

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

NO. 08-80381-CIV-MARRA/JOHNSON

JANE DOE NO. 5,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant.

_____ /

ORDER DENYING MOTION TO SEAL

THIS CAUSE comes before the Court on Defendant Jeffrey Epstein's Motion to File Under Seal, filed July 28, 2008. Defendant seeks to file his reply to his Motion to Stay under seal.¹ The Court has carefully considered the motion and the record and is otherwise fully advised in the premises.

As the Court has previously explained to the parties, 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 forms of access, it may interfere with the administration of justice and hence may have to be curtailed." *Newman v. Graddick*, 696 F.2d


¹The 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.

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, Defendant states that he seeks to file this document under seal “to comply with the confidentiality clause” in the agreement between Defendant 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 Defendant’s Reply brief 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 33 and 34 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 4th day of August, 2008.



KENNETH A. MARRA
United States District Judge

Copies furnished to: all counsel of record