

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 MOTION FOR AN ORDER TO SHOW CAUSE AND FOR
AN ORDER TO COMPEL AND INCORPORATED MEMORANDUM OF LAW**

Plaintiff, Jane Doe, respectfully files this motion for entry of an order directed to Jean Luc Brunel and his counsel ordering them to show cause why they should not be held in contempt, for sanctions, and for an order compelling Jean Luc Brunel to appear for a deposition within 20 days. After plaintiff Jane Doe served Brunel with a subpoena for a deposition in this case, his attorney, on his behalf, represented that Brunel would appear for a deposition if Jane Doe would postpone the scheduled deposition date. As an accommodation to him, Jane Doe did postpone the scheduled deposition date, but then Brunel has not appeared as agreed for a deposition. After much communication in an attempt to coordinate Brunel's deposition, Brunel's counsel represented that Brunel was outside of the country, and thus unavailable, when in fact he was inside the country

CASE NO: 08-CV-80119-MARRA/JOHNSON

and easily available for a deposition. Because of these false representations, this Court should direct Brunel and his counsel to show cause why they should not be held in contempt. This Court should also compel Brunel to appear for the deposition that was previously scheduled and that he has avoided only through these false representations. Finally, the Court should sanction the appropriate person(s) for causing the undersigned to spend unnecessary time filing this motion.

BACKGROUND

Jane Doe personally served Jean Luc Brunel in New York City to appear for deposition in this case. The subpoena indicated a deposition date of September 22, 2009 at 10:00 A.M. in New York City, New York. Brunel is an important witness in this case, as he is a good friend of Epstein's and has information regarding Epstein's pattern and practice of obtaining young girls for sexual purposes, relevant issues not yet admitted by Defendant Epstein.

Shortly after Brunel was served, counsel for Jane Doe was contacted by Tama Beth Kudman, Esq., a licensed attorney in Florida. Kudman stated that she represented Brunel with regard to the subpoena and that she would produce Brunel for deposition in West Palm Beach if Jane Doe would agree not to go forward with the deposition date in New York. Counsel for Jane Doe honored that request, and with Kudman jointly arranged a deposition date for Brunel in West Palm Beach for October.

Shortly before his deposition was to take place, Ms. Kudman contacted counsel for Jane Doe to move that deposition date because of a personal conflict. Once again, counsel for Jane Doe agreed. After several conversations regarding the deposition of

CASE NO: 08-CV-80119-MARRA/JOHNSON

Brunel, Kudman asked that counsel for Jane Doe set Brunel for deposition in January of 2010, as that was a time when she could assure his availability.

In January, counsel for Jane Doe again contacted Ms. Kudman to arrange a mutually convenient deposition time. Ms. Kudman stated that Brunel would be in Florida the first week of February and she would work to coordinate his deposition for that time.

The undersigned's office contacted Ms. Kudman's office on several occasions in January to coordinate a February deposition date of Brunel. On January 29, 2010, Ms. Kudman returned the call and left a voicemail apologizing for not returning the call sooner and indicating that she had only been waiting to hear from Mr. Brunel as to his availability, and she invited the undersigned to contact her the following week to set it up. On February 5, 2010, counsel for Jane Doe contacted Ms. Kudman to coordinate Brunel's deposition. During that telephone conversation, Ms. Kudman represented that her client, Mr. Brunel, had previously left the country to go to his home country of France before the New Year. Ms. Kudman further represented that while she believed he was going to return, it turned out that he had no plans to return. Ms. Kudman also stated that if Brunel was in the country, she would make good on her representation that she would produce him. However, she had just spoken to him via a telephone call from him in France. Brunel told Kudman that he was staying there indefinitely with no plans to return. In subsequent telephone conversations, Ms. Kudman continued to represent that Mr. Brunel had been out of the country since sometime prior to the New Year and was not planning to return.

