

FARMER, JAFFE, WEISSING, EDWARDS, FISTOS & LEHRMAN, P.L.
425 NORTH ANDREWS AVENUE, SUITE 2
FORT LAUDERDALE, FL 33301



FACSIMILE COVER SHEET

DATE: July 17, 2017
TO: Honorable John G. Koeltl
FAX NO: 
FROM: Maria Kelljchian
RE: *Jane Doe 43 v. Jeffrey Epstein*
Case No.: 17 civ. 00616

MESSAGE: Please see attached

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Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.

Bradley J. Edwards
brad@pathtojustice.com

July 17, 2017

SUBMITTED UNDER SEAL

Hon. John G. Koeltl
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

RE: *Jane Doe 43 v. Epstein et al.*, No. 17 Civ. 616 (JGK)

Dear Judge Koeltl:

We represent Plaintiff Jane Doe 43 in the above-captioned action. We write in response to a letter that Defense counsel for Jeffrey Epstein et al. ("Epstein") sent the Court on Friday, July 14, 2017. The letter requests that this Court give leave to Epstein to move for relief from a protective order entered in another, now-settled, civil matter, permitting him to use confidential documents from that case in this case. The letter further requests that this Court stay the current briefing schedule established for Epstein's Motion to Dismiss. After months of delay occasioned by the Defendants, and pursuant to an agreed schedule between the parties (sent to the Court via agreed letter motion on June 14, 2017), Epstein's Motion to Dismiss is due to be filed on Monday, July 17, 2017. *See* DE 48. Jane Doe 43 respectfully requests that the Court deny the request for leave to file any motion regarding the protective order, as any such motion would be properly addressed to Judge Sweet—the Judge who entered the order in the first instance. Jane Doe 43 furthers requests that the Court deny the requested stay of briefing on the Motion to Dismiss.

With regard to Epstein's request that he be given leave to move for modification of the protective order entered in *Giuffre v. Maxwell*, No. 15 Civ. 7433 (RWS), any issues related to the protective order are properly addressed to Judge Sweet. See, e.g., *Daniels v. City of N.Y.*, 200 F.R.D. 205, 206 (S.D.N.Y. 2001) (discussing need for motion to intervene and then showing "extraordinary circumstance" to modify previously-entered protective order). Whether Epstein will even be allowed to intervene in that now-closed case to seek modification of the protective order is an issue that must be addressed by Judge Sweet. Accordingly, this Court (Koeltl, J.) should deny Epstein's effort to avoid presenting this issue to Judge Sweet by denying Epstein's request for leave to move for relief from the protective order. All such issues are the purview of Judge Sweet.

With regard to Epstein's request that the Court stay the briefing schedule for his Motion to Dismiss, the Court should deny this motion as well. First, Epstein's motion is untimely. He offers no explanation for having waited until this past Friday to file a motion to stay a brief that is due to be filed today. The documents that he says are relevant to his Motion to Dismiss were provided to him months ago, and he could have raised any issues concerning possible use of those documents months ago.

Second, Epstein's Motion for a Stay is meritless. At this stage of the proceedings—involving a Motion to Dismiss—the narrow issue before the Court is whether Jane Doe 43's Complaint is somehow defective on its face. If not, then the case must move forward and further discovery can be taken on jurisdictional and other issues. Epstein appears to believe that some information in Jane Doe 43's previously-taken deposition will shed light on a jurisdictional issue. If so, he remains free, of course, to obtain that same information by deposing her in this case. And, of course, Jane Doe 43 can obtain her own information relevant to jurisdiction by deposing Epstein and the other Defendants in this case. No good reason exists for delaying briefing on the Motion to Dismiss so that Epstein can pursue some unspecified factual information, outside the four corners of the Complaint. Indeed, it is noteworthy that Epstein's letter fails to provide any details on how he could obtain factual information that would demonstrate lack of jurisdiction in this case. It is also noteworthy that Epstein does not include in his letter a sworn affidavit attesting to the truth of his counsel's representation that Epstein has "no present connection to New York." See Letter from Michael C. Miller to Hon. John G. Koeltl at 2 (July 14, 2017). Counsel for Jane Doe 43 have substantial grounds for believing this representation to be untrue and, in any event, would request that this case move forward so that Epstein can be deposed on his connections to New York. Granting a stay now will simply delay the proceedings for no legitimate purpose.

For all these reasons, the Court should deny Epstein's request for leave to file a Motion to Seek Modification of Judge Sweet's protective order, and should deny Epstein's request for a stay of briefing on the Motion to Dismiss.

Very Truly Yours,
FARMER, JAFFE, WEISSING, EDWARDS, FISTOS and LEHRMAN, PL

Bradley J. Edwards FOR

Bradley J. Edwards
BJE:mwk

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FARMER, JAFFE, WEISSING, EDWARDS, FISTOS & LEHRMAN, P.L.
425 NORTH ANDREWS AVENUE, SUITE 2
FORT LAUDERDALE, FL 33301

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FACSIMILE COVER SHEET

DATE: July 17, 2017

TO: Honorable John G. Koeltl

FAX NO: 212-805-7912

FROM: Maria Kelljchian

RE: *Jane Doe 43 v. Jeffrey Epstein*
Case No.: 17 civ. 00616

MESSAGE: Please see attached

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