

**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.

_____ /

JANE DOE NO. 6,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

JANE DOE NO. 7,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

C.M.A.,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

JANE DOE,

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

Plaintiff,

vs.

JEFFREY EPSTEIN et al,

Defendants.

_____/

DOE II,

CASE NO.: 09- 80469-CIV-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN et al,

Defendants.

_____/

JANE DOE NO. 101,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____/

JANE DOE NO. 102

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____/

OMNIBUS ORDER

THIS CAUSE is before the Court on the following motions: Plaintiff CMA's Motion for Protective Order Re Treatment Records (D.E. #207); Plaintiff's Motion for Leave to File

Affidavit of Plaintiff (D.E. #213); Plaintiff CMA's Emergency Motion for Protective Order Regarding the Deposition of Serge Thys (D.E. #245); and, Plaintiff's Request for Emergency Hearing on Plaintiff's Motion for Protective Order (D.E. #250). Having reviewed the pleadings filed incident to these matters, and being otherwise duly advised in the premises, it is hereby

ORDERED AND ADJUDGED AS FOLLOWS:

(1) Plaintiff CMA's Motion for Protective Order Re Treatment Records (D.E. #207) is **STRICKEN AS MOOT** in that Plaintiff has notified the Court in her Reply (D.E. #255) of her withdrawal of the motion;

(2) Plaintiff's Motion for Leave to File Affidavit of Plaintiff (D.E. #213) is **GRANTED**;

(3) Plaintiff CMA's Emergency Motion for Protective Order Regarding the Deposition of Serge Thys (D.E. #245) is **DENIED**. By this Motion Plaintiff seeks a protective order to prevent the deposition of Dr. Serge Thys, presently scheduled for August 31, 2009, from going forward. For the reasons stated in Judge Marra's Order of August 5, 2009, dealing with the nearly identical issue, said motion as it relates to Dr. Thys, is denied.


In the same Motion at issue here, styled as an emergency, Plaintiff sought to protect the taking of Dr. Susan Pope's deposition which was then scheduled for the following day, August 6, 2009. As Dr. Pope's deposition was scheduled to take place the day after the filing of the Motion, Judge Marra handled that portion of the Motion on an emergency basis. Plaintiff's asserted basis for protecting the deposition of Dr. Pope, is the same basis Plaintiff raises here to protect the deposition of Dr. Thys, namely, Plaintiff's Conditional

Notice of Intent to Exclusively Rely on Statutory Damages Provided by 18 U.S.C. §2255 (D.E. #113 in Case No. 08-80811), and the psychotherapist-patient privilege. Neither of these arguments withstand scrutiny.

In his August 5, 2009 Order, Judge Marra rejected Plaintiff's contention that her notice of conditional intent could be used as a shield to prevent the deposition of Dr. Pope from going forward, cogently noting that "[a]bsent an amended pleading or stipulation of the parties, Plaintiff's unilateral non-binding notice of intent cannot be used to preclude discovery in this case." (D.E. #246, p.4). In the Order Judge Marra also rejected Plaintiff's contention that Dr. Pope's deposition should be protected on the basis of the psychotherapist-patient privilege, noting that blanket assertions of the privilege of the sort Plaintiff raised there, constitute improper utilizations of the privilege. Instead, Plaintiff was instructed to assert any psychotherapist-patient privilege she may have during the deposition "on a question-by-question basis." *Id.* at 5. The above reasoning equally applies to the deposition of Dr. Thys. Like Plaintiff was instructed to do during the Dr. Pope deposition, Plaintiff may assert any psychotherapist-patient privilege she fairly and reasonably believes she has during the deposition of Dr. Thys, on a question-by-question basis. Accordingly, Plaintiff CMA's Emergency Motion for Protective Order as it relates to the Deposition of Dr. Thys is denied; and,

(4) Plaintiff's Request for Emergency Hearing on Plaintiff's Motion for Protective Order (D.E. #250) is **DENIED**. The Court sees no benefit to entertaining oral argument on the issue and elects to proceed exclusively upon the pleadings once the motion has been fully briefed.

DONE AND ORDERED this August 11, 2009, in Chambers, at West Palm Beach,
Florida.



LINNEA R. JOHNSON
UNITED STATES MAGISTRATE JUDGE

CC: The Honorable Kenneth A. Marra
All Counsel of Record