

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

NO. 08-80811-CIV-MARRA/ [REDACTED]

[REDACTED],

Plaintiff,

v.

JEFFREY EPSTEIN and

[REDACTED] [REDACTED],

Defendants.

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ORDER

THIS CAUSE is before the Court upon Plaintiff's Motion to Strike Defendant's Reply to the Motion to Dismiss (DE 89) and the Motion for Leave to file Brief as Amicus Curiae (DE 63). The Court has carefully reviewed the motions, responses, and replies where filed, and is otherwise fully advised in the premises. It is hereby

ORDERED AND ADJUDGED as follows:

Plaintiff's Motion to Strike Defendant's Reply to the Motion to Dismiss (DE 89) and the Motion for Leave to file Brief as Amicus Curiae (DE 63) are **DENIED**. Issues regarding the minimum amount of damages available to Plaintiff under 18 U.S.C. § 2255 do not affect whether Plaintiff has stated a claim and are not appropriate for a motion to dismiss. These damages issues will be resolved at summary judgment or trial. Moreover, there are no statutory limits on the amount of damages Plaintiff can seek on her state law claims. Hence, the Court's failure

to prematurely resolve this issue should not affect settlement negotiations. See DE 98.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County,

Florida, this 28th day of May, 2009.

Copies furnished to:
all counsel of record



KENNETH A. MARRA
United States District Judge