

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

JANE DOE,

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

Plaintiff,

Vs.

JEFFREY EPSTEIN, et al.

Defendant.

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Related Cases:

08-80119, 08-80232, 08-80380, 08-80381,
08-80994, 08-80811, 08-80893, 09-80469,
09-80591, 09-80656, 09-80802, 09-81092

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**PLAINTIFF JANE DOE'S NOTICE OF INTEREST IN DEFENDANT'S MOTION TO
RECONSIDER (DE 559) AND REQUEST THAT THE MOTION BE DENIED**

Plaintiff, Jane Doe, respectfully files this notice of interest in a matter that is currently pending before the Court – namely, DE #560, Epstein's (Revised) Motion for Modification and Reconsideration of the Magistrate's Order Dated June 10, 2010 (DE #555). While Jane Doe is not a direct party to the motion, the motion pertains to material in which she has an interest. Epstein's motion should be denied.

Epstein's motion seeks reconsideration of an order directing a third party – Alfredo Rodriguez – to honor a subpoena served on him by plaintiff Jane Doe No. 2 for a black book. Plaintiff Jane Doe has also subpoenaed the book and has now obtained a copy of the black book. While Epstein's motion appears to be directed at plaintiff Jane Doe No. 2, Jane Doe has an interest in the outcome of the motion, as she is now using

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the book to prepare for her trial and intends to introduce the book at trial. Jane Doe respectfully requests that Epstein's motion be denied or, in the alternative, she be granted an evidentiary hearing on the issues raised by Epstein. In particular, if Epstein is going to argue that the black book is his property, he should be required to directly testify to that fact and further to explain why the names of dozens of apparently (then) minor girls are listed in the book and what "trade secret" interest he has in those then underage girls. Moreover, the FBI has reviewed the book and found that it contains information directly relevant to sexual abuse by Epstein. It is therefore obviously discoverable by Jane Doe.

BACKGROUND

If the Court were to hold an evidentiary hearing on Epstein's motion for reconsideration (DE #560), Jane Doe could establish the following facts: Various young girls who have been sexually abused by Jeffrey Epstein have been attempting to discover evidence in support of their claims. One such important piece of evidence is the so-called "holy grail" – which is (for lack of a better term) a "black book" that appears to include the names of the many mirror girls around the United States (and elsewhere) who appear to have been sexually abused by Epstein. The black book also contains a reference to a person who is identified in the black book as (in the words of the book) a "'scout' for young females" and another person who is identified (in the words of the book) as someone who "interacted and chat[ted] daily w/ underage girls." Jane Doe believes that these words were written by Rodriguez, and therefore that the book was his property rather than Epstein's.

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It does not appear to be disputed that Alfredo Rodriguez possessed the black book. When he became aware of the pending civil suits against Epstein by Jane Doe and others, he attempted to extort the attorneys representing the girls by selling the black book rather than honoring subpoenas for it. Rodriguez was arrested by the FBI for this scheme and criminally prosecuted for it. In his plea agreement, he admitted that he told attorneys representing the girls that the black book contained the names of "hundreds" of additional victims of child sexual abuse and their telephone numbers. See Plea Agreement at 8, *U.S. v. Alfredo Rodriguez*, No. 10-80015 –Marra/Hopkins (Mar. 18, 2010) (DE #25). Rodriguez also told the attorneys that the black book was his property and that he should be compensated for it. *Id.* He further told the attorneys that he was afraid that Epstein would make him "disappear" and that the black book was his insurance policy. *Id.* When an FBI Special Agent agent later reviewed the book, the agent determined that the book contained the names of additional victims of sexual abuse by Jeffrey Epstein – victims that were not known or discovered by the FBI during the original criminal investigation of Epstein. *Id.*

Meanwhile, Jane Doe No. 2 pressed forward with efforts to obtain the black book, including serving a subpoena directly for the book. The Court should be aware that Epstein did not object to that subpoena requiring Rodriguez to produce the book at his deposition. When Rodriguez did not respond to the subpoena, Jane Doe No. 2 filed a motion to compel and order for contempt against him (DE #469). Again, Epstein did not object. On June 1, 2010, the magistrate judge handling this discovery issue granted the motion (DE #555), directing Mr. Rodriguez (through his legal counsel) to promptly

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produce the book. The magistrate judge deferred consideration of whether to hold Mr. Rodriguez in contempt. Through counsel, Mr. Rodriguez did promptly produce the black book to Jane Doe No 2's legal counsel.

