

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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

JANE DOE NO. 2,  
Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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Related cases:

08-80232, 08-08380, 08-80381, 08-80994,  
08-80993, 08-80811, 08-80893, 09-80469,  
09-80591, 09-80656, 09-80802, 09-81092

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**REPLY TO ROTHSTEIN ROSENFELDT ADLER'S P.A.'S**  
**RESPONSE TO DEFENDANT'S EMERGENCY MOTION FOR ORDER**  
**FOR THE PRESERVATION OF EVIDENCE [DE 405]**  
**(AS TO JANE DOE v. EPSTEIN CASE NO.: 08-CIV- 80893)**

Defendant, Jeffrey Epstein ("Epstein"), by and through his undersigned attorneys, hereby files his Reply to Rothstein Rosenfeldt Adler P.A.'s ("RRA") Response to Defendant's Emergency Motion for Order for the Preservation of Evidence [DE 405], and states:

1. It now appears that the Honorable Herbert Stettin ("Mr. Stettin") is the sole individual, as the Chief Restructuring Officer, in charge of RRA assets, including electronic and paper records. There also appears to be no objection to the entry of the preservation order consistent with his fiduciary/trustee duties for RRA, although certain documents may no longer exist within his possession.

2. Par. 4 of the response reflects that some 40 plus boxes of documents were obtained by the Department of Justice from search warrants served on the offices of

RRA; "it is believed that the Department of Justice also sequestered about (13) boxes of documents related to this [Epstein] case." In fact there are three Epstein cases which have been brought by the RRA firm, one being in federal court, two in state court. Mr. Stettin confirms Defendant's belief that there are serious ethical and potentially criminal issues that may impact Plaintiffs' ability to pursue their cases.

3. Unfortunately, time is critical with regard to this case in that there are deadlines to Disclose Experts and Exchange Reports by October 29, 2009 (but Plaintiff has not seen her expert, has no report and only made herself available for the Defendant's exam on November 13, 2009), deposition discovery deadline is November 28, 2009 and a calendar call of February 19, 2010 for the February 22, 2010 trial docket. While the undersigned understands that Mr. Stettin may be working expeditiously to deal with critical and pressing needs of stabilizing the firm, a delay of 45 days for his deposition (which has been set in the state court case in the 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, State of Florida, L.M. v. Epstein, Case No. 502008CA028051XXXXMB AB, not the case *sub-judice*) will place his deposition sometime during the first 15 days of January, after every pre-trial deadline has expired.

4. If in fact there has been inappropriate and/or illegal conduct associated with the prosecution of this case by RRA or any of its attorneys or by the Plaintiff herself, which might result in sanctions, dismissal or other remedy, Defendant Epstein will be severely prejudiced.

WHEREFORE, Defendant Epstein request that the court's preservation order be made permanent, which does not seem inconsistent with Mr. Stettin's position as expressed by his lawyers but deny the relief sought for delaying the deposition **unless** the

court is disposed to modify the current scheduling deadlines and trial date that exist in this case.

By:   
Robert D. Critton, Jr.  
Florida Bar #224162

**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 10<sup>th</sup> day of November, 2009

Respectfully submitted,

By:   
ROBERT D. CRITTON, JR., ESQ.  
Florida Bar No. 224162  
[rcrit@bclclaw.com](mailto:rcrit@bclclaw.com)  
MICHAEL J. PIKE, ESQ.  
Florida Bar #617296  
[mpike@bclclaw.com](mailto:mpike@bclclaw.com)  
BURMAN, CRITTON, LUTTIER &  
COLEMAN  
515 N. Flagler Drive, Suite 400  
West Palm Beach, FL 33401  
561/842-2820 Phone  
561/515-3148 Fax  
(Counsel for Defendant Jeffrey Epstein)

**Certificate of Service**  
**Jane Doe No. 2 v. Jeffrey Epstein**  
**Case No. 08-CV-80119-MARRA/JOHNSON**

Stuart S. Mermelstein, Esq.  
Adam D. Horowitz, Esq.

