

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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Related Cases:

08-80232, 08-80380, 08-80381, 08-80994,  
08-80993, 08-80811, 08-80893, 09-80469,  
09-80591, 09-80656, 09-80802, 09-81092,  
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**PLAINTIFF JANE DOE NO. 4'S REPLY MEMORANDUM  
IN SUPPORT OF PLAINTIFF JANE DOE  
NO. 4'S MOTION FOR PROTECTIVE ORDER (DE 534)**

Plaintiff, Jane Doe No. 4, by and through undersigned counsel, hereby files this Reply Memorandum in Support of Plaintiff Jane Doe No. 4's Motion for Protective Order, and states as follows:

1. Plaintiff Jane Doe No. 4's Motion for Protective Order ("Motion") is now moot, in part, with regard to the deposition of Rocky Orezzaoli, as Mr. Orezzaoli was deposed by Defendant Epstein's counsel on April 30, 2010, while the Motion was pending. However, the Motion remains ripe with regard to the subpoena for deposition of Bill Brown, another former soccer coach of Jane Doe No. 4.

2. Epstein repeatedly postures that Plaintiff is "yet again" seeking to stonewall his discovery efforts. This argument entirely misses the issue, however,

because as Plaintiff sets forth in her Motion, the Defendant's "efforts" with regard to taking the deposition of such a marginal witness, who knows nothing of Plaintiff's alleged sexual abuse or this lawsuit, is not geared toward discovery, but rather to harass, embarrass, humiliate and intimidate the Plaintiff.

3. Defendant Epstein has attempted to distract this Court as to the limited scope of the Motion before it by arguing that since some of the *other* Plaintiffs have experienced other traumatic events, such as other molestations, rapes, suicides by close friends/family, poverty, parental adjustment difficulties, or abuse by other family members, he should be entitled to conduct a fishing expedition on these same topics regarding Jane Doe No. 4, even though no testimony or other evidence suggests these issues arise in Jane Doe No. 4's case, or more importantly, that Bill Brown, Plaintiff's former soccer coach, has a relationship with Plaintiff such that he has reason to know of traumatic events in her life.

4. Mr. Orezza was Jane Doe No. 4's college soccer coach for four years. At his deposition, he was asked if he knew anything about Jane Doe No. 4's medical, employment, social and sexual histories. Not surprisingly, he knew nothing about these topics, except to say that he knew she worked at a summer camp run by the university one year. He had never heard that Jane Doe No. 4 was a plaintiff in a lawsuit against Epstein, or had "been involved with" Epstein before he was informed of that fact by Epstein's attorney at deposition. He was unable to offer any testimony about her mental and emotional state, except to say that sometimes she seemed "under stress," but that he did not know any reasons for that perceived stress. In short, it is difficult to see how anything probative or reasonably calculated to lead to admissible evidence was gained by

his deposition. The effect of the deposition was rather to inform Mr. Orezzaoli that Jane Doe No. 4 is suing Defendant Epstein and the underlying facts of her case. These facts were suggested to Mr. Orezzaoli by questions of Defendant's attorney about his knowledge of media reports regarding Epstein.

5. Given that Mr. Brown was also one of Plaintiff's soccer coaches, Mr. Brown can be expected to provide no more discovery than did Mr. Orezzaoli, especially when one considers that more time has passed since Mr. Brown coached Jane Doe No. 4. Therefore, it would appear that the effect of this deposition will be to harass, intimidate, and embarrass Jane Doe No. 4, with little, if any, benefit for purposes of discovery. That is precisely the circumstance which Rule 26(c) is intended to remedy.

WHEREFORE, Plaintiff, Jane Doe No. 4, respectfully requests that her Motion for Protective Order as to the deposition of Bill Brown be granted, and that the deposition of Bill Brown be prohibited, or restricted to prevent unnecessary disclosures by Defendant's attorney in the form of questions, and all other relief as this Court deems just and appropriate.

Dated: May 5, 2010.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day to all parties on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those parties who are not authorized to receive electronically Notices of Electronic Filing.

\_\_\_\_\_/s/ Stuart S. Mermelstein

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**United States District Court, Southern District of Florida**

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