

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

JANE DOE NO. 2,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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JANE DOE NO. 3,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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JANE DOE NO. 4,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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JANE DOE NO. 5,

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

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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**JOINT SCHEDULING AND DISCOVERY REPORT**

Plaintiffs, Jane Doe No. 2, Jane Doe No. 3, Jane Doe No. 4 and Jane Doe No. 5, and Defendant Jeffrey Epstein, submit this Joint Scheduling and Discovery Report<sup>1</sup> in accordance with this Court's Order Requiring Counsel to Confer, file Joint Scheduling Report and file Joint Discovery Report, and S.D.Fla.L.R. 16.1(B)(2) and Fed.R.Civ.P. 26(f), as follows:

# **I. DISCOVERY REPORT**

## **A. Disclosures Under Rule 26(a)**

The parties propose to exchange initial disclosures under Fed.R.Civ.P. 26(a) on or before October 17, 2008.

## **B. Conduct of Discovery**

### **1. Discovery and Pretrial Deadlines**

The parties propose the following discovery and pre-trial deadlines:

Joinder of parties and Amendment of pleadings	December 1, 2008
Parties to exchange list of fact witnesses and expert witness summaries/reports required by S.D.Fla.L.R. 16.1E	June 1, 2009
Mediation to be completed	July 1, 2009
Completion of Discovery	August 1, 2009
Dispositive Motions to be Filed	August 20, 2009
Joint Pretrial Statement to be Filed pursuant to S.D.Fla.L.R. 16.1E	September 25, 2009
Propose pre-trial conference	October, 2009
<b>Proposed Trial</b>	<b>November, 2009</b>

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<sup>1</sup> The submission of one Joint Scheduling and Discovery Report for the four cases is not intended to be an agreement or admission regarding whether these cases should be consolidated for any purpose. See §II(D) below.

**Number of days estimated for jury trial**

**10**

**2. Subjects of Discovery and Whether Discovery  
Should be Phased or Limited to Particular Issues**

Plaintiffs' Position: There are no unusual issues at this time which require bifurcation or special restrictions on the scope of discovery or the subjects of discovery. Such issues may arise, however, as discovery continues. It is suggested that no restrictions on discovery be imposed at the outset of discovery.

Defendant's Position: Any financial discovery, if allowed, relating to a punitive damage should be postponed until May 15, 2009. As well, as set forth in §D below, Defendant will request an order approving a confidentiality agreement governing access to and use of said information by Plaintiff and her attorneys until such time as documents/testimony is admitted at trial.

**C. Issues About Disclosure of Electronically Stored Information**

The parties do not know whether issues may arise concerning discovery of electronically stored information. At this time, such discovery may be produced in paper or electronic form, subject to further order of the Court as may be necessary as discovery proceeds.

**D. Issues About Claims of Privilege or Confidentiality**

Plaintiffs' Position: Plaintiffs request that their identities remain anonymous in this proceeding because they have alleged that they were victims of sexual misconduct as minors. Papers and exhibits filed with the Court should redact the names of the Plaintiffs or otherwise be filed under seal.

Defendant's Position: Defendant may oppose anonymity in that Defendant will be prejudiced in defending himself and conducting his discovery without the ability to disclose Plaintiff's name(s), such as at depositions, subpoenaing medical/health related information, school

records, etc. As well, Defendant's counsel has found that disclosure of a Plaintiff's name (who previously filed anonymously) oftentimes produces invaluable and otherwise relevant and material discovery.

Defendant will request a confidentiality agreement with restrictions on any financial discovery which this court may allow. Defendant may assert his Fifth Amendment privilege in this matter.

**E. Limitations Imposed by the Discovery Rules**

Plaintiffs' Position: Plaintiffs request that the limitation of 10 depositions for each party under Fed.R.Civ.P. 30(a)(2) be removed. Plaintiffs intend to take the depositions of other minor victims of Defendant Epstein, who are numerous. There is no need at this time to alter other limitations imposed by the discovery rules.

Defendant's Position: Defendant would request that the number of 10 deposition limit be imposed, pending a motion by either side setting forth justification for additional depositions.

