

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-CV-80994-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

JANE DOE NO. 7,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

C.M.A.,

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.

PLAINTIFFS JANE DOE NO. 101 and JANE DOE NO. 102'S
MOTION FOR NO-CONTACT ORDER

Plaintiffs, Jane Doe No. 101 and Jane Doe No. 102 (together, the "Plaintiffs") hereby move this Court for a No-Contact Order directed to Defendant, Jeffrey Epstein, and, as grounds, state as follows:

1. After investigations by the Palm Beach Police Department, the Palm Beach State Attorney's Office, the Federal Bureau of Investigation, and the United States Attorney's Office for the Southern District of Florida (the "USAO"), Defendant, Jeffrey Epstein, in June 2008, entered pleas of "guilty" in the Fifteenth Judicial Circuit in Palm Beach County, Florida, to various Florida state crimes involving the solicitation of minors for prostitution and the procurement of minors for the purposes of prostitution.

2. During the course of Defendant's state plea conference of June 30, 2008, Palm Beach Circuit Court Judge Deborah Dale Pucillo ordered Defendant "not to have any contact, direct or indirect" with any victims. (Transcript of the Plea Conference at 20, relevant pages attached hereto as Exhibit A). Judge Dale Pucillo went on to clarify that, by "indirect," she meant that Defendant should not send any text messages, e-mails, Facebook contact, My Space contact, telephone calls, voicemails, or messages through third parties to "any of these victims." *Id.* Judge Dale Pucillo expressly stated that the no-contact order should apply to "all of the victims." *Id.*

3. In addition, after Defendant entered into a non-prosecution agreement with the USAO, Assistant United States Attorney Marie Villafañá provided Defendant's attorneys with a list of individuals whom the USAO had identified as victims of child sex exploitation as defined in 18 U.S.C. § 2255 (the "USAO List"). The USAO was prepared to indict Defendant based upon Defendant's sexual exploitation of these minor victims. It was the intent of the USAO to place these identified victims in the same position as they would have been had Defendant been

convicted at trial. Thus, upon information and belief, AUSA Marie Villafañá and Mr. Michael Tein, former counsel for Defendant, along with Mr. Jack Goldberger, who still represents Defendant, entered into a verbal agreement at the time AUSA Villafañá provided the USAO List to them, whereby neither Defendant, Jeffrey Epstein, nor his agents would have any direct or indirect contact with the victims named on the USAO List.

4. Nevertheless, during a March 25th meeting with Defendant's counsel, Defendant's counsel told Plaintiffs' counsel that it is Defendant's position that the no-contact order agreed to during the state plea conference does not apply to anyone other than those three victims who were officially part of Defendant's state plea.

5. Upon Plaintiffs' counsel seeking reassurance from Defendant's counsel that neither Defendant nor his agents would contact victims on the USAO List, Defendant's counsel responded that Defendant, Jeffrey Epstein, would not contact any of undersigned counsel's clients as long as Mr. Josefsberg was representing them in connection with settlement discussions.

6. As a result, on April 17, 2009, Plaintiffs' counsel sent defense counsel a letter requesting that Defendant provide written confirmation that neither he nor his agents will directly or indirectly contact any of the victims represented by Plaintiffs' counsel (the "No-Contact Letter") (April 17, 2009 Letter attached hereto as Exhibit B). On May 18, 2009, Plaintiffs' counsel again requested this written confirmation (E-mail correspondence attached hereto as Exhibit C). Despite Plaintiffs' reasonable requests, Defendant's counsel first responded by stating that the Non-Prosecution Agreement does not prevent some form of contact with undersigned counsel's clients. (Redacted May 18, 2009 Letter from Mr. Robert Critton is attached hereto as Exhibit D). Defendant's counsel then sent a letter on May 21, 2009 citing the Comment to Rule 4-4.2 of the Rules of Professional Conduct that states that "[p]arties to a matter

may communicate directly with each other.” (Redacted May 21, 2009 Letter from Mr. Critton is attached hereto as Exhibit E). Thus, despite Mr. Critton’s statement that it is not Defendant’s intention to have direct contact with undersigned counsel’s clients, Defendant obviously believes he can change his intentions if he so chooses.