On June 7, 2010, pursuant to a cooperative discovery agreement among plaintiffs' counsel and because counsel for Jane Doe has previously requested the same information at a deposition of Rodriguez, counsel for Jane Doe No. 2 then produced the black book to counsel for Jane Doe. Jane Doe's counsel then provided the black book to Jane Doe's investigators, who are now following up significant discovery leads found in the book. (Jane Doe's trial has been set for July 19, 2010, and Jane Doe's legal team is engaged in vigorous preparations for that trial.) The black book contains material that is quite important to Jane Doe's impending trial.¹

Meanwhile, on June 4, 2010, Epstein filed a motion for reconsideration of the magistrate judge's discovery order (DE #559). The motion alleged that the black book "could contain the names of Epstein's business associates and other highly confidential commercially sensitive information that would be entirely irrelevant to this action." Defendant's Motion for Modification and Reconsideration at 3 (emphasis added). The reason for the qualifier "could" was that Epstein admitted that he had not seen the book. *Id.* at 4. He nonetheless sought to review the book before it was disclosed so that he could make potential trade secret and other confidentiality objections to it. Notably, the motion did not seek a stay of any requirement that Rodriguez produce the book. Nor

¹ If this issue is important to the Court, Jane Doe's legal counsel request an opportunity to provide an *in camera* submission to the Court of the multiple ways in which the black book is important to their trial preparations.

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did the motion seek to restrict counsel for Jane Doe No. 2 in disseminating the book. On June 10, Epstein amended his motion for reconsideration (DE #560). Jane Doe will respond to this amended motion for reconsideration.

ARGUMENT

Jane Doe has an interest in Jeffrey Epstein's Motion for Reconsideration (DE #560), which should be dismissed as utterly without merit (and seemingly filed simply for obstructionist purposes). Epstein's claim that the black book is not properly discoverable because it contains "confidential trade secret" information that would block discovery borders on ludicrous. If the Court believes that the matter should be further litigated, Jane Doe requests an evidentiary hearing at which Jeffrey Epstein could be required to explain – under oath – not only his legal ownership interest in the book but also his "business" and "trade secret" connection to what appear to be dozens of young girls who are listed in the black book. Any testimony, at this point, would be drastically inconsistent with Epstein's mounted defense of refusing to answer any questions and instead invoking his 5th amendment right against self-incrimination; however, if this Court is going to entertain the arguments Epstein is making in his Motion regarding these interests, then Jane Doe should clearly be permitted the opportunity to question Epstein about his assertions in his Motion. Moreover, an FBI Special Agent has already reviewed the book. As indicated in the sworn plea agreement entered by the United States and Alfredo Rodriguez (who possessed the book), the FBI Special Agent found that the book contained "information material to the Epstein [criminal] investigation, including the names of material witnesses and additional victims." Rodriguez Plea

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Agreement, *supra*, at 8. The FBI agent also determined that material in the book "would have corroborated the testimony of victims [of sexual abuse by Epstein] already identified." *Id.*

The book is undeniably properly discoverable and valuable evidence for Jane Doe. Epstein's obstructionist attempt to block discovery should be denied or, in the alternative, Jane Doe should be granted an evidentiary hearing regarding the book.

DATED: June 23, 2010

Respectfully Submitted,

s/ Bradley J. Edwards

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 23, 2010 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all parties on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those parties who are not authorized to receive electronically filed Notices of Electronic Filing.

s/ Bradley J. Edwards
Bradley J. Edwards

SERVICE LIST

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