

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO. 2006CF009454A

STATE OF FLORIDA

vs.

JEFFREY EPSTEIN,

Defendant.

RESPONSE TO MOTION FOR PROTECTIVE ORDER

COMES NOW the Defendant, JEFFREY EPSTEIN, by and through his attorney and files his response to the Motion For Protective Order filed by counsel for State's witness Jane Doe No. 1.

1. In summary fashion, counsel for Jane Doe No. 1 complains that serving a witness for deposition by the use of a process server and the service of the witness' parents for the deposition to ensure service, amounts to "continuous and systematic harassment".¹

2. The Motion For Protective Order was filed by one of the attorneys purporting to represent Jane Doe No. 1 in a separate civil proceeding.² While disagreeing with the

¹ Undersigned counsel for the Defendant responds only to the issues in the Motion for Protective Order concerning service of a subpoena for deposition and the date for that deposition. Defendant and undersigned counsel have no knowledge of any agent of the Defendant going to the witness' place of employment representing "himself as an attorney who needed to contract (sp) her" as alleged "on information and belief" in paragraph 8 of the Motion for Protective Order.

² The Motion for Protective Order was filed by attorney Theodore Leopold. While he purports to represent Jane Doe No.1, attorney Jeffrey Herman also claims to represent the interests of Jane Doe No. 1. In that separate civil proceeding, the two law firms are presently litigating who represents the interests of Jane Doe No. 1.

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JASON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL
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assertion in the Motion For Protective Order that Mr. Leopold and the undersigned agreed that Mr. Leopold would accept service on behalf of Jane Doe No. 1, and that the undersigned had agreed not to take the disposition on February 6, 2008, the matter has been rendered **moot**.

3. Prior to filing of a Motion For Protective Order, Mr. Leopold and the undersigned conferred and agreed in writing with the consent of the State Attorney's Office to the taking of Jane Doe No.1's deposition on February 20, 2008. The parties have also agreed that Mr. Leopold will accept service for Jane Doe's No.1's appearance on that date eliminating the need to use a process server to serve Jane Doe No.1. See Exhibit "A" attached. (Jane Doe No. 1's real name has been redacted from the exhibit.)

WHEREFORE, given the fact that the parties have agreed to a procedure for the taking of Jane Doe's No.1's deposition, it is respectfully requested that this Court deny Jane Doe No.1's Motion for Protective Order as moot.

I HEREBY CERTIFY that a copy of the foregoing has been furnished by mail to Lanna Belohlavek, Esquire, The Office of the State Attorney, 401 North Dixie Highway, West Palm Beach, Florida 33401, Theodore J. Leopold, Esquire, 2925 PGA Boulevard, Suite 200, Palm Beach Gardens, Florida, 33410 and Jeffrey Herman, Esquire, 18205 Biscayne Boulevard, Suite 2218, Miami, Florida, 33160, on this 7th day of February, 2008.

ATTERBURY, GOLDBERGER & WEISS, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, Florida 33401
(561) 659-8300

JACK A. GOLDBERGER, ESQ.
Florida Bar No.: 262013

* JOSEPH R. ATTERBURY

*† JACK A. GOLDBERGER

JASON S. WEISS

February 5, 2008

* Board Certified Criminal Trial Attorney
† Member of New Jersey & Florida Bars

VIA FACSIMILE & U.S. MAIL
(561)697-2383

Theodore J. Leopold, Esquire
Ricci-Leopold
2925 PGA Boulevard, Suite 200
Palm Beach Gardens, Florida 33410

Re: State of Florida vs. Jeffrey Epstein
Case No.: 2006CF009454AXX

Dear Ted,

Based on your availability on February 20, 2008, we have scheduled the deposition of [REDACTED] on that date beginning at 9:30 a.m. Assistant State Attorney, Lanna Belohlavek, has also committed to that date.

You have indicated to me that you will accept service on behalf of [REDACTED] for that date. Accordingly, I am enclosing the notice of deposition and a subpoena for deposition for [REDACTED] for February 20, 2008 beginning at 9:30 a.m.

