

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

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**PLAINTIFF JANE DOE'S MOTION FOR LEAVE TO PROVIDE RECENTLY-
OBTAINED DEPOSITION TESTIMONY AND AFFIDAVIT DEMONSTRATING
FRAUDULENT TRANSFERS BY EPSTEIN IN SUPPORT OF MOTION FOR
APPOINTMENT OF A RECEIVER TO TAKE CHARGE OF PROPERTY OF EPSTEIN
AND INCORPORATED SUPPORTING MEMORANDUM**

Plaintiff, Jane Doe, hereby moves for leave to provide to the Court the recently-obtained deposition testimony of Larry Visoski (Exhibit A) and related affidavit of forensic accountant Ronald E. Wise (Exhibit B) in support of her pending Motion for Appointment of a Receiver to Take Charge of Property of Epstein [DE 165]. These materials demonstrate that Epstein is engaging in fraudulent transfers, by hiding assets in the name of Visoski (his personal pilot). Because these materials are highly relevant to Jane Doe's pending motion, the Court should grant Jane Doe leave to provide them to the Court and should consider them when ruling on Jane Doe's Motion.

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FACTUAL BACKGROUND

1. On June 19, 2009, Jane Doe filed a Motion for (among other things) Appointment of a Receiver to Take Charge of the Property of Epstein and to post a \$15 million bond to secure a potential judgment [DE 165 in case no. 9:08-CV-80119-KAM]. The motion argued that a receiver was appropriate in view of Jane Doe's evidence that Epstein was fraudulently transfers assets to defeat any judgment that she might obtain, including, in particular, Epstein's decision to invoke Fifth Amendment privilege rather than answer questions about fraudulent transfers.

2. On July 13, 2009, Epstein filed his Response to the Motion [DE 198]. Epstein's main argument was that Jane Doe lacked sufficient proof of his fraudulent transfers and, without proof, could not rely on an adverse inference from his invocation. See [DE 198 at p. 10] ("As belabored throughout this memorandum, Jane Doe cites no independent evidence that Epstein is fraudulently transferring assets.").

3. On July 20, 2009, Jane Doe filed a motion seeking leave to file supplemental information in support of her claims of Epstein's financial sophistication [DE 213]. (On August 5, 2009, Epstein objected to this supplemental information, primarily on grounds that the information was not newly-discovered [DE 244]).

4. Meanwhile, on July 23, 2009, Jane Doe filed her reply to Epstein's response to her motion [DE 217]. Jane Doe explained that Epstein had failed to contest any of her allegations that he was fraudulently transferring assets and that, in any event, she had sufficient circumstantial evidence of Epstein's fraud to justify appointment of a receiver with control of Epstein's assets.

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5. On October 15, 2009, Jane Doe's counsel took the deposition of Larry Visoski, Epstein's personal pilot. See Ex. A to this Motion. In the deposition, Visoski admitted many facts relevant to the fraudulent transfer issue, including:

- Visoski has been Jeffrey Epstein's personal pilot since 1991 and has flown Epstein's Boeing 727 and other aircraft around the world (Ex. A, Visoski Depo. at p. 20, 45);
- Visoski transported Epstein and girls under the age of 18 on the plane (*id.* at pp. 94-99);
- Visoski was unaware of the fact that a Ford F-150 Truck, which he had purchased for Jeffrey Epstein, was titled in his name (Ex. A, Visoski Depo. at p. 202);
- Within the last year, Jeffrey Epstein purchased a \$68,000 Land Rover and registered it in Visoski's name (*id.* at 197, 207);
- Jeffrey Epstein also purchased a Mercedes-Benz 2005 by wiring funds to Visoski and then placing the car in Visoski's name (*id.* at 199);
- Jeffrey Epstein also bought a Jaguar X-Type 2005 so that he (Epstein) would have another car around Palm Beach available for his friends to use and then placed the car in Visoski's name (*id.* at 200);
- Visoski very recently placed an advertisement in his name to sell Jeffrey Epstein's Ferrari for \$159,000 (*id.* at 208); and
- Visoski's curiosity was "piqued" by all these registrations but he never asked Epstein any questions about them (*id.* at 201).

6. Ronald Wise is an experienced forensic accountant recently retained by Jane Doe. He has recently reviewed public records related to the vehicle transfers discussed by Visoski. The cars in question are not titled in Epstein's name. Based on his training and experience and his review of the records, Mr. Wise has concluded that these asset transfers are fraudulent, in that they were made without receiving anything

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in return for value and that they appear to be done to conceal the identity of ownership. See Exhibit B to this Motion.

LEGAL MEMORANDUM

7. Jane Doe should be granted leave to file the Visoski deposition and Wise affidavit in support of her motion for appointment of a receiver. Both relate to very recently-discovered information and could not have been filed earlier. Both are also highly relevant to the pending motion, as they provide concrete evidence of a pattern of fraudulent asset transfers by Epstein designed to keep Jane Doe from satisfying any judgment that she might obtain against Epstein.

8. Epstein will not be prejudiced by the Court reviewing this information. Jane Doe has no objection to Epstein filing any substantive response to the materials he might like to make as part of his response to this motion. (Jane Doe would then file a reply to any response) Epstein is also free to seek leave to supplement his previously-filed Memorandum of Law in Opposition to the Injunction Motion [DE 198]; Jane Doe has no objection to Epstein supplementing his response with additional legal arguments, provided that the response is filed within the Court's ordinary timelines and does not delay action on her motion for appointment of a receiver.

9. In addition, Epstein will also not be prejudiced by the Court considering these materials as he has already been given the opportunity to explain whether he was making fraudulent asset transfers. Rather than discuss these transfers, however, Epstein asserted that he would incriminate himself if he answered such questions. For example, Epstein was asked the following requests for admissions:

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- Since being incarcerated you have, directly or indirectly (through the services or assistance of other persons), conveyed money or assets in an attempt to insulate or protect your money or assets from being captured in any civil lawsuits filed against you. Requests For Admissions #6.
- You are moving significant financial assets overseas, outside of the direct territorial reach of the U.S. and Florida Courts. RFA's #21.
- You are making asset transfers with the intent to defeat any judgment that might be entered against you in this or similar cases. RFA's #22.

See [DE165 at 9]. Epstein refused to answer each of these requests on Fifth Amendment grounds. Having been given a full opportunity to provide any explanation he might like about his asset transfers – and having stonewalled Jane Doe through his Fifth Amendment invocations – Epstein can hardly complain now that Jane Doe has begun to uncover the specifics of his fraud and is submitting that evidence to this Court.

CERTIFICATE OF GOOD FAITH CONFERENCE

Counsel for Epstein has been contacted and is unwilling to agree to this motion.

CONCLUSION

For all these reasons, the Court should grant Jane Doe leave to supplement the support for the facts underlying her Motion for Appointment of a Receiver [DE 165] with the Visoski deposition and Wise affidavit, exhibits A and B to this motion.

DATED October 30, 2009

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 30, 2009, 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

Bradley J. Edwards

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SERVICE LIST

**Jane Doe v. Jeffrey Epstein
United States District Court - Southern District of Florida**

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