UNITED STATES DISTRICT COURT

for the

Southern District of Florida

Jane Doe No. 2
Plaintiff
v.

Defendant

Civil Action No. 08-CV-80119-KAM

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: The C.O.U.Q. Foundation, Inc., by and through its Registered Agent, CT Corporation System, 1200 S. Pine Island Rd., Plantation, FL 33324.

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Schedule A as attached.

Place:	Date and Time:
Universal Legal Services 888 E. Las Olas Blvd., Suite 508 Ft. Lauderdale, FL 33301	04/26/2010 10:30 am

☐ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 4/6/10

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* Jane Doe No. 2, who issues or requests this subpoena, are:

Mermelstein & Horowitz, [redacted], 18205 Biscayne Blvd, Suite 2218, Miami, FL 33160, [redacted] Stuart S. Mermelstein, email: [redacted], Adam D. Horowitz, email: [redacted], Jessica D. Arbour, emial: [redacted]

Civil Action No. 08-CV-80119-KAM

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

$ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

SCHEDULE A

DEFINITIONS

1. All documents produced pursuant hereto are to be produced as they are kept in the usual course of business or shall be organized and labeled (without permanently marking the item produced) so as to correspond with the categories of each numbered request hereof.

2. Each draft, final document, original, reproduction, and each signed and unsigned document and every additional copy of such document where such copy contains any commentary, note, notation or any change whatsoever that does not appear on the original or on the copy of the one document produced shall be deemed and considered to constitute a separate document.

3. As used herein, the singular shall always include the plural, and the present tense shall always include the past tense.

4. All references to any Person (as defined below) includes his/her/its employees, agents, servants, subsidiaries, parent company, affiliated company and any other person or entity or Representative (as defined below) acting or purporting to act on behalf or under his/her/its control.

5. "You", "Your" refers to the Person (as defined below) to whom this request is addressed, including his/her/its employees, agents, servants, subsidiaries, parent company, affiliated company, and other persons acting or purporting to act on your behalf, including your representative.

6. "Person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments, and other units herein, and shall include, but not be limited to, public or private corporations, partnerships, joint ventures, voluntary or unincorporated associations, organizations, proprietorships, trust, estates, governmental agencies,

commissions, bureaus, or departments, and the agents, servants and employees of same.

7. "Materials" shall mean all "Documents", "Writings", "Agreements", and Communications" as those terms are defined herein.

8. As used herein, "and" as well as "or" shall be construed disjunctively and conjunctively in order to bring within the scope of this request all responses which might otherwise be construed to be outside its scope.

9. "Document" shall mean letters, correspondence, memoranda, notes, opinions, work papers, charts, reports, ledgers, drawings, plans, specifications, schematics, blueprints, block diagrams, contracts or photographs, and shall include but shall not be limited to, any written, printed, typed or other graphic matter of any kind or nature, all mechanical, magnetic, and electronic sound recordings or transcripts thereof; any microfilm, microfiche, or other reproductions, and any data, information or statistics contained within any data storage modules, tapes, discs or other memory devices or other information retrieval storage systems (including computer-generated reports and printouts) in the possession and/or control of you and/or your counsel or agents, or known by you to exist. It shall also mean all drafts and/or copies of documents by whatever means made.

10. The terms "related", "relating", "reflecting" and "in relation to" shall mean referring to, or having any relationship with whatsoever, or regarding or pertaining to, or comprising, or indicating, or constituting evidence of, in whole or in part.

11. The term "communication" means any oral or written statement, dialogue, colloquy, discussion, or conversation, and also means any transfer of thoughts or ideas between persons by means of documents and includes any transfer of data from one location to another by electronic or similar means.

12. The term "representative" means any and all agents, employees, servants, officers,

directors, attorneys, or other persons acting or purporting to act on behalf of the person in question.

13. The term "control" means in your possession custody or control or under your direction, and includes in the possession, custody or control of those under the direction of you or your employees, subordinates, counsel, accountant, consultant, expert, parent or affiliated corporation, and any person purporting to act on your behalf.

14. The term "ownership" shall mean any interest whether owned or possessed, vested or contingent, partial or full, and whether title is held legally in your name, subsidiary, or other related company and shall include any beneficial interest.

15. The term "statement" shall mean a written statement, signed or otherwise adopted or approved by the person making it, or a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is substantially a verbatim recital or an oral statement by the person making it and contemporaneously recorded.

16. Privilege. If any document would be required to be produced in response to any request except for the fact that a privilege against production is claimed, set forth for each document:

a. its date, title of document (e.g., letter), and length;

b. its writer, preparer, sender, and addressee or copies;

c. a general description of its subject matter;

d. the exact grounds on which the objection to production is based;

e. the identity of all persons, in addition to those identified as required by section (b), supra, known to you who have seen or had access to the document; and

f. identify the person now in possession of the document.

17. Documents no longer in existence or no longer under possession, custody or

control. If any document requested herein was at one time in existence and under your possession, custody or control but has been lost, discarded or destroyed or has been removed from your possession, custody or control, with respect to each such document:

a. identify and describe such document by date, title and type of document;

b. state when each such document was most recently in the possession or subject of your control and what disposition was made of such document, including an identification of the person, if any presently in possession or control of such document;

c. state when such document was transferred or destroyed, identify the person who transferred or destroyed such document and the persons who authorized or directed that the document be transferred or destroyed or having knowledge of its transfer or destruction and state the reason such document was transferred or destroyed; and

d. identify all persons having knowledge of the contents thereof.

18. Unless otherwise specified, the time period of these requests is 2005-present.

REQUESTED DOCUMENTS

1. All documents referring or relating to any business or transaction involving Jeffrey Epstein.

2. All documents referring or relating to contracts or agreements between or among you and Jeffrey Epstein.

3. All documents referring or relating to transfers of property or interests in property to or from Jeffrey Epstein.

4. All documents referring or relating to any ownership interest in property of Jeffrey Epstein.

5. All documents referring or relating to any equity, membership or ownership interest of Jeffrey Epstein in your company, whether direct or indirect, including without limitation, any entries in your stock register, shareholder agreements or partnership agreements.

6. All documents referring or relating to any investments of Jeffrey Epstein.

7. All documents referring or relating to any hedge fund owned or managed by Jeffrey Epstein.

8. All documents referring or relating to any investment fund owned or managed by Jeffrey Epstein.

9. All documents referring or relating to any investigation of Jeffrey Epstein, his assets, liabilities or transfers of property.

10. All documents referring or relating to work or services performed by Jeffrey Epstein for you.

11. All documents referring or relating to communications between you and Jeffrey Epstein.

12. All documents referring or relating to any meetings attended by Jeffrey Epstein.

13. All documents referring or relating to the business or financial relationship between you and Jeffrey Epstein.

14. All documents referring or relating to any transfers of property between you and Jeffrey Epstein, or between any entities owned or controlled by you and Jeffrey Epstein.

15. All documents referring or relating to any business or transactions involving you and Jeffrey Epstein, or involving any entities owned or controlled by you and Jeffrey Epstein.