

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 09-CIV- 80591 – KAM

JANE DOE NO. 101,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendant.

DEFENDANT EPSTEIN'S UNOPPOSED MOTION TO EXCEED PAGE LIMITATION
FOR DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED
COMPLAINT OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT

Defendant, JEFFREY EPSTEIN, by and through his undersigned counsel, moves to exceed the page limitation of 20 pages imposed by Loc. Gen. Rule 7.1. C. 2. (S.D. Fla.), in his memorandum of law in support of his motion to dismiss directed to Plaintiff JANE DOE No. 101's First Amended Complaint [DE 9], dated May 1, 2009. In support of his motion, Defendant states:

1. Local Gen. Rule 7.1 C. 2. provides in part that absent prior permission of the court, no party shall file any legal memorandum exceeding 20 pages in length. Defendant is in the process of preparing his motion to dismiss and alternative motion for more definite statement, and his supporting memorandum of law directed to Plaintiff's First Amended Complaint. (Defendant's response to the First Amended Complaint is due May 26, 2009). The legal memorandum will exceed the 20 page limitation. It is clear based on the issues raised in Plaintiff's complaint that in excess of 20 pages is required to fully and adequately discuss the issues raised in moving to dismiss Plaintiff's action.

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2. The issues being addressed pertain to the interpretation and application of 18 U.S.C. §2255. Some of these issues include but are not limited to constitutional law issues and what version of 18 U.S.C.A. §2255 applies to this action, and the meaning of §2255 with respect to the cause of action created and the presumptive minimum damages amount imposed. (It is Defendant's position that the 2006 amended version does NOT apply to this action; rather, it is the statute in effect during the time of the alleged conduct that apply).

3. A length exceeding 20 pages is required so that Defendant may fully address the issues raised in Plaintiff's First Amended Complaint and in seeking dismissal thereof. Under the constitutional guarantees of due process, including a fair and full opportunity to be heard, and in the interests of justice so that the Court may render a fully informed decision on the issues, Defendant is entitled to an order granting his motion to exceed the page limitation. (Defendant anticipates that the legal memorandum will be approximately 30-35 pages in length.)

4. As certified below, Plaintiff's counsel agreed to the request to exceed 20 pages.

WHEREFORE, Defendant respectfully requests that this Court grant Defendant's motion, and enter an order allowing Defendant's legal memorandum in support of dismissal of Plaintiff's action to be in excess of 20 pages.

Rule 7.1 Certification

Pursuant to communication by telephone, Plaintiff's counsel has no objection to the request to exceed 20 pages herein.



Counsel for Defendant EPSTEIN

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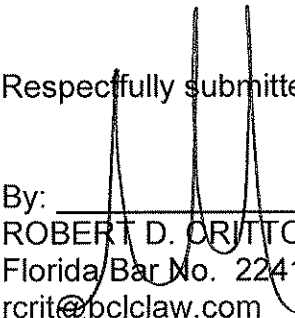
Certificate of Service

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 16th day of May, 2009

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Respectfully submitted,

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