

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

JANE DOE NO. 2,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant.

**DEFENDANT JEFFREY EPSTEIN'S RESPONSE & OBJECTIONS TO
PLAINTIFF'S REQUEST FOR PRODUCTION OF NET WORTH
DOCUMENTS DATED JUNE 29, 2009**

Defendant, JEFFREY EPSTEIN, by and through his undersigned attorneys, serves his Responses and Objections to the Request for Production of Net Worth Documents and states:

Request No. 1: All Federal and State income tax returns, including all W-2 forms, 1099 forms and schedules, for tax years 2003-2008.

Response and Objections to Request Number 1: Defendant is asserting specific legal objections including but not limited to relying on certain U.S. constitutional privileges in declining at present to respond to this request for production based on advice from my counsel that I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth Amendment and I must accept this advice or risk losing my Sixth Amendment right to effective representation. Accordingly, I assert my federal constitutional rights under the Fifth, Sixth, and Fourteenth Amendments as guaranteed by the United States Constitution. Drawing an adverse inference under these circumstances would unconstitutionally burden my exercise of my constitutional rights, would be unreasonable and would therefore violate the Constitution.

Responding to the above financial request would require Epstein to identify information regarding the offenses that were the prior subject of a federal investigation as set forth in more detail in a supplementary response available to be provided to the court in camera and ex parte to the extent the good faith assertion of the privilege is in question. The Fifth Amendment is a safe harbor for

EXHIBIT "A"

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all citizens, including those who are innocent of any underlying offense, however responding to this and other relating inquiries have the potential to provide a link in a chain of information that would be protected. More specifically, the act of producing the above information may implicitly communicate statements of fact in that they would implicitly authenticate the requested information, require Epstein to admit that the requested information exists and admit that same were in his possession, custody and control. The very act of production itself may therefore provide a link in the chain of evidence adverse to Epstein, see generally *United States v. Hubbell* 520 US 27, 36 (2000)

In addition to and without waiving his constitutional privileges, Defendant also objects as the request for production as unreasonable, overbroad, confidential, proprietary in nature and seeks information that is neither relevant to the subject matter of the pending action nor does it appear to be reasonably calculated to lead to the discovery of admissible evidence. The specific information requested as to tax returns also seeks information that is confidential and protected by federal law, 26 USC 6103. Further, Plaintiff's Complaint alleges a time period of "in or about 2004-2005." Plaintiff's request seeks information for a time period from 2003-2008.

To the extent this court rules that some or all of the requested information be produced, it should not be produced without limitations (including confidentiality), and should only be produced at the very end of litigation but before trial in order for Plaintiff to establish her burden making it apparent that punitive damages can be awarded.

Request No. 2: All documents relating to the assets, liabilities, income, expenses and net worth of Defendant, including without limitation, the following for each of the past five (5) years.

- a. annual financial reports;
- b. balance sheets;
- c. income statements;
- d. cash flow statements;
- e. quarterly financial reports;
- f. budget reports; and
- g. financial analysis

Response and Objections to Request Number 2: Defendant is asserting specific legal objections including but not limited to relying on certain U.S. constitutional privileges in declining at present to respond to this request for production based on advice from my counsel that I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth Amendment and I must accept this advice or risk losing my Sixth Amendment right to effective representation. Accordingly, I assert my federal constitutional rights under the Fifth, Sixth, and Fourteenth Amendments

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as guaranteed by the United States Constitution. Drawing an adverse inference under these circumstances would unconstitutionally burden my exercise of my constitutional rights, would be unreasonable and would therefore violate the Constitution.

Responding to the above financial request would require Epstein to identify information regarding the offenses that were the prior subject of a federal investigation as set forth in more detail in a supplementary response available to be provided to the court in camera and ex parte to the extent the good faith assertion of the privilege is in question. The Fifth Amendment is a safe harbor for all citizens, including those who are innocent of any underlying offense, however responding to this and other relating inquiries have the potential to provide a link in a chain of information that would be protected. More specifically, the act of producing the above information may implicitly communicate statements of fact in that they would implicitly authenticate the requested information, require Epstein to admit that the requested information exists and admit that same were in his possession, custody and control. The very act of production itself may therefore provide a link in the chain of evidence adverse to Epstein, see generally *United States v. Hubbell* 520 US 27, 36 (2000)

In addition to and without waiving his constitutional privileges, Defendant also objects as the request for production as unreasonable, overbroad, confidential, proprietary in nature and seeks information that is neither relevant to the subject matter of the pending action nor does it appear to be reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff's Complaint alleges a time period of "in or about 2004-2005." Plaintiff's request seeks information for a time period of the past five (5) years.

To the extent this court rules that some or all of the requested information be produced, it should not be produced without limitations (including confidentiality), and should only be produced at the very end of litigation but before trial in order for Plaintiff to establish her burden making it apparent that punitive damages can be awarded.

Request No. 3: All documentation which refer or relate to financing or loans requested or applied for by the Defendant, including loan applications, appraisals, financial spreadsheets, etc.

Response and Objections to Request Number 3: Defendant is asserting specific legal objections including but not limited to relying on certain U.S. constitutional privileges in declining at present to respond to this request for production based on advice from my counsel that I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth Amendment and I must accept this advice or risk losing my Sixth Amendment right to effective representation. Accordingly, I assert my federal constitutional rights under the Fifth, Sixth, and Fourteenth Amendments

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as guaranteed by the United States Constitution. Drawing an adverse inference under these circumstances would unconstitutionally burden my exercise of my constitutional rights, would be unreasonable and would therefore violate the Constitution.

