

**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.

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

**PLAINTIFF JANE DOE'S NOTICE THAT COUNT V OF HER FIRST AMENDED
COMPLAINT [DE 38] SEEKS PUNITIVE DAMAGES AND PROTECTIVE MOTION FOR
TECHNICAL AMENDMENT TO FIRST AMENDED COMPLAINT AND INCORPORATED
MEMORANDUM OF LAW**

Plaintiff, Jane Doe, hereby files this notice that she is seeking punitive damages in Count V of her First Amended Complaint [DE 38] and files a protective motion for, if necessary, a technical amendment of Count V of her First Amended Complaint [DE 38] to make clear that she seeks punitive damages on this cause of action.

BACKGROUND

Jane Doe's First Amended Complaint [DE 38] contains four operative counts – Counts 1, 2, 3, and 5. (Count 4, the "RICO" count, was previously dismissed.) Count 2 is a federal cause of action under 18 U.S.C. § 2255, for which punitive damages are not provided. The other three causes of action are various state law causes of actions. Jane Doe intends to seek punitive damages under all three causes of action.

CASE NO: 08-CV-80893-MARRA/JOHNSON

In her First Amended Complaint, Jane Doe had specifically indicated that she sought "punitive damages" in Counts 1 and 3. With regard to Count 5, however, Jane Doe had simply included general language:

WHEREFORE, Plaintiff, Jane Doe, demands judgment against the Defendant, Jeffrey Epstein, for compensatory damages, attorney's fees, and such other and further relief as this Court deems just and proper, and hereby demands trial by jury on all issues triable as of right by a jury.

In his recently filed pleading requesting a bifurcated trial, defendant Epstein seems to indicate some possible question about whether Count V is requesting punitive damages. See Defendant Epstein's Motion for Separate Trial or Bifurcation of Plaintiff's Punitive Damages Claims at 2, Case No. 9:08-CV-80893-KAM (DE 165) (*"To the extent Plaintiff asserts that she is entitled to punitive damages if she proves the elements of "Count V"*). Accordingly, Jane Doe, through this pleading, wishes to make clear that she is requesting punitive damages on Count 5 to the maximum extent authorized by law. Punitive damages are specifically authorized by Florida law for Count V. See Fla. Stat. Ann. § 796.09(1) ("A person has a cause of action for compensatory *and punitive damages* against"). To the extent that the Court believes that her First Amended Complaint must specifically alleged punitive damages in this Count in order for her to obtain them, Jane Doe respectfully requests that her First Amended Complaint be technically amended to include the three words "and punitive damages" in her request for damages in Count V.

POSITION OF THE PARTIES

Pursuant to Local Rule 7.1, the undersigned counsel and Epstein's counsel have conferred and were unable to reach an agreement.

CASE NO: 08-CV-80893-MARRA/JOHNSON

CONCLUSION

Plaintiff, Jane Doe, requests this Court acknowledge and affirm the request by Jane Doe that she be entitled to make a claim for punitive damages relative to Count V of her First Amended Complaint [DE 38], wherein Fla. Stat. § 796.09(1) specifically states within the statute that Plaintiff "has a cause of action" for such damages. Alternatively, Plaintiff seeks, if necessary, a technical amendment of Count V of her First Amended Complaint to make clear that she seeks punitive damages on this cause of action.

DATED: June 29, 2010

Respectfully Submitted,

s/ Bradley J. Edwards
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CASE NO: 08-CV-80893-MARRA/JOHNSON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 29, 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

Jane Doe v. Jeffrey Epstein
United States District Court, Southern District of Florida

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