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.
_____/

JOINT SCHEDULING AND DISCOVERY REPORT

Plaintiffs, Jane Doe No. 2, Jane Doe No. 3, Jane Doe No. 4 and Jane Doe No. 5, and Defendant Jeffrey Epstein, submit this Joint Scheduling and Discovery Report[1] in accordance with this Court's Order Requiring Counsel to Confer, file Joint Scheduling Report and file Joint Discovery Report, and S.D.Fla.L.R. 16.1(B)(2) and Fed.R.Civ.P. 26(f), as follows:

I. DISCOVERY REPORT

A. Disclosures Under Rule 26(a)

The parties propose to exchange initial disclosures under Fed.R.Civ.P. 26(a) on or before October 17, 2008.

B. Conduct of Discovery

1. Discovery and Pretrial Deadlines

The parties propose the following discovery and pre-trial deadlines:

Joinder of parties and Amendment of pleadings	December 1, 2008
Parties to exchange list of fact witnesses and expert witness summaries/reports required by S.D.Fla.L.R. 16.1E	June 1, 2009
Mediation to be completed	July 1, 2009
Completion of Discovery	August 1, 2009
Dispositive Motions to be Filed	August 20, 2009
Joint Pretrial Statement to be Filed pursuant to S.D.Fla.L.R. 16.1E	September 25, 2009
Propose pre-trial conference	October, 2009
Proposed Trial	**November, 2009**

1 The submission of one Joint Scheduling and Discovery Report for the four cases is not intended to be an agreement or admission regarding whether these cases should be consolidated for any purpose. See §II(D) below.

Number of days estimated for jury trial **10**

2. Subjects of Discovery and Whether Discovery Should be Phased or Limited to Particular Issues

Plaintiffs' Position: There are no unusual issues at this time which require bifurcation or special restrictions on the scope of discovery or the subjects of discovery. Such issues may arise, however, as discovery continues. It is suggested that no restrictions on discovery be imposed at the outset of discovery.

Defendant's Position: Any financial discovery, if allowed, relating to a punitive damage should be postponed until May 15, 2009. As well, as set forth in §D below, Defendant will request an order approving a confidentiality agreement governing access to and use of said information by Plaintiff and her attorneys until such time as documents/testimony is admitted at trial.

C. Issues About Disclosure of Electronically Stored Information

The parties do not know whether issues may arise concerning discovery of electronically stored information. At this time, such discovery may be produced in paper or electronic form, subject to further order of the Court as may be necessary as discovery proceeds.

D. Issues About Claims of Privilege or Confidentiality

Plaintiffs' Position: Plaintiffs request that their identities remain anonymous in this proceeding because they have alleged that they were victims of sexual misconduct as minors. Papers and exhibits filed with the Court should redact the names of the Plaintiffs or otherwise be filed under seal.

Defendant's Position: Defendant may oppose anonymity in that Defendant will be prejudiced in defending himself and conducting his discovery without the ability to disclose Plaintiff's name(s), such as at depositions, subpoenaing medical/health related information, school

records, etc. As well, Defendant's counsel has found that disclosure of a Plaintiff's name (who previously filed anonymously) oftentimes produces invaluable and otherwise relevant and material discovery.

Defendant will request a confidentiality agreement with restrictions on any financial discovery which this court may allow. Defendant may assert his Fifth Amendment privilege in this matter.

E. Limitations Imposed by the Discovery Rules

Plaintiffs' Position: Plaintiffs request that the limitation of 10 depositions for each party under Fed.R.Civ.P. 30(a)(2) be removed. Plaintiffs intend to take the depositions of other minor victims of Defendant Epstein, who are numerous. There is no need at this time to alter other limitations imposed by the discovery rules.

Defendant's Position: Defendant would request that the number of 10 deposition limit be imposed, pending a motion by either side setting forth justification for additional depositions.

F. Other Orders that the Court Should Issue Under Rule 26(c) or Rule 16(b) and (c)

No other orders appear necessary at this time except as set forth above.

II. CONFERENCE REPORT

A. Likelihood of Settlement

The parties have not to date engaged in settlement discussions. They are, however, willing to explore the prospects for settlement through mediation or otherwise as the case proceeds forward.

