

5/29/2009

4:41:55 PM

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.

5/29/2009

4:41:55 PM

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.

5/29/2009

4:41:55 PM

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.

5/29/2009

4:41:55 PM

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
LEAVE TO FILE UNDER SEAL RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION TO STAY OR, IN THE ALTERNATIVE, TO UNSEAL
THE NONPROSECUTION AGREEMENT**

Pursuant to Rule 5.4 of the Local Rules of the United States District Court for the Southern District of Florida, Plaintiffs Jane Doe No. 101 and Jane Doe No. 102 (together, the "Plaintiffs") by and through their undersigned attorneys, hereby file this Motion For Leave to File Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Response in Opposition to Defendant's Motion to Stay and/or Continue Action for Time Certain Based on Parallel Civil and Criminal Proceedings With Incorporated Memorandum of Law Under Seal, and, as grounds, state as follows:

1. Undersigned counsel seek to file this Response in Opposition to Defendant Jeffrey Epstein's Motion to Stay under seal in order to abide by this Court's August 21, 2008 Order to Compel Production and Protective Order entered in Case No. 08-80736-CIV-MARRA/JOHNSON (the "Protective Order"). The Protective Order prohibits Plaintiffs from disclosing the Non-Prosecution Agreement (the "NPA") or its terms to any third party. The sealed document should be maintained under seal for the duration of this Court's August 21, 2008 Protective Order.

5/29/2009

4:41:55 PM

2. Undersigned counsel recognize that this Court has previously unsealed documents referring to the NPA. We seek to comply with the Protective Order for this new and independent filing in an abundance of caution, until directed otherwise by the Court.

3. If this Court denies Plaintiffs' instant motion, Plaintiffs seek appropriate disclosure of the NPA pursuant to this Court's recent order in Case No. 08-80736-CIV-MARRA/JOHNSON (DE #36) denying Plaintiffs Jane Doe No. 1 and Jane Doe No. 2's motion to unseal the NPA. As stated in that Order, the NPA has not been filed with the Court. Plaintiffs Jane Doe No. 101 and Jane Doe No. 102 would then have "a specific tangible need to be relieved of the restrictions" of the Protective Order because consideration of the terms of the NPA is necessary for this Court to resolve Defendant's Motion to Stay.

WHEREFORE,

1. Plaintiffs respectfully request this Court to enter an Order granting Plaintiffs Jane Doe No. 101 and Jane Doe No. 102 the right to file under seal their Response in Opposition to Defendant's Motion to Stay and/or Continue Action for Time Certain Based on Parallel Civil and Criminal Proceedings With Incorporated Memorandum of Law.

2. In the alternative, Plaintiffs respectfully request this Court to unseal the Non-Prosecution Agreement in order to allow Plaintiffs to concretely respond to Defendant's Motion to Stay.

3. Finally, Plaintiffs respectfully request this Court to grant such other and further relief to which this Court finds the Plaintiff otherwise entitled.

5/29/2009

4:41:55 PM

Date: May 29, 2009

Respectfully submitted,

PODHURST ORSECK, P.A.
Attorneys for Plaintiffs Jane Doe No.
101 and Jane Doe No. 102

By: s/Katherine W. Ezell
Robert C. Josefsberg
Fla. Bar No. 040856
rjosefsberg@podhurst.com
Katherine W. Ezell
Fla. Bar No. 114771
kezell@podhurst.com
City National Bank Building
25 W. Flagler Street, Suite 800
Miami, FL 33130
Telephone: (305) 358-2800
Facsimile: (305) 358-2382

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1.A.3

On May 29, 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 29, 2009

5/29/2009

4:41:55 PM

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that, on this 29th day of May, 2009, we electronically filed the foregoing document with the Clerk of the Court using CM/ECF. We also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List 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.

