

IN THE DISTRICT COURT OF
APPEAL OF THE STATE OF
FLORIDA, FOURTH DISTRICT

JEFFREY EPSTEIN,

Petitioner,

CASE NO. _____
PALM BEACH COUNTY
L.T. CASE NO. 2008 CF 009381A

v.

STATE OF FLORIDA,

Respondent.

MOTION TO FILE UNDER SEAL

Petitioner/defendant, JEFFREY EPSTEIN, moves this Court for an order allowing him to file the September 24, 2007 Non-Prosecution Agreement (“Agreement”) and October 29, 2007 Addendum to the Non-Prosecution Agreement (“Addendum”), which are the subject of his contemporaneously filed emergency petition for certiorari and emergency motion to review denial of stay, under seal.

1. The Agreement and Addendum were executed by petitioner/defendant and the United States Attorney’s Office in September 2007. They are attached in the sealed envelope.

2. The Agreement contains a confidentiality clause, precluding it from

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being disclosed to third parties or made part of any public record. Federal District Judge Marra has twice ordered the documents not disclosed to third parties.

3. Fifteenth Judicial Circuit Judge Deborah Pucillo ordered Mr. Epstein's attorney to file the documents under seal during his plea conference on June 30, 2008.

4. On June 25, 2009, Judge Colbath granted non-parties' motions to vacate the order sealing records and ordered them disclosed.

5. On June 26, 2009, Judge Colbath denied petitioner's motion for stay, and ordered the Clerk of Court to make the documents available for disclosure at noon on Thursday, July 2, 2009, unless this Court granted a stay.

6. It is necessary that this Court review the Agreement and Addendum in conjunction with these proceedings. To protect the purpose of the petition for writ of certiorari pending before this Court, petitioner asks to file the documents under seal.

Accordingly, petitioner requests that this Court grant this motion and allow

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him to file the Agreement and Addendum, which are separate from the appendix to his emergency petition and motion for review, under seal.

I HEREBY CERTIFY that a copy of the foregoing has been sent by email and Federal Express this 30th day of June, 2009, to:

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