UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CV-80380-MARRA-JOHNSON

JANE DOE NO. 4,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant.
_____/

DEFENDANT EPSTEIN'S MOTION FOR ORDER REQUIRING THAT PLAINTIFF USE PROPER CASE STYLE IN ALL FILINGS

Defendant, JEFFREY EPSTEIN, by and through his undersigned counsel, moves this Court for the entry of an order requiring that the Plaintiff in the above-styled action use the proper case-style in all filings in this action, as opposed to improperly including all other Jane Does, (Jane Doe No. 2, Jane Doe No. 3, Jane Doe No. 4, Jane Doe No. 5, Jane Doe No. 6, and Jane Doe No. 7), who are represented by the same counsel. Rule 10(a), Fed.R.Civ.P. (2009), Loc. Gen. Rule 7.1 (S.D. Fla. 2009). In support of his motion, Defendant states:

1. Rule 10(a) of the Federal Rules of Civil Procedure, pertaining to "Caption; Names of Parties," provides that –

> Every pleading must have a caption with the court's name, a title, a file number, and a Rule 7(a) designation. The title of the complaint must name all the parties; the title of other pleadings, after naming the first party on each side, may refer generally to other parties.

2. Attached hereto as **Exhibit A** is the case style which Plaintiff recently used in filing papers with this Court. This action has not been consolidated with any of the other

Jane Doe actions filed by Plaintiff's counsel. Rule 10(a) makes clear that only the parties to this action are to be included in the caption.

3. By including case styles from five additional cases makes it appear as though the cases have been consolidated. Further, the case style used by Plaintiff is not only misleading, but confusing in that there is no clear delineation as to in which action the matter is properly filed. Each case has different facts and should proceed on those facts. Each Plaintiff is claiming personal injury type damages which must be decided separately.

4. Accordingly, Defendant is entitled to an order requiring that Plaintiff uses the proper caption and case style in this action and not list every case in which her counsel represents other Jane Does.

WHEREFORE, Defendant respectfully requests that this Court grant Defendant's motion, and enter the requested order.

Rule 7.1 Certification

Pursuant to letter communication, Plaintiff's counsel did not agree with the relief request in Defendant's motion.

By: _____
ROBERT D. CRITTON, JR., ESQ.

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 11 day of May, 2009:

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Respectfully submitted,

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE NO. 2, CASE NO.: 08-CV-80119-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.
_____/

JANE DOE NO. 3, CASE NO.: 08-CV-80232-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.
_____/

JANE DOE NO. 4, CASE NO.: 08-CV-80380-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.
_____/

JANE DOE NO. 5, CASE NO.: 08-CV-80381-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.
_____/

EXHIBIT "A"

JANE DOE NO. 6, CASE NO.: 08-CV-80994-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.
_____/

JANE DOE NO. 7, CASE NO.: 08- 80993-CIV-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.
_____/

PLAINTIFFS' MEMORANDUM IN OPPOSITION TO MOTION TO STAY AND OR CONTINUE ACTION

Plaintiffs, JANE DOES 2-7, by and through undersigned counsel, file this Memorandum in Opposition to Stay and or Continue Action, as follows:

I. Introduction

In moving for stay, Defendant has the burden of demonstrating that, due to a parallel criminal proceeding, if he exercises his right against self incrimination he will certainly lose on summary judgment unless a stay is granted. Defendant has failed to satisfy this burden. There is no pending motion for summary judgment. There is also no criminal proceeding at this time arising from Epstein's acts against the Plaintiffs or other victims. Indeed, whether such a criminal proceeding is ever commenced is entirely within the Defendant's control, by complying with the terms of his Non-Prosecution Agreement with the U.S. Attorney's Office. Defendant relies upon an amorphous