

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-80381-CIV-MARRA/JOHNSON

JANE DOE NO. 5,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

**DECLARATION OF JEFFREY M. HERMAN REGARDING SERVICE
OF PROCESS AND THIS COURT'S ORDER TO SHOW CAUSE**

Jeffrey M. Herman, deposes and states as follows:

1. I am counsel for Plaintiff in this action. After the parties' briefed the issue of service of process on Defendant Jeffrey Epstein, this Court found valid service under New York law and entered an Order to Show Cause Why Default Should Not be Entered Against Defendant Jeffrey Epstein, dated July 16, 2008.

2. I submit this Declaration to correct what appears to be a factual error in the Court's Order to Show Cause. I do so even though this error is in Plaintiff's favor.

3. In the Order to Show Cause, this Court finds that "[t]he process server also mailed a copy of the summons and complaint to Defendant on May 5, 2008, via first class mail. (DE 4)." It is my understanding that the Affidavit of Service (DE 4) crosses out language regarding mail to the Defendant, and that the process server in this case did not mail a copy of the Summons and Complaint to the Defendant's New York address. In none of the papers Plaintiff filed in this matter is it asserted that the Summons and Complaint was mailed, nor did Plaintiff claim that service was valid under New York law.

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Under penalties of perjury, I declare the foregoing to be true and correct.

Dated: July 21, 2008.

s/ Jeffrey M. Herman
Jeffrey M. Herman