

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

JANE DOE #1 and JANE DOE #2,

Petitioners

v.

UNITED STATES,

Respondent.

_____ /

**JANE DOE 1 AND JANE DOE 2'S MOTION TO STRIKE
RESPONSE TO RULE 25 NOTICE**

COME NOW petitioners Jane Doe 1 and Jane Doe 2 (also referred to as “the victims”), by and through undersigned counsel, to move to strike a response recently filed in this case purportedly on behalf of a dead person – Jeffrey Epstein (DE 476). Because Epstein is dead, no such response by him could even be possible – let alone proper. The Court should strike the response pursuant to Fed. R. Civ. P. 12(f).

As the Court is aware from earlier filings, on August 10, 2019, Jeffrey Epstein died. On August 12, 2019, the victims filed a Rule 25 Notice of Death, noting Epstein’s death and suggesting mootness of Epstein’s arguments against their proposed remedies (DE 475).

Two days later, on August 14, 2019, attorneys for Jeffrey Epstein filed a “Response to Rule 25 Notice and Suggestion of Mootness.” DE 476. The brief made extensive legal arguments regarding the rescission remedy that the victims are seeking, as well as advancing suggestions for providing notice to Epstein’s potential co-conspirators about these proceedings. DE 476 at 2-6. The brief did not expressly state on whose behalf it was being filed, although it appears that the

brief suggested it was advancing Epstein's interests and was filed by the same group of criminal defense lawyers who have previously filed briefs in this case for Epstein.

The Court should strike this mystery brief, as whose interests are actually being presented is unclear. At this point, only three parties exist in this case of *Jane Doe 1 and 2 v. United States* – the two victim/petitioners (Jane Doe 1 and 2) and respondent United States.¹ No other person or entity is entitled to file briefs and arguments in this matter. In particular, intervenor Jeffrey Epstein is dead – and his attorneys cannot attempt to speak clairvoyantly for him. Accordingly, the brief filed by Epstein's lawyers is improper and should be immediately stricken. *See* Fed. R. Civ. P. 12(f) (allowing court to strike any material that is “redundant, immaterial, impertinent, or scandalous”).

CONCLUSION

Epstein has received apparently privileged treatment in other fora. But being allowed to file briefing in this Court after his death would truly be extraordinary by any measure. The Court should strike DE 476, a brief purportedly expressing the positions and views of someone who is deceased. And for the reasons previously explained, the Court should take note of the fast-paced developments in this case and expeditiously grant the victims the remedies that they seek.

¹ More precisely, the respondent in this case is the U.S. Attorney's Office for the Southern District of Florida, currently represented by the U.S. Attorney's Office for the Northern District of Georgia.

DATED: August 15, 2019

Respectfully Submitted,

/s/ *Bradley J. Edwards*

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CERTIFICATE OF SERVICE

I certify that the foregoing document was served on August 15, 2019, on counsel of record using the Court's CM/ECF system:

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