CASE NO: 08-CV-80119-MARRA/JOHNSON

Counsel for Jane Doe responded that this representation seemed quite strange, since Brunel has a significant business in the United States. Kudman replied that it was simply too expensive for him to return and that because of the expense he had no intentions of returning. Counsel for Jane Doe then pointed out that when Brunel was served, Kudman had promised he would be produced for deposition. Kudman replied that because he is in France with no plans to return there was simply nothing she could do. Kudman further advised counsel for Jane Doe that if he wanted to take Brunel's deposition in France, then it would be necessary to obtain a Letters Rogatory and go through the French Consulate. After these procedures, Kudman then indicated it would be necessary to take a trip to France for his deposition. Counsel for Jane Doe indicated that he might be willing to go through that process, but that he would like for Kudman to tell him if Brunel happened to return to the United States. Kudman promised that she would.

Remarkably, after all of these representations had been made by Kudman, it turns out that Brunel was actually in the United States during the time when Jane Doe was trying to take his deposition. In fact, on February 16, 2010, counsel for Jane Doe took the deposition of Jeffrey Epstein's house manager, Janusz Banaziak. Mr. Banaziak was asked if he knew Mr. Brunel. In summary, he responded that he knew him as Mr. Epstein's friend. He elaborated that Mr. Brunel had stayed with Epstein at Epstein's Palm Beach home on at least two occasions in 2010. The first 2010 visit was in January, when Mr. Brunel stayed for approximately 3 days. Then Mr. Brunel stayed at Mr. Epstein's home from approximately February 10th or 11th through February 14th,

CASE NO: 08-CV-80119-MARRA/JOHNSON

2010. It was known by Epstein that Brunel was coming to stay at the house in February 2010, as he was picked up at the airport and driven to Epstein's home by Epstein's bodyguard, Igor Zinoviev, and after his stay with Epstein, Brunel was driven from Epstein's house to the airport by Sarah Kellen. *See deposition of Janusz Banaziak at page 154-161 and 168-16 attached hereto as Exhibit "A."*

MEMORANDUM OF LAW

As is readily apparent from the foregoing facts, Ms. Kudman has either made false representations about Mr. Brunel's whereabouts or Mr. Brunel has made false representations about his whereabouts that she passed on. In either case, they should be required to show cause why her and/or she should not be held in contempt of court for making false representations. *See, e.g., Acton v. Target Corp.*, 2009 WL 5214419 at *5 (W.D. Wash. 2009) (entering order to show cause why counsel should not be held in contempt for making false representations). In particular, Mr. Brunel and Ms. Kudman should explain how it came to pass that Mr. Brunel was in Florida at the very time that Jane Doe was attempting to take his deposition while Ms. Kudman was confidently reporting that he was unavailable in France. Given the known facts, Ms. Kudman was either an unwitting messenger who passed along false representations delivered to her by her client Mr. Brunel, or she was a knowing participant in Brunel and/or Epstein's attempt to obstruct discovery; either way a show cause order should be entered and the appropriate person(s) sanctioned and held in contempt.

Mr. Brunel and Ms. Kudman should also be required to provide a full explanation of who precisely is paying the attorney fees for Ms. Kudman's services. Most, if not all,

CASE NO: 08-CV-80119-MARRA/JOHNSON

of the witnesses that have been deposed in this and related cases against Epstein have appeared with counsel retained and paid for by Defendant Jeffrey Epstein. In this instance, we know that Mr. Epstein was together with his house guest, Mr. Brunel, at a time when Brunel's counsel was representing that Brunel was out of the country and could thus not attend a deposition. Mr. Epstein also knew at that time that the undersigned had been trying to coordinate Brunel's deposition for months. Therefore, there is no doubt that Mr. Epstein was assisting Mr. Brunel and/or Ms. Kudman in obstructing discovery. At the very least, Mr. Epstein was an accomplice, but was he the person paying the attorney to make false representations and tamper with important witnesses? While Mr. Epstein may be able to invoke his 5th amendment rights on such questions, Mr. Brunel and Ms. Kudman do not have that luxury, and at this point they should be required to provide these answers.

