

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

Related cases:

08-80232, 08-08380, 08-80381, 08-80994,
08-80993, 08-80811, 08-80893, 09-80469,
09-80591, 09-80656, 09-80802, 09-81092

MOTION FOR PROTECTIVE ORDER
AS TO THE DEPOSITION OF NADIA MARCINKOVA

Third-Party Witness, NADIA MARCINKOVA, by and through her undersigned attorney, Jack A. Goldberger, and pursuant to Fed. R. Civ. P. 26(c), moves for a Protective Order to reschedule her deposition currently set for Monday, March 1, 2010 and states:

1. On February 3, 2010, counsel for Plaintiff, Jane Doe, filed a Notice of Taking the Deposition of Third-Party Witness, NADIA MARCINKOVA, in a related State Court action filed against Mr. Epstein. While the Notice is filed in L.M. v. Jeffrey Epstein, Palm Beach County Circuit Court Case No: 502008CA028051AXXXMB, counsel for Plaintiff, Jane Doe, intends to utilize this deposition in Jane Doe's Federal Court action. Further, counsel for Plaintiffs, Jane Does 2-8 have filed a Cross-Notice of Taking Depositions as to NADIA MARCINKOVA.

2. As the court is well aware, the scheduling of depositions in these cases has been difficult given the fact that there are several plaintiffs represented by several attorneys and this court, by way of its Consolidation Order, dictates that depositions should only be taken one time. To date, the parties have done their best to work together in coordinating the depositions in which it is apparent that all of the plaintiffs' attorneys will want to be present.

3. While March 1, 2010 is a previously agreed upon date provided by the undersigned for the deposition of NADIA MARCINKOVA, the undersigned now has a conflict that prevents his attendance on March 1, 2010.

4. Undersigned counsel is representing the Defendant in State of Florida v. Esterson, *Case No: 2009CF2114A02*, before the Honorable Judge Hill, in a Capital Sexual Battery case out of Lake County, Florida. If convicted, the Defendant faces a potential life sentence. Counsel for Plaintiff, Jane Doe, and counsel for Plaintiffs, Jane Does 2-8, are aware of the pending case in Lake County, Florida, and the fact that there may potentially be some scheduling issues with respect to same.

5. State of Florida v. Esterson was originally scheduled for trial on March 7, 2010. The case has now been rescheduled for trial on April 5, 2010. However, the undersigned must travel to Lake County, Florida on March 1, 2010 (upon his return to Florida) with an expert witness to meet with the Defendant and prepare for the Pretrial Evidentiary Hearing scheduled for March 3, 2010.

6. Undersigned counsel contacted counsel for Plaintiff, Jane Doe, via email and telephone on February 24 and February 25, 2010 detailing the circumstances surrounding the need to reschedule the deposition of Ms. Marcinkova, providing additional available dates wherein both the undersigned and Ms. Marcinkova will be available.

7. It should also be noted that the undersigned is currently out of town on a planned vacation in Colorado and is making every attempt to resolve the current scheduling conflict.

8. Counsel for Plaintiff, Jane Doe, contacted the undersigned via email on February 26, 2010 indicating that "the deposition has been set for a while and has been cross-noticed by other parties, and therefore is not completely in his control" See Attached Exhibit A.

9. Out of an abundance of caution, the undersigned is filing this protective order as to the deposition of Third-Party Witness, NADIA MARCINKOVA. The undersigned, at his earliest availability, will contact all interested parties and coordinate a new date for the deposition of Ms. Marcinkova.

WHEREFORE, Third-Party Witness, NADIA MARCINKOVA, respectfully requests the Court enter a protective order allowing her deposition to be rescheduled from March 1, 2010, to another date to be agreed upon by all interested parties.

/s/ Jack A. Goldberger
Jack A. Goldberger, Esq.
Attorney for Third-Party Witness, Nadia
Marcinkova

Certificate of Service

I HEREBY CERTIFY that the foregoing document is being served this day on all counsel of record identified on the following Service List in the manner specified by electronic mail (e-mail) on this 26th day of February, 2010.

Respectfully submitted,

By: /s/ Jack A. Goldberger
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Certificate of Service
Jane Doe No. 2 v. Jeffrey Epstein
Case No. 08-CV-80119-MARRA/JOHNSON

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