

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA

vs.

Case Nos.: 2006-CF9454-AXX

JEFFREY EPSTEIN

2008-9331CF-AXX

2009 JUN 26 AM 8:58

FILED

**INTERVENOR PALM BEACH POST'S
MOTION FOR ATTORNEYS' FEES AND COSTS**

Palm Beach Newspapers, Inc., d/b/a The Palm Beach Post (the "Post") moves this Court for an award of attorneys' fees and costs in connection with this matter. In support thereof, the Post states:

1. The Post is a daily newspaper that has covered this matter and related proceedings. In an effort to inform its readers concerning these matters, the Post relies upon (among other things) law enforcement records and judicial records.
2. On June 10, 2009, the Court granted the Post's Motion to Intervene in this action for the purpose of seeking access to court records. Specifically, the Post sought access to a non-prosecution agreement that was docketed on July 2, 2008, and an addendum docketed on August 25, 2008.
3. On June 25, 2009, the Court heard oral argument on the Post's (and other non-parties') motions. The Court found that the documents has not properly been sealed in the first instance and further denied Defendant's Motion to Make Court Records Confidential dated June 11, 2009.
4. The Post is entitled to its fess and costs in this matter pursuant to Administrative Order Number 2.303 of this Court. Specifically, Rule 2.303 allows sanctions to be imposed

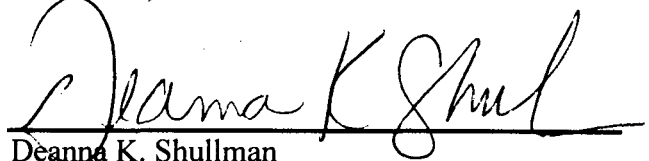
against the moving party "if a motion to seal is not made in good faith and is not supported by a sound legal and factual basis." Admin. Or. 15th Jud. Cir. Fla. 2.303.

5. In this case, Mr. Epstein's Motion to Make Court Records Confidential was neither made in good faith nor supported by a sound legal and factual basis. Defendant's Motion asserted four interests that ostensibly would be protected by closure, but the motion cited no facts in support of that assertion. At the hearing on the motion, Defendant made no additional effort to demonstrate how and why the asserted interests would be served by closure. Instead, Defendant's arguments addressed extraneous, inapplicable issues that did not support closure and demonstrated the Defendant's lack of good faith in bringing his motion. In sum, the motion was wholly without merit, and the Post is entitled to an award of its fees and costs in defending its rights of access.

WHEREFORE, the Post respectfully requests that this Court award to it its fees and costs in connection with this matter and grant such other relief as the Court deems proper.

Respectfully submitted,

THOMAS, LOCICERO & BRALOW PL



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via hand delivery to **Jack Alan Goldberger, Esq.**, Atterbury Goldberger, et al., 250 S. Australian Ave., Ste. 1400, West Palm Beach, FL 33401 (fax: 561-835-8691 and via U.S. mail to **Michael McAuliffe, Esq.**, and **Judith Stevenson Arco, Esq.**, State Attorney's Office - West Palm Beach, 401 North Dixie Highway, West Palm Beach, FL 33401 (fax: 561-355-7351)); on this 26th day of June, 2009.



Attorney