

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

NO. 08-80736-CIV-MARRA/JOHNSON

JANE DOES #1 AND #2,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS CAUSE comes before the Court on the Petitioners' Motion to Unseal Non-Prosecution Agreement (DE 28), filed September 25, 2008. Respondent filed its response (DE 29), on October 8, 2008, and Petitioners filed their reply (DE 30) on October 16, 2008. The Court has carefully considered the motion and the record and is otherwise fully advised in the premises.

Petitioners motion seeks the Court to enter an order unsealing the Non-prosecution Agreement, including any modifications and addenda thereto (collectively referred to as the "Agreement"), between the United States Attorney's Office for the Southern District of Florida ("USAO") and Jeffrey Epstein ("Epstein"). At a hearing held on August 14, 2008, the Court ordered the USAO to produce the Agreement to counsel for the Petitioners and to any other victims identified by the USAO and their counsel, pursuant to the terms of the Court's Order. (See DE 26, August 21, 2008). Petitioners argue that the Agreement "should now be unsealed."

First, as Respondent points out, the Agreement was not filed in this case, under seal or otherwise. Petitioners also assert that the Agreement should be "unsealed" because the victims

and/or their attorneys believe the Government has mischaracterized some of its provisions. If and when such alleged mischaracterizations become relevant to an issue to be decided by the Court, the parties will be given the opportunity to advance their positions and the Court will resolve the issue. If disclosure of the Agreement will be required for the Court to resolve the issue, appropriate disclosure will be ordered.

Furthermore, to the extent Petitioners are seeking modification of the restrictions placed upon their use of the Agreement by the Court's August 21, 2008 order, Petitioners have not met their burden to justify a modification. Petitioners' mere desire to discuss the Agreement with third parties is insufficient, in and of itself, to warrant the granting of such relief. If and when Petitioners have a specific tangible need to be relieved of the restrictions, they should file an appropriate motion. If a specific tangible need arises in a civil case Petitioners or other alleged victims are pursuing against Epstein, relief should be sought in that case, with notice to the United States, the other party to the Agreement. Accordingly, it is

ORDERED AND ADJUDGED that Petitioners' Motion to Unseal Non-Prosecution Agreement (DE 28) is **DENIED**.

DONE and ORDERED in Chambers, in West Palm Beach, Palm Beach County, Florida, this 12th day of February, 2008.



KENNETH A. MARRA
UNITED STATES DISTRICT JUDGE

Copies furnished to:
all counsel of record