

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 09-CIV- 80469 – MARRA/JOHNSON

JANE DOE II,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant.

/

DEFENDANT EPSTEIN'S UNOPPOSED MOTION TO EXCEED PAGE
LIMITATION FOR DEFENDANT'S MOTION TO DISMISS & SUPPORTING
MEMORANDUM OF LAW DIRECTED TO PLAINTIFF'S COMPLAINT

Defendant, JEFFREY EPSTEIN, by and through his undersigned counsel, moves to exceed the page limitation of 20 pages imposed by Loc. Gen. Rule 7.1. C. 2. (S.D. Fla.), in his memorandum of law in support of his motion to dismiss directed to Plaintiff JANE DOE II's Complaint [DE 1], filed March 25, 2009. In support of his motion, Defendant states:

1. Local Gen. Rule 7.1 C. 2. provides in part that absent prior permission of the court, no party shall file any legal memorandum exceeding 20 pages in length. Defendant is in the process of preparing his motion to dismiss and supporting memorandum of law directed to Plaintiff's Complaint, (which is due by an extension to May 6, 2009), and the legal memorandum will exceed the 20 page limitation. It is clear based on the issues raised in Plaintiff's Complaint that in excess of 20 pages is required to fully and adequately discuss the issues raised in moving to dismiss Plaintiff's action.
2. The issues being addressed include but are not limited to constitutional law issues and what version of 18 U.S.C.A. §2255 applies to this action, and the meaning of §2255 with respect to the cause of action created and the presumptive minimum

Jane Doe II v. Epstein, et al.
Page 2

damages amount imposed. (It is Defendant's position that the 2006 amended version does NOT apply to this action; rather, it is the statute in effect during the time of the alleged conduct that apply).

3. Plaintiff's Complaint seeks to multiple the presumptive minimum damages amount under 18 U.S.C. §2255 and references the 2006 amended version of the statute, which most significantly increased triple-fold the presumptive minimum damages amount imposed from \$50,000 to \$150,000.

4. A length exceeding 20 pages is required so that Defendant may fully address the issues raised in Plaintiff's Complaint and in seeking dismissal thereof. Under the constitutional guarantees of due process, including a fair and full opportunity to be heard, and in the interests of justice so that the Court may render a fully informed decision on the issue, Defendant is entitled to an order granting his motion to exceed the page limitation. (Excluding endnotes, quoting statutory text and Complaint allegations, it appears that Defendant's legal memorandum will be approximately 24 to 28 pages.)

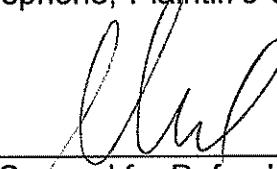
5. As certified below herein, Plaintiff's counsel agreed to the request to exceed 20 pages.

WHEREFORE, Defendant respectfully requests that this Court grant Defendant's motion, and enter an order allowing Defendant's legal memorandum in support of dismissal of Plaintiff's action to be in excess of 20 pages.

Jane Doe II v. Epstein, et al.
Page 3

Rule 7.1 Certification

Pursuant to communication by telephone, Plaintiff's counsel has no objection to the request to exceed 20 pages herein.


Counsel for Defendant EPSTEIN

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following service list in the manner specified via transmission of Notices of Electronic Filing generated by CM/ECF on this 2nd day of May, 2009:

Isidro M. Garcia, Esq.
Garcia Law Firm, P.A.
224 Datura Street, Suite 900
West Palm Beach, FL 33401
561-832-7732
561-832-7137 F
isidrogarcia@bellsouth.net
Counsel for Plaintiff

Jack Alan Goldberger, Esq.
Atterbury Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401-5012
561-659-8300
561-835-8691 Fax
jagesq@bellsouth.net
Co-Counsel for Defendant Jeffrey Epstein

Respectfully submitted,

By: 
ROBERT D. CRITTON, JR., ESQ.
Florida Bar No. 224162
rcrit@bclclaw.com
MICHAEL J. PIKE, ESQ.
Florida Bar #617296
mpike@bclclaw.com
BURMAN, CRITTON, LUTTIER & COLEMAN
515 N. Flagler Drive, Suite 400
West Palm Beach, FL 33401
561-842-2820
Fax: 561-515-3148
(Co-counsel for Defendant Jeffrey Epstein)