

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  
\_\_\_\_\_

**Defendant, Jeffrey E. Epstein's Motion To Compel Plaintiff, Jane Doe #7's  
Independent Medical Examination Pursuant to Rule 35**

Defendant, JEFFREY E. EPSTEIN (hereinafter "Epstein"), by and through his attorneys, and pursuant to Fed. R. Civ. P. 35 and other applicable rules, hereby moves this Court for an order directing that the Plaintiff, Jane Doe #7 (case #80993), submit to a compulsory psychological/psychiatric medical examination (a/k/a independent medical examination) by Ryan Hall, M.D. of Richard Hall, M.D. at the law firm of Burman, Critton, Luttier and Coleman, LLP. located at 303 Banyan Boulevard, Ste. 400, WPB, FL. 33401. In support, Epstein states:

**Background**

1. This Court entered an order relating to the IME of CMA, another Plaintiff seeking similar damages against Epstein. See Exhibit "A" Given the damages claimed in this matter, it is clear that Plaintiff has placed her medical condition at issue

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and that an IME is required. Despite that fact and the fact that discovery has been consolidated, Defendant is required to file a Rule 35 Motion seeking an IME. Thus, the undersigned believes that an Omnibus Order is required relative to all Plaintiffs' IMEs in that each claim similar damages and raise similar claims. Such an order would conserve judicial resources and require that the attorneys only negotiate dates and times for said IMEs.

2. Nonetheless, this particular Motion, pursuant to Rule 35, only addresses the IME of Jane Doe #7.

3. Plaintiff has alleged in her action that Defendant sexually battered her and, as a result, Plaintiff seeks millions of dollars in personal injury damages for, among other things, "confusion, shame, humiliation, embarrassment, and severe psychological and emotional injuries." See Amended Complaint. (DE 19) Plaintiff, Jane Doe #7, also claims Epstein "intentionally inflicted harmful or offensive contact on the person of Jane Doe, creating reasonable fear of imminent peril. . . [and] [a]s a proximate result of Epstein's assault on Jane Doe, she has suffered and will continue to suffer severe and permanent traumatic injuries, including mental, psychological and emotional damages." Id. at ¶¶ 17-21. Jane Doe #7 further alleges that she suffered ". . . mental or sexual injury. . . that caused or were likely to cause Jane Doe's mental or emotional health to be significantly impaired. . . [and]. . . Jane Doe has suffered and will continue to suffer severe mental anguish and pain." Id. at ¶¶ 25-27.

4. On October 4, 2005, Jane Doe #7 gave a sworn, taped statement to the police, and stated that Epstein was not naked and he never removed his towel. Epstein did not touch his private areas, nor did he ask her to, and Epstein never touched her

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private areas. She further stated that she did not take her clothes off and Epstein did not masturbate. See Exhibit "B" This is in complete contrast to what she alleges in her Amended Complaint. See Supra.

5. In her answers to Interrogatories, Jane Doe #7 claims she went to Epstein's residence eight (8) to ten (10) times, brought friends on two (2) occasions, and was paid \$200.00 per friend. See Exhibit "C" Again, this is in total contrast to what Plaintiff told the police under oath. See Supra. Further she denies in her answers to interrogatories making a recorded statement with the police. See Supra.

6. Now after obtaining a lawyer and in an attempt to recover millions of dollars, Jane Doe #7 told her expert, Dr. Kliman that during her second visit to Epstein's, she took off her shirt and gave him a massage in her bra. She then tells Dr. Kliman that either on the last time or one of the last times she went to Epstein's; he grabbed her butt and tried to feel parts of her body. See Exhibit "D" Again, this is in complete contradiction to her sworn, taped police statement and the allegations detailed in her Amended Complaint. In fact, Paragraphs 13 and 14 of her Amended Complaint allege Epstein sexually assaulted her and masturbated on the very first visit, yet she continued to return for a period of approximately 18-24 months. See Supra.

7. In addition, Jane Doe #7 tells her expert Dr. Kliman that she "doesn't trust guys," doesn't have a good prospective on sex because of Mr. Epstein, and is "shy around people." However, in the exact same interview with Dr. Kliman, Jane Doe #7 states she is a senior at the University of Central Florida, majoring in hospitality management with a 3.2 grade point average. She also claims to be in a serious

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relationship with a boyfriend. See Exhibit "E" It is clear that Jane Doe #7 has significant problems telling the truth to even her own attorneys and experts.