Again, as the facts make clear, Ms. Kudman has not delivered on promises made (as an officer of the court) to counsel for Jane Doe, and Mr. Brunel has not appeared for a deposition. As such, Jane Doe moves this Court to enter an order directing Mr. Brunel to promptly appear for a deposition in West Palm Beach within 14 days. He was properly served with a subpoena by Jane Doe, and only through deceitful maneuvers he has been able to avoid his deposition. This Court should not permit subpoenas to be avoided in this fashion.

WHEREFORE, Jane Doe respectfully requests the Court to direct Mr. Brunel and Ms. Kudman to show cause why they should not be held in contempt for making false representations in an effort to avoid a deposition. If the Court finds that they are in

CASE NO: 08-CV-80119-MARRA/JOHNSON

contempt, the Court should also impose appropriate sanctions, including attorney's fees for Jane Doe in connection with filing this motion. The Court should also compel Mr. Brunel to appear for a deposition within 14 days of the Court's order and grant any additional relief the Court deems just and proper.

PRE-FILING CONFERENCE

Counsel for Jane Doe has attempted to confer with Ms. Kudman about this motion, but she declined to make Brunel available for deposition, and in fact has again stated as recently as March 5, 2010 that Brunel has been out of the country since prior to the New Year with no plans to return.

DATED: March 10, 2010

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
332 S. 1400 E.
Salt Lake City, UT 84112
Telephone: 801-585-5202
Facsimile: 801-585-6833
E-Mail: cassellp@law.utah.edu

CASE NO: 08-CV-80119-MARRA/JOHNSON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 10, 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

Bradley J. Edwards

SERVICE LIST

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

Jack Alan Goldberger, Esq.
Jgoldberger@agwpa.com

Robert D. Critton, Esq.
rcritton@bclclaw.com

Isidro Manual Garcia
isidrogarcia@bellsouth.net

Jack Patrick Hill
jph@searcylaw.com

Katherine Warthen Ezell
KEzell@podhurst.com

Michael James Pike
MPike@bclclaw.com

Paul G. Cassell
cassellp@law.utah.edu

Richard Horace Willits
lawyerswillits@aol.com

Robert C. Josefsberg

CASE NO: 08-CV-80119-MARRA/JOHNSON

rjosefsberg@podhurst.com

Adam D. Horowitz

ahorowitz@sexabuseattorney.com

Stuart S. Mermelstein

ssm@sexabuseattorney.com

CASE NO: 08-CV-80119-MARRA/JOHNSON

EXHIBIT A

1 A. No.

2 MR. GOLDBERGER: Form.

3 BY MR. EDWARDS:

4 Q. And have you known, just based on your
5 observations, Nadia to have girlfriends? And by
6 girlfriends I mean girlfriends that she would be
7 intimate with in addition to being the girlfriend of
8 Jeffrey Epstein?

9 A. No.

10 Q. Do you know somebody by the name of Jean
11 Luc Brunel?

12 A. Yes.

13 Q. How do you know him?

14 A. He was in the house like, I guess, a few
15 times.

16 Q. When?

17 A. When?

18 Q. When was the last time you saw him there?

19 A. A week ago.

20 Q. Today is, what, February 16th, and this is
21 a Tuesday. So, when we are saying a week ago, are
22 you saying it was last Tuesday, Wednesday, Thursday,
23 Friday, do you remember?

24 A. I don't remember the date but he stay maybe
25 three days, I think, in the house.

1 Q. So, if he arrived on Tuesday, he stayed
2 through Thursday or Friday and --

3 A. Yes.

4 Q. Do you know what the occasion was for him
5 to come in town?

6 A. No.

7 Q. Where did he stay in the house last week?

8 A. One of the bedrooms upstairs.

9 Q. And was Mr. Epstein also staying in the
10 house?

11 A. Yes.

12 Q. All right. Did Mr. Brunel bring any
13 company with him?

14 A. No.

15 Q. It was him alone?

16 A. Yes.

17 Q. How did he get to the house?

18 A. I think he has been picked up by Igor at this
19 point.

20 Q. And where did he -- I assume he flew in
21 from somewhere?

22 A. Yes.

23 Q. Picked up from the airport, safe
24 assumption? He didn't just drive to the airport.

25 (A discussion was held off the record.)