**F. Other Orders that the Court Should Issue Under Rule 26(c) or Rule 16(b) and (c)**

No other orders appear necessary at this time except as set forth above.

**II. CONFERENCE REPORT**

**A. Likelihood of Settlement**

The parties have not to date engaged in settlement discussions. They are, however, willing to explore the prospects for settlement through mediation or otherwise as the case proceeds forward.

**B. Likelihood of Appearance of Additional Parties**

It does not appear that additional parties will appear in this case. However, the parties reserve the right to join additional parties within the deadline set forth in §I(B), if appropriate.

**C. Proposed Time Limits**

Proposed time limits are set forth in the Discovery Plan, §I(B) above.

**D. Proposals for the Formulation and Simplification of Issues**

Plaintiffs' Position: It would be in the interests of judicial economy and efficiency to consolidate these cases at least for purposes of discovery. Plaintiffs have no other proposals for the formulation and simplification of issues at this time.

Defendant's Position: Defendant is opposed to consolidation of the cases for any purpose at this time. Should Plaintiff file a motion, Defendant will consider the request and respond.

**E. Necessity or Desirability of Amendments to the Pleadings**

Plaintiff's filed Amended Complaints in each case on September 22, 2008. Plaintiffs do not believe at this time that further amendment will be necessary. The parties however reserve the right to amend pleadings within the deadline set forth in §I(B) above.

**F. Possibility of Obtaining Admissions of Fact and of Documents; Stipulations; Need for Advance Ruling on Admissibility of Evidence**

Plaintiffs' Position: Plaintiffs believe that Defendant Epstein's plea agreement is an admission of liability as to all Counts of the Amended Complaint. Plaintiff's request an early ruling by the Court on the affect of the plea agreement, which will simplify the issues. Additionally, Plaintiffs believe that it is appropriate to have an advance evidentiary ruling on similar fact evidence. If the parties know early in the case how similar fact evidence will be treated at trial, discovery can be more focused and efficient.

Defendant's Position: Defendant expects that the parties will work together to arrive at admissions as the matter progresses. Defendant disagrees that Defendant's plea agreement is an admission as described by Plaintiff. Defendant does agree that having an advance ruling on similar fact evidence may be desirable, after motion and ability to brief and respond.

**G. Suggestions for the Avoidance of  
Unnecessary Proof and of Cumulative Evidence**

There are no suggestions at this time for the avoidance of unnecessary proof or of cumulative evidence.

**H. Suggestion on the Advisability of Referring  
Matters to a Magistrate Judge or Master**

It is suggested that discovery matters be referred to a Magistrate Judge.

**I. Preliminary Estimate of the Time Required for Trial**

It is estimated that the trial will require ten (10) days.

**J. Requested Date or Dates for Pre Trial Conference and Trial**

Dates are set forth in the proposed discovery plan §I(B) above.

**K. Other Information**

There is no other information that might be helpful to the Court at this early date regarding setting the case for status conference or pre trial conference.

Dated: September 25, 2008.

Respectfully submitted,

By: s/ Jeffrey M. Herman.  
Adam D. Horowitz, Esq.  
Jeffrey Marc Herman, Esq.  
Stuart S. Mermelstein, Esq.  
18205 Biscayne Boulevard  
Suite 2218  
Miami, FL 33160  
305-931-2200  
Fax: 305-931-0877  
[ahorowitz@hermanlaw.com](mailto:ahorowitz@hermanlaw.com)  
[jherman@hermanlaw.com](mailto:jherman@hermanlaw.com)  
[lriviera@hermanlaw.com](mailto:lriviera@hermanlaw.com)  
*Counsel for Plaintiffs Jane Doe #2 - #5*

By: s/ Jack Alan Goldberger.  
Jack Alan Goldberger  
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*

By: s/ Michael R. Tein.  
Michael R. Tein, Esq.  
Lewis Tein, P.L.

By: s/ Robert D. Critton.

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*

3059 Grand Avenue, Suite 340

Coconut Grove, FL 33133

305-442-1101

Fax: 305 442 6744

*Counsel for Defendant Jeffrey Epstein*

[tein@lewistein.com](mailto:tein@lewistein.com)