

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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

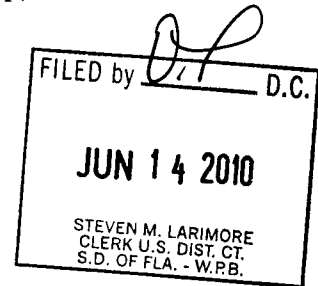
JANE DOE NO. 2,

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 Epstein's Emergency Motion For Protective Order, Motion to Quash and Motion for Attorneys' Fees, With Incorporated Memorandum Of Law**

Defendant, JEFFREY EPSTEIN, (hereinafter "EPSTEIN") by and through his undersigned attorneys, hereby files his Emergency Motion For Protective Order, Motion to Quash and Motion for Attorneys' fees and Costs, With Incorporated Memorandum Of Law. In support, Defendant states as follows:

1. As this Court is well aware, these cases have been consolidated for discovery. However, on April 1, 2010, Plaintiff's counsel, Spencer Kuvin, filed C.L. v. Epstein, Case No. 10-80447-cv-Marra/Johnson, and that case has not been consolidated with the other related cases for purposes of discovery.

2. On April 20, 2010, Mr. Kuvin served Maritza Milagros Vasquez with a subpoena for deposition, which is set to occur tomorrow. See Exhibit "A". However, this Notice and subpoena for deposition must be stricken/quashed as Mr. Kuvin, on behalf of his client, has failed to comply with Fed.R.Civ.P. 26 (d). That rule states, in pertinent part,

that: “[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f). . . .” Mr. Kuvin, on behalf of his client, has not complied with Rule 26(f) and, therefore, the subpoena for deposition must be stricken/quashed and a Protective Order should be entered pursuant to Rule 26(c) forbidding the deposition from occurring for non-compliance with the applicable rules. In Varo, Inc. v. Litton Systems, Inc., 129 F.R.D. 139, 141 (N.D. TX 1989), the court held that one cannot be compelled to comply with a withdrawn subpoena. Id. Likewise, the court here cannot compel Maritza Milagros Vasquez to attend any deposition when the subpoena itself is invalid, especially when it will require those involved in these matters to incur substantial attorneys’ fees.

3. Next, Mr. Brad Edwards, counsel for Jane Doe, cross-noticed Maritza Milagros Vasquez’s deposition in Jane Doe (#08-80893 – Exhibit “B”), which matter is already set for trial in July 2010. Discovery concluded on May 31, 2010 (see DE 531). Accordingly, the cross notice served by Jane Doe must be stricken/quashed and a protective order entered because the subpoena itself is invalid due to C.L.’s counsel’s failure to comply with Rule 26(d) and discovery in Jane Doe (80893) has concluded.

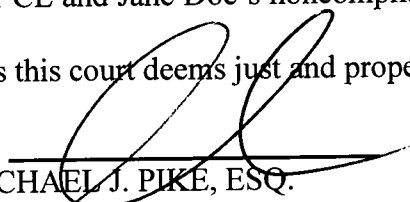
#### **Rule 7.1 Certification**

I hereby certify that counsel for the respective parties communicated by e-mail in a good faith effort to resolve the issues set forth above prior to the filing of this Motion and none of the issues were resolved.

WHEREFORE, Defendant requests that this Court enter an order granting Defendant’s motion for protective order and motion to quash. Defendant further requests that this Court award his attorney’s fees and costs associated with this motion, in accordance with Rule 37, Fed.R.Civ.P. and applicable Local Rules and specifically:

- a. Quash CL’s subpoena attached as Exhibit “A”;

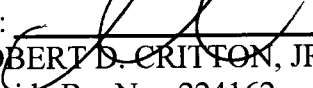
- b. Quash and/or strike Jane Doe's cross notice as to Exhibit "A" because Exhibit "A" is invalid and discovery has concluded in Jane Doe;
- c. Award attorneys to Defendant for CL and Jane Doe's noncompliance with these discovery matters; and
- d. for such other and further relief as this court deems just and proper.

By:   
MICHAEL J. PIKE, ESQ.  
Florida Bar #617296

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 14<sup>th</sup> day of June, 2010

Respectfully submitted,

By:   
ROBERT D. CRITTON, JR., ESQ.  
Florida Bar No. 224162  
[rcrit@bclclaw.com](mailto:rcrit@bclclaw.com)  
MICHAEL J. PIKE, ESQ.  
Florida Bar #617296  
[mpike@bclclaw.com](mailto: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)

Certificate of Service

Jane Doe No. 2 v. Jeffrey Epstein  
Case No. 08-CV-80119-MARRA/JOHNSON

Stuart S. Mermelstein, Esq.  
Adam D. Horowitz, Esq.  
Mermelstein & Horowitz, P.A.  
18205 Biscayne Boulevard

Brad Edwards, Esq.  
Rothstein Rosenfeldt Adler  
401 East Las Olas Boulevard  
Suite 1650

Suite 2218  
Miami, FL 33160  
305-931-2200  
Fax: 305-931-0877  
[ssm@sexabuseattorney.com](mailto:ssm@sexabuseattorney.com)  
[ahorowitz@sexabuseattorney.com](mailto:ahorowitz@sexabuseattorney.com)

*Counsel for Plaintiffs*

*In related Cases Nos. 08-80069, 08-80119,  
08-80232, 08-80380, 08-80381, 08-80993,  
08-80994*

