

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE II	)	CASE NO.:09-80469-CIV-MARRA/JOHNSON
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
JEFFREY EPSTEIN,	)	
and SARAH KELLEN,	)	
	)	
Defendants.	)	
_____	/	

FIRST AMENDED COMPLAINT

1. Plaintiff, JANE DOE II, hereby sues JEFFREY EPSTEIN and SARAH KELLEN, and states:

JURISDICTION AND VENUE

2. This is an action for damages in excess of \$75,000, exclusive of interest, costs and attorney's fees.

3. Venue is proper in this Court as all acts occurred in Palm Beach County and all parties reside and/or do business herein.

PARTIES

4. Ms. DOE II is a natural person residing in Palm Beach County, Florida. During the events giving rise to this claim, she was a minor but has now reached majority. She files this suit under a pseudonym to protect her privacy because the acts alleged occurred while she was a minor.

5. Defendant EPSTEIN is a natural person, who is an adult, and who resides and/or does business in Palm Beach County, Florida, and who committed the acts alleged within the jurisdiction of Palm Beach County, Florida, within the boundaries of the United States District Court in and for the Southern District of Florida. Defendant KELLEN is a natural person, who is an adult, believed to reside in the State of New York, but who committed some of the acts alleged within the jurisdiction of Palm Beach County, Florida, within the boundaries of the United States District Court in and for the Southern District of Florida.

6. Defendant EPSTEIN is believed to now reside in Palm Beach, Florida but claims to be a resident of the U.S. Virgin Islands.

FACTS

7. Defendant EPSTEIN was, at all times relevant to this action, a part time resident of Palm Beach County, Florida. All acts complained of herein occurred at his estate residence in the Town of Palm Beach, Florida.

8. Defendant EPSTEIN has a history of enticing young women, who are minors (under 18 years of age), and soliciting them to engage in prostitution for his own sexual gratification.

9. Defendant EPSTEIN, in agreement with two (2) persons he employed for this purpose, HALEY ROBSON and Defendant KELLEN, conspired together, and/or with unnamed others, to solicit young women of the type Defendant EPSTEIN preferred, blonde, attractive in appearance, and younger than 18 years of age, to provide sexual gratification for him by engaging in acts of prostitution.

10. Defendants EPSTEIN and KELLEN entered into a criminal conspiracy to solicit young women for acts of prostitution, including the Plaintiff.

11. From about June, 2003 until on or about February, 2005, Defendants EPSTEIN and KELLEN persuaded, induced, or enticed the Plaintiff to come to Defendant EPSTEIN's home and provide Defendant EPSTEIN with "massages" which escalated into sexual encounters between Defendant EPSTEIN and the Plaintiff designed to fulfill his unnatural sexual desires for young women or even younger girls who were minors. These acts included Defendant EPSTEIN's request that he wanted the encounter to be like a "porn video." Defendant EPSTEIN would script lines for the Plaintiff to say, including calling out his name and requesting that he perform a certain sexual act "harder," while he touched the Plaintiff's vagina with a vibrator or with his fingers; alternately, he would masturbate in the presence of the Plaintiff after demanding her to disrobe and walk in front of him in provocative sexual poses. Defendant EPSTEIN would pay the Plaintiff a fee of \$200 on each occasion after he ejaculated while masturbating in the presence of the Plaintiff.

12. Defendant EPSTEIN touched Plaintiff's vagina, or penetrated Plaintiff's vagina, using his fingers and/or a vibrator on multiple occasions, during the time that Plaintiff was a minor, causing personal injury to her.

13. Pursuant to 18 U.S.C. §2255 and in violation of 18 U.S.C. §2422(b) Defendants EPSTEIN and KELLEN knowingly persuaded, induced, or enticed the Plaintiff to engage in acts of prostitution, when the Plaintiff was under the age of 18, approximately on or about the following dates that Plaintiff can document based on payments received: 6/16/03, 7/2/03, 4/9/04, 6/7/04, 7/30/04, 8/30/04, 10/9/04, 10/12/04, 10/30/04 and 11/9/04. In addition, Plaintiff believes that there were as many as 10 to 20 other additional occasions during this time frame that Defendant EPSTEIN solicited her and procured her to perform prostitution services, all during the time that she was a minor.

