

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

NO. 08-80804-CIV-MARRA/JOHNSON

JANE DOE, a/k/a  
JANE DOE NO. 1,

Plaintiff,

v.

JEFFREY EPSTEIN, HALEY  
ROBSON, and SARAH  
KELLEN,

Defendants.

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**ORDER DENYING MOTION TO SEAL**

THIS CAUSE comes before the Court on Defendants Jeffrey Epstein and Sarah Kellen's Motion to File Under Seal, filed July 25, 2008. Defendants seek to file their Motion to Stay under seal.<sup>1</sup> The Court has carefully considered the motion and the record and is otherwise fully advised in the premises.

As the Court has explained in a related case, *Doe v. Epstein*, No. 08-80119 (S.D. Fla. Aug. 4, 2008), the Local Rules for the Southern District of Florida state that "proceedings in the United States District Court are public and Court filings are matters of public record." S.D. Fla. L.R. 5.4(A). It is well settled that the media and the public in general possess a common-law right to inspect and copy judicial records. *See Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978). "The right to inspect and copy records is not absolute, however. As with other

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<sup>1</sup>The parties are reminded that all documents filed conventionally (including those filed under seal) must be filed with the Clerk's Office in West Palm Beach, Florida.

forms of access, it may interfere with the administration of justice and hence may have to be curtailed.” *Newman v. Graddick*, 696 F.2d 796, 803 (11th Cir.1983). This right of access creates a presumption in favor of openness of court records, which “must be balanced against any competing interest advanced.” *United States v. Noriega*, 752 F. Supp. 1037, 1040 (S.D. Fla.1990). For example, courts may look to see whether the records sought are for illegitimate purposes. *Newman*, 696 F.2d at 803. Likewise, the Court may consider whether “the press has already been permitted substantial access to the contents of the records.” *Id.*

In his motion to seal, Defendants state that they seek to file this document under seal “to comply with the confidentiality clause” in the agreement between Defendant Epstein and the U.S. Attorney cited in his brief. (Def. Mot. 2.) The Court is familiar with the U.S. Attorney’s objections to unsealing any part of the agreement, *see In re: Jane Doe*, No. 08-80736-CIV (S.D. Fla. July 11, 2008). However, as the Court has previously held, the U.S. Attorney’s objections do not outweigh the public interest in having access to court records. Further, the details of the agreement contained in Defendants’ Motion have, in large part, already been unsealed and released to the public. The Court finds no justification to keep these documents under seal.

Accordingly, it is **ORDERED AND ADJUDGED** that Defendant’s Motion to File Under Seal is **DENIED**. The Clerk shall **UNSEAL** docket entries 4 and 5 and make them available for public inspection through CM/ECF at the earliest possible time.

**DONE AND ORDERED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 5<sup>th</sup> day of August, 2008.

Copies furnished to: all counsel of record

  
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KENNETH A. MARRA  
United States District Judge