Jack Alan Goldberger, Esq.  
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](mailto:jagesq@bellsouth.net)  
*Counsel for Defendant Jeffrey Epstein*

Fort Lauderdale, FL 33301  
Phone: 954-522-3456  
Fax: 954-527-8663  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)  
*Counsel for Plaintiff in Related Case No.  
08-80893*

Paul G. Cassell, Esq.  
*Pro Hac Vice*  
332 South 1400 E, Room 101  
Salt Lake City, UT 84112  
801-585-5202  
801-585-6833 Fax  
[cassellp@law.utah.edu](mailto:cassellp@law.utah.edu)  
*Co-counsel for Plaintiff Jane Doe*

Isidro M. Garcia, Esq.  
Garcia Law Firm, P.A.  
224 Datura Street, Suite 900  
West Palm Beach, FL 33401  
561-832-7732  
561-832-7137 F  
[isidrogarcia@bellsouth.net](mailto:isidrogarcia@bellsouth.net)  
*Counsel for Plaintiff in Related Case No.  
08-80469*

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of Florida

C.L.

Plaintiff

v.

JEFFREY EPSTEIN

Defendant

Civil Action No. 10-80447-cv-Marra/Johnson

(If the action is pending in another district, state where:

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: MARITZA MILAGROS VASQUEZ, 1253 SW 21ST TERRACE, APT 21, MIAMI, FL 33145-2922

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: INTELLIGENT OFFICE, 701 BRICKELL AVENUE,  
SUITE 1550, MIAMI, FL 33131

Date and Time:

05/18/2010 10:00 am

The deposition will be recorded by this method: VIDEOGRAPHER AND COURT REPORTER

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/08/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party)

C.L.

, who issues or requests this subpoena, are:

SPENCER T. KUVIN, ESQ., LEOPOLD-KUVIN, P.A., 2925 PGA BOULEVARD, SUITE 200, PALM BEACH GARDENS, FLORIDA 33410

T: 561-515-1400

F: 561-515-1401

"A"

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 10-80447-cv-Marra/Johnson

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

JANE DOE,

CASE NO. 08-CV-80893-CIV-MARRA/JOHNSON

Plaintiff,

Vs.

JEFFREY EPSTEIN, et al.

Defendant.

Related Cases:

08-80119, 08-80232, 08-80380, 08-80381,  
08-80994, 08-80811, 08-80893, 09-80469,  
09-80591, 09-80656, 09-80802, 09-81092

**PLAINTIFF'S CROSS-NOTICE OF VIDEO DEPOSITION OF**  
**MARITZA MILAGROS VASQUEZ**

**PLEASE TAKE NOTICE** that plaintiff, Jane Doe, will take the video deposition by oral examination, of the persons named below, at the time, on the date, at the hour of the place indicated:

NAME	DATE AND TIME	PLACE OF TAKING DEPOSITON
Maritza Milagros Vasquez	June 15, 2010 @ 10:00AM	Intelligent Office 701 Brickell Avenue, Suite 1550 Miami, FL 33131

upon oral examination before Videographer and a Notary Public, or any other notary public or officer authorized by law to take depositions in the State of Florida. The oral examination will continue from day to day until completed. The depositions are being

"B"

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

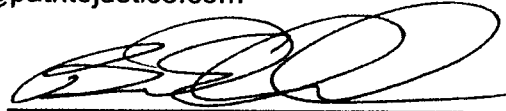
taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Rules of Court.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was served by e-mail on May 12, 2010 to: See attached service list.

Bradley J. Edwards  
**Farmer, Jaffe, Weissing,  
Edwards, Fistos & Lehrman, PL**  
425 N. Andrews Ave., Suite 2  
Fort Lauderdale, FL 33301  
(954) 524-2820  
(954) 524-2822 fax  
brad@pathtojustice.com

By:



BRADLEY J. EDWARDS  
Florida Bar No.: 542075



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

**SERVICE LIST**

**Jane Doe v. Jeffrey Epstein  
United States District Court - Southern District of Florida**

Jack Alan Goldberger, Esq.  
[Jgoldberger@agwpa.com](mailto:Jgoldberger@agwpa.com)

Robert D. Critton, Esq.  
[rcritton@bclclaw.com](mailto:rcritton@bclclaw.com)

Isidro Manual Garcia  
[isidrogarcia@bellsouth.net](mailto:isidrogarcia@bellsouth.net)

Jack Patrick Hill  
[iph@searcylaw.com](mailto:iph@searcylaw.com)

Katherine Warthen Ezell  
[KEzell@podhurst.com](mailto:KEzell@podhurst.com)

Michael James Pike  
[MPike@bclclaw.com](mailto:MPike@bclclaw.com)

Paul G. Cassell  
[cassellp@law.utah.edu](mailto:cassellp@law.utah.edu)

Richard Horace Willits  
[lawyerswillits@aol.com](mailto:lawyerswillits@aol.com)

Robert C. Josefsberg  
[rjosefsberg@podhurst.com](mailto:rjosefsberg@podhurst.com)

Adam D. Horowitz  
[ahorowitz@sexabuseattorney.com](mailto:ahorowitz@sexabuseattorney.com)

Stuart S. Mermelstein  
[ssm@sexabuseattorney.com](mailto:ssm@sexabuseattorney.com)