

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

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN

Defendant.

CASE NO.: 08-CV-80119-MARRA/JOHNSON

JANE DOE NO. 3,

Plaintiff,

vs.

JEFFREY EPSTEIN

Defendant.

CASE NO.: 08-CV-80232-MARRA/JOHNSON

JANE DOE NO. 4,

Plaintiff,

vs.

JEFFREY EPSTEIN

Defendant.

CASE NO.: 08-CV-80380-MARRA/JOHNSON

JANE DOE NO. 5,

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

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Plaintiff,

JEFFREY EPSTEIN,

Defendant.

_____ /

CASE NO.: 08-80994-CIV-MARRA/JOHNSON

JANE DOE NO. 6,

Plaintiff,

JEFFREY EPSTEIN,

Defendant.

_____ /

CASE NO.: 08-80993-CIV-MARRA/JOHNSON

JANE DOE NO. 7,

Plaintiff,

JEFFREY EPSTEIN

Defendant.

_____ /

C.M.A.,

Plaintiff,

JEFFREY EPSTEIN

Defendant.

CASE NO.: 08-80811-CIV-MARRA/JOHNSON

_____ /

JANE DOE,

CASE NO.: 08-80893-CIV-MARRA/JOHNSON

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Plaintiff,

JEFFREY EPSTEIN et al,

Defendants.

_____/

DOE II,

CASE NO.: 09-80469-CIV-MARRA-JOHNSON

Plaintiff,

JEFFREY EPSTEIN et al,

Defendants.

_____/

JANE DOE NO. 101,

CASE NO.: 09-80591-CIV-MARRA-JOHNSON

Plaintiff,

JEFFREY EPSTEIN

Defendant.

_____/

JANE DOE NO. 102,

CASE NO.: 09-80656-CIV-MARRA/JOHNSON

Plaintiff,

JEFFREY EPSTEIN,

Defendant.

_____/

**DEFENDANT, JEFFREY EPSTEIN'S, RESPONSE TO JANE DOE NO. 101 AND JANE
DOE NO. 102'S MOTION FOR A NO CONTACT ORDER**

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Defendant, JEFFREY EPSTEIN, ("MR. EPSTEIN"), by and through his undersigned attorneys responds to the Plaintiffs' Jane Doe No. 101 and Jane Doe No. 102 ("Plaintiffs") Motion for a No Contact Order [DE 113] and states:

1. Plaintiffs' Motion was completely unnecessary and a waste of attorney time and judicial resources. Plaintiffs' motion was filed to cast a false light on Mr. Epstein and his attorneys, and to draw attention away from the fact that many of the alleged "victims" on the referenced "list" were or are admitted prostitutes, dancers at strip clubs (Platinum Gold, Cheetah, Diamond Dolls, T's Lounge, Flashdance, etc.) or have criminal records or warrants for their arrests, to reference only a few issues about them.
2. Plaintiffs seek an advisory opinion on an issue which does not exist. Neither Mr. Epstein nor his attorneys have initiated any contact, direct or indirect, with any alleged "victims", nor does Plaintiffs' counsel or any alleged person by way of affidavit alleged any type of contact, direct or indirect. The undersigned's May 21, 2009 (**Exhibit 1** hereto) letter could not have been clearer as to the position of Mr. Epstein and his attorneys, i.e. "To my knowledge, neither Mr. Epstein nor any attorney or agent of those attorneys who represent Mr. Epstein, have contacted or attempted to contact your clients. Given that it is not Mr. Epstein's intention to have any direct contact with your clients, it is unnecessary to respond point by point to any statements attributed to my co-counsel." To the extent it was not clear in the undersigned's letter, neither Mr. Epstein nor his attorneys, nor their agents intend to have any direct or indirect contact with Plaintiffs counsels' clients. What else is there to say?
3. Is Plaintiffs' counsel suggesting that Mr. Epstein cannot even be at the depositions of his clients as parties or witnesses? That certainly will be direct 'eye' contact at a

Doe 101 v. Epstein
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minimum. If that is Plaintiffs' position then Jane Doe 101 and 102, and any other matters where Plaintiffs' firm's clients are involved, should be stayed until expiration of the Non-Prosecution Agreement, otherwise Mr. Epstein will be denied his due process right of any civil party to be present at opposing party's deposition.

4. Rather than to mislead the court by providing a substantially redacted copy of the undersigned's May 18, 2009 letter, a full copy of the letter redacting only the client's full name is attached as **Exhibit 2**. The letter is important in that the Defendant and his attorneys recognize that no contact included not serving his client with a deposition subpoena through a process server, i.e. potentially an "agent" by serving her attorney. As this court will note from paragraph 2 of **Exhibit 1**, a very cautious approach was taken by Defendant and his attorneys, in stating "However, based on the position that you, Bob, have taken, I am providing/serving you with the subpoena for L.S.P.'s deposition on June 11."

5. Plaintiffs' counsel further tries to obfuscate Defendant's position by redacting the last paragraph of the May 18, 2009 letter, which states "Finally as I also indicated in our telephone conversation, your client contacted Jack Goldberger's [one of Mr. Epstein's attorneys] office last week suggesting that Jack was holding up the settlement. He did not speak with her. I don't know where Ms. P got that idea." Plaintiffs' counsel should be more concerned about controlling their own clients.

6. Rather than the Plaintiffs filing this needless, unwarranted and excessive motion where they take another shot at Mr. Epstein so they can remind the court of their alleged damages, maybe, they should focus more on the background of their own clients, including the individual referenced in the May 18, 2009 letter.