If you are unwilling or unable to produce Ms. [REDACTED] for deposition, please advise me immediately, so I may have her served with a subpoena.

Very truly yours,

Jack A. Goldberger

JAG/na
Enclosure

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO. 2006CF009454AXX

STATE OF FLORIDA

SUBPOENA FOR DEPOSITION

vs.

JEFFREY EPSTEIN,

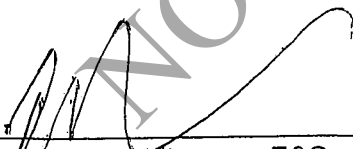
Defendant.

TO: [REDACTED] a minor
c/o Theodore J. Lepold, Esquire
2925 PGA Boulevard, Suite 200
Palm Beach Gardens, Florida 33410

YOU ARE COMMANDED to appear before a person authorized by law to take depositions on the 4th floor (Rooms 4.2004-4.2010), of the Palm Beach County Courthouse, 205 North Dixie Highway, West Palm Beach, Florida on **February 20, 2008 beginning at 9:30 a.m.** for the taking of your deposition in this action. If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorneys and unless excused from this subpoena by these attorneys or the Court, you shall respond to this subpoena as directed.

WITNESS my hand and seal of said Court on this 5th day of February, 2008.



Jack A. Goldberger, ESQ.
For the Court
250 Australian Avenue South, Suite 1400
West Palm Beach, Florida 33401
(561) 659-8300

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO.: 2006CF009454AXX

STATE OF FLORIDA

vs.

NOTICE OF DEPOSITION

JEFFREY EPSTEIN,
Defendant.

TO: Lanna Belohlavek, Esquire
Office of the State Attorney
401 N. Dixie Hwy
West Palm Beach, Florida 33401

PLEASE TAKE NOTICE that pursuant to the Florida Rules of Criminal Procedure that on February 20, 2008 beginning at the hour of 9:30 A.M., at the Palm Beach County Courthouse, 4th Floor, 205 North Dixie Highway, West Palm Beach, Florida 33401:

before Consor & Associates who is authorized by law to take depositions in the State of Florida, the Plaintiffs will, upon oral examination, take the deposition of the following named via telephone, to wit:

9:30 A.M. [REDACTED]

Such oral examination will continue from day to day until completed. You are hereby notified to phone in and take part in said examination as you may be advised, and as shall be fit and proper.

This deposition is being taken for the purposes of discovery, for use as primary evidence or for such other purposes as are permitted under the applicable Statutes or Rules of Court.

I HEREBY CERTIFY that a copy of the foregoing Notice of Taking Deposition has been furnished to the above named addressee and Theodore J. Leopold, Esquire, 2925 PGA Boulevard, Suite 200, Palm Beach Gardens, Florida 33410 by via fax & mail this 5th day of February, 2008.

ATTERBURY, GOLDBERGER, & WEISS, P.A.
250 Australian Avenue South, Suite 1400
West Palm Beach, Florida 33401
(561) 659-8300
fax: (561) 835-8691

JACK A. GOLDBERGER, ESQUIRE
Florida Bar No. 262013

JOSEPH R. ATTERBURY
JACK A. GOLDBERGER
JASON S. WEISS

February 8, 2008

The Honorable Sandra McSorley
Circuit Court Judge
Palm Beach County Courthouse
205 North Dixie Highway
West Palm Beach, Florida 33401

RE: State of Florida v. Jeffrey Epstein
Case No. 2006CF009454A

Dear Judge McSorley:

Enclosed please find a courtesy copy of the Defendant's Response to the Motion for Protective Order filed by Theodore Leopold.

Very truly yours,

Jack A. Goldberger

JAG/slm
Enclosure

cc: Lanna Belohlavek, ASA
Theodore Leopold

Do order
an order
denying in
Protective
Order to
bring most.
use former party
up order sent details
response