

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____/

Related cases:

08-80232, 08-80380, 08-80381, 08-80994,
08-80993, 08-80811, 08-80893, 09-80469,
09-80591, 09-80656, 09-80802, 09-81092

_____/

ORDER AFFIRMING MAGISTRATE JUDGE JOHNSON'S DISCOVERY ORDERS

_____ **THIS CAUSE** is before the Court upon Defendant's Consolidated Rule 4 Review and Appeal of Portions of the Magistrate's Orders Dated February 4, 2010 (DE 462), (DE 480) and April 1, 2010 (DE 513), with Incorporated Objections and Memorandum of Law (DE 545), filed May 12, 2010.¹ Plaintiff filed a response in opposition on May 27, 2010 (DE 551)² and Defendant filed a reply on June 14, 2010 (DE 567). The Court has conducted a review of the motion, response, reply, the pertinent portions of the record, and is otherwise fully advised in the premises.

Under Fed. R. Civ. P. 72(a), a district court reviewing a magistrate judge's order shall

¹ The portion of the appeal pertaining to Jane Does 2-8 was withdrawn pursuant to the Joint Notice of Withdrawal as to Jane Does 2-8 (DE 561).

² Plaintiff's response relies upon the arguments presented in Plaintiff's brief opposing reconsideration before the magistrate judge (DE 485).

only modify or set aside the order if it is “found to be clearly erroneous or contrary to law.” See also 28 U.S.C. § 636(b)(1)(A); Local Magistrate Judge Rule 4(a)(1). An order is clearly erroneous if “the reviewing court, after assessing the evidence in its entirety, is left with a definite and firm conviction that a mistake has been committed.” Krys v. Lufthansa German Airlines, 119 F.3d 1515, 1523 (11th Cir. 1997). See also United States v. United States Gypsum Co., 333 U.S. 364, 395 (1948) (explaining generally “[a] finding is ‘clearly erroneous’ when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed”). The mere fact that a reviewing court might have decided the issue differently is not sufficient to overturn a decision when there are two permissible views of the issue. Georgia State Conference of Branches of NAACP v. Georgia, 775 F.2d 1403, 1416 (11th Cir. 1985).

After careful review of the Magistrate’s Orders, Defendant’s appeal, the response, and the reply, the Court finds that the Magistrate’s Orders were not clearly erroneous or contrary to law.³ Accordingly, it is hereby **ORDERED AND ADJUDGED** that Defendant’s Consolidated Rule 4 Review and Appeal is **DENIED**, as follows:

Defendant shall produce the documents compelled by Judge Johnson’s Orders within three (3) business days from the date of this Order. See DE 468. Before turning the documents over to Plaintiff, defense counsel shall redact from those documents the identification of any

³ As the Court previously stated, it did not consider in Defendant’s appeal any legal arguments which were not previously provided to Judge Johnson in the discovery motions and motion for reconsideration being appealed. See DE 532.

minor sexual assault victims. Additionally, Plaintiff shall not disclose Defendant's tax returns or passport to any third parties without Defendant's consent or further order of the Court.⁴ Finally, this Order is without prejudice to any future motion by Defendant to exclude any of the information produced pursuant to this order at trial.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, this 25th day of June, 2010.



KENNETH A. MARRA
United States District Judge

Copies to:
all counsel of record

⁴ Plaintiff may disclose this information to an expert witness retained to testify at trial, but only on condition that the expert will agree to retain the confidentiality of the information and not disclose it to any third parties without the agreement of Defendant or further order of the Court.