

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 9:08-cv-80736-Civ-KAM

JANE DOE #1 and JANE DOE #2

v.

UNITED STATES
_____ /

**JANE DOE #1 AND JANE DOE #2'S UNOPPOSED MOTION FOR EXPEDITED
RULING ON EPSTEIN'S UNOPPOSED MOTION FOR INTERVENTION
IN ADVANCE OF ELEVENTH CIRCUIT ARGUMENT**

COME NOW Jane Doe #1 and Jane Doe #2 (also referred to as "the victims"), by and through undersigned counsel, to file this unopposed motion for an expedited ruling granting Epstein's unopposed motion for intervention (DE 207) on or before February 27, 2014, so that the Eleventh Circuit will have the benefit of that ruling on February 28, 2014, during oral argument on the interlocutory appeal in this case.

As the Court is aware, on July 8, 2013, Jeffrey Epstein filed a Motion for Prospective Limited Intervention at the Remedy Stage of these Proceedings (DE 207). In it, he argued that if the Court reaches the issue of the appropriateness of the rescission of the non-prosecution agreement (NPA) between him and the Government as a remedy for violations of the Crime Victims' Rights Act, then he should have an opportunity to be heard on that issue. Epstein contended that the NPA was an agreement that protected his rights and, accordingly, he should be allowed to intervene to contest any invalidation of that agreement. DE 207 at 4-6.

Four days later, on July 12, 2013, the victims filed their response (DE 209), indicating that they did not oppose Epstein's motion for limited intervention. The victims did, however, indicate several consequences that followed from the fact that Epstein had belatedly filed his motion and that the motion sought only limited intervention. DE 209 at 3-4.

In the seven months that Epstein's motion has been pending, Epstein has attempted to take an interlocutory appeal to the Eleventh Circuit on the Court's ruling that the Government just provide certain correspondence regarding the NPA to the victims. See *Jane Doe No. 1 and Jane Doe No. 2 v. United States*, No. 13-12923 (filed in the 11th Circuit June 27, 2013). The Eleventh Circuit has set oral argument for that appeal on February 28, 2014. One of the main issues in the appeal is whether Epstein can even file for interlocutory relief. The victims have contended that, under *Mohawk Industries, Inc. v. Carpenter*, 130 S. Ct. 599 (2009), an interlocutory appeal is improper. Epstein has responded that, under *Perlman v. United States*, 247 U.S. 7 (1918), he is entitled to seek immediate review as a "disinterested third party" in the proceedings below. Epstein's Merits Br. at 46, No. 13-12923 (filed Aug. 5, 2013) (internal quotation omitted).

To resolve the dispute as to the applicability of *Mohawk*, it will likely be important for the Eleventh Circuit to know whether this Court is going to grant Epstein's unopposed motion for limited intervention. Otherwise, the Eleventh Circuit might be forced to make two, separate rulings: one regarding whether Epstein could take an interlocutory appeal if his intervention motion were ultimately to be granted by this Court, the other regarding whether he could do so if his motion were to be denied by this Court. Rather than force the Eleventh Circuit to make a

bifurcated ruling, it will serve judicial efficiency if the Eleventh Circuit can render its decision knowing whether or not this Court has granted Epstein's (unopposed) intervention motion.

So that the victims can present this information to the Eleventh Circuit during oral argument on February 28, 2014, they respectfully request that this Court issue a ruling on Epstein's limited intervention motion (DE 207) on or before February 27, 2014.

Both the Government and Epstein do not oppose this motion for an expedited ruling. A proposed order granting the motion is also attached.

CONCLUSION

The Court should grant Epstein's unopposed, limited intervention motion (DE 207) and should do so on or before February 27, 2014.

DATED: February 13, 2014

Respectfully Submitted,

/s/ Bradley J. Edwards

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CERTIFICATE OF SERVICE

I certify that the foregoing document was served on February 13, 2014, on the following
using the Court's CM/ECF system:

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