8. Furthermore, it is important for this court to review the detailed Affidavit of Dr. Hall attached hereto in that it delineates for the Court several categories that Dr. Hall must cover with Jane Doe #7 in order to assess her claims for damages including, but not limited to, social relationships, family, past suicide attempts, past physical and emotional experiences, criminal history, sexual history, psychiatric histories and past medical history, etc...See Affidavit of Dr. Hall Attached hereto as **Exhibit "F"**

9. Based upon the foregoing, it is clear that Jane Doe #7 has placed her physical, emotional, medical and psychological conditions at issue. Therefore, an IME is warranted. Without an IME, Epstein would be severely prejudiced. The Affidavit of Dr. Hall clearly sets out the IME and scope of the examination that must be conducted. See also, the curriculum vitae of Dr. Ryan. See Exhibit "G" The examination is set to occur at the undersigned's office on November 9, 10, 11, 12, or 13, 2009 (whichever is more convenient for Plaintiff or whichever date the court so orders). Plaintiff has not provided dates for the IME; however, out of abundance of caution and to comply with the applicable rule, Defendant has, on a unilateral basis, set same pending the outcome of this Motion. Obviously, if the date noticed is not sufficient or agreeable, the undersigned will renote same for one of the four dates suggested; however, this Court must order same to occur.

10. As this court is well aware, Plaintiff and Defendant are required to complete discovery under the Court's trial schedule. It is not the undersigned's intention to require the court additional work; however, it is imperative that discovery be

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timely scheduled and completed. The court's assistance is needed in this instance as to the IME.

11. Based upon the foregoing, an IME of Plaintiff must occur in order to address her claims and the damages she seeks to recover. The IME is expected to last between 6-8 hours, and the scope of same is set forth in the Affidavit of Dr. Hall.

12. Pursuant to Rule 35, Fed.R.Civ.Pro, a party may move for an examination by a qualified examiner if the Plaintiff's mental/emotional and/or psychological status is at issue in a case.

13. Defendant would be severely prejudiced unless he is able to have an examination conducted by a qualified examiner separate and apart from any psychologist/psychiatrist or similar behavioral health provider who may have or may ultimately see the Plaintiff and testify in court.

14. Defendant's counsel has retained the services of Richard Hall, M.D. and Ryan Hall, M.D., of C.W. Hall, M.D., P.A. located at 2500 West Lake Mary Blvd., #219 Lake Mary, FL 32746. Ryan Hall, M.D., will be performing the examination. Dr. Ryan Halls' specialties include forensic psychiatry, general psychiatry and medical psychiatry. See Exhibit attached outlining Ryan Hall, M.D.'s qualifications and the scope of the examination which he intends and is required to conduct in order to render a report. See also Affidavit of Ryan C.W. Hall, M.D., outlining the scope of examination and other Rule 35 requirements. Accordingly, this motion comports with Rule 35. The applicable notice has been filed simultaneously. Defendant will arrange for a videotape of the examination.

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15. The undersigned is requesting the court's assistance with regard to compelling the IME of Plaintiff along with dates for same to occur.

**Rule 7.1 A. 3. Certification of Pre-Filing Conference**

Counsel for Defendant conferred with Counsel for Plaintiff by telephone and by e-mail; however, an agreement has not been reached.

WHEREFORE, Defendant requests that this Court enter an Order:

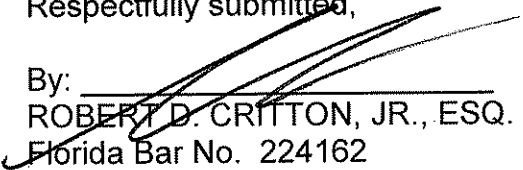
a. providing a date and time for Plaintiff's IME to occur on November 9, 10, 11, 12 or 13, 2009;

b. providing that the independent medical examination take place at 9:00 a.m. (on a date to be determined by the court) at the law firm of Burman, Critton, Luttier and Coleman, LLP. located at 303 Banyan Boulevard, Ste. 400, WPB, Fl. 33401 under the protocol set forth by Dr. Hall in his affidavit, by videotape and for such other and further relief as this court deems just and proper.

**Certificate of Service**

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also 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 CM/ECF on this 22 day of Sept, 2009

Respectfully submitted,

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**Certificate of Service**  
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**Case No. 08-CV-80119-MARRA/JOHNSON**

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