

IN THE COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

█,

Plaintiff,

v.

JEFFREY EPSTEIN,
and █, █,

Defendants.

CASE NO. 502008CA037319XXXMB AB

EPSTEIN'S MOTION TO STRIKE RE-NOTICE OF HEARING

Defendant, JEFFREY EPSTEIN ("Epstein"), moves to strike Plaintiff's, █,
("█"), Re-Notice of Hearing on Plaintiff's Request for Entry Upon Land, and states:

1. On August 13, 2009, █ served her Request for Entry Upon Land ("Request") seeking to inspect the residence located at 358 El Brillo Way.
2. On September 2, 2009, █ served a Re-Notice of Hearing for said Request to occur on September 15, 2009 at 8:45 a.m.
3. Since █ Request was served by mail only, Epstein's response is not due until September 17, 2009, **two days after the scheduled hearing**. See Fla. R. Civ. P. 1.350(b) (providing that a party has 30-days to respond to a request for entry on land); Fla. R. Civ. P. 1.090(e) (providing for an additional 5 days to the prescribed time period if the paper is served by mail).
4. Thus, the Re-Notice of Hearing should be stricken on this ground alone.

5. Moreover, █ obviously noticed this hearing before Epstein responded to the Request. Accordingly, █ has no idea whether this matter is appropriate for an 8:45 a.m. hearing. Indeed, **it is not.**

6. Epstein intends to file Objections to █ Request for Entry Upon Land, Motion for Protective Order and Incorporated Memorandum of Law, which will likely exceed 15 pages.

7. The issues set forth in Epstein's Objections, Motion for Protective Order and Incorporated Memorandum of Law are complex and the Court must consider the application of the Fourth and Fifth Amendments to the U.S. Constitution as well as relevance, overbreadth, burdensomeness and the constitutional right of privacy.

8. If the Court permits the inspection, Epstein moved for a protective order to limit the scope of the inspection, so the Court may have to hear argument on those issues as well.

9. In addition, an almost identical request for entry on land was filed in the companion case of █ v. Epstein, Case No. 502008CA028058XXXMB AB, which is also before this Court.

10. In the interest of efficiency and judicial economy and due to the complexity of the numerous issues involved, the Requests for Entry Upon Land served by █ and EW should be set for a 30-minute special set hearing. Accordingly, Epstein requests the Court strike █ Re-Notice of Hearing.

WHEREFORE, Defendant, JEFFREY EPSTEIN, respectfully requests the Court strike Plaintiff's, █, Re-Notice of Hearing, order the Requests for Entry Upon Land

served by █ and EW be set for a 30-minute special set hearing, 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 10th day of September, 2009:

Theodore J. Leopold, Esq.
Spencer T. Kuvin, Esq.
Leopold-Kuvin, P.A.
2925 PGA Blvd., Suite 200
Palm Beach Gardens, FL 33410
Fax: 561 697 2383
Counsel for Plaintiff

Jack Alan Goldberger, Esq.
Atterbury Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401-5012
Fax: 561-835-8691
Co-Counsel for Defendant Jeffrey Epstein

BURMAN, CRITTON, LUTTIER & COLEMAN, LLP
515 N. Flagler Drive, Suite 400
West Palm Beach, FL 33401
(561) 842-2820
(561) 515-3148 Fax

By: █

Robert D. Critton, Jr.
Florida Bar #224162
for Michael J. Pike
Florida Bar #617296
(Counsel for Defendant Jeffrey Epstein)