

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-80736-CIV-MARRA/JOHNSON

JANE DOES #1 and #2,

Petitioners,

v.

UNITED STATES,

Respondent.

**PETITIONERS JANE DOE #1 AND JANE DOE #2'S NOTICE
IN RESPONSE TO ADMINISTRATIVE ORDER CLOSING CASE**

As the Court is aware, this is an action under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, in which two crime victims, petitioners Jane Doe #1 and Jane Doe #2, allege that the U.S. Attorney's Office violated their rights under the Act by failing to advise them of a plea agreement it had reached with sex offender Jeffrey Epstein. On September 9, 2010, this Court sua sponte entered an administrative order "closing" the case. The basis for this order was "the underlying [civil settlements] between the victims and Mr. Epstein." Order at 1. Jane Doe #1 and Jane Doe #2 hereby give notice that they intend to make subsequent filings in this case shortly. They accordingly request administrative reopening of the case and, if the Court deems it advisable, a scheduling conference with the U.S. Attorney's Office regarding the case.

Precisely what the effect is of an order administratively closing a case is not immediately clear to Jane Doe #1 and Jane Doe #2. They believe that such an order

would automatically lose effect in the event of a subsequent filing. They note that the Court did not dismiss their case. Nonetheless, out of an abundance of caution – and to provide the Court with additional information about the status of the case -- Jane Doe #1 and Jane Doe #2 are filing this brief notice that they will be making subsequent filings shortly.

The fact that Jane Doe #1 and Jane Doe #2 have settled their civil cases against sex offender Jeffrey Epstein in no way affects their determination to move forward with the above-captioned CVRA action against a different entity – the U.S. Attorney's Office for the Southern District of Florida. For reasons explained in their earlier pleadings, that Office grossly violated their rights under the Act. The fact that Epstein has settled with Jane Doe #1 and #2 to resolve his civil liability in no way exonerates the U.S. Attorney's Office for its failure to discharge its responsibilities under the Act.

If the Court wishes to proceed to an expeditious conclusion to this case, Jane Doe #1 and Jane Doe #2 have no objection to the Court setting up an expedited schedule for proceeding on the case. The Court should be aware, however, of the reasons why Jane Doe #1 and Jane Doe #2 have not yet filed for summary judgment in this case.

Jane Doe #1 and Jane Doe #2 have long believed that correspondence between the U.S. Attorney's Office and Jeffrey Epstein would corroborate their argument that the Office had grossly violated their rights under the CVRA. Just two months ago, in connection with their civil case against Epstein, Jane Doe #1 and Jane Doe #2's suspicions were confirmed when their legal counsel received correspondence between

Epstein's criminal defense lawyers and the Office proving that the Office had tried to conceal the existence of the plea agreement from them. In addition to the correspondence, Counsel has received other information from witnesses that further strengthens our clients' case under the CVRA. Counsel are now in the process of attempting to move forward on this new information and prove their clients' cases against the Defendant United States and will be filing the appropriate pleadings to do so.

In light of all this, Jane Doe #1 and #2 ask that the case be administratively reopened and, if the Court deems it advisable, that a scheduling conference be set for this case.

DATED: September 13, 2010

Respectfully Submitted,

/s/ Bradley J. Edwards
Bradley J. Edwards
FARMER, JAFFE, WEISSING,
EDWARDS, FISTOS & LEHRMAN, P.L.
425 North Andrews Avenue, Suite 2
Fort Lauderdale, Florida 33301
Telephone (954) 524-2820
Facsimile (954) 524-2822
Florida Bar No.: 542075
E-mail: brad@pathtojustice.com

Paul G. Cassell
Pro Hac Vice
332 S. 1400 E.
Salt Lake City, UT 84112
Telephone: 801-585-5202
Facsimile: 801-585-6833
E-Mail: cassellp@law.utah.edu

-and-

Jay Howell, Esq.
jay@jayhowell.com
Jay Howell & Assoc.
644 Cesery Boulevard
Suite 250
Jacksonville, FL 32211

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 13, 2010 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all parties on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those parties who are not authorized to receive electronically filed Notices of Electronic Filing.

/s/ Bradley J. Edwards
Bradley J. Edwards

SERVICE LIST

**Jane Does 1 and 2 v. United States
United States District Court, Southern District of Florida
Case No. 08-80736-CIV-MARRA/JOHNSON**

Attorney for United States

A. Marie Villafana
U.S. Attorney's Office
500 S. Australian Ave., Suite 400
West Palm Beach, FL 33401
Telephone: 561-820-8711
Facsimile: 561-820-8777
Email: ann.marie.c.villafana@usdoj.gov