14. Defendants' manner of persuasion, inducement and/or enticement of the Plaintiff to commit acts of prostitution was knowing and wilful. Defendants in committing the above offenses did use a facility or means of interstate or foreign commerce to knowingly persuade, induce or entice Doe II and other minor females to engage in prostitution, and/or a commercial sex act, and/or to commit a lewd or lascivious act and/or a sexual battery in violation of Title 18, United States Code, Section 2422 (b). The facility or means of interstate and/or foreign commerce includes but is not limited to: telephone and cell phone communications between Defendants, wherein Defendant EPSTEIN would solicit the Plaintiff by and through Defendant KELLEN, who would, after speaking by telephone and cell phone with Defendant EPSTEIN, solicit the Plaintiff by telephone and cell phone.

COUNT I: 18 U.S.C. §2255(a) vs. DEFENDANT EPSTEIN

15. Plaintiff brings this claim against Defendant EPSTEIN, and incorporates the allegations set forth in ¶¶ 1-14 herein.

16. Plaintiff seeks damages for personal injury in accordance with 18 U.S.C. §2255(a) for each of the acts of prostitution set forth above for which Defendant EPSTEIN solicited the Plaintiff, in the amount of \$150,000 for each violation, totaling between 10 and 30 separate occurrences, for a total range of damages between \$1.5 million dollars (for 10 specified violations) to \$4.5 million dollars (for up to 30 specified and unspecified violations) against Defendant EPSTEIN, and a reasonable attorney's fees and costs, as permitted by the statute.

WHEREFORE, Plaintiff demands judgment against Defendant EPSTEIN, a reasonable attorney's fees, the costs of this action, and any other relief deemed just and proper.

COUNT II: 18 U.S.C. §2255(a) vs. DEFENDANT KELLEN

17. Plaintiff brings this claim against Defendant KELLEN, and incorporates the allegations set forth in ¶¶ 1-14 herein.

18. Plaintiff seeks damages for personal injury in accordance with 18 U.S.C. §2255(a) for each of the acts of prostitution set forth above for which Defendant KELLEN conspired with Defendant EPSTEIN to solicit the Plaintiff, in the amount of \$150,000 for each violation, totaling between 10 and 30 separate occurrences, for a total range of damages between \$1.5 million dollars (for 10 specified violations) to \$4.5 million dollars (for up to 30 specified and unspecified violations) against Defendant KELLEN, and a reasonable attorney's fees and costs, as permitted by the statute.

WHEREFORE, Plaintiff demands judgment against Defendant KELLEN, a reasonable attorney's fees, the costs of this action, and any other relief deemed just and proper.

A TRIAL BY JURY ON ALL ISSUES SO TRIABLE IS HEREBY DEMANDED.

Respectfully submitted,

BY: s/ Isidro M. Garcia
ISIDRO M. GARCIA
Florida Bar No. 437883
GARCIA LAW FIRM, P.A.
224 Datura Street, Suite 900
West Palm Beach, FL 33401
Telephone: (561) 832-7732
Telecopier: (561) 832-7137
e-mail: isidrogarcia@bellsouth.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished **VIA ECM TRANSMISSION** to: Robert D. Critton, Esq. and Michael Pike, Esq., BURMAN CRITTON LUTTIER & COLEMAN, Counsel for Defendant EPSTEIN, 515 N. Drive, Suite 400, West Palm Beach, Florida 33401 and to Bruce Reinhart, Esq., BRUCE REINHART, P.A., Counsel for Defendant KELLEN, 250 S. Australian Avenue, Suite 1400, West Palm Beach, Florida 33401 this 2nd day of October, 2009.

BY:s/ Isidro M. Garcia
ISIDRO M. GARCIA