

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-80736-Civ-Marra/Johnson

JANE DOE #1 and JANE DOE #2

v.

UNITED STATES

/

**JANE DOE #1 AND JANE DOE #2'S MOTION FOR A PROMPT RULING DENYING
GOVERNMENT'S MOTION TO STAY**

COME NOW Jane Doe #1 and Jane Doe #2 (also referred to as “the victims”), by and through undersigned counsel, to request an expedited ruling on the Government’s Motion to Stay. The Government’s motion was filed more than one year ago, yet (presumably because of a flurry of other motions) the Court has yet to rule on this particular motion. The practical effect of a lack of a ruling on that motion has been to effectively grant the stay – blocking discovery in this case. Court should rule quickly on that motion and deny that motion. Denying the stay would allow the limited discovery that the Court has previously authorized to move forward in this case, putting the case on a path toward final resolution.

BACKGROUND

As the Court is aware, the victims filed this case alleging Government violations of the CVRA in July 2008. Through more than four years of litigation, however, the Government has refused to reach a stipulated set of facts regarding how it treated the victims. Accordingly, more than eighteen months ago, on March 21, 2011 the victims filed a motion to have their detailed recitation of the facts accepted because of the Government’s failure to contest their facts (DE

49). On September 26, 2011, the Court denied that motion on the ground that the victims would instead be allowed limited discovery to develop a factual record (DE 99 at 11). The victims then sent limited discovery requests to the Government. On November 8, 2011, the same day that the production of discovery was due, rather than produce a single item of discovery or stipulate to a single fact, the Government filed a motion to dismiss the victims' case. The Government also filed an accompanying motion for a stay in this case.¹

On December 5, 2011, the victims filed a response to Government's motion to stay. The victims strenuously objected to the Government's approach, alleging specifically that "delay appears to be the Government's motivation for filing the motion to dismiss." DE 129 at 2. The victims went on to recount the fact that the Government had waited three years to file a motion to dismiss, concluding that "as a practical matter, the Government's motion has had the desired effect of delay: While its motion remains pending, the victims have been effectively denied any ability to obtain discovery from the Government." DE 129 at 2-3.

Now, one year and one day later, the Government's strategy (aided by parallel motions from Jeffrey Epstein) continues to effectively block the victims from obtaining discovery and learning what happened during the Government's plea negotiations with the man who sexually abused them. Indeed, remarkably, the Government has effectively obtained a stay of

¹ In an effort to keep the public from learning what it was doing, the Government asked that all of these motions be placed under seal. The victims can see no basis for sealing virtually all of the Government's pleadings. The victims' responses to the Government's sealed pleadings have left in the public Court file. In an effort to make the proceedings in this case more accessible to the public, on February 7, 2012, the victims filed a motion requesting an order from the Court directing the Government to file redacted pleadings in the public court file (DE 150). That motion remains pending.

proceedings in this case for more than 365 days without the Court even having ruled, one way or the other, on its motion for stay.

REQUEST FOR A PROMPT RULING ON – AND DENIAL OF – THE GOVERNMENT’S MOTION FOR A STAY

This Court should promptly rule on Government’s Motion For Stay. For all the reasons explained in the victims response filed on December 5, 2011 (DE 129), the Court should deny that motion for stay. Such a ruling would permit the victims to begin moving forward on discovery in this case, which will help steer the case towards a final resolution.

The victims stand prepared to move rapidly on the discovery and other issues connected with this case. The victims respectfully request that the Court move this case forward so that they can receive the rights that Congress promised them in the Crime Victims’ Rights Act. In the CVRA, Congress directed that crime victims have “[t]he right to proceedings free from unreasonable delay” and the courts must “take up and decide any motion asserting a victim’s right forthwith.” 18 U.S.C. § 3771(a)(7) & (d)(3). The victims respectfully suggest that the Government’s stall tactics are improperly interfering with those rights. The Court should reject those tactics and allow discovery to proceed.

DATED: December 6, 2012

Respectfully Submitted,

s/ Bradley J. Edwards

Bradley J. Edwards
FARMER, JAFFE, WEISSING,
EDWARDS, FISTOS & LEHRMAN, P.L.
425 North Andrews Avenue, Suite 2
Fort Lauderdale, Florida 33301
Telephone (954) 524-2820
Facsimile (954) 524-2822
Florida Bar No.: 542075
E-mail: brad@pathtojustice.com

and

Paul G. Cassell
Pro Hac Vice
S.J. Quinney College of Law at the
University of Utah
332 S. 1400 E.
Salt Lake City, UT 84112
Telephone: 801-585-5202
Facsimile: 801-585-6833
E-Mail: cassellp@law.utah.edu

Attorneys for Jane Doe #1 and Jane Doe #2

CERTIFICATE OF SERVICE

The foregoing document was served on December 6, 2012, on the following using the Court's CM/ECF system:

Dexter Lee
A. Marie Villafañá
Assistant U.S. Attorneys
500 S. Australian Ave., Suite 400
West Palm Beach, FL 33401
(561) 820-8711
Fax: (561) 820-8777
E-mail: Dexter.Lee@usdoj.gov
E-mail: ann.marie.c.villafana@usdoj.gov
Attorneys for the Government

Roy Black, Esq.
Jackie Perczek, Esq.
Black, Srebnick, Kornspan & Stumpf, P.A.
201 South Biscayne Boulevard
Suite 1300
Miami, FL 33131
(305) 37106421
(305) 358-2006