

*Original*

FILED by	<u>VT</u>	D.C.
ELECTRONIC		
February 6, 2008		
CLARENCE MADDOX CLERK U.S. DIST. CT. S.D. OF FLA. - MIAMI		

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:

**08-CV-80119-MARRA-JOHNSON**

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

**COMPLAINT**

Plaintiff, Jane Doe No. 2 ("Jane" or "Jane Doe"), brings this Complaint against Jeffrey Epstein, as follows:

**Parties, Jurisdiction and Venue**

1. Jane Doe No. 2 is a citizen and resident of the Commonwealth of Virginia, and is suing.
2. This Complaint is brought under a fictitious name to protect the identity of the Plaintiff because this Complaint makes sensitive allegations of sexual assault and abuse upon a minor.
3. Defendant Jeffrey Epstein is a citizen and resident of the State of New York.
4. This is an action for damages in excess of \$50 million.
5. This Court has jurisdiction of this action and the claims set forth herein pursuant to 28 U.S.C. §1332(a), as the matter in controversy (i) exceeds \$75,000, exclusive of interest and costs; and (ii) is between citizens of different states.

6. This Court has venue of this action pursuant to 28 U.S.C. §1391(a) as a substantial

part of the events or omissions giving rise to the claim occurred in this District.

**Factual Allegations**

7. At all relevant times, Defendant Jeffrey Epstein ("Epstein") was an adult male, 52 years old. Epstein is a financier and money manager with a secret clientele limited exclusively to billionaires. He is himself a man of tremendous wealth, power and influence. He maintains his principal home in New York and also owns residences in New Mexico, St. Thomas and Palm Beach, FL. The allegations herein concern Epstein's conduct while at his lavish estate in Palm Beach.

8. Upon information and belief, Epstein has a sexual preference and obsession for underage minor girls. He engaged in a plan and scheme in which he gained access to primarily economically disadvantaged minor girls in his home, sexually assaulted these girls, and then gave them money. In or about 2004-2005, Jane Doe, then approximately 16 years old, fell into Epstein's trap and became one of his victims.

9. Upon information and belief, Jeffrey Epstein carried out his scheme and assaulted girls in Florida, New York and on his private island, known as Little St. James, in St. Thomas.

10. Epstein's scheme involved the use of young girls to recruit underage girls. (Upon information and belief, the young girl who brought Jane Doe to Epstein was herself a minor victim of Epstein, and will therefore not be named in this Complaint). Under Epstein's plan, underage girls were recruited ostensibly to give a wealthy man a massage for monetary compensation in his Palm Beach mansion. The recruiter would be contacted when Epstein was planning to be at his Palm Beach residence or soon after he had arrived there. Epstein or someone on his behalf would direct the recruiter to bring one or more underage girls to the residence. The recruiter, upon information and belief, generally sought out economically disadvantaged underage girls from western Palm Beach

County who would be enticed by the money being offered - generally \$200 to \$300 per "massage" session - and who were perceived as less likely to complain to authorities or have credibility if allegations of improper conduct were made. This was an important element of Epstein's plan.

11. Epstein's plan and scheme reflected a particular pattern and method. Upon arrival at Epstein's mansion, the underage victim would be introduced to Sarah Kellen, Epstein's assistant, who gathered the girl's personal information, including her name and telephone number. Ms. Kellen would then bring the girl up a flight of stairs to a bedroom that contained a massage table in addition to other furnishings. There were photographs of nude women lining the stairway hall and in the bedroom. The girl would then find herself alone in the room with Epstein, who would be wearing only a towel. He would then remove his towel and lie naked on the massage table, and direct the girl to remove her clothes. Epstein would then perform one or more lewd, lascivious and sexual acts, including masturbation and touching the girl's vagina.

12. Consistent with the foregoing plan and scheme, Jane Doe was recruited to give Epstein a massage for monetary compensation. Jane was brought to Epstein's mansion in Palm Beach. Once at the mansion, Jane was introduced to Sarah Kellen, who led her up the flight of stairs to the room with the massage table. In this room, Epstein told Jane to take off her clothes and give him a massage. Jane kept her panties and bra on and complied with Epstein's instructions. Epstein wore only a towel around his waste. After a short period of time, Epstein removed the towel and rolled over exposing his penis. Epstein began to masturbate and he sexually assaulted Jane.

13. After Epstein had completed the assault, Jane was then able to get dressed, leave the room and go back down the stairs. Jane was paid \$200 by Epstein. The young girl who recruited Jane was paid \$100 by Epstein for bringing Jane to him.

14. As a result of this encounter with Epstein, Jane experienced confusion, shame, humiliation and embarrassment, and has suffered severe psychological and emotional injuries.

**COUNT I**  
**Sexual Assault**

15. Plaintiff Jane Doe repeats and realleges paragraphs 1 through 14 above.

16. Epstein tortiously assaulted Jane Doe sexually. Epstein's acts were intentional, unlawful, offensive and harmful.

17. Epstein's plan and scheme in which he committed such acts upon Jane Doe were done willfully and maliciously.

18. This sexual assault was in violation of Chapter 800 of the Florida Statutes, which recognizes as a crime the lewd and lascivious acts committed by Epstein upon Jane.

19. As a direct and proximate result of Epstein's assault on Jane, she has suffered and will continue to suffer severe and permanent traumatic injuries, including mental, psychological and emotional damages.

WHEREFORE, Plaintiff Jane Doe No. 2 demands judgment against Defendant Jeffrey Epstein for compensatory damages, punitive damages, costs, and such other and further relief as this Court deems just and proper.