1 BY MR. EDWARDS:

2 Q. So, do you know where it was that
3 Mr. Brunel flew in from?

4 A. No.

5 Q. Do you know where Mr. Brunel generally
6 lives? I mean is it New York, is it --

7 A. I know that he spends some time in Florida, in
8 Miami, but exactly where he is, I don't know.

9 Q. But obviously he wouldn't fly here to Palm
10 Beach from Miami, right, so he had to be coming from
11 somewhere else you would assume?

12 A. Yes, I assume.

13 Q. Were you told -- similar to the way that
14 you have been describing throughout the deposition,
15 you're told who is coming in town. Were you told he
16 was going to be at the house?

17 A. Yeah. Usually he requires to be picked up, so
18 I know that he is coming.

19 Q. Okay. We'll go through some other
20 instances where you had occasion to pick him up or
21 break plans, but talking specifically about last
22 week: When were you first told that Mr. Brunel was
23 going to be coming into town?

24 A. I think Igor told me that he has to go and
25 pick him up.

1 Q. How did he --

2 A. It was my day off, I guess, because usually I
3 am the one who pick up people. So, I guess it was my
4 days off and Igor was working, so he went to pick him
5 up.

6 Q. Okay. It wouldn't be Story Cowles picking
7 him up?

8 A. No.

9 Q. So, to the best of your recollection Igor
10 picked up Jean Luc Brunel sometime last week from
11 the airport and took him to the house?

12 A. Right.

13 Q. Do you know what car he took to pick him
14 up?

15 A. I think Cadillac Escalade.

16 Q. The black Escalade?

17 A. Yes.

18 Q. And what did Mr. Brunel and Mr. Epstein do
19 for the three day stay when Mr. Brunel was staying
20 at Mr. Epstein's house last week?

21 MR. GOLDBERGER: Form.

22 THE WITNESS: I don't know.

23 BY MR. EDWARDS:

24 Q. Did you interact, communicate with
25 Mr. Brunel?

1 A. Yes.

2 Q. And what did he say as to why he was here?

3 MR. GOLDBERGER: Form.

4 THE WITNESS: Good morning. How are you?

5 Exchange handshake. And I saw him in the

6 kitchen and he was cooking something and that's

7 it.

8 BY MR. EDWARDS:

9 Q. When you say he was cooking something, he
10 was personally cooking?

11 A. Yes.

12 Q. All right. So, this is a house that he is
13 familiar enough with and he is a regular enough
14 guest that he makes himself at home?

15 A. Yes.

16 Q. Okay. And last week do you remember
17 anything in the three-day period that Mr. Brunel was
18 staying at the house that Mr. Brunel did from the
19 time he woke up to the time that he went to sleep?

20 MR. GOLDBERGER: Form.

21 BY MR. EDWARDS:

22 Q. I mean did go to the movies? Did he go to
23 the beach? Did they just hang out around the house
24 and walk?

25 A. Yeah. I think he walked outside to the beach.

1 He was swimming in the pool, talking on the phone just
2 what I remember.

3 Q. Okay. During the three-day stay last
4 week, how often were -- I mean, I assuming that he
5 came in town to see Mr. Epstein; is that true?

6 A. Yes.

7 Q. And so the majority of his time during
8 that three days was spent hanging around with
9 Mr. Epstein?

10 A. Yes.

11 Q. All right. Did you see them talking with
12 one another?

13 A. Yes.

14 Q. Where were they talking with one another?

15 A. In the cabana, outside sitting next to the
16 pool.

17 Q. All right. And when you said that
18 Mr. Brunel walked to the beach, did Mr. Epstein walk
19 to the beach with him?