Respectfully submitted,

PODHURST ORSECK, P.A.
Attorneys for Plaintiffs Jane Doe No.
101 and Jane Doe No. 102

By: s/Katherine W. Ezell
Robert C. Josefsberg
Fla. Bar No. 040856
rjosefsberg@podhurst.com
Katherine W. Ezell
Fla. Bar No. 114771
kezell@podhurst.com
City National Bank Building
25 W. Flagler Street, Suite 800
Miami, FL 33130
Telephone: (305) 358-2800
Facsimile: (305) 358-2382

5/29/2009

4:41:55 PM

SERVICE LIST

JANE DOE NO. 2 v. JEFFREY EPSTEIN
Case No. 08-CV-80119-MARRA/JOHNSON
United States District Court, Southern District of Florida

Robert Critton, Esq.
Michael J. Pike, Esq.
Burman, Critton, Luttier & Coleman LLP
515 North Flagler Drive, Suite 400
West Palm Beach, FL 33401
Phone: (561) 842-2820
Fax: (561) 515-3148
rcrit@bclclaw.com
mpike@bclclaw.com
Counsel for Defendant, Jeffrey Epstein

Jack Goldberger, Esq.
Atterbury, Goldberger & Weiss, P.A.
250 Australian Avenue South, Suite 1400
West Palm Beach, FL 33401
Phone: (561) 659-8300
Fax: (561) 835-8691
jagesq@bellsouth.net
Co-Counsel for Defendant, Jeffrey Epstein

Bruce E. Reinhart, Esq.
Bruce E. Reinhart, P.A.
250 South Australian Avenue, Suite 1400
West Palm Beach, FL 33401
Phone: (561) 202-6360
Fax: (561) 828-0983
ecf@brucereinhardt.com
Counsel for Co-Defendant, Sarah Kellen

Jack Scarola, Esq.
Jack P. Hill, Esq.
Searcy Denney Scarola Barnhart & Shipley, P.A.
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409
Phone: (561) 686-6300
Fax: (561) 383-9456
jsx@searcylaw.com
jph@searcylaw.com
Counsel for Plaintiff C.M.A.

5/29/2009

4:41:55 PM

Adam Horowitz, Esq.
Stuart Mermelstein, Esq.
Mermelstein & Horowitz, P.A.
18205 Biscayne Blvd., Suite 2218
Miami, FL 33160
Phone: (305) 931-2200
Fax: (305) 931-0877

ahorowitz@sexabuseattorney.com
smermelstein@sexabuseattorney.com

Counsel for Plaintiffs in Related Case Nos. 08-80069, 08-80119, 08-80232, 08-80380, 08-80381, 08-80993, 08-80994

Spencer Todd Kuvin, Esq.
Theodore Jon Leopold, Esq.
Leopold Kuvin, P.A.
2925 PGA Boulevard, Suite 200
Palm Beach Gardens, FL 33410
Phone: (561) 515-1400
Fax: (561) 515-1401

skuvin@leopoldkuvin.com
tleopold@leopoldkuvin.com

Counsel for Plaintiff in Related Case No. 08-08804

Richard Willits, Esq.
Richard H. Willits, P.A.
2290 10th Ave North, Suite 404
Lake Worth, FL 33461
Phone: (561) 582-7600
Fax: (561) 588-8819

lawyerwillits@aol.com
reelrhwh@hotmail.com

Counsel for Plaintiff in Related Case No. 08-80811

Brad Edwards, Esq.
Law Office of Brad Edwards & Associates, LLC
2028 Harrison Street, Suite 202
Hollywood, FL 33020
Phone: (954) 414-8033
Fax: (954) 924-1530

bedwards@rra-law.com
be@bradedwardslaw.com

Counsel for Plaintiff in Related Case No. 08-80893

Isidro Manuel Garcia, Esq.
Garcia Elkins & Boehringer

5/29/2009

4:41:55 PM

224 Datura Avenue, Suite 900

West Palm Beach, FL 33401

Phone: (561) 832-8033

Fax: (561) 832-7137

isidrogarcia@bellsouth.net

Counsel for Plaintiff in Related Case No. 08-80469