

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

Case No.: 502006CF009454AXXXMB

STATE OF FLORIDA

v.

JEFFREY EPSTEIN,

Defendant

MOTION FOR PROTECTIVE ORDER

COMES NOW, Witness Y. Doe,¹ by and through undersigned counsel, respectfully moves for a protective order pursuant to Florida Rule Criminal Procedure 3.220(l)(1), requiring that the deposition of Y. Doe be taken in this matter in conjunction with and at the same time with the deposition of Y. Doe in the civil case captioned Jane Doe No. 3 v. Jeffrey Epstein, case no. 08-CV-80232-Marra/Johnson, United States District Court for the Southern District of Florida. As grounds therefore, Witness Y. Doe states as follows:

1. Y. Doe has been subpoenaed for deposition in this case by the Defendant Jeffrey Epstein. The subpoena schedules the deposition for April 2, 2008.
2. Y. Doe is a victim in this matter who alleges that she was sexually assaulted by Defendant Jeffrey Epstein when she was 16 years old. Y. Doe has brought a civil case against Defendant Epstein captioned Jane Doe No. 3 v. Jeffrey Epstein, case

¹ The witness is named here anonymously as "Y. Doe" because of the sensitive allegations of sex abuse upon a minor involved in this case.

no. 08-CV-80232-Marra/Johnson, United States District Court for the Southern District of Florida. This civil case alleges sexual assault against Defendant Epstein.

3. It is anticipated that Y. Doe will be questioned on the same facts and issues regarding her encounter with Jeffrey Epstein in both the civil and criminal cases.

4. It would protect the victim from harassment, as well as undue and necessary emotional stress and trauma, to have her deposition taken only once by Defendant Epstein, rather than requiring that she unnecessarily revisit the emotional and traumatic facts in separate depositions for each case.

5. It would not prejudice the defense in its investigation or preparation of this case if the depositions in the civil case and the criminal case were conducted at the same time.

6. Florida Rule of Criminal Procedure 3.220(l)(1) provides that the Court may issue a protective order "as is appropriate to protect the witness from harassment, unnecessary inconvenience, or invasion of privacy, including prohibiting the taking of the deposition." Further Fla.R.Crim.P. 3.220(h)(1) contemplates that a witness in Y. Doe's circumstances will only be subject to one deposition: "In any case, no person shall be deposed more than once except by consent of the parties or by order of the court issued on good cause shown."

7. This Court has the inherent authority to protect witnesses in a criminal case from potential emotional harm. State v. Ford, 626 So.2d 1338 (Fla. 1993); State v. Tarrago, 800 So.2d 300 (Fla. 3d DCA 2001). A requirement that a single deposition be taken by Defendant Epstein for both the civil and criminal cases will avoid unnecessary emotional harm to Y. Doe. Finally, the taking of two separate depositions of Y. Doe by

Defendant Epstein would be harassment. A protective order under rule 3.220(I)(1) would prevent this harassment.

8. Counsel for Witness Y. Doe has contacted both the attorneys for the State and for Defendant Epstein regarding this request, and neither has responded.

WHEREFORE, Witness Y. Doe respectfully requests a protective order requiring that the deposition in the criminal case and the civil case captioned Jane Doe No. 3 v. Jeffrey Epstein, case no. 08-CV-80232-Marra/Johnson, United States District Court for the Southern District of Florida, be taken at the same time, and for such further relief as this Court deems just and proper.

Dated: March 31, 2008

Respectfully submitted,

HERMAN & MERMELSTEIN, P.A.
Attorneys for Witness Y. Doe
18205 Biscayne Blvd.
Suite 2218
Miami, Florida 33160

By: 
Jeffrey M. Herman

Florida Bar No. 521647
Stuart S. Mermelstein

Florida Bar No. 947245
Adam D. Horowitz
Florida Bar No. 376980

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by facsimile and U.S. mail on this the 31 day of March, 2008 to: Jack A. Goldberger, Esq., 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401; Lanna Leigh Belohlavek, Esq., State Attorney's Office, 401 N. Dixie Hwy., West Palm Beach, FL 33401-4209.

