

IN THE CIRCUIT COURT OF THE  
15TH JUDICIAL CIRCUIT IN AND  
FOR PALM BEACH COUNTY  
FLORIDA

CASE NO:  
50 2008 CA 006596 XXXX MB

JANE DOE, by and through  
JANE DOE'S MOTHER  
as parent and natural guardian,

Plaintiffs,

vs.

JEFFREY EPSTEIN,  
[REDACTED] [REDACTED], and  
[REDACTED] [REDACTED],

Defendants.

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**DEFENDANT [REDACTED] [REDACTED] MOTION TO QUASH  
SERVICE OF PROCESS AND SET ASIDE CLERK'S DEFAULT**

Defendant [REDACTED] [REDACTED], pursuant to Rules 1.500(d) and 1.140(b)(5) of the Florida Rules of Civil Procedure, moves the Court, *first*, to quash service of process, and *second*, to set aside the clerk's default entered against her on June 6, and as grounds for this relief respectfully states as follows:

## Introduction

The attempt at substituted service on Ms. [REDACTED] did not comply with Florida procedure, and must therefore be quashed. This Court, on grounds of insufficient service of process, does not have jurisdiction to enter a default.

## Discussion

### **A. The attempt at substituted service of process was ineffective.**

[REDACTED] [REDACTED] is a resident of New York. In an effort to effect substituted service on Ms. [REDACTED], a process server left copies of the pertinent summons and complaint with a nonresident doorkeeper who works at [REDACTED] in New York, a multiunit apartment building where Ms. [REDACTED] maintains a personal residence. This attempt at substituted service did not comply with Florida procedure.

To serve someone in New York in the context of a Florida lawsuit, an “officer authorized to serve process in [New York]” is required, under section 48.194, Florida Statutes, to effect service “in the same manner as service within [Florida].” § 48.194(1), Fla. Stat. (2007). To say it another way, service must conform to Florida procedure—not New York procedure.

Under Florida law, service of process can be effected “by leaving the copies [of the summons and complaint] at [the defendant’s] usual place of abode with any person *residing therein* who is 15 years of age or older and informing the person

of their contents.” § 48.031(1)(a), Fla. Stat. (2007) (emphasis added). It is well settled that “[s]tatutes governing service of process should be strictly construed.” *E.g., York Commc’ns, Inc. v. Furst Group, Inc.*, 724 So.2d 678, 679 (Fla. 4th DCA 1999).

In construing section 48.194(1)(a), it is clear that the above doorkeeper was not a “person residing” in Ms. ██████ “usual place of abode” for purposes of effecting service. *See Schupak v. Sutton Hill Assocs.*, 710 So. 2d 707, 709 (Fla. 4th DCA 1998) (“*A fortiori*, leaving process with an apartment doorman in the apartment lobby is insufficient service.”); *accord Smith v. FDIC*, 711 So. 2d 1367, 1368 (Fla. 4th DCA 1998) (per curiam) (holding that service of process was ineffective where summons and complaint were left with a doorkeeper at the defendant’s New York City apartment building).

**B. This Court has not yet acquired personal jurisdiction over Ms. ██████.**

Because there has been no effective service of process, as set forth above, this Court has not yet acquired personal jurisdiction over ██████ ██████. *See Shurman v. Atlantic Mortgage & Inv. Corp.*, 795 So. 2d 952, 953 (Fla. 2001) (“It is well settled that the fundamental purpose of service [of process] is ‘to give proper notice to the defendant in the case that he is answerable to the claim of plaintiff and, therefore, *to vest jurisdiction in the court entertaining the controversy.*’”) (quoting *State ex rel. Merritt v. Heffernan*, 195 So. 145, 147 (Fla. 1940)) (emphasis

added). *Cf. Borden v. East-European Ins. Co.*, 921 So. 2d 587, 591 (Fla. 2006) (stating that service of process is “necessary before a defendant . . . may be compelled to answer a claim brought in a court of law”); *see also Space Coast Credit Union v. The First, F.A.*, 467 So. 2d 737, 739 (Fla. 5th DCA 1985) (observing that “[i]f the court fails to acquire jurisdiction over the defendant in the proper manner, *its judgment is void*”) (citations omitted) (emphasis added).

For these reasons above, the purported service of process must be quashed, and the clerk’s default must be set aside as void.

WHEREFORE, [REDACTED] [REDACTED] respectfully requests an Order quashing the purported service of process, and setting aside the clerk’s default entered against her on June 6.