

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-80381-CIV-MARRA

JANE DOE NO. 5,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

**PLAINTIFF'S MOTION FOR JUDGMENT UPON DEFAULT
AND ORDER SETTING HEARING ON DAMAGES**

Plaintiff, Jane Doe No. 4, by and through undersigned counsel, files this Motion for Judgment Upon Default and Order Setting Hearing on Damages, pursuant to So.Dist.Fla.L.R. 7.1(A)(1)(e) and Fed.R.Civ.P. 55(b)(2), and states as follows:

1. A Clerk's Default was entered against Defendant Jeffrey Epstein in this action on June 2, 2008.

2. This action is for damages arising from sexual assault committed upon the Plaintiff by Defendant Jeffrey Epstein. The sole issue to be determined prior to final judgment in this action is the amount of damages sustained by Plaintiff.

3. Plaintiff requests a hearing before a jury to determine the amount of damages, consistent with the demand for jury trial made in the Complaint filed in this case. The Plaintiff's damages are unliquidated, and are alleged in the Complaint to consist of severe and permanent traumatic injuries, including mental, psychological and emotional damages. (See Complaint ¶19; see also ¶¶ 14, 24). Additionally, Plaintiff requests punitive damages.

4. Plaintiff is entitled to have a jury assess damages and determine the amounts of

compensatory and punitive damages. Plaintiff anticipates that the evidence at the hearing to assess the amounts of damages will include the testimony of the Plaintiff, her family members, expert and treating psychologists, an expert economist and other victims of Epstein. These other victims of Epstein were sexually assaulted under similar facts and circumstances, and their testimony is relevant to the amount of punitive damages.

5. Plaintiff requests a 2-3 day hearing for the purpose of presenting damages evidence to the jury and having the jury determine damages.

WHEREFORE, Plaintiff respectfully requests that a default judgment be entered; the amounts set forth in the judgment be assessed by a jury after hearing; and such other and further relief as this Court deems just and proper.

Dated: June 5, 2008.

Respectfully submitted,

By: s/ Adam D. Horowitz.

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CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2008, 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 to 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 Notices of Electronic Filing.

/s/ Adam D. Horowitz .

SERVICE LIST
DOE vs. JEFFREY EPSTEIN
CASE NO.: 08-80381-CIV-MARRA-JOHNSON
United States District Court, Southern District of Florida

Jeffrey Epstein (Via Regular Mail)
9 East 71st Street
New York, NY 10021

/s/ Adam D. Horowitz