B. Likelihood of Appearance of Additional Parties

It does not appear that additional parties will appear in this case. However, the parties reserve the right to join additional parties within the deadline set forth in §I(B), if appropriate.

C. Proposed Time Limits

Proposed time limits are set forth in the Discovery Plan, §I(B) above.

D. Proposals for the Formulation and Simplification of Issues

Plaintiffs' Position: It would be in the interests of judicial economy and efficiency to consolidate these cases at least for purposes of discovery. Plaintiffs have no other proposals for the formulation and simplification of issues at this time.

Defendant's Position: Defendant is opposed to consolidation of the cases for any purpose at this time. Should Plaintiff file a motion, Defendant will consider the request and respond.

E. Necessity or Desirability of Amendments to the Pleadings

Plaintiff's filed Amended Complaints in each case on September 22, 2008. Plaintiffs do not believe at this time that further amendment will be necessary. The parties however reserve the right to amend pleadings within the deadline set forth in §I(B) above.

F. Possibility of Obtaining Admissions of Fact and of Documents; Stipulations; Need for Advance Ruling on Admissibility of Evidence

Plaintiffs' Position: Plaintiffs believe that Defendant Epstein's plea agreement is an admission of liability as to all Counts of the Amended Complaint. Plaintiff's request an early ruling by the Court on the affect of the plea agreement, which will simplify the issues. Additionally, Plaintiffs believe that it is appropriate to have an advance evidentiary ruling on similar fact evidence. If the parties know early in the case how similar fact evidence will be treated at trial, discovery can be more focused and efficient.

Defendant's Position: Defendant expects that the parties will work together to arrive at admissions as the matter progresses. Defendant disagrees that Defendant's plea agreement is an admission as described by Plaintiff. Defendant does agree that having an advance ruling on similar fact evidence may be desirable, after motion and ability to brief and respond.

G. Suggestions for the Avoidance of Unnecessary Proof and of Cumulative Evidence

There are no suggestions at this time for the avoidance of unnecessary proof or of cumulative evidence.

H. Suggestion on the Advisability of Referring Matters to a Magistrate Judge or Master

It is suggested that discovery matters be referred to a Magistrate Judge.

I. Preliminary Estimate of the Time Required for Trial

It is estimated that the trial will require ten (10) days.

J. Requested Date or Dates for Pre Trial Conference and Trial

Dates are set forth in the proposed discovery plan §I(B) above.

K. Other Information

There is no other information that might be helpful to the Court at this early date regarding setting the case for status conference or pre trial conference.

Dated: September 25, 2008.

Respectfully submitted,

By: s/ Jeffrey M. Herman .
Adam D. Horowitz, Esq.
Jeffrey Marc Herman, Esq.
Stuart S. Mermelstein, Esq.
18205 Biscayne Boulevard
Suite 2218
Miami, FL 33160
305-931-2200
Fax: 305-931-0877
ahorowitz@hermanlaw.com
jherman@hermanlaw.com
lrivera@hermanlaw.com
Counsel for Plaintiffs Jane Doe #2 - #5

By: s/ Jack Alan Goldberger .
Jack Alan Goldberger
Atterbury Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401-5012
561-659-8300
Fax: 561-835-8691
jagesq@bellsouth.net
Counsel for Defendant Jeffrey Epstein

By: s/ Michael R. Tein .
Michael R. Tein, Esq.
Lewis Tein, P.L.

By: s/ Robert D. Critton .
Robert D. Critton, Jr., Esq.
Florida Bar No. 224162
rcrit@bclclaw.com
Michael J. Pike, Esq.
Florida Bar #617296
mpike@bclclaw.com
Burman, Critton, Luttier & Coleman,
515 N. Flagler Drive, Suite 400
West Palm Beach, FL 33401
561/842-2820 Phone
561/515-3148 Fax
Counsel for Defendant Jeffrey Epstein

3059 Grand Avenue, Suite 340
Coconut Grove, FL 33133
305-442-1101
Fax: 305 442 6744
Counsel for Defendant Jeffrey Epstein
tein@lewistein.com