20 A. No.

21 Q. Mr. Brunel walked alone?

22 A. Yes.

23 Q. Who else was in the house last week while
24 Mr. Brunel was in the house?

25 A. Nadia, Sarah, and Story, I think.

1 Q. Sarah Kellen?

2 A. Yes.

3 Q. And Story Cowles?

4 A. Yes.

5 Q. Okay. Who else, Igor?

6 A. Igor. I guess that's it.

7 Q. Did you overhear any of the substance of
8 the conversations that Mr. Brunel was having with
9 Mr. Epstein?

10 A. No.

11 Q. All right. What is your understanding as
12 to the relationship between Mr. Brunel and
13 Mr. Epstein?

14 A. I guess they are friends.

15 Q. Okay. In addition to being friends --
16 well, let me ask this question first: Do you know
17 when they became friends?

18 A. No.

19 Q. You don't know how long they have known
20 each other?

21 A. No.

22 Q. You don't know who introduced them?

23 A. No.

24 Q. They could have met since they were five
25 years old or they could have met five years ago for

1 all you know?

2 A. Yes.

3 Q. In addition to being friends, do you know
4 them to be -- have a business relationship with one
5 another?

6 A. I don't know.

7 Q. Do you know what Mr. Brunel does for a
8 living?

9 A. I think he has some modeling agency, owner of
10 some modeling agency. I don't know exactly where, which
11 one.

12 Q. Why do you think that? Why do you think
13 he is involved with a modeling agency?

14 A. I think somebody told me.

15 Q. Okay. That's fair enough. Who?

16 A. I don't remember who.

17 Q. Would it be Sarah or Mr. Epstein?

18 A. It could be.

19 Q. And whether it was Sarah or -- whoever
20 told you about this was one of the people that you
21 have previously described as being within the
22 Jeffrey Epstein organization?

23 A. Yes.

24 Q. And as you sit here today, you can't say
25 definitely it was one person within the organization

1 A. No. She was a guest, I assume.

2 Q. Any reason why there would be an overlap
3 between her staying at the house and Jean Luc
4 staying at the house, or it was just coincidence as
5 far as you could tell?

6 A. I don't know.

7 Q. Okay. And is there anywhere where you've
8 written down or documented what Sue's last name is?

9 A. No.

10 Q. Did you take her back to the airport?

11 A. Yes.

12 Q. And what day did you take her to the
13 airport?

14 A. Yesterday.

15 Q. Yesterday. So, she was here four days.
16 She got here last Thursday or Friday?

17 A. I think Friday.

18 Q. And she was at the house for a period of
19 time when Jean Luc Brunel was at the house?

20 A. Yeah. I mean, last week, yes.

21 Q. Okay. So, she got there Friday. When did
22 Jean Luc Brunel finally leave Mr. Epstein's house?

23 A. I think Monday, yeah, Monday. He left Monday.

24 Q. That's yesterday?

25 A. Or Sunday.

1 Q. Today is Tuesday.

2 A. Today is Tuesday. Yes, I think Sunday.

3 Q. Okay. So, on Sunday Jean Luc Brunel left
4 and on Monday Sue left?

5 A. Yes.

6 Q. All right. Did you take Jean Luc Brunel
7 to the airport?

8 A. No.

9 Q. All right. Did Igor?

10 A. Sarah.

11 Q. Sarah Kellen. And do you know where he
12 was flying to?

13 A. No.

14 Q. You don't know where he came from or where
15 he was flying to?

16 A. Right.

17 Q. Right. And as of right now you have no
18 knowledge as to where he primarily resides, whether
19 that -- I know you said that he spends some time in
20 Miami, but whether he primarily resides in Miami or
21 New York or Antartica, you have no idea?

22 A. No.

23 Q. Okay. Other than last week, when was the
24 last time that you saw this gentleman Jean Luc
25 Brunel at Jeffrey Epstein's house?