

# KAPLAN HECKER & FINK LLP

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October 31, 2019

**VIA ECF**

The Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Doe v. Indyke et al.*, No. 19-cv-08673 (KPF)

Dear Judge Failla:

We represent Jane Doe in the above-captioned action.

We write in response to the letter dated October 29, 2019, from Bennet Moskowitz, counsel for Defendants, representatives of the Estate of Jeffrey Epstein (ECF No. 13), in which Mr. Moskowitz argues that the Order that Judge Castel issued granting the plaintiff's motion for leave to proceed anonymously in *Katlyn Doe v. Darren Indyke and Richard D. Kahn as Joint Personal Representatives of the Estate of Jeffrey E. Epstein, et al.*, 1:19-cv-7771, was issued *ex parte*, prior to Defendants' appearance in that case. It is not clear to us why Defendants would object to Plaintiff, a childhood victim of sexual assault, proceeding pseudonymously in this case, particularly when so many other courts have granted motions to proceed under pseudonym in analogous circumstances. It is also worth noting that although Mr. Moskowitz had 14 days to seek reconsideration of Judge Castel's ruling pursuant to Rule 6.3 of the Local Rules, he failed to do so.

In addition, we would like to request a conference in this matter. Despite multiple rounds of email correspondence and an attempt to meet and confer, Defendants have failed to confirm that they are properly preserving relevant documents. *See Ex. A* (parties' correspondence). Although Defendants are not obligated to respond to the Complaint until November 15, 2019, given the risks

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of spoliation, we respectfully request that the Court calendar a conference in which this issue can be discussed with the Court as soon as possible.

Respectfully submitted,



Roberta A. Kaplan

cc: Counsel of Record

Application GRANTED. The parties are hereby ORDERED to appear for a conference on **November 7, 2019, at 10:00 a.m.** in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY.

Dated: November 1, 2019  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE