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Epstein Ducks Modeling Agency Suit Over Improper Service

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Law360 (April 24, 2019, 6:45 PM EDT) --

Billionaire sex offender Jeffrey Epstein ducked a modeling agency's lawsuit Wednesday when a Florida appeals court ruled the business had failed to properly serve him with the complaint at his primary residence on a private island in the Caribbean.

Florida's Third District Court of Appeal said service of the complaint by Miami-based MC2 Model & Talent LLC and its owner, Jean-Luc Brunel, on an office supervisor at Epstein's U.S. Virgin Islands business address did not comply with the requirements under Florida law and that the suit should be dismissed without prejudice, meaning it could be refiled.

The appeals court agreed with Epstein, who had argued that Brunel and MC2 never attempted to serve him at his primary residence, a private island called Little St. James in the U.S. Virgin Islands.

"Brunel and MC2 attempt to excuse strict compliance by arguing that the legislature could not have contemplated a lifestyle like Epstein's," the Third District said. "But Brunel and MC2 never tried to serve Epstein at his place of abode."

Epstein argued that service of process takes place routinely on private property and that his private

island is accessible by boat, has a large dock and is easily located on any map. Nothing would have prevented a process server from tying up to the dock and asking for him, Epstein said.

Brunel and MC2 sued Epstein in January 2015 in Miami, claiming the notoriety and bad publicity stemming from sexual assault and prostitution charges against Epstein cost the agency business. Brunel has been linked to Epstein and has been accused by at least one victim of supplying Epstein with underage girls.

Epstein pled guilty in 2007 to felony charges involving solicitation of prostitution and procurement of minors for prostitution. He served 13 months in prison and is a registered sex offender.

Brunel tried to serve Epstein at his residential address in New York, but Epstein successfully moved to quash service, according to the opinion. Brunel then tried the Virgin Islands business address, which the trial court deemed acceptable in September 2018.

But the Third District said that in order for substitute service to be acceptable under Florida law, it must be made on an individual doing business as a sole proprietorship. The Virgin Islands business is not a sole proprietorship owned by Epstein, according to the appeals court.

In February, a Florida federal judge ruled that prosecutors, including then-U.S. Attorney and current Labor Secretary Alexander Acosta, violated the Crime Victims' Rights Act when they signed a nonprosecution agreement with Epstein without notifying his victims.

The Miami Herald, in an investigative report published late last year, printed emails showing that

the alleged victims were deliberately excluded from the deal cut between Acosta, who was then the U.S. attorney for the Southern District of Florida, and Epstein's defense team.

Epstein's alleged victims — numbering in the dozens — claim he lured teenage girls to his Palm Beach, Florida, mansion to engage in sexual acts. They have not had the opportunity to testify in court in any proceeding thus far, according to the Herald report.

An attorney for Brunel declined to comment Wednesday. Attorneys for Epstein did not immediately respond to a request for comment.

Judges Kevin Emas, Edwin A. Scales III and Norma S. Lindsey sat for the Third District.

Epstein is represented by Scott J. Link and Kara Berard Rockenbach of [Link & Rockenbach PA](#).

Brunel and MC2 are represented by Joe Titone.

The case is Epstein v. Brunel et al., case number 3D18-1997, in the Third District Court of Appeal of Florida.