

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CIV- 80893 – MARRA/JOHNSON

JANE DOE,

Plaintiff,

v.

JEFFREY EPSTEIN,

Defendants.

_____/

**EPSTEIN'S MOTION FOR LEAVE/PROTECTIVE ORDER TO REDACT PORTIONS
OF TAX RECORDS IN ACCORDANCE WITH THE LAST PORTION OF DE 572 AND
INCORPORATED MEMORANDUM OF LAW**

Defendant, JEFFREY EPSTEIN ("Epstein"), pursuant to Rule 26(c), Federal Rules of Civil Procedure, moves for the entry of an order, protective order or modification of the order under DE 572 allowing for the redaction of certain tax records, or that the records are for "Attorneys or Experts' Eyes Only," and states:

1. On February 4, 2010, this Court entered an order (DE 462) requiring that Epstein produce his tax returns, passport and certain information provided to him by the federal government during certain criminal proceedings.

2. After Motions for Reconsideration and Rule 4 Appeal/Responses were fully briefed, this court entered its order at DE 572 requiring that Jeffrey Epstein produce his tax returns, his passport and the information the federal government gave to Epstein's lawyers during said criminal proceedings. See DEs 462 and 572. The Order requires that Epstein,

through his counsel, comply within 3 days (i.e., by June 30, 2010). As such, this motion must be timely addressed.

3. As part of that order at DE 572, this court ruled that "...Plaintiff shall not disclose Defendant's tax returns to any third parties without Defendant's consent and/or further court order. . .[and] 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." The order went on to state that it "...is without prejudice to any future motion by defendant to exclude any of the information produced pursuant to this order at trial."

4. Plaintiff's counsel here, and in other cases, has always been quick to respond to media inquiries. The court has directed that the tax returns themselves remain confidential. Defendant expects that the information contained therein will be afforded that same protection. However, if Plaintiff's counsel provides information (such as the identification and sources of Defendant's income) to others (i.e., non-lawyers, investigators, etc...), they will use that information in an improper manner and in violation of the court's order. As set forth in DE 569, Mr. Edwards admittedly has provided the journal and/or book secured from Alfredo Rodriguez to his investigators "who are now following-up [alleged] significant discovery leads found in the book."

5. Therefore, Epstein, in good faith, moves this court for an order allowing him to redact certain information or designate the documents produced "Attorneys and Experts' Eyes Only."

6. While the tax returns in this case are to be maintained as confidential, certain information should be redacted in those tax returns including, but not limited to, the names of the

companies, trusts, properties and other investment vehicles EPSTEIN has invested in over the years. This information is personal, confidential and trade secret information. The commercially sensitive and trade secret information contained in the tax returns could result in irreparable harm to Epstein if disseminated, and thus should be protected. Lynch v. Silcox, 2001 WL 1200656 (S.D. Fla. 2001); Saye v. Old Hill Partners, Inc., 478 F.Supp. 248, 274-276 (D.Ct. Conn. 2007)(question of fact existed as to whether investment company's business formula, which included investment trading strategy, investor lists, portfolios, financing methods. . . was trade-secret); see also U.S. v. Baez-Alcaino, 718 F. Supp. 1503, 1505-06 (M.D. Fla. 1989) (affirming lower court's decision to file redacted plea agreements to serve compelling government interests); In re Duque, 134 B.R. 679, 687 (S.D. Fla. 1991) (finding that court's procedure requiring attorneys to provide privileged documents to court for in-camera inspection while providing redacted versions to the bankruptcy trustee was proper).

7. No figures or income information in the tax returns will be redacted.

8. Moreover, the right to privacy encompasses at least two different kinds of interests, the individual interests of disclosing personal matters and the interest in independence in making certain kinds of important decisions. Favalora v. Sidaway, 966 So.2d 895 (Fla. 4th DCA 2008). Likewise, Article 1, s. 23, Right of Privacy, provides that every natural person has the right to be let alone and free from governmental intrusion into the person's private life. Colorado v. Bertine, 479 U.S. 367, 387 (1986); State v. Jardines, 9 So.3d 1 (Fla. 3d DCA 2008)(the Fourth Amendment clearly protects the right of people to be secure in their persons, houses, papers and effects from intrusion).

9. While the scope of discovery is broad, it is not without limits. Washington v. Brown & Williamson Tobacco, 959 F.2d 1566, 1570 (11th Cir. 1992). Courts have long held

that while the standard of relevancy in discovery is a liberal one, it is not so liberal as to allow a party to roam in the shadow zones of relevancy and to explore matters which does not presently appear germane on the theory that it might conceivably become so. Food Lion, Inc. v. United Food & Commercial Workers Intern. Union, 103 F.3d 1007, 1012-13 (C.A. D.C. 1997) (string cite omitted). See also Capco Properties, LLC v. Monterrey Gardens of Pinecrest Condo., 982 So. 2d 1211, (Fla. 3d DCA 2008) (holding that discovery in civil cases must be relevant to the subject matter of the case and must be admissible or reasonably calculated to lead to admissible evidence); Morton Plant Hospital Ass'n, Inc. v. Shahbas, 960 So. 2d 820, 824 (Fla. 2d DCA 2007) (holding that "discovery should be denied when it has been established that the information requested is neither relevant to any pending claim or defense nor will it lead to the discovery of admissible evidence," citing Tanchel v. Shoemaker, 928 So. 2d 440, 442 (Fla. 5th DCA 2006)).

10. At this juncture, and in an effort to comply with the above order, Epstein is producing the redacted versions of the tax returns until further order from the court.

WHEREFORE, Defendant, JEFFREY EPSTEIN, requests the Court enter an order and/or protective order allowing Epstein to redact the above information and grant any additional relief the Court deems just and proper.

Local Rule 7.1 Statement

Pursuant to the above rule, the undersigned counsel and Plaintiff's counsel have conferred and were unable to reach an agreement.

/s/ Robert D. Critton, Jr.
Robert D. Critton, Attorney for
Defendant Epstein

Certificate of Service

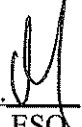
I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following service list in the manner specified via transmission of Notices of Electronic Filing generated by CM/ECF on this 40 day of June, 2010:

Brad Edwards, Esq.
Farmer, Jaffe, Weissing, Edwards, Fistos
& Lehrman, PL
425 N. Andrews Ave.
Suite #2
Fort Lauderdale, FL 33301
Phone: 954-524-2820
Fax: 954-524-2822
Brad@pathtojustice.com

Jack Alan Goldberger, Esq.
Atterbury Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401-5012
561-659-8300
561-835-8691 Fax
jagesq@bellsouth.net
Co-Counsel for Defendant Jeffrey Epstein

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
Co-counsel for Plaintiff

Respectfully submitted,

By: /s/ Robert D. Critton, Jr. 
ROBERT D. CRITTON, JR., ESQ.
Florida Bar No. 224162
rcrit@bclclaw.com
MICHAEL J. PIKE, ESQ.
Florida Bar #617296
mpike@bclclaw.com
BURMAN, CRITTON, LUTTIER & COLEMAN, LLP
303 Banyan Boulevard, Suite 400
West Palm Beach, FL 33401
561/842-2820 Phone
561/243-0164 Fax

(Co-Counsel for