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7. Finally, Mr. Epstein pled guilty to one count of felony solicitation (which was not related to a minor), under §796.07(2)(f), F.S. and one count of procuring a minor for prostitution under §796.03 F. S. Plaintiffs' reference to both counts being related to "minors" is again misleading and incorrect.

8. At the time of the state court plea on June 30, 2008, neither Defendant nor his counsel nor the state attorney's office had seen the "secret" list of alleged victims, i.e. Mr. Epstein was forced to agree to a list of individuals that the USAO refused to provide pre-plea. The list was not provided to Mr. Epstein's attorney until after the plea and Mr. Epstein was in jail. With the parties to the plea completely unaware who would be on the list, how then could the state plea be construed as a limitless no contact order. Mr. Epstein is doing more than the law requires.

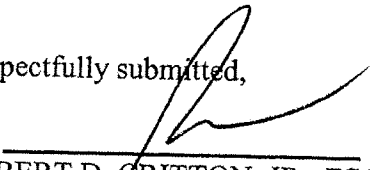
WHEREFORE, Defendant, Mr. Epstein, requests this court deny the motion as premature and unnecessary based on the current state of the facts.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following Service List in the manner specified by CM/ECF on this 29th day of May, 2009

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Respectfully submitted,

By: 

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(Counsel for Defendant Jeffrey Epstein)

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Certificate of Service
Jane Doe No. 2 v. Jeffrey Epstein
Case No. 08-CV-80119-MARRA/JOHNSON

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RYAN H. BUDNYK
OF COUNSEL

May 21, 2009

Sent by E-Mail and U.S. Mail

Robert C. Josefsberg, Esq.
Katherine Ezell, Esq.
Podhurst Orseck, P.A.
25 West Flagler Street, Suite 800
Miami, FL 33130

Dear Bob:

As I advised you yesterday, I am responding to your April 17, 2009 letter. As I stated in my e-mail, I think your request is unnecessary. Despite what Roy may have said to you, my client has had no contact with any of your clients. To my knowledge, the only one who has "breached" any agreement regarding contact is your own client, [REDACTED] who, as I advised you in a letter last week, contacted Jack Goldberger's office looking for her settlement check. Mr. Goldberger, of course, did not speak with her.

Lawyers who represent Mr. Epstein are well familiar with the Rules of Professional Conduct, including Rule 4-4.2. At the same time, I am certain you are equally familiar with that Rule. The Comment provides "Parties to a matter may communicate directly with each other..."

To my knowledge, neither Mr. Epstein nor any attorney or agent of those attorneys who represent Mr. Epstein, have contacted or attempted to contact your clients. Given that it is not Mr. Epstein's intention to have direct contact with your clients, it is unnecessary to respond point by point to statements attributed to my co-counsel.

EXHIBIT 1

L • A • W • Y • E • R • S

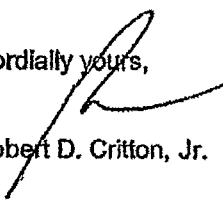
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Page 2

Rather than to be concerned about what my client is doing, I would ask that you advise your clients not to contact Mr. Epstein's lawyers directly. Neither I nor the attorneys who represent Mr. Epstein want to be put in a position where we are set up by any of your clients.

Cordially yours,


Robert D. Critton, Jr.

RDC/msc

cc: Roy Black, Esq.
Jay Lefkowitz, Esq.
J. Michael Burman, Esq.
Jack Goldberger, Esq.

Josefsberg.011.doc



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May 18, 2009

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Re: **LAWSON PATTIN**

Dear Kathy and Bob:

I am enclosing the settlement check made payable to your firm and your client, Ms. Patrick, in the amount of \$50,000.00. Upon clearance of the funds, forward the original release to me.

Additionally, Bob, you wrote a letter on April 17, 2009 stating your position regarding "No Contact" with any of your firm's clients based on your interpretation of the Non-Prosecution Agreement. I do not concede that your position is correct nor that the Non-Prosecution Agreement prevents some forms of contact with your clients. However, based on the position that you, Bob, have taken, I am providing/serving you with the subpoena for **LAWSON PATTIN**'s deposition on June 11.

If that date and time does not work for you, please let me know and we will re-coordinate a date within a reasonable time frame.

As I advised you in our conversation today, May 18, 2009, there is a No-Bond Warrant for Ms. **PATTIN**'s arrest. Apparently your client was arrested in March of this year for one count of battery and two counts of domestic violence based upon the Palm Beach County Sheriff's office booking records. She apparently violated her SOR, and therefore a Warrant is outstanding.

While I have an obligation to provide you our firm's check made payable to your firm and Ms. **PATTIN**, we are specifically opposed to the disbursement of any funds to her which would in any way suggest that Mr. Epstein or his attorneys are aiding a fugitive. Because there is a Warrant for her arrest and she is a fugitive, disbursement of any funds to her maybe considered by the Palm Beach Sheriff's office to be "aiding a

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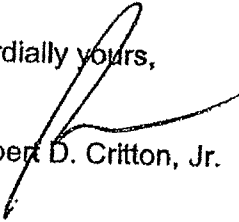
EXHIBIT 2

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fugitive". With the funds now under your control, you must make your own decision on disbursement.

Finally as I also indicated in our telephone conversation, your client contacted Jack Goldberger's office last week suggesting that Jack was holding up the settlement. He did not speak with her. I don't know where Ms. P[REDACTED] got that idea.

Cordially yours,


Robert D. Critton, Jr.

RDC/clz

cc: Jack Goldberger, Esq.