

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

Related cases:

08-80232, 08-08380, 08-80381, 08-80994,
08-80993, 08-80811, 08-80893, 09-80469,
09-80591, 09-80656, 09-80802, 09-81092

**MOTION FOR LEAVE TO FILE REDACTED VERSIONS OF
SENSITIVE FIFTH AMENDMENT ARGUMENTS AND
SUBMIT UN-REDACTED ARGUMENTS TO THE COURT**

Defendant, JEFFREY EPSTEIN (“Epstein”), moves for leave to file redacted versions of sensitive Fifth Amendment arguments and submit original, un-redacted arguments to the Court for in-camera inspection, and in support states:

1. Epstein intends to file a Request for Rule 4 Review and Appeal of Portions of the Magistrate’s Orders Dated February 4, 2010 (DE #462), March 4, 2010 (DE #480) and April 1, 2010 (DE #513).
2. In the Request for a Rule 4 Review and Appeal, Epstein intends to make arguments regarding sensitive Fifth Amendment issues, which have been provided, in pertinent part, to the magistrate by way of in camera submissions and filed electronically in redacted form.
3. Epstein moves for leave to file such sensitive Fifth Amendment arguments in redacted form and provide the original, un-redacted versions for the Court to consider in-camera.

4. As set forth in DE #'s 282 and 283, Epstein cannot provide information related to his financial history and condition without waiving his Fifth, Sixth and Fourteenth Amendments as guaranteed by the U.S. Constitution.

5. The Court has previously permitted Epstein to file redacted versions of such sensitive Fifth Amendment arguments and provide un-redacted versions for in-camera inspection. See DE #'s 282, 283. Indeed, the Court considered the in-camera submissions in DE #'s 282 and 283 in vacating portions of its August 4, 2009 Order (DE #242) and sustaining Epstein's Fifth Amendment objections to six requests for production (objections that were initially overruled in DE #242). See DE #293; see also U.S. v. Baez-Alcaino, 718 F. Supp. 1503, 1505-06 (M.D. Fla. 1989) (affirming lower court's decision to file redacted plea agreements to serve compelling government interests); In re Duque, 134 B.R. 679, 687 (S.D. Fla. 1991) (finding that court's procedure requiring attorneys to provide privileged documents to court for in-camera inspection while providing redacted versions to the bankruptcy trustee was proper).

6. It is critical that the Court allow Epstein to effectively assert his Constitutional rights under the Fifth, Sixth and Fourteenth Amendments without the risk of waiving such rights.

7. The importance of permitting Epstein to file redacted arguments and provide un-redacted versions for in-camera inspection is underscored by the Court's September 9, 2009 Order (DE #293), in which it reversed portions of its prior Order (DE #242) that initially overruled Epstein's Fifth Amendment objections. When Epstein filed his Rule 4 Appeal (DE #282) and provided the sensitive Fifth Amendment arguments in-camera, the Court vacated portions of its prior Order (DE #242) and sustained Epstein's Fifth Amendment objections to six production requests.

WHEREFORE, Defendant, JEFFREY EPSTEIN, requests the Court grant him leave to file redacted versions of sensitive Fifth Amendment arguments and provide the un-redacted versions to the Court for in-camera inspection and grant any additional relief the Court deems just and proper.

Respectfully submitted,

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Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following Service List in the manner specified by CM/ECF on this 6th day of April, 2010.

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Certificate of Service
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