

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CV-80380-MARRA/JOHNSON

JANE DOE NO. 4,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

---

**PLAINTIFF JANE DOE NO. 4'S MOTION FOR PROTECTIVE  
ORDER AS TO THE SCOPE OF INQUIRY AT THE DEPOSITIONS OF  
JANE DOE NO. 4'S PARENTS, AND INCORPORATED MEMORANDUM OF LAW**

Plaintiff, Jane Doe No. 4 ("Plaintiff"), by and through undersigned counsel, hereby files Plaintiff Jane Doe No. 4's Motion for Protective Order, pursuant to S.D.Fla.L.R. 7.1, and states as follows:

1. Counsel for Defendant Jeffrey Epstein have advised Plaintiffs' counsel that they intend to take the depositions of the mother and father of Jane Doe No. 4 within the next few weeks. Plaintiff does not oppose Defendant taking the depositions of her parents, but a protective order from this Court is necessary as to the scope of the inquiry into one particular discrete matter.

2. At Jane Doe No. 4's deposition on October 27, 2009, she testified that she has had abortions. She further testified that neither of her parents is aware that she has had abortions. At no time has she ever had any intention of disclosing the information about her abortions to her parents. Jane Doe No. 4 is presently 22 years old.

3. Counsel for Defendant Epstein asked Jane Doe No. 4 a number of questions at her deposition indicating clearly that Jane Doe No. 4's abortions would be a subject of inquiry in her parents' depositions. This included the inappropriate question, "How do you think your parents will feel when they find out [about the abortions]?"<sup>1</sup> It was obvious in the questioning at Jane Doe No. 4's deposition that Defendant's attorney intends to inform Jane Doe No. 4's parents about the abortions through leading questions at their depositions.

4. Fed. R. Civ. P. 26 (c)(1) allows the court to issue an order to protect a party from annoyance, embarrassment, oppression, or undue burden or expense by several methods, including "(D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters" upon good cause shown by the moving party. "The good cause standard for issuing a protective order requires the Court to balance the moving party's interest in preventing the discovery sought against the other person's interest in seeking the discovery." Harrison v. Burlage, 2009 WL 2230794 at 4 (S.D. Fla. 2009) (citing Chicago Tribune Co. v. Bridgestone/Firestone, Inc., 263 F.3d 1304 (11th Cir. 2001)).

5. Plaintiffs great concern is that through *leading* questions Defendant's counsel will inform Jane Doe No. 4's parents about the abortions. Epstein has no conceivable interest in interrogating Jane Doe No. 4's parents about Jane Doe No. 4's abortions. Since they are unaware of the abortions, neither will be able to provide any information about when the procedures occurred, her mental state at the time of each procedure, whether any complications arose, or any other information that could reasonably be calculated to lead to admissible evidence. Epstein is not alleged to be the man responsible for impregnating Jane Doe No. 4 on

---

<sup>1</sup> Furthermore, at the deposition of Jane Doe No. 4's sister, Y.B., she was asked about her knowledge of Jane Doe No. 4's abortions. Unlike Jane Doe No. 4's parents, Y.B. was already aware that her sister had abortions.

any occasion. Counsel intends to inquire into these matters solely for the purpose of harassing, embarrassing, and oppressing Jane Doe No. 4. Plaintiff does not object to nonleading questions on this subject matter, such as “do you know whether Jane Doe No. 4 has ever had an abortion?”

6. In addition, leading questions revealing Jane Doe No. 4’s abortions would have the added effect of embarrassing, harassing, upsetting, and shaming Jane Doe No. 4’s parents, who are nonparties to this lawsuit. The line of inquiry could lead to irreparable damage to Jane Doe No. 4’s relationship with her Roman Catholic parents.

7. Therefore, Jane Doe No. 4 has a great interest in preventing the discovery and a Rule 26(c)(1)(D) protective order is appropriate.

8. Furthermore, Jane Doe No. 4 has not authorized the release of her private medical information to third parties. She has not waived her privacy interests in the medical information such that disclosure to a nonparty would be authorized. Disclosure to her parents would constitute the public disclosure of private facts, a violation of Jane Doe No. 4’s right of privacy, which she has not waived simply by virtue of being a plaintiff in a lawsuit for sexual abuse against a convicted child molester.

WHEREFORE, Plaintiff Jane Doe 4 respectfully requests that this Court issue a protective order prohibiting leading questions at the depositions of Jane Doe No. 4’s parents on the subject of Jane Doe No. 4’s abortions; limiting Defendant’s attorney to asking only open-ended questions on the subject of abortion, such as whether they know if Jane Doe No. 4 has ever had an abortion; and all such other relief this Court deems just and appropriate.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1.A.3**

Undersigned counsel has conferred with Defendant's counsel in a good faith effort to resolve the issues raised in this motion, and has been unable to do so, as Defendant's counsel has advised that Defendant opposes this motion.

Dated: November 3, 2009

Respectfully submitted,

By: s/ Adam D. Horowitz  
Stuart S. Mermelstein (FL Bar No. 947245)  
[ssm@sexabuseattorney.com](mailto:ssm@sexabuseattorney.com)  
Adam D. Horowitz (FL Bar No. 376980)  
[ahorowitz@sexabuseattorney.com](mailto:ahorowitz@sexabuseattorney.com)  
MERMELSTEIN & HOROWITZ, P.A.  
*Attorneys for Plaintiffs*  
18205 Biscayne Blvd., Suite 2218  
Miami, Florida 33160  
Tel: (305) 931-2200  
Fax: (305) 931-0877

**CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 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 to 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 Notices of Electronic Filing.

/s/ Adam D. Horowitz

**SERVICE LIST**  
**DOE vs. JEFFREY EPSTEIN**  
**United States District Court, Southern District of Florida**

Jack Alan Goldberger, Esq.  
[jgoldberger@agwpa.com](mailto:jgoldberger@agwpa.com)

Robert D. Critton, Esq.  
[rcritton@bclclaw.com](mailto:rcritton@bclclaw.com)

Bradley James Edwards  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

Isidro Manuel Garcia  
[isidrogarcia@bellsouth.net](mailto:isidrogarcia@bellsouth.net)

Jack Patrick Hill  
[jph@searcylaw.com](mailto:jph@searcylaw.com)

Katherine Warthen Ezell  
[KEzell@podhurst.com](mailto:KEzell@podhurst.com)

Michael James Pike  
[MPike@bclclaw.com](mailto:MPike@bclclaw.com)

Paul G. Cassell  
[cassellp@law.utah.edu](mailto:cassellp@law.utah.edu)

Richard Horace Willits  
[lawyerwillits@aol.com](mailto:lawyerwillits@aol.com)

Robert C. Josefsberg  
[rjosefsberg@podhurst.com](mailto:rjosefsberg@podhurst.com)

---

/s/ Adam D. Horowitz