

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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Related cases:

08-80232, 08-80380, 08-80381, 08-80994,  
08-80993, 08-80811, 08-80893, 09-80469,  
09-80591, 09-80656, 09-80802, 09-81092

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**OMNIBUS ORDER**

**THIS CAUSE** is before the Court on Plaintiff Jane Doe 3's Motion for Sanctions and Motion for Protective Order (D.E. #444); and Defendant Epstein's related Motion for Sanctions (D.E. #450).

Having reviewed the pleadings filed incident to these matters and being otherwise advised in the premises, it is hereby,

**ORDERED AND ADJUDGED** that said Motions (D.E. #s 444 and 450) are **DENIED**. Upon a review of the relevant pleadings, the Court finds no sanctionable conduct to have occurred on the part of any of the parties or attorneys involved in this matter. There is no evidence to suggest that Jane Doe #3's sighting of Epstein exiting the building in which he maintains an office at the end of the day, was an "intentional" act meant to "terrorize," as Jane Doe #3 alleges. Instead, it seems more likely that Epstein, in accordance with the

statement made in his affidavit, was simply leaving the building in which his office is based at the end of the day to meet with his lawyers, when Jane Doe #3 spotted him and upon seeing him was traumatized. While Ms. Arbor, Jane Doe #3's attorney at the IME, claims she was unaware that Epstein continued to maintain an office on the 14<sup>th</sup> floor of the building, this lack of knowledge was more than likely due to Ms. Arbor's recent involvement in the case, and the failure of the firm which she is a part, to have advised her of this fact. See Epstein's Reply (D.E. #467), pp. 2-4. The Court agrees with Epstein that under the circumstances, he could not have been expected to predict when Plaintiff and her lawyer would take a smoking break during the IME or would otherwise leave the office at which the IME was being conducted, and finds no basis in the record to assume from Epstein's exiting the building, an intent to in any way confront and/or traumatize Jane Doe #3. Instead, it would appear that the entire incident was the result of an innocent misunderstanding and misinterpretation of circumstances, and that no individual's action in this regard rose to the level which would justify the imposition of sanctions.

The undersigned sympathizes with the traumatic reaction Jane Doe #3 experienced upon seeing Mr. Epstein, and for this reason finds her inability to continue with the IME as planned, justifiable under the circumstances. As such, the Court finds no basis to force Jane Doe #3 to bear the costs for the continued IME necessitated by her cancellation as Epstein requests. For this reason, Epstein's Motion for Sanctions is denied. In accordance with the above and foregoing, it is hereby

**ORDERED AND ADJUDGED** as follows:

- (1) Plaintiff Jane Doe 3's Motion for Sanctions and Motion for Protective Order (D.E. #444) is **DENIED**; and

(2) Defendant Epstein's Motion for Sanctions (D.E. #450) is **DENIED**.

**DONE AND ORDERED** this June 1, 2010, in Chambers, at West Palm Beach,  
Florida.

  
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LINNEA R. JOHNSON  
UNITED STATES MAGISTRATE JUDGE

CC: The Honorable Kenneth A. Marra  
All Counsel of Record