

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

REPLY TO ROTHSTEIN ROSENFELDT ADLER'S P.A.'S
RESPONSE TO DEFENDANT'S EMERGENCY MOTION FOR ORDER
FOR THE PRESERVATION OF EVIDENCE [DE 405]
(AS TO JANE DOE v. EPSTEIN CASE NO.: 08-CIV- 80893)

Defendant, Jeffrey Epstein ("Epstein"), by and through his undersigned attorneys, hereby files his Reply to Rothstein Rosenfeldt Adler P.A.'s ("RRA") Response to Defendant's Emergency Motion for Order for the Preservation of Evidence [DE 405], and states:

1. It now appears that the Honorable Herbert Stettin ("Mr. Stettin") is the sole individual, as the Chief Restructuring Officer, in charge of RRA assets, including electronic and paper records. There also appears to be no objection to the entry of the preservation order consistent with his fiduciary/trustee duties for RRA, although certain documents may no longer exist within his possession.

2. Par. 4 of the response reflects that some 40 plus boxes of documents were obtained by the Department of Justice from search warrants served on the offices of

RRA; "it is believed that the Department of Justice also sequestered about (13) boxes of documents related to this [Epstein] case." In fact there are three Epstein cases which have been brought by the RRA firm, one being in federal court, two in state court. Mr. Stettin confirms Defendant's belief that there are serious ethical and potentially criminal issues that may impact Plaintiffs' ability to pursue their cases.

3. Unfortunately, time is critical with regard to this case in that there are deadlines to Disclose Experts and Exchange Reports by October 29, 2009 (but Plaintiff has not seen her expert, has no report and only made herself available for the Defendant's exam on November 13, 2009), deposition discovery deadline is November 28, 2009 and a calendar call of February 19, 2010 for the February 22, 2010 trial docket. While the undersigned understands that Mr. Stettin may be working expeditiously to deal with critical and pressing needs of stabilizing the firm, a delay of 45 days for his deposition (which has been set in the state court case in the 15th Judicial Circuit Court, Palm Beach County, State of Florida, L.M. v. Epstein, Case No. 502008CA028051XXXXMB AB, not the case *sub-judice*) will place his deposition sometime during the first 15 days of January, after every pre-trial deadline has expired.

4. If in fact there has been inappropriate and/or illegal conduct associated with the prosecution of this case by RRA or any of its attorneys or by the Plaintiff herself, which might result in sanctions, dismissal or other remedy, Defendant Epstein will be severely prejudiced.

WHEREFORE, Defendant Epstein request that the court's preservation order be made permanent, which does not seem inconsistent with Mr. Stettin's position as expressed by his lawyers but deny the relief sought for delaying the deposition **unless** the

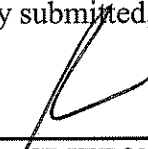
court is disposed to modify the current scheduling deadlines and trial date that exist in this case.

By: 
Robert D. Critton, Jr. .
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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 16th day of November, 2009

Respectfully submitted,

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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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