**COUNT II**  
**Intentional Infliction of Emotional Distress**

20. Plaintiff Jane Doe repeats and realleges paragraphs 1 through 14 above.

21. Epstein's conduct was intentional or reckless.

22. Epstein's conduct was outrageous, going beyond all bounds of decency.

23. Epstein's conduct caused severe emotional distress to Jane Doe. Epstein knew or had

reason to know that his intentional and outrageous conduct would cause emotional trauma and damage to Jane Doe.

24. As a direct and proximate result of Epstein's intentional or reckless conduct, Jane Doe, has suffered and will continue to suffer severe mental anguish and pain.

WHEREFORE, Plaintiff Jane Doe No. 2 demands judgment against Defendant Jeffrey Epstein for compensatory damages, costs, punitive damages, and such other and further relief as this Court deems just and proper.

**JURY TRIAL DEMAND**

Plaintiffs demand a jury trial in this action.

Dated: February 5, 2008

Respectfully submitted,

HERMAN & MERMELSTEIN, P.A.  
*Attorneys for Plaintiffs*  
18205 Biscayne Blvd.  
Suite 2218  
Miami, Florida 33160  
Tel: 305-931-2200  
Fax: 305-931-0877

By:

  
Jeffrey M. Herman  
[jherman@hermanlaw.com](mailto:jherman@hermanlaw.com)  
Florida Bar No. 521647  
Stuart S. Mermelstein  
[smermelstein@hermanlaw.com](mailto:smermelstein@hermanlaw.com)  
Florida Bar No. 947245  
Adam D. Horowitz  
Florida Bar No. 376980  
[ahorowitz@hermanlaw.com](mailto:ahorowitz@hermanlaw.com)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing, and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of the Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I(a) PLAINTIFFS

JANE DOE NO. 2,

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
OUT OF STATE  
(EXCEPT IN U.S. PLAINTIFF CASES)

## DEFENDANTS

JEFFREY EPSTEIN

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT NEW YORK  
(IN U.S. PLAINTIFF CASES ONLY)(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Herman & Mermelstein, P.A., 18205 Biscayne Blvd., Suite 2218, Miami,  
FL 33160, (305) 931-2200

ATTORNEYS (IF KNOWN)

(d) CIRCLE COUNTY WHERE ACTION AROSE: PALM BEACH

9108CV 80119-KAM-Johnsm

## II. BASIS OF JURISDICTION

(PLACE AN X ONE BOX ONLY)

- |   |   |
|---|---|
| <input type="checkbox"/> 1. U.S. Government | <input type="checkbox"/> 3. Federal Question  |
| Plaintiff                                   | (U.S. Government Not a Party)                 |
| <input type="checkbox"/> 2. U.S. Government | <input type="checkbox"/> 4. Diversity         |
| Defendant                                   | (Indicate Citizenship of Parties in Item III) |

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Case Only)

- |   |                                |                                |
|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 |
| Citizen of Another State                | X 2                            | x 2                            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     |

PLACE AN X IN ONE BOX FOR PLAINTIFF  
AND ONE FOR DEFENDANT PTF DEF  
Incorporated or Principal Place of  4  4

Business in This State

Incorporated and Principal Place of  5  5  
Business in Another StateForeign Nation  6  6IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.  
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)  
DIVERSITY ACTION UNDER 28 U.S.C. §1332(a) FOR SEXUAL ASSAULT

IVa. 5 days estimated (for both sides) to try entire case

## V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

A CONTRACT	A TORTS	B FORFEITURE PENALTY	A BANKRUPTCY	A OTHER STATUS
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) B <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits B <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> X 360 Other Personal Injury <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personnel Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending B <input type="checkbox"/> 380 Other Personnel Property Damage <input type="checkbox"/> 385 Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>A PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 Status Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. B <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/ Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12USC3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 882 Economic Stabilization Act <input type="checkbox"/> 883 Environmental Matters <input type="checkbox"/> 884 Energy Allocation Act <input type="checkbox"/> 885 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions* * A or B  Declaratory relief and state law claims for defamation
<b>A REAL PROPERTY</b>	<b>A CIVIL RIGHTS</b>	<b>B PRISONER PETITIONS</b>	<b>A LABOR</b>	<b>FILED by INTAKE D.C.</b> <b>FEB - 6 2008</b> <b>CLARENCE MADDOX CLERK U.S. DIST. CT. S.D. OF FLA., ET AL. YES</b>
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure B <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General* <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other* <input type="checkbox"/> 550 Civil Rights *A or B	<input type="checkbox"/> X 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations B <input type="checkbox"/> 730 Labor Management Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act B	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				<b>A FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

## VI. ORIGIN

- |               |  |   |                                      |  |
|---------------|--|---|--------------------------------------|--|
| x 1. Original | <input type="checkbox"/> 2. Removed from | <input type="checkbox"/> 3. Remanded from | <input type="checkbox"/> 4. Refilled | <input type="checkbox"/> 6. Multidistrict Litigation     |
| Proceeding    | State Court                              | Appellate Court<br>(Specify)              | <input type="checkbox"/> 7.          | Appeal to District Judge from                            |
|               |  |   | <input type="checkbox"/> 5.          | Transferred from another district<br>Magistrate Judgment |

## VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A  
□ UNDER F.R.C.P. 23

## □ CLASS ACTION

## DEMAND \$

□ Check YES only if demanded in complaint:  
**JURY DEMAND:**

□ NO

## VIII. RELATED CASE(S) IF ANY

(See Instructions): **(SEE ATTACHED)**  
JUDGE \_\_\_\_\_

DOCKET NUMBER

DATE *Feb. 5, 2008* SIGNATURE OF ATTORNEY OF RECORD  
UNITED STATES DISTRICT COURT  
S/F 1-2  
REV. 9/94FOR OFFICE USE ONLY: Receipt No. *10910* Amount: *300*  
Date Paid: *542215* M/Ifp: \_\_\_\_\_