

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-80804-CIV-MARRA/JOHNSON

JANE DOE, a/k/a
JANE DOE #1,

Plaintiff,

vs.

JEFFREY EPSTEIN, HALEY ROBSON,
and SARAH KELLEN,

Defendants.

**EPSTEIN'S RESPONSE TO
MOTION TO PRESERVE EVIDENCE [DE 12]**

Defendant Jeffrey Epstein hereby responds to the plaintiff Jane Doe's motion to preserve evidence, as follows:

1. The Certificate of Compliance annexed to the plaintiff's motion states that plaintiff's "counsel conferred with counsel for [Mr. Epstein] . . . and [Epstein's] counsel advised that [Epstein] *oppose[s]* this motion." DE 12 at 2 (emphasis added). That certification is inaccurate.

2. On August 21, 2008, counsel for the plaintiff called Kathryn Meyers, Esq. of the Lewis Tein law firm to elicit Epstein's position on this motion. Ms. Meyers responded that she would confer with Mr. Tein and call them back. Less than thirty minutes later, however, plaintiff's counsel - - without waiting to hear back from us - - electronically filed the motion, incorrectly certifying that we had actually *opposed* it.

3. Upon receipt of the motion via CM/ECF, Ms. Meyers immediately notified plaintiff's counsel of their error. Plaintiff's counsel did not notify the court of the incorrect

certification, leaving the Court with the impression that Epstein *opposed* the motion and perhaps prompting the Court to order an expedited response.

4. ***In fact, Epstein has no opposition to the relief requested.***

5. It is worth noting that the motion for return of property filed in the State criminal matter has not been noticed for a hearing, has not been argued or ruled upon, and no property has been returned.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 22, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive Notices of Electronic Filing.

/s/ Michael R. Tein
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