ORDERED AND ADJUDGED as follows:

Plaintiffs' Motion for Protective Order Against Piecemeal Depositions is **GRANTED**, pursuant to Fed. R. Civ. P. 26(c). As to each of the ten above-styled cases, Defendant is limited

to a single deposition of each Plaintiff, during which Defendant may depose the plaintiff as both a party and a witness to all other cases of a similar nature of which the plaintiff deposed is aware. Defendant should not expect to be able to re-depose any plaintiff relative to any new cases that may be filed. Therefore, Defendant should examine each plaintiff about the facts relating to all individuals of whom they are aware, regardless of whether an individual has in fact filed a claim against Defendant. In the event additional cases are filed, upon a showing of good cause, the Court will determine whether Defendant will be permitted to re-depose any of the plaintiffs as witnesses to the allegations made in those newly filed cases.

Plaintiffs' Motion to Consolidate Cases for Purposes of Discovery is **GRANTED**. In the interests of judicial economy and efficiency, cases 08-80119, 08-80232, 08-80380, and 08-80993 are hereby **CONSOLIDATED** for purposes of discovery only.

Additionally, the parties in the other six above-styled causes (08-80381, 08-80994, 08-80811, 08-80893 09-80469, 09-80591) are hereby **ORDERED TO SHOW CAUSE** on or before May 5, 2009 why all of the cases should not be consolidated for discovery purposes.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, this 28th day of April, 2009

Copies furnished to:
all counsel of record



KENNETH A. MARRA
United States District Judge

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,

vs.

JEFFREY EPSTEIN,

"B"

Defendant.

JANE DOE NO. 6,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

JANE DOE NO. 7,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

C.M.A.,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

JANE DOE,

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

Plaintiff,

vs.

JEFFREY EPSTEIN et al,

Defendants.

DOE II,

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

Plaintiff,

vs.

JEFFREY EPSTEIN et al,

Defendants.

JANE DOE NO. 101,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

JANE DOE NO. 102

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

**ORDER CONSOLIDATING CASES FOR PURPOSES OF DISCOVERY AND
PROCEDURAL MOTIONS THAT RELATE TO MULTIPLE CASES**

THIS CAUSE is before the Court *sua sponte*. In the interests of judicial economy and

efficiency, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The above-styled cases are hereby **CONSOLIDATED** for purposes of discovery and for procedural motions that relate to multiple cases.

2. Hereinafter, all motions and other court filings that relate to discovery and all procedural motions that relate to multiple cases shall be styled with all of the case names and numbers, consistent with the styling of this Order, and shall be **FILED ONLY IN Jane Doe No. 2 v. Epstein**, case no. 08-80119, which is the lowest-numbered pending case. Any motions styled incorrectly or filed in multiple cases will be stricken from the docket for failure to follow the Court's Order.

3. The parties may file separate motions to dismiss, answers to the complaint, summary judgment motions, motions in limine and other substantive motions that pertain to their individual cases and their individual trials under their individual case styles.

4. Production of documents by any party or non-party that relate to multiple cases need be produced only once.

5. Defendant is limited to a single deposition of each Plaintiff, during which Defendant may depose the Plaintiff as both a party and a witness.

6. Defendant(s) may be deposed only once.

7. Any other witnesses common to multiple cases may be deposed only once.

8. For depositions, Local Rule 26.1 K (limiting deposition time to one day of seven hours) is waived so as to allow each party an adequate opportunity to develop fully the record as it may relate to that party. However, this waiver shall not be construed as authority for any party to take unnecessarily long depositions, or abuse the process. Any abuses of this waiver

shall result in the imposition of appropriate sanctions against the offending party.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County,

Florida, this 14th day of May, 2009



KENNETH A. MARRA
United States District Judge

Copies furnished to:
all counsel of record
Magistrate Judge Linnea R. Johnson