

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE NO. 2,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-CV-80232-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-CV-80381-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-CV-80994-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-CV-80993-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-CV-80811-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

JANE DOE,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

JANE DOE NO. II,

CASE NO.: 08-CV-80469-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

JANE DOE NO. 101,

CASE NO.: 09-CV-80591-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

JANE DOE NO. 102,

CASE NO.: 09-CV-80656-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

ORDER

THIS CAUSE comes before the Court on Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Motion for an Order for the Preservation of Evidence and Incorporated Memorandum of Law (DE #114), filed May 26, 2009. and the Court's Order (DE #192), filed July 6, 2009. The parties having agreed and the Court having carefully considered the motion and being otherwise fully advised in the premises.

It is ORDERED AND ADJUDGED that Plaintiffs' Motion (DE # 114) is GRANTED as follows:

A. Defendant, Jeffrey Epstein, and his employees, his agents, and his attorneys are directed to take every reasonable step to preserve all evidence, to the extent it exists, including, but not limited to, evidence related to the October 25, 2005 search, documents, data, and tangible things, which includes, but is not limited to, writings; records; files; correspondence; digital or chemical process photographs (including negatives); reports; memoranda; calendars; diaries; minutes; electronic messages; voicemail; e-mail; telephone message records or logs; computer and network activity logs; hard drives; backup data; removable computer storage media, such as tapes, disks, and cards; printouts; document image files; web pages; databases; spreadsheets;

software; books; ledgers; journals; orders; invoices; bills; vouchers; checks; statements; worksheets; summaries; compilations; computations; charts; diagrams; graphic presentations; drawings; films; charts; video, phonographic, tape, or digital recordings or transcripts thereof; drafts; jottings; and notes. Information that serves to identify, locate, or link such material, such as file inventories, file folders, indices, and metadata, is also included. Specifically, Defendant must preserve the following evidence: records of phone communications; records of domestic and international travel, including travel in Defendant's private airplanes; former and current employee records; tax returns; medical bills; bills regarding any other expenses related in any way to these Plaintiffs; all documents evidencing payment by Defendant of U.S. currency and/or merchandise to each person on the list of victims provided by the United States Attorney's Office ("USAO list"); any evidence stored in Defendant's storage unit; all photographs of the interior and exterior of Defendant's Palm Beach mansion as it appeared in 1998 through October 2005; any diary, log, memo pad, calendar, or other writing reflecting the date that each person on the USAO list visited Defendant's mansion; any diary or document wherein each victim on the USAO list wrote regarding any visit(s) to Defendant's mansions; all documents sent to or by the Palm Beach Police Department ("PBPD"), the FBI, the USAO, or the Palm Beach State Attorney's Office ("PBSAO") to or by the Defendant; and all computers used by Defendant and/or his agents and/or employees during 1998 through and including October 25, 2005, the date of the search warrant.

B. The duty extends to documents, data, and tangible things in the possession, custody,

and/or control of the parties to this action and any employees, agents, or attorneys who possess materials reasonably anticipated to be subject to discovery in these actions. Counsel shall be directly responsible only to the extent they are in possession or control of evidence. Counsel shall provide a copy of this Order to Defendant and those employees or agents whom defense counsel knows, or has reason to know, may have evidence.

C. "Preservation" is to be interpreted broadly to accomplish the goal of maintaining the integrity of all documents, data, and tangible things reasonably anticipated to be subject to discovery in these actions under Rules 26, 45, and 56(e) of the Federal Rules of Civil Procedure. Preservation includes taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of such material, as well as negligent or intentional handling that would make material incomplete or inaccessible.

D. Defendant, Jeffrey Epstein, and his employees, agents, and attorneys shall preserve any evidence from the October 25, 2005 execution of a search warrant at his mansion at 358 El Brillo Way in Palm Beach, Florida, that has been, or will be, returned to him by the PBPD.

E. If an objection or privilege is raised, the parties may raise the issue with this Court in a timely fashion and shall preserve the evidence in question pending resolution by the Court.

F. The parties, without leave of Court, may agree in writing that certain documents or categories of evidence need not be preserved as otherwise required by this Order. If

such agreement is reached, such agreement is effective upon signing and without further order of this Court.

- G. If this Court determines that evidence has been destroyed or lost, it may impose appropriate sanctions based upon motion and an evidentiary hearing, if necessary.
- H. Each party shall bear its own costs for complying with this Order.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, this ____ of _____, 2009.

KENNETH A. MARRA
United States District Court Judge

Copies to:
All counsel of record