

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE,

CASE NO. 08-CV-80893-CIV-MARRA/JOHNSON

Plaintiff,

Vs.

JEFFREY EPSTEIN, et al.

Defendant.

Related Cases:

08-80119, 08-80232, 08-80380, 08-80381,
08-80994, 08-80811, 08-80893, 09-80469,
09-80591, 09-80656, 09-80802, 09-81092

**PLAINTIFF JANE DOE'S RESPONSE TO EPSTEIN'S UNTIMELY MOTION FOR
LEAVE TO FILE REDACTED VERSIONS OF FIFTH AMENDMENT ARGUMENTS**

Plaintiff, Jane Doe, respectfully files this response to defendant Jeffrey Epstein's untimely Motion for Leave to File Redacted Versions of Sensitive Fifth Amendment Arguments and Submit Un-Redacted Arguments to the Court (dkt. #518). While the motion is not completely clear, Epstein seems to be arguing that he can file these arguments with regard to his appeal of the magistrate judge's ruling in favor of Jane Doe on various discovery issues (dkt. #462). This particular appeal, however, is already fully briefed – as the appeal/request for Rule 4 review (dkt. #477), Jane Doe's response (dkt. #485), and Epstein's reply (dkt. #502) were all filed well before Epstein's motion to submit new redacted arguments. Epstein's motion does not contend that any of these issues are newly discovered or otherwise arose recently. Therefore, at least with

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respect to his effort to appeal the order in favor of Jane Doe, his motion is simply and obviously untimely.

PROCEDURAL BACKGROUND

On July 20, 2009, Jane Doe filed a straightforward motion for production of various materials, including documents provided to Epstein from state and federal prosecutors in the criminal cases against him, his recent tax returns, and his passport (dkt. #210). Consistent with his discovery history, Epstein obtained an extension of time in which to respond and, two-and-a-half months later, on October 6, 2009, Epstein filed an objection to producing these items primarily on Fifth Amendment grounds (dkt. #339). On October 16, 2009, Jane Doe filed a reply in support of her motion (dkt. #354). On January 22, 2010, Jane Doe filed a notice that more than 90 days had elapsed since the filing of her motion (dkt. #453).

On February 4, 2010, the magistrate judge granted in part Jane Doe's motion to compel, specifically ruling that Epstein had to produce the documents provided to him by state and federal prosecutors, his recent tax returns, and his passport (dkt. #462).

Epstein then obtained another extension of time in which to file an appeal,¹ ultimately filing an appeal of the magistrate decision on February 26, 2010 – some seven months after Jane Doe's initial request had been made (dkt. #477). Jane Doe

¹ On February 9, 2010, Epstein moved for an extension of time to file his appeal (dkt. #464). On the same day, Jane Doe objected to any extension, explaining the length of time involved in resolving the issue and the prejudice it was having to her ability to gather evidence in support of her claims and urging an expeditious resolution of the matter (dkt. #465). Two days later, the Court agreed with some of Jane Doe's arguments, requiring that Epstein collect all the materials that are subject to this discovery dispute and be prepared to produce them within three days of any order affirming the magistrate judge (dkt. #468).

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promptly filed her response on March 10, 2010 (dkt. #485). Epstein then moved for (dkt. #495) and obtained (dkt. #500) additional time to file his reply, which he filed on March 26, 2010 (dkt. #502).

Ten days after the appeal was fully briefed by both sides, on April 6, 2010, Epstein moved “for leave to file redacted versions of sensitive Fifth Amendment arguments and submit original, un-redacted arguments to the Court for in-camera inspection.” Dkt. #518 at p. 1. He listed three magistrate judge orders that these arguments were to bear on, including dkt. #462 -- the February 4, 2010, order in Jane Doe’s favor that was the subject of the fully-briefed appeal. Dkt. #518 at p. 1. The next day, April 7, 2010, the Court ordered the plaintiffs to file any objection to the motion promptly, no later than April 12, 2010 (dkt. #520).

ARGUMENT

It appears that Epstein is contending that he should now be able to file new redacted arguments on issues relating to his appeal of the magistrate judge’s order in favor of Jane Doe (as well as with regard to other plaintiffs). At least with regard to Jane Doe, his motion should simply be denied as being untimely. The appeal of the Jane Doe order became fully briefed when Epstein filed his reply on March 26, 2010. There is no reason for Epstein to file new, redacted arguments after his reply brief has been filed. Moreover, Jane Doe would be prejudiced were the Court to receive and consider new arguments that she will have no opportunity to respond to. Finally, the Court should be aware that this untimely motion appears to be part of a calculated effort by Epstein and his extensive legal team to simply “run out the clock” and block Jane

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Doe from gaining relevant evidence to prove her case. Accordingly, with regard to Jane Doe and the appeal of the magistrate judge's order in her favor (dkt. #462), Epstein's motion should be promptly denied so that she can receive the materials she properly sought more than eight months ago.

CONCLUSION

Epstein's Motion for Leave to File Redacted Versions of Sensitive Fifth Amendment Arguments and to Submit Un-Redacted Arguments to the Court (dkt. #518) should be denied with regard to Epstein's appeal of the order in Jane Doe's favor (dkt. #462). Jane Doe understands that other plaintiffs are also objecting to the motion. To the extent that those objections apply to Jane Doe's case, Jane Doe fully joins in those objections.

DATED: April 12, 2010

Respectfully Submitted,

s/ Bradley J. Edwards
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 12, 2010 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all parties on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those parties who are not authorized to receive electronically filed Notices of Electronic Filing.

s/ Bradley J. Edwards
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