7. Defendant, Jeffrey Epstein, is a designated sexual offender who sexually abused Jane Doe No. 101 and Jane Doe No. 102 when the victims were minors. As a result of his abuse, Plaintiffs have in the past suffered, now suffer, and will in the future continue to suffer, physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunities, loss of self-esteem, loss of dignity, and invasion of their privacy. Any further direct or indirect contact with Defendant and/or his agents would cause a great deal of additional damages. Moreover, any desire or need on the part of Defendant to contact these victims—implied by virtue of his refusal to unambiguously confirm that he will not contact them—is disturbing and suspect, at best. At a minimum, Defendant’s refusal to avoid contact works as a ploy to attempt to keep Plaintiffs in “victim mode.”

WHEREFORE, Plaintiff respectfully requests this Court to enter an order prohibiting Defendant, Jeffrey Epstein, and any of his agents from any direct or indirect contact with Plaintiffs, except through Plaintiffs’ attorney of record through the duration of this Court’s order.

Memorandum In Support

As previously stated, during the course of Defendant’s state plea conference of June 30, 2008, Palm Beach Circuit Court Judge Deborah Dale Pucillo ordered Defendant “not to have any contact, direct or indirect” with any of Defendant’s victims. However, for what could only be dubious purposes, Defendant seeks to take advantage of the fact that only three of Defendant’s numerous victims were officially a part of the State of Florida’s criminal prosecution of

Defendant and that he entered into a non-prosecution agreement with the USAO. Thus, despite the no-contact order being considered a standard condition of probation or community control for sex offenders such as Defendant, and despite his counsel having agreed to a no-contact order with AUSA Villafañá for all of Defendant's victims on the USAO List, Defendant is now taking the position that neither Judge Dale Pucillo's no-contact order nor his agreement with the USAO via his counsel restricts him from contacting any of the victims except for the three victims directly involved in the state plea. Because of the non-prosecution agreement, there is no federal conviction against Defendant with respect to Plaintiffs and other victims on the USAO List who are similarly situated and, thus, no accompanying sentencing court to issue a no-contact order. However, each of the victims on the USAO List is supposed to be in the same position as if Defendant had been convicted in federal court. In crimes involving victims, at the time of sentencing, a sentencing judge generally has wide discretion to order that the defendant have no contact with the victim or victims of the crime or crimes for which the defendant is being sentenced. Where the defendant is given a sentence of probation or community control, the no-contact order can be made a condition of the defendant's supervision. The case for judicial intervention is heightened in cases such as this one, where Defendant has sexually exploited numerous minors. Jane Doe No. 101 and Jane Doe No. 102, like all of the other young women on the USAO List, were sexually abused by Defendant; any further direct contact with Defendant and/or his agents would cause a great deal of additional damages. Previous contact by Defendant and his agents with other victims has had a terrible effect on the young women's ability to heal the scars of Defendant's abuse. Additionally, Defendant's contacting his victims also has the predictable effect of undermining the victims' willingness to proceed with their civil actions against Defendant. Defendant's demonstrated use of his wealth, power, and influence has the immediate effect of intimidating young women who have already been traumatized by

his sexual exploitation. Indeed, any desire or need on the part of Defendant to contact his victims, implied by virtue of his refusal to confirm that he will not contact them directly or indirectly, is disturbing and suspect, at best. Plaintiffs thus ask this Court to provide the protection and peace of mind that each of them needs.

WHEREFORE, Plaintiffs respectfully move this Court to enter an order granting Plaintiffs' Motion for No-Contact Order prohibiting Defendant, Jeffrey Epstein, from any contact or communication with Plaintiffs Jane Doe No. 101 and Jane Doe No. 102, either directly or indirectly, except through Plaintiffs' attorney of record for the duration of the order.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1.A.3

On May 18, 2009, undersigned counsel conferred with counsel for Defendant in a good faith effort to resolve the issues raised in this motion, and Defendant's counsel advised that Defendant opposes this motion.

Date: May 22, 2009

/s/Robert C. Josefsberg

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Certificate of Service

I hereby certify that, on May 22, 2009, 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 counsel of record identified 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 counsel or parties who are not authorized to receive electronically
Notices of Electronic Filing.

/s/ Robert Josefsberg

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SERVICE LIST

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Case No. 08-CV-80119-MARRA/JOHNSON
United States District Court, Southern District of Florida

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