

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80893-CIV-MARRA

JANE DOE,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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**ORDER**

THIS CAUSE is before the Court upon Defendant Jeffrey Epstein's Appeal of Magistrate's Order. (DE 220). The motion is fully briefed and ripe for review. The Court has carefully considered the submissions and is otherwise fully advised in the premises.

On September 2, 2010, Defendant filed a Motion for Protective Order, seeking an order preventing disclosure of certain documents from a related lawsuit. (DE 214). On September 13, 2010, Bradley J. Edwards, counsel and a named party in related actions, filed a response to Defendant's motion. (DE 217). Under Local Rule 7.1(c), Defendant was entitled to file a reply memorandum in support of his motion by September 23, 2010. On September 14, 2010, before Defendant's deadline to file a reply lapsed, the Magistrate Judge entered an order denying without prejudice Defendant's motion. (DE 218). Defendant now appeals the Magistrate Judge's Order arguing that, *inter alia*, he was improperly denied the opportunity to address the arguments raised in Edwards's response memorandum.

Under Rule 4 of the Southern District of Florida's Magistrate Judge Rules, the "District Judge shall consider the appeal and shall set aside any portion of the Magistrate Judge's order

found to be clearly erroneous or contrary to law.” Because the Magistrate Judge’s Order here was issued before Defendant could file a reply memorandum, the Court finds that the Order did not comply with, and was contrary to, Local Rule 7.1(c), which affords parties the opportunity to file a reply memorandum within a specified time frame. Accordingly, the Court will set aside the Magistrate Judge’s Order.

Given that the Magistrate Judge’s Order denied Defendant’s motion, reasoning in part that the Magistrate Judge agreed with Edwards’s response, this Court believes that the best course of action is to allow Defendant an opportunity to fully brief his motion and file a reply addressing the response memorandum’s arguments. With the benefit of this additional submission, the Magistrate Judge shall then re-issue an order on Defendant’s Motion for Protective Order.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that

1. The Magistrate Judge’s Order is **SET ASIDE** and this case is **REMANDED** to the Magistrate Judge for further proceedings consistent with the directives of this Order.
2. Defendant is directed to file a reply memorandum in support of his motion within ten (10) days of the date of entry of this Order in accordance with the requirements of Local Rule 7.1(c).

**DONE AND ORDERED** in Chambers at West Palm Beach, Florida this 20<sup>th</sup> day of October, 2010.

  
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KENNETH A. MARRA  
UNITED STATES DISTRICT JUDGE

Copies to:  
United States Magistrate Judge Linnea R. Johnson  
Counsel of record