Brad Edwards, Esq.  
Rothstein Rosenfeldt Adler

Mermelstein & Horowitz, P.A.  
18205 Biscayne Boulevard  
Suite 2218  
Miami, FL 33160  
305-931-2200  
Fax: 305-931-0877  
[ssm@sexabuseattorney.com](mailto:ssm@sexabuseattorney.com)  
[ahorowitz@sexabuseattorney.com](mailto:ahorowitz@sexabuseattorney.com)

*Counsel for Plaintiffs*

*In related Cases Nos. 08-80069, 08-80119,  
08-80232, 08-80380, 08-80381, 08-80993,  
08-80994*

Richard Horace Willits, Esq.  
Richard H. Willits, P.A.  
2290 10<sup>th</sup> Avenue North  
Suite 404  
Lake Worth, FL 33461  
561-582-7600  
Fax: 561-588-8819

*Counsel for Plaintiff in Related Case No.  
08-80811*

[reelrhw@hotmail.com](mailto:reelrhw@hotmail.com)

Jack Scarola, Esq.  
Jack P. Hill, Esq.  
Searcy Denney Scarola Barnhart & Shipley,  
P.A.  
2139 Palm Beach Lakes Boulevard  
West Palm Beach, FL 33409  
561-686-6300  
Fax: 561-383-9424  
[jsx@searcylaw.com](mailto:jsx@searcylaw.com)  
[jph@searcylaw.com](mailto:jph@searcylaw.com)  
*Counsel for Plaintiff, C.M.A.*

Bruce Reinhart, Esq.  
Bruce E. Reinhart, P.A.  
250 S. Australian Avenue  
Suite 1400  
West Palm Beach, FL 33401  
561-202-6360  
Fax: 561-828-0983  
[ecf@brucereinhartlaw.com](mailto:ecf@brucereinhartlaw.com)

401 East Las Olas Boulevard  
Suite 1650  
Fort Lauderdale, FL 33301  
Phone: 954-522-3456  
Fax: 954-527-8663  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)  
*Counsel for Plaintiff in Related Case No.  
08-80893*

Paul G. Cassell, Esq.  
*Pro Hac Vice*  
332 South 1400 E, Room 101  
Salt Lake City, UT 84112  
801-585-5202  
801-585-6833 Fax  
[cassellp@law.utah.edu](mailto:cassellp@law.utah.edu)  
*Co-counsel for Plaintiff Jane Doe*

Isidro M. Garcia, Esq.  
Garcia Law Firm, P.A.  
224 Datura Street, Suite 900  
West Palm Beach, FL 33401  
561-832-7732  
561-832-7137 F  
[isidrogarcia@bellsouth.net](mailto:isidrogarcia@bellsouth.net)  
*Counsel for Plaintiff in Related Case No.  
08-80469*

Robert C. Josefsberg, Esq.  
Katherine W. Ezell, Esq.  
Podhurst Orseck, P.A.  
25 West Flagler Street, Suite 800  
Miami, FL 33130  
305 358-2800  
Fax: 305 358-2382  
[rjosefsberg@podhurst.com](mailto:rjosefsberg@podhurst.com)  
[kezell@podhurst.com](mailto:kezell@podhurst.com)  
*Counsel for Plaintiffs in Related Cases  
Nos. 09-80591 and 09-80656*

Jack Alan Goldberger, Esq.  
Atterbury Goldberger & Weiss, P.A.  
250 Australian Avenue South  
Suite 1400  
West Palm Beach, FL 33401-5012

*Counsel for Defendant Sarah Kellen*

Theodore J. Leopold, Esq.  
Spencer T. Kuvin, Esq.  
Leopold, Kuvin, P.A.  
2925 PGA Blvd., Suite 200  
Palm Beach Gardens, FL 33410  
561-684-6500  
Fax: 561-515-2610  
*Counsel for Plaintiff in Related Case No.*  
*08-08804*

561-659-8300

Fax: 561-835-8691

[jagesq@bellsouth.net](mailto:jagesq@bellsouth.net)

*Counsel for Defendant Jeffrey Epstein*

Charles H. Lichtman, Esq.  
Isaac Marcushamer, Esq.  
Berger Singerman, P.A.  
350 East Broward Boulevard, 10<sup>th</sup> Floor  
954-525-9900  
954-523-2872 Fax  
[clichtman@bergersingerman.com](mailto:clichtman@bergersingerman.com)  
[imarcushamer@bergersingerman.com](mailto:imarcushamer@bergersingerman.com)  
*Proposed Attorneys for Alleged Debtor*