Responding to the above financial request would require Epstein to identify information regarding the offenses that were the prior subject of a federal investigation as set forth in more detail in a supplementary response available to be provided to the court in camera and ex parte to the extent the good faith assertion of the privilege is in question. The Fifth Amendment is a safe harbor for all citizens, including those who are innocent of any underlying offense, however responding to this and other relating inquiries have the potential to provide a link in a chain of information that would be protected. More specifically, the act of producing the above information may implicitly communicate statements of fact in that they would implicitly authenticate the requested information, require Epstein to admit that the requested information exists and admit that same were in his possession, custody and control. The very act of production itself may therefore provide a link in the chain of evidence adverse to Epstein, see generally *United States v. Hubbell* 520 US 27, 36 (2000)

In addition to and without waiving his constitutional privileges, Defendant also objects as the request for production as unreasonable, overbroad, confidential, proprietary in nature and seeks information that is neither relevant to the subject matter of the pending action nor does it appear to be reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff's Complaint alleges a time period of "in or about 2004-2005." Plaintiff's request seeks information for a time period of January 1, 2002 to present.

To the extent this court rules that some or all of the requested information be produced, it should not be produced without limitations (including confidentiality), and should only be produced at the very end of litigation but before trial in order for Plaintiff to establish her burden making it apparent that punitive damages can be awarded.

Request No. 4: Any and all appraisals indicating fair market value of real estate or other property of Defendant.

Response and Objections to Request Number 4: Defendant is asserting specific legal objections including but not limited to relying on certain U.S. constitutional privileges in declining at present to respond to this request for production based on advice from my counsel that I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth Amendment and I must accept this advice or risk losing my Sixth Amendment right to effective representation. Accordingly, I assert my federal constitutional rights under the Fifth, Sixth, and Fourteenth Amendments as guaranteed by the United States Constitution. Drawing an adverse inference

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under these circumstances would unconstitutionally burden my exercise of my constitutional rights, would be unreasonable and would therefore violate the Constitution.

Responding to the above financial request would require Epstein to identify information regarding the offenses that were the prior subject of a federal investigation as set forth in more detail in a supplementary response available to be provided to the court in camera and ex parte to the extent the good faith assertion of the privilege is in question. The Fifth Amendment is a safe harbor for all citizens, including those who are innocent of any underlying offense, however responding to this and other relating inquiries have the potential to provide a link in a chain of information that would be protected. More specifically, the act of producing the above information may implicitly communicate statements of fact in that they would implicitly authenticate the requested information, require Epstein to admit that the requested information exists and admit that same were in his possession, custody and control. The very act of production itself may therefore provide a link in the chain of evidence adverse to Epstein, see generally *United States v. Hubbell* 520 US 27, 36 (2000).

In addition to and without waiving his constitutional privileges, Defendant also objects as the request for production as unreasonable, overbroad, confidential, proprietary in nature and seeks information that is neither relevant to the subject matter of the pending action nor does it appear to be reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff's Complaint alleges a time period of "in or about 2004-2005." Plaintiff's request seeks information for a time period of January 1, 2002 to present.

To the extent this court rules that some or all of the requested information be produced, it should not be produced without limitations (including confidentiality), and should only be produced at the very end of litigation but before trial in order for Plaintiff to establish her burden making it apparent that punitive damages can be awarded.

Request No. 5: Any and all documents referring or relating to investment or savings accounts, including without limitation, account statements and summaries.

Response and Objections to Request Number 5: Defendant is asserting specific legal objections including but not limited to relying on certain U.S. constitutional privileges in declining at present to respond to this request for production based on advice from my counsel that I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth Amendment and I must accept this advice or risk losing my Sixth Amendment right to effective representation. Accordingly, I assert my federal constitutional rights under the Fifth, Sixth, and Fourteenth Amendments as guaranteed by the United States Constitution. Drawing an adverse inference

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under these circumstances would unconstitutionally burden my exercise of my constitutional rights, would be unreasonable and would therefore violate the Constitution.

Responding to the above financial request would require Epstein to identify information regarding the offenses that were the prior subject of a federal investigation as set forth in more detail in a supplementary response available to be provided to the court in camera and ex parte to the extent the good faith assertion of the privilege is in question. The Fifth Amendment is a safe harbor for all citizens, including those who are innocent of any underlying offense, however responding to this and other relating inquiries have the potential to provide a link in a chain of information that would be protected. More specifically, the act of producing the above information may implicitly communicate statements of fact in that they would implicitly authenticate the requested information, require Epstein to admit that the requested information exists and admit that same were in his possession, custody and control. The very act of production itself may therefore provide a link in the chain of evidence adverse to Epstein, see generally *United States v. Hubbell* 520 US 27, 36 (2000)

In addition to and without waiving his constitutional privileges, Defendant also objects as the request for production as unreasonable, overbroad, confidential, proprietary in nature and seeks information that is neither relevant to the subject matter of the pending action nor does it appear to be reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff's Complaint alleges a time period of "in or about 2004-2005." Plaintiff's request seeks information for a time period of January 1, 2002 to present.

To the extent this court rules that some or all of the requested information be produced, it should not be produced without limitations (including confidentiality), and should only be produced at the very end of litigation but before trial in order for Plaintiff to establish her burden making it apparent that punitive damages can be awarded.

Certificate of Service

WE HEREBY CERTIFY that a true copy of the foregoing has been sent via U.S. Mail and facsimile to the following addressees this 31 day of August, 2009.

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